Amended Brief Facts

譯文 在後

Reference

CRN 23050027 (Central District)

Offences

1) Common Assault

2) Common Assault

Date / Time

: 1) At 1037 hrs on 2023-12-15

2) At 1042 hrs on 2023-12-15

Locations

: 1-2) Inside Room 304, Oaths and Declarations Office, Lower Ground 3rd Floor, High Court Building, 38 Queensway, Admiralty, Hong Kong Island, in Hong Kong

Prosecution Witness (PW)

- : 1) Chinese female/ YUEN Po-lin (袁寶蓮), HKID holder, Aged 52, Occ.: Commission of Oath (Victim1)
 - 2) Chinese male/ LEE Hing-ah (李興亞), HKID holder, Aged 61, Occ.: Deputy Judiciary Security Officer of High Court (Victim2)
 - 3) Chinese male/LEUNG Kwok-ho (梁國豪), HKID holder, Aged 59, Occ: Senior Judiciary Security Officer of High Court (Witness of Offence2)
 - 4) Chinese male/ LI Tim-shing (李添成), HKID holder, Aged 65, Occ: Judiciary Security Officer of High Court (CCTV operator)
 - 5) Dr. KWOK Deborah, Occ. Doctor of QMH (Doctor of PW1)
 - 6) Dr. LO Yan-yeung, Occ: Doctor of QMH (Doctor of PW2)
 - 7) PC 14969 of PSU 3 CDIST (Photo-taking officer of scene)
 - PC 17806 of PSU 3 CDIST (Photo-taking officer of injuries of PW1-2)
 - 9) PC 24521 of PSU 3 CDIST (Arresting Officer of D)
 - 10) DPC 22304 of DCS 2 CDIST (Cautioning Officer of D)

Defendant

: Chinese male / LIN Zhen-man (林哲民), HKID holder, aged 71

(D)

Medical

: 1) Tenderness on right forearm (PW1)

Finding (M/F)

2) Tenderness and redness on right hand (PW2)

Exhibit

: 1) One Police Notebook (S/N 6326574) of PC 24521

2) One Police Notice issued to D (Pol.153) between 1311hrs and

1320hrs on 2023-12-15

- 3) One Police Notice issued to D (Pol.153) between 1114hrs and 1118hrs on 2024-01-03
- 4) One Recorded Interview of D (Pol.857) between 1120hrs and 1320hrs on 2024-01-03
- 5) One CCTV footage (10 minutes)
- 6) Medical Reports of PW1-2 from QMH

Incident

At 1037hrs on 2023-12-15, while D was queuing for oath declaration at Room . 304, Oaths and Declarations Office, Lower Ground 3rd Floor, High Court Building, he suddenly entered the office and claimed that he was instructed by another staff to do so. Commissioner of Oath ("PW1") told D to leave as an Oaths was taking place. Dispute occurred and D swung his right front arm against PW1 which hit PW1's right hand once (Offence1).

- 2. Soon after, security officer ("PW2") arrived scene for assistance. D was still emotional and used his folder to slap PW2's right hand once (Offence2). Upon Police arrival, PW1-2 were conveyed to Queen's Mary Hospital ("QMH") for medical examination and D was arrested for Offence1-2. Under initial caution, D denied assaulting anyone.
- 3. PW1-2 sustained tenderness on their right hands ("M/F") respectively. One day sick leave (i.e. 2023-12-15) was granted to PW1-2. CCTV at Oaths and Declarations Office ("Exh5") captured the two incidents.
- 4. Under further caution, D denied committing Offence1-2 and claimed that he accidentally pushed away their hands. Those were his reflex actions.
- 5. D was charged with two counts of "Common Assault" on 2024-02-01. D would appear before Court No.1 of Eastern Magistracy on 2024-02-07 for plea.

