

I. Evidential materials

1. Indictment charging the defendant with attempted murder
2. Witness statement of George Simpson
3. Witness statement of John Black
4. Witness statement of Jasmine Kusum
5. Witness statement of Angelo de Freitas
6. First witness statement of DPC Tan Luk Chi
7. Second witness statement of DPC Tan Luk Chi
8. Witness statement of Li Siu Fan
9. Witness statement of Dr. Samit Barka
10. Video-recorded cautioned statement of the defendant, Au
11. Previous convictions of George Simpson
12. Previous convictions of John Black
13. Previous convictions of the defendant, Au

November 2013

INDICTMENT

In the Court of First Instance

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Au Chi Chun

Au Chi Chun is charged as follows:

STATEMENT OF OFFENCE

Attempted murder, contrary to common law and section 159I of the Crimes Ordinance (Cap. 200).

PARTICULARS

Au Chi Chun, on 11 August 2013, attempted to murder George Simpson.

November 2013

Prosecution material

Witness statement of George Simpson

1. My name is George Simpson. I was born in Hong Kong. I am the Chief Executive Officer of Universal Commodities, a business founded by my father in 1950. I am attained a business degree from Chicago University. I am 50 years of age and divorced.
2. On the night of Saturday, 10 August 2013, just before midnight, after meeting up with my friends, we went to the JB Bar on Lockhard Road Wanchai. The one friend is John Black who is an employee of mine, working as a director of Universal Commodities. The other friend is Jasmine Kusum whom I have been dating for the past three months. Jasmine is a fashion model.
3. We had one or two drinks at the JB Bar. At about 1.00 a.m. Jasmine said that she had to go. She was spending the night with a girlfriend. They had a modeling shoot in the morning. Her friend lived in Wanchai. We agreed to walk with her along Lockhart Road to her friend's flat.
4. Both John Black and myself were drinking beer at that time and, as we had not finished our drinks, we took our glasses with us in order to finish our drinks on the way. I appreciate now that it was foolish of us as the glasses were the property of the bar but we did not think about it at the time and we intended to return to the Bar after we had dropped Jasmine off at her friend's flat.
5. As we walked along Lockhart Road towards the friend's flat, we passed a number of bars. Standing outside one of the bars, I cannot remember which one but it was close to the Blue Banana, was a group of four or so Chinese guys. We made eye contact. Although I am not fluent in Cantonese, I grew up here and understand

enough and I heard one of the Chinese guys, the biggest and tallest, say something inappropriate about Jasmine to the guys with him. It was something to the effect of fancying her in bed.

6. Jasmine is very good looking. She does attract attention. Normally I ignore the looks but what was said was so crude that I instinctively stopped and said in English something to the effect of: "Keep your dirty thoughts to yourself."
7. At that moment my friend, John Black, took my arm and moved me on, saying: "Just forget it."
8. However, I had a funny feeling that the incident was not over. I glanced back over my shoulder and I saw the group walking after us.
9. The guy that I had spoken with appeared to be the ringleader and was urging the others to follow him. I thought "Oh hell". I am a placid sort of person and prefer to talk myself out of situations. I was thinking how best we could extricate ourselves from a possible incident when the group of guys caught up with us.
10. The ringleader stood in front of me, blocking my way with his arm. The other 3 or 4 guys circled us.
11. The ringleader was about 30 years of age and Chinese. His hair was black and in a pony-tail. He wore an earring. He was taller than the other guys in his group, about my height. He also looked like he worked out at a gym with a thick neck and big shoulders. The ringleader said in English in a loud voice: "I own Lockhart Road. Who are you to insult me in front of my brothers."
12. I didn't want an incident so I said something to the effect of: "Just get out of my way. I don't want a fight with you." I then tried to get past him by pushing his arm aside.

13. He then shouted in English something like: “You touch me – push me aside like a dog!” He then pushed me hard in my chest. I stumbled backwards, dropping my beer glass which smashed on the pavement.
14. I tried again to walk on past him but one of the group grabbed my arm. He was short and fat and I heard somebody say in Cantonese something to the effect of: “That’s it Fat Boy, don’t let him go.”
15. At that moment, the ringleader, whose face was right up against mine, said in English: “You’re dead now.”
16. I don’t really remember what happened next. All I know is that I felt a hard blow to my stomach. It took the breath right out of me. I also felt a searing pain. The ringleader was directly in front of me at that moment. He had to be the one who delivered the blow.
17. Then blows seemed to come in from all directions. I fell to the ground. I received more blows as I was on the ground. I tried to stand up but I couldn’t and just tried to protect my head. I cannot say who delivered the blows but my impression was it was more than one person.
18. I cannot say how long the attack lasted. I just remember that the group turned and walked away. I heard them laughing with each other. I managed to get to my feet. I don’t know what I was thinking, but I was in pain and angry and didn’t want the ringleader to get away with what he had done.
19. The attack on me took place just outside the Blue Banana Bar. The Bar opened onto the pavement. I saw a beer bottle on a table just a couple of feet from me and grabbed it. I shouted at the ringleader and tried to chase him. I think to myself now, what would I have been able to do if I caught him? But at that moment I was just so angry.

