

Department of Justice's response on cases involving Tsang Kin-chiu and seven police officers

In response to media enquiries in respect of the cases involving Tsang Kin-chiu and seven police officers, a spokesman for the Department of Justice (DoJ) said the following today (October 15):

Upon legal advice from the DoJ, the Police have earlier today charged Mr Tsang Kin-chiu and seven police officers in respect of certain incidents that took place on October 15, 2014.

In the case of Mr Tsang, he was charged with one count of assaulting police officers in the due execution of their duties and four counts of resisting a police officer in the due execution of his duty, all contrary to section 36(b) of the Offences against the Person Ordinance, Cap 212 (OAPO).

The said charge of assaulting police officers in the due execution of their duties alleges that at about 3.20am on October 15, 2014, Mr Tsang splashed liquid from a plastic container onto Lung Wo Road while he was on a planter at the embankment of the underpass on Lung Wo Road; as a result, a number of police officers were splashed with the liquid.

Each of the said four counts of resisting a police officer alleges that Mr Tsang resisted the police officers in the execution of their duties when they subsequently came to apprehend him at or near the planter.

As regards the seven police officers (namely, Chief Inspector Wong Cho-sing, Senior Inspector Lau Cheuk-ngai, Detective Sergeant Pak Wing-bun, Police Constable Lau Hing-pui, Detective Police Constable Chan Siu-tan, Detective Police Constable Kwan Ka-ho and Detective Police Constable Wong Wai-ho), they were charged with one joint count of causing grievous bodily harm with intent, contrary to section

17 of the OAPO. Further, Detective Police Constable Chan Siu-tan was charged with one additional count of common assault, contrary to common law and punishable under section 40 of the OAPO.

The said joint charge of causing grievous bodily harm with intent alleges that the said seven police officers unlawfully and maliciously caused grievous bodily harm to Mr Tsang, with intent to do him grievous bodily harm, outside the Lung Wui Road Government Building Pump Station East Substation, at about 3.30am on October 15, 2014.

The said charge of common assault alleges that after Mr Tsang had been taken to the Central Police Station, he was assaulted by Detective Police Constable Chan Siu-tan inside an interview room in the police station.

All the persons involved (i.e. Mr Tsang and the said seven police officers) were charged on the same day in order that they can be brought before court on the same day (i.e. October 19), so that the parties in both cases may have the opportunity to address the court, should they or their legal representatives see fit to do so, on any matters they think relevant and appropriate.

The police officers whom Mr Tsang had allegedly assaulted are different from the seven police officers who had allegedly assaulted Mr Tsang. The assaults, though proximate in time, were in fact different. The DoJ, having duly taken into account all the relevant considerations, has concluded that: (1) there is sufficient evidence to warrant the commencement of the said prosecution; and (2) further, the public interest requires both Mr Tsang and the seven police officers to be prosecuted for their alleged respective conduct. The trials against Mr Tsang and the seven police officers will however be held separately. The former will be tried in the Magistrates' Courts, whereas the latter will be tried in the District Court.

The decisions to lay the above-mentioned charges were made by the DoJ after it had carefully considered the applicable law, the relevant evidence, the Prosecution Code, and the independent advice that the DoJ has obtained from a local Senior Counsel and an overseas Queen's Counsel. Since judicial proceedings have already been commenced and with a view to avoiding any prejudice to the forthcoming trial, the DoJ will not make any further comment on these proceedings.

Ends/Thursday, October 15, 2015