Disposal of Exhibits

Exh 1-6 : To be returned to Police

(KONG Wai-ming) WDIP

OC DCS 2 CDIST

2024-02-23

經修訂案情摘要

檔號 : CRN 23050027 [中區警區]

控罪 :1) 普通襲擊

2) 普通襲擊

日期/時間:1) 2023年12月15日1037時

2) 2023年12月15日1042時

地點 : 1-2) 香港港島金鐘金鐘道 38 號高等法院大樓低

層 3 樓宣誓處 304 號房內

控方證人 :1) 中國籍女子/袁寶蓮,香港身份證持有人,

52歲,職業:監誓員〔受害人1〕

2) 中國籍男子/李興亞,香港身份證持有人,

61歲,職業:高等法院之副司法機構保安主

任〔受害人2〕

3) 中國籍男子/梁國豪,香港身份證持有人,

59歲,職業:高等法院之高級司法機構保安

主任〔控罪2的證人〕

4) 中國籍男子/李添成,香港身份證持有人,

65 歲,職業:高等法院之司法機構保安主任

〔閉路電視操作員〕

- 5) KWOK Deborah 醫生,職業:瑪麗醫院醫生〔診治控方證人 1 的醫生〕
- 6) 羅殷揚醫生,職業:瑪麗醫院醫生〔診治控 方證人 2 的醫生〕
- 7) 中區警區巡邏小隊第 3 隊警員 14969 [為現場拍照的人員]
- 8) 中區警區巡邏小隊第 3 隊警員 17806 [為控 方證人 1-2 的傷勢拍照的人員]
- 9) 中區警區巡邏小隊第3隊警員24521〔拘捕被告的人員〕
- 10) 中區警區重案組第 2 隊偵緝警員 22304〔警 誡被告的人員〕

被告:中國籍男子/林哲民,香港身份證持有人,71歲

醫療診斷 :1) 右前臂觸痛〔控方證人1〕

2) 右手觸痛及發紅〔控方證人 2〕

證物 : 1) 一本警員 24521 的警察記事冊 [編號 6326574]

2) 於 2023 年 12 月 15 日 1311 時至 1320 時向 被告發出的一份警方通知書 [Pol.153]

- 3) 於 2024 年 1 月 3 日 1114 時至 1118 時向被告 發出的一份警方通知書 [Pol.153]
- 4) 於 2024 年 1 月 3 日 1120 時至 1320 時向被 告錄取的一份會面紀錄 [Pol.857]
- 5) 一段閉路電視片段〔10分鐘〕
- 6) 由瑪麗醫院發出關於控方證人 1-2 的醫療報告 -

事件

於 2023 年 12 月 15 日 1037 時,當被告於高等法院大樓低層 3 樓宣誓處 304 號房排隊作宣誓聲明時,他突然進入辦事處並聲稱是另一名職員指示他這樣做的。由於宣誓進行中,監誓員(「控方證人1」)遂要求被告離開。雙方因此發生爭執,被告向控方證人1 揮動右前臂,擊中了控方證人1 的右手一下(控罪1)。

- 2. 保安人員(「控方證人 2」)不久後到場協助。被告仍然情緒激動,並用他的文件夾拍打了控方證人 2 的右手一下(控罪 2)。警方到場後,控方證人 1-2 被送往瑪麗醫院接受檢驗,被告則因控罪 1-2 被捕。於初步警誡下,被告否認有襲擊任何人。
- 3. 控方證人 1-2 的右手分別都有觸痛(「醫療診斷」)。控方證人 1-2 分別獲批一天病假(即 2023 年 12 月 15 日)。宣誓處的閉路

電視(「證物 5」)拍攝到該兩宗事件。

- 4. 於進一步警誡下,被告否認控罪 1-2,聲稱他不小心推開他們的手,那是他的反射動作。
- 5. 被告於 2024 年 2 月 1 日被落案起訴兩項「普通襲擊」罪。被告額於 2024 年 2 月 7 日到東區裁判法院第 1 庭應訊答辯。

證物的處置方法

證物 1-6:將交還警方

(簽署)(潦草難辨) 中區警區重案組第2隊主管 女偵緝督察〔江慧明〕 2024年2月23日

(由警察二級翻譯主任 W.L. SIU 翻譯)(檔號: R037 2402043)