20. I had only taken a couple of paces when I felt a pain in my stomach area where the ringleader had hit me. I looked down. I couldn't believe it. There was blood all over my shirt. I collapsed to the pavement and pulled up my shirt. I was very dazed but Jasmine was kneeling next to me and she said: "You've been stabbed."
21. I looked for my mobile telephone to call for help but it was gone. It had been in my trouser pocket. One of them must have stolen it. It was a Samsung Zest 4G in a purple case.
22. Then it became very blurred. An ambulance came. I was taken to hospital and had an operation. I remained in hospital for 4 days.
23. I remember the face of the ringleader and would be able to identify him but I have little recollection of the others in the group.
24. On 1 September 2013, I attended an identification parade at Police Headquarters. I identified the man standing at position number 5 as the ringleader of the group who attacked me and who must have stabbed me in the stomach.
25. On the same day I was shown a Samsung Zest 4G mobile telephone (which was in an exhibit bag marked E132). I can confirm that it is my telephone, the one taken off me on the night.

November 2013

Prosecution material

Witness statement of John Black

1. My name is John Black. I am a commodity trader employed by Universal Commodities. I am 39 years of age and single.
2. On Saturday night, 10 August 2013, I met my boss, George Simpson, at the Exotica Bar on Lockhart Road in Wanchai for a couple of drinks. George and I work together. George was with his girlfriend, Jasmine Kusum. The three of us met at about midnight. George and Jasmine had earlier been at some fashion event. I had been watching test match rugby at a bar in Lan Kwai Fong.
3. Later we went to the JB Bar. We didn't have more than a couple of drinks at the JB Bar. George was pretty drunk. I remember that because Jasmine told George that, after the cocktails at the fashion event, he had already drunk enough.
4. After about an hour Jasmine said that she had to leave. We walked with her along Lockhart Road. John and I had not finished our beers and we took our glasses with us.
5. It all started when we passed a group of 4 or 5 Chinese men who were standing outside a bar on Lockhart Road. One of the men must have said something. I didn't hear it. But George suddenly turned, grabbed one of the men by his arm and said: "Keep your filth in your own head." To be honest, at that moment I didn't know what it was all about. I assumed, however, it must have been about Jasmine. George is very jealous of her.
6. The last thing I wanted was a fight and so I pulled George away, telling him to forget about it. I remember I smiled at the Chinese man and held up my hand as a kind of gesture that we didn't want trouble. They looked to be a good deal younger than us.

7. George must have looked back because he said that we were being followed. The next I knew, the group of Chinese men had circled us. The one with whom George had had the altercation, stood directly in front of George. He appeared to be the leader of the group and was clearly very angry. He was about 30 to 35 years of age, tall and well built. I remember he wore an earring. This one, I will call him the leader, said in English something to the effect of: “Don’t you know who I am? I own Lockhart Road. Who are you to insult me in front of my brothers.”
8. George didn’t want a fight and said that. All he tried to do was to push the man’s arm aside so that he could walk on. But the man by now was really angry. I heard him say. “You touch me – push me aside like a dog. Then I heard him shout: “You’re dead now.”
9. There seemed to be a sort of tussle for a second or two. You have to realise that it all happened very quickly and was confusing. It was then that I saw the leader deliver what looked like a hard blow to George’s midriff. George is no wimp. We used to play rugby together and we work out a bit at judo classes. But he just buckled over and fell to his knees.
10. Another guy, a short, fat one, bent over George and started hitting him.
11. At about that stage I tried to intervene. But before I could step in to protect George, somebody – I assume it was one of the group – grabbed me from behind. He forced my arms to my side and I dropped my beer glass. Jasmine screamed something at him and after a moment or two he let me go but I slipped and fell.
12. After that I cannot say in detail what happened. But I saw that George was on the pavement covering his head. He seemed to have at least 2 people punching him as he lay on the ground. One of them was the leader, the other the short, fat one. I think a third one was involved too.

13. Then the group turned and left. I heard them laughing.
14. I saw George get to his feet. He looked very unsteady. I remember that Jasmine was crying. George grabbed a beer bottle off a table at the Blue Banana Bar and shouted that he was going to get the leader. I told him not to be stupid and Jasmine did too.
15. George staggered a few steps and then fell to the ground. Jasmine went over to him. I recall she looked at me and said that George must have been stabbed. I then saw a lot of blood on his shirt. George was in a dazed state. He just looked at his stomach and kept saying: "Somebody has stabbed me."
16. I do remember that George looked for his mobile telephone to call for help but could not find it.
17. I received no serious injuries, just a cut to my knee, which must have been caused by all the broken glass on the pavement when I fell. I went to my doctor the following day and had 4 stitches.
18. On 1 September 2013, I attended an identification parade. I identified the man standing at position number 7 as the person I have described as the leader.

November 2013

Prosecution Material

Witness Statement by Jasmine Kusum

1. My full name is Jasmine Kusum. I am 30 years of age and single. I came to Hong Kong from Australia to further my modeling career in 2010. I now work as a freelance fashion and photographic model.
2. On the night of Saturday, 10 August 2013, George Simpson and I attended the opening of a new fashion store. George and I have been romantically involved since about April. We moved into an apartment together in July.
3. After the event, we went to the JB Bar on Lockhart Road, Wanchai, where we met John Black. George and John are good friends. They work together and do judo together.
4. We stayed at the JB Bar for about an hour. I then had to meet a modeling friend. We had an early morning fashion shoot together and I was going to sleep at her place. George and John walked with me along Lockhart Road.
5. To be honest, I do not know how the fight started. It was late and I was tired. I do not think that I had eaten anything all day. The white wine and soda drinks must have gone to my head.
6. I remember that George had a couple of angry words with a Chinese man. I don't know how that started. We then walked on. I just remember that George was looking angry and holding my hand very tightly.

7. The first clear recollection that I have is being surrounded by a group of Chinese men. I think there were 4 of them. One of the men who was blocking our way stood directly in front of George. He spoke in English and I remember him saying that George had insulted him. He seemed to be demanding an apology.
8. But George was having none of it. He told the man to get out of the way and tried to push past him. I think he told him to “fuck off”.
9. The man who spoke to George looked tough, like he spent most of his life in a gym. He had a pony tail and seemed to be about 30 years of age. He was much taller than his companions.
10. I remember that there was some pushing, George was trying to clear a path which seemed to enrage the man. He shouted something like: “Push me like a dog.”
11. It was pretty confusing but I think a second man then joined in. He was short and very fat. Somebody shouted in English: “You’re dead now.” I don’t know which one it was who said this, the first man or the second one who joined in, that is, the short, fat one.
12. I then remember that the other man – the one who had picked the fight with George, not the short and fat one – appeared to punch George in the stomach. George fell to the pavement. There was broken glass everywhere. The other man, the short and fat one, started punching George. At one time there were certainly two people punching and kicking him, there may even have been a third.
13. It all happened very quickly but at one stage I called to John to help. But before he could do so a stranger grabbed him from behind and held him back. He was not a member of the opposing group. I later saw him in the Blue Banana Bar and learnt that he was the bouncer there. When this bouncer grabbed John, I shouted at him that John was not an attacker and that he was just trying to defend his friend. The bouncer then released John.

14. I don't know how long the attack on George lasted. I was just hysterical. Then his attackers just walked off. The short fat man was laughing.
15. George got to his feet, saying that he wanted to get even with the man who had attacked him. I saw him with a beer bottle in his hand. I told him not to be stupid.
16. I remember that George suddenly fell to the ground again and called to me. His shirt had blood on it. He pulled it up and pointed to a cut in his stomach. He asked me what it was. I said he must have been stabbed. He was in shock and kept saying: "Somebody stabbed me."
17. George could not find his mobile telephone and I asked the barman in the Blue Banana to call for an ambulance. I went with George in the ambulance. At one stage he appeared to lose consciousness and was very pale.
18. I do not know that I could identify any of the people in the attacking group. It happened quickly and I was very frightened all the time.

November 2013

Prosecution Material

Witness statement of Angelo de Freitas

1. My full name is Angelo de Freitas. I am a Filipino national. I work part time at the Blue Banana Bar on Lockhart Road. I am in charge of security there. On warm nights, the doors of the Bar are pulled back so that the Bar opens directly onto the pavement.
2. At about 1.00 a.m. on the morning of Sunday, 11 August 2013, I saw two groups of people confronting each other on the pavement directly in front of the Blue Banana Bar. From what I could see, the one group consisted of older European men who were with an Indian or Asian woman. The other group consisted of three Chinese men who looked to be much younger, in their twenties.
3. One man in the Chinese group, the oldest and tallest of the three who had an earring in one ear, was standing directly in front of one of the two European men, blocking his way and demanding an apology for something, I don't know what.
4. The European man told him to "fuck off" and then grabbed him by the arm. From where I was standing, it looked like the European was trying to execute a judo throw. But he wasn't successful. The European had a beer glass in his hand. He dropped it and the glass smashed on the pavement around his feet.
5. Then I saw that they were both punching each other. It happened very quickly. I saw the European buckle over and he fell. There was broken glass all around him.
6. At about that moment, the second European man went to help his friend. I could see that the incident was going to escalate into something nasty and so I held him back. I didn't want a full scale brawl directly in front of the Bar.

7. It was one of those nights. There had been a brawl earlier in pretty much the same spot, guys hitting each other with beer bottles and things although there had been no need to call the police on that occasion. Nobody wanted the police called. We had to wash up some blood though.
8. Concerning the fight which is the subject of this statement, it quickly became obvious that the first European man, the one in the fight, was getting the worst of it. He was on the ground, his arms around his head and was being punched by two of the Chinese group. They were the guy with the earring and one of his companions, a short man in a white t-shirt with a big stomach. I knew I had to intervene. So I shouted at everybody to stop it and stepped onto the pavement in order to protect the European guy who was huddled on the ground.
9. When I did that, the attack on the European guy stopped. The three men in the Chinese group walked away. One of them was laughing.
10. It was then I heard the young Indian or Asian woman say that her boyfriend had been stabbed and that we had to call an ambulance. She said her boyfriend had been stabbed in the stomach. I saw the blood on his shirt and on the pavement. It looked pretty bad.
11. On hearing that, I went after the three men in the Chinese group. As I drew close to the three men, they saw me and split up, running in different directions. One of them, I do not know who, dropped something.
12. As I ran past, I picked up the item that had been dropped. It was a mobile telephone.
13. I shouted at the one with the earring to stop. He knew I was after him but he kept running. He ran into a lane that was blocked with garbage cans. I said that the European guy he had been fighting

with had been stabbed in the stomach and that he needed to come back with me. He said that he didn't need to go anywhere with anybody.

14. I said that I was in charge of security at the Blue Banana and the stabbing had happened on my turf so it was my affair. I said the European guy could die and this was really serious.
15. He replied that he deserved to die for insulting him like that. The actual words he used were in English. He said: "He fucking deserves to die. Nobody insults me."
16. I said we should return. He said no. I told him that I had been the All Asia Middleweight Boxing Champion and that I was happy to get some more practice. That seemed to change his mind. He then said to me: "You've got it all wrong. I'm the victim here."
17. When we got back to the Blue Banana, the police were there. I told them that I had given chase, that the three had split and that I had cornered the one in an alley. I also handed over the mobile telephone. I recounted what had been said in the alley.
18. The police remained at the scene for a couple of hours. When they left, I asked if we could clean up the mess. There were glass shards everywhere, a number of them looking pretty lethal, and it was dangerous. They said okay and so we swept it up and put it all in the garbage.
19. If I saw the man who I stopped in the alley again I would be able to recognise him. I spent several minutes in his company and spoke to him.

November 2013

Prosecution Material

First witness statement of Tan Luk Chi

1. My full name is Tan Luk Chi. I am a Detective Police Constable attached to the Wanchai District Crime Squad.
2. At 1.15 a.m. on 11 August 2013, I was called to the Blue Banana Bar on Lockhart Road, Wanchai together with DPC Lo Chi Wai after a report had been received of a stabbing. We were in a patrol vehicle and got there within two or three minutes.
3. When I arrived, I was informed that the alleged victim of the stabbing had already been removed by ambulance accompanied by his girlfriend, Jasmine Kusum. However, a man by the name of John Black, who said he had been involved in the incident, was still at the scene and he informed me of what he recalled happening.
4. According to Mr. Black, his friend, Mr. George Simpson, had been attacked directly in front of the Blue Banana Bar by a group of 3 or 4 Chinese males. He said the attack had been unprovoked and that Mr. Simpson had just tried to walk away from it. At some stage during the attack, said Mr. Black, Mr. Simpson must have been stabbed. However, he did not see a knife.
5. Mr. Black pointed to where his friend had been attacked on the ground. I noticed one larger and one smaller area of the pavement covered with blood. The two areas were measured and their location put on the plan of the area prepared by me and attached to this statement (exhibit PR/3).
6. I noticed that there was a lot of broken glass on the pavement. Mr. Black informed me that both he and Mr. Simpson had been

carrying beer glasses when the incident took place and both glasses had been dropped during the course of the incident.

7. I carried out a search of the immediate area and 10 metres from the where the blood stains were located, as indicated on the plan, I found a small knife lying in the road against the side of the pavement. It had a green plastic handle and short thin blade. It looked very much like a standard kitchen knife. There appeared to be blood on the blade of the knife. There also appeared to be a fingerprint on the blade. I therefore put the knife into a plastic exhibit bag.
8. I asked Mr. Black if he had seen the knife before. He repeated that he had not seen any knife.
9. It was at this time that an employee of the Blue Banana approached me in the company of a Chinese male. The employee, Mr. Angelo de Freitas, said that he was employed as the bouncer at the Bar and had witnessed part of the incident. He said that the Chinese male in his company had been involved in the incident, he and two others. He said that he had chased the group which had split up. He said that he had then chased the man he was escorting into an alley. There had been a conversation. He gave me brief details of that conversation. He told me that the Chinese male had then agreed to return to the scene.
10. When Mr. Black saw the Chinese male, he pointed to him and said: "That's the one who must have stabbed George. He was the one who started it all."
11. Mr. de Freitas then handed me a mobile telephone, a Samsung in a purple coloured case. He said: "One of them dropped this just before they split." I put the telephone into an exhibit bag marked E132.
12. The Chinese male identified himself as Au Chi Chun (ID number A477176(S)). I said to him: "You've agreed to come back, now you must tell me the truth."

13. He responded: “I’ve just got too big a temper. It’s always been my problem. I’ve gone too far this time. Is the European guy going to be okay?” Then he appeared to have a change of heart and said: “I didn’t stab him. All I wanted was an apology. He attacked me. I was just defending myself. I’ve never had a knife in my life.”
14. I then asked him if he knew anything about the Samsung mobile. He shook his head.
15. I then arrested him for suspected wounding with intent and cautioned him. He made no reply.

November 2013

Prosecution Material

Second witness statement of Tan Luk Chi

1. I make this second statement to say what I know of two matters. First, the loss of the knife seized outside the premises of the Blue Banana Bar on the morning of 11 August 2013 and, second, why it was that I did not order the collection of the broken glass found on the pavement outside the Blue Banana Bar on the basis that it was potentially relevant as evidence.
2. As to the loss of the knife, I recall that it was taken back to the Crime Squad offices and locked in an exhibits cupboard pending forensic examination, especially to see if it was possible to identify the blood on the blade and/or identify fingerprints. The following day, it was taken out of the cupboard and put on my desk pending being taken for examination. There was nothing unusual in this procedure.
3. Thereafter it could not be found. I have questioned all fellow officers in my team and all persons who had access to the team offices. None of them have been able to recall seeing the knife. There were a number of investigations going on at the same time. Our offices were crowded. I have therefore checked without success to see if the knife may have been placed with other evidential material in other investigations.
4. Despite extensive enquiries, the knife has not been located nor is anything known of how it came to be lost.
5. As to why I did not instruct all the glass found on the pavement to be gathered up as evidence, I did not think it necessary to do so. At that time, we had the knife in police custody. The knife appeared to have blood on the blade and there appeared to be a fingerprint on the blade too. The knife, in my opinion, constituted the relevant evidence.

November 2013

Prosecution Material

Witness Statement of Peter Li Siu Fan

1. I am the majority shareholder in Blue Banana Concepts (Pvt) Ltd. Among other interests, the company owns and runs the Blue Banana Bar on Lockhart Road.
2. I was in the Bar on the night of Saturday, 10 August 2013 until about 2330 hours. I then left to go home.
3. I have been asked to state what I remember of an incident that took place in the Bar at about 2300 on that night.
4. I recall that I was going through the books in a back room of the Bar when I heard a loud commotion. I ran through to the front of the Bar to see two men fighting with each other. Both were Europeans. The one was pressing the other down onto a table. I don't know how the fight started. The fight then spilled out onto the pavement.
5. Mr. de Freitas, who is in charge of security, pulled the two men apart from each other. The one man seemed to be in a very emotional state and Mr. de Freitas had to restrain him in an arm lock.
6. When they had calmed down a bit, I asked if I should call the police. Both men said that there was no need, that they had just had too much drink and, if we let them go, they would go their own ways. I asked if they were sure and they both said yes.
7. Both agreed to pay \$1,000 to cover damages and loss of clients.

8. As to injuries, one had a badly swollen lip. The other had been cut somehow, I don't know how. He didn't have any nose bleed but there was blood on the front of his shirt, and his shirt was torn. I noticed blood splatters on the pavement. I ordered that they should be scrubbed away.
9. Neither man was holding a knife and I did not see any knife on the floor of the Bar or on the street.

November 2013

Prosecution Material

Witness statement of Samit Barka

1. My full name is Samit Barka. I have been a Registered Medical Practitioner in Hong Kong since September 2010. My specialty is gynaecology (my qualifications being MBBS (Manchester) 1990, MRCOG 1997, FHKAM (Obstetrics and Gynaecology) 1998. I have been a consultant in gynaecology at the Prince Charles since 2012 but, when the hospital is short staffed, I undertake general surgery.
2. George Simpson presented at the A&E at about 1.45 a.m. on the 11 August 2013. He had suffered a wound to the upper left side of the abdomen, investigations (abdominal CT) revealing an apparent splenic laceration. He was found to be in circulatory shock requiring fluid resuscitation and blood transfusion. He was then referred to surgery. I conducted that surgery.
3. During the course of surgery, Mr. Simpson was found to have suffered a 5 centimetre penetrating wound to the upper left side of his abdomen, resulting in a 2 centimetre splenic rupture.
4. The wound had caused considerable internal bleeding.
5. There was fresh bruising around the wound. That bruising may have been caused when the wound was inflicted or, if as I understand to be the case, the victim was also subject to being punched and kicked, he may have received a heavy punch or kick to the same area a moment before or a moment after the wound was caused.
6. Bruising was noted elsewhere on the victim's body. In particular, there were two large areas of fresh bruising on the upper right leg,

bruising on the right buttock and an abrasion to the right temple. The measurements are given in the diagram attached.

7. In respect of the wound, it had a single cutting edge with a squared off back edge. The edges were clean cut with evidence of limited skin tags and notches.
8. I am familiar with stab wounds. They are incised wounds where the length of injury on the surface is less than the depth of penetration into the body. The force of the impact is concentrated at the tip of the implement. The sharper the tip, the more easily it will penetrate the skin.
9. The overall pattern and nature of the wound injuries suffered by Mr. Simpson were consistent, in my opinion, with his being stabbed by a sharp instrument, such as a utility or vegetable knife with a thin 4 inch to 6 inch blade, rather than a carving knife.
10. Mr. Simpson's wound was cleaned and sutured. His recovery was unremarkable. That being said, any deep wound to the abdominal area is life threatening and, having regard to the extent of the internal bleeding, I am satisfied that, if left untreated, his wound would have been fatal.
11. This statement is made from notes I made on 11 August 2013 and photographs taken on the same date. They are attached to this statement as exhibit PR/2.

[The notes and photographs are not produced for this assessment and are to be taken as accurately mirroring the contents of the statement.]

November 2013

Video Recorded Interview Made Under Caution by Chinese Male, Au Chi Chun

[The interview commenced at 3.15 a.m. on 11 August 2013 in Room 230 of the CID Offices at Wanchai Police Headquarters. The interviewing officer was the arresting officer, DPC Tan Luk Chi, the interviewee was Au Chi Chun. The interview was conducted in Cantonese. This is the certified English translation.]

After all introductory matters had been properly explained and a correct caution given to Au Chi Chun, he indicated that he understood the caution and was prepared to answer questions. He further indicated that he had read the printed sheet given to him earlier setting out his rights as an arrested person and understood those rights. He said that he did not want a lawyer to be present because “that will just end up costing me money and what for? I didn’t do anything other than defend myself.”

The interview continued as follows...]

DPC Tan: At approximately 1.20 a.m. this morning, when I was outside the Blue Banana Bar on Lockhart Road, Wanchai, investigating an alleged offence of wounding with intent, the victim being a European male by the name of George Simpson, you were escorted to the Bar by a Filipino male, Angelo de Freitas, a security officer employed by the Bar. In your presence, Mr. de Freitas said in English that he had witnessed part of the incident in which the alleged wounding took place and that you and two other Chinese males were involved in that incident. Did you hear that being said and understand it?

Au: Yes, I did. But I wasn’t escorted. I came back because I wanted to sort this thing out. Look, I’m not some cheap hood. I run my own property business. I’ve probably spent more money than you have ever earned. I don’t run. I stay so that the truth can come out.

DPC Tan: Mr. de Freitas said that he had pursued you and the two other Chinese males. He said that, when you saw him, you split up, running in different directions.

Au: We ran because we didn’t want more trouble. We thought he was with them. We didn’t know he was a bouncer trying to be a policeman. I said we should split up and just get out of there. We didn’t need another fight. I am not a violent man.

DPC Tan: Mr. de Freitas informed me that, just before the three of you split, he saw a mobile telephone being dropped on the street. He said that he

recovered it. You were present when Mr. de Freitas handed me a mobile telephone.

Au: I had never seen the telephone before. I never took it.

DPC Tan: You were also present when a European male, John Black, pointed at you, accusing you of being the one who had started the incident and stabbed the victim.

Au: Of course he would say that, he is the friend of the one who started it. I wounded nobody. Why would I do it? I'm a property developer, I've got too much to lose.

DPC Tan: At the scene, I then said to you: "You've agreed to come back, now you must tell me the truth." According to my record, you replied: "I've just got too big a temper. It's always been my problem. I've gone too far this time. Is the European guy going to be okay?" After a long pause you then added: "I didn't stab him. All I wanted was an apology. He attacked me. I was just defending myself. I've never had a knife in my life." Do you agree you said that?

Au: You've twisted my words. I never said I have too big a temper and I certainly never said I had gone too far this time. I said it had been difficult to keep my temper in check and, yeah, it was. Let me tell you what happened. I was standing on the street talking with a couple of friends. This European, who is walking by, suddenly turns on me and says that I should keep my dirty thoughts to myself. He had a woman with him and must have thought that I had passed some comment about her. I don't know what I was talking about at the time but it certainly wasn't about his girlfriend. So the first I know is that I am being grabbed by this European who is shouting at me, saying I have filthy thoughts in my head. Anyway, how could he have known what I was talking about? I was speaking Cantonese, colloquial stuff. Yeah, I was stung and, yeah, a bit angry. It was a public insult. Nobody wants to lose face that way. So I followed him and asked for an apology. But he wasn't interested. He told me to "fuck off" and get out of his way. I wouldn't. He then grabbed my arm – my left one, I think it was – and tried to twist it up, like a wrestling move. So I shoved him away from me. The he came at me again. After that I had to defend myself. What else could I do? And maybe one of my friends helped. But I never used a knife on him. I didn't have a knife and I never stabbed him. There were a few punches thrown, that's all. Then somebody came out of the Bar and said: "That's enough." So we left it and walked away. That's it – beginning and end. It was all over in a matter of seconds.

- DPC Tan: What were the names of your two friends?
- Au: I only met them last night. We had a drink together, that's all. The one said he was called Fat Boy, the other called himself Ah Cheung. We are all football fans, Manchester United, and got talking about the prospects for the new season.
- DPC Tan: Do you know where they live or work?
- Au: No idea. I had only met them about half an hour before.
- DPC Tan: Do you have any way of contacting them?
- Au: Why should I?
- DPC Tan: Do you?
- Au: No. We got talking about football, that's all. Haven't you ever been into a bar, I mean a classy place with hostesses and all, and met people? They are friends for a few minutes, that's all.
- DPC Tan: I must inform you that a blood-stained knife was found at, or very close to, the scene. Would you know anything about such a knife?
- Au: I didn't have any knife on me. I never used a knife. Nor did I see one. Maybe I got in a punch or a kick. How else do you stop a guy like that? He wanted to hurt me bad. He acted like he knew how to fight.
- DPC Tan: What about your two friends. Did either of them have a knife?
- Au: Not that I saw. Who knows. If the European guy got stabbed, maybe it was one of them. Or maybe he had a knife and fell on it. Or it could have been all the broken glass on the pavement. Things like that happen. How much longer is this going to go on? I can hardly think straight. I've got business meetings in a few hours time... and my Porsche is still street parked in Wanchai.
- DPC Tan: Are you saying that one of your two companions must have carried out the stabbing?

Au: All I know is, I didn't do it. That's enough now, I'm too tired. I'm not prepared to answer more questions. I've co-operated enough. I want bail.

November 2013

Prosecution Material

Record of Previous Convictions

These being convictions recorded against George Simpson (ID K048871(8)).

Date	Court	Offence	Sentence
24/7/2010	District Court	Attempting to pervert the course of public justice	3 months impr

November 2013

Prosecution Material

Record of Previous Convictions

These being convictions recorded against John Black (ID T988743(S)).

Date	Court	Offence	Sentence
24/7/2010	District Court	Attempting to pervert the course of public justice	3 months impr

November 2013

Prosecution Material

Record of Previous Convictions

These being convictions recorded against Au Chi Chun (ID T456920 (4)).

Date	Court	Offence	Sentence
1/8/1999	Western Mag	Assault o.a.b.h.	Detention Centre
24/12/2007	District Ct	Claiming to be a Triad	9 months impr

II. Defence materials

1. Proof of evidence of the defendant, Au, made to his solicitors
2. Statement by Dr. Janet Wong

November 2013

Defence Material

Proof of Evidence taken from the Defendant, Au Chi Chun (ID T456920(4))

1. I am a property developer. I am the CEO of Au Property Investment Private Limited. It is a successful business. I develop properties in Hong Kong and in Thailand. My late mother was Thai. I am 32 years old.
2. On the night of Saturday, 10 August 2013 I drove to Wanchai to meet my brother-in-law. He works for me. We arranged to meet at the Antigua Bar on Lockhart Road. When I got to the bar I received a telephone call from my brother-in-law. He said he was not feeling well. He doesn't want to give a statement but, if really pushed, I can get him to make one.
3. I decided to remain in the bar to have a drink. Football was on the big television screen. Manchester United was playing.
4. During the course of the game I talked to a couple of Manchester United fans who were also watching the game. I had not met them before. One called himself Fat Boy. The other called himself Ah Cheung. I bought them a couple of drinks. In recent years I have made a lot of money and I consider myself to be a generous person. I drive a Porsche. It was crowded in the bar and so we stood outside on the pavement.
5. It was just after 1.00 a.m. when a European man who looked to be middle aged suddenly stopped and turned towards me. In a loud voice he said something like. "You've got a filthy little mind, keep your filthy thoughts to yourself."

6. I was stunned. I did not know what he was talking about. I presume he thought I was saying something about the woman he was with. If so, he was mistaken.
7. I am told that the European guy speaks fair Cantonese. He must therefore have taken matters out of context. I do remember now that I was talking about one of the Manchester United players who is dating a TV celebrity and I said that she looked like she was good in bed. There have been pictures of her in the magazines. The European must have thought I was talking about his girlfriend.
8. Naturally I was angry and wanted an apology. It was for that reason only that I followed him. I did not suggest that either Fat Boy or Ah Cheung follow me. If they did follow me, it was of their own accord.
9. I did not want to have a physical fight with the European. He was a good deal older than me. I remember that I said to him in English: "Whatever you thought I said, you are mistaken. I have not said anything about your girlfriend."
10. The European then tried to push me aside. I agree I may have said the he should not treat me like a dog. I further agree that I may have held my arm out to prevent him leaving until I had had my apology. But I did not touch him.
11. The European then grabbed my arm (the one I was holding out) and twisted it. I almost fell to the ground. He had me in a kind of wrestling hold. I realized immediately that he knew something about martial arts. I know nothing myself. I therefore punched him, hoping he would stop. Maybe my punch caught him in the stomach. He let go of me and fell to the pavement. He had already dropped his beer glass and there were broken pieces of glass where he fell.
12. I remember now that Fat Boy started to punch the European and kick him. At one stage he appeared to kneel on him. This came as a surprise to me. I had not asked him to help me.

13. It all happened quickly. I grabbed hold of Fat Boy to pull him away. I was afraid the European may be badly hurt. I said to him: "Come, let's go."
14. We then walked away. I had no knife in my possession nor did I see a knife in Fat Boy's possession..
15. We had walked a little way when I heard a shout. A man was chasing us. I thought he was a friend of the European guy. I didn't want more trouble. I suggested that we split up and go our separate ways.
16. The man followed me into an alley. He was very threatening. He said he was a champion boxer and unless I admitted to stabbing the European he would beat me up. I agreed to return with him but I didn't make any admissions. I didn't say the European deserved it. I was shocked that he had been stabbed. Maybe the one who followed me made up these things to look good in front of his bosses.
17. Equally, when I returned to the spot where the incident had taken place I deny saying the matters alleged by the police officer. In my cautioned statement, I said that the policeman had twisted my words and that is correct.
18. I did no more than punch the European in order to defend myself.
19. Concerning my previous convictions, the conviction for assault was when I was still a teenager. I had a fight with a girlfriend, that's all. I demanded that she repay me a loan. I pushed her to the floor and she hurt herself. Of course, she exaggerated it. As for the second offence of claiming to be a triad, I was insulted by a man with whom I was attempting to do a legitimate business deal. I lost my temper and foolishly said that I was Sun Yee On. However, I have never been a triad member.

20. Finally, I must say that I am very upset at the disposal of the broken glass and the loss of the knife. Both could prove me innocent, for example, if the blood of the European was found on a piece of glass. Or if the knife was tested for fingerprints and mine were not found. Now it's just one person's word against another's. Can the cops just lose all the evidence that might favour the defence? What kind of justice is that? Now I'll never get a fair trial.

November 2013

Defence Material

Witness statement of Janet Wong

1. My full name is Janet Wong. I hold a Bachelor of Surgery and a Master of Surgery Degree. I have been a consultant surgeon for over 10 years, specializing in traumatic wounds to the body.
2. On 22 September 2013, I was instructed by Chan and Lo, the solicitors representing Mr. Au Chi Chun, to give an opinion as to whether the wound suffered by Mr. George Simpson, was consistent only with a wound inflicted by a knife or consistent with a wound inflicted by some other means. To assist me, I was supplied with the statement made by Mr. Samit Barka together with his notes and photographs attached to that statement.
3. I evaluated the evidence, including the measurements given in Mr. Barka's notes, and conducted tests in order to simulate the wound in issue. I noted, in particular that the photographs showed clear skin tags.
4. The general evidence revealed that at the spot on Lockhart Road where Mr. Simpson is said to have sustained his wound a large number of glass fragments were to be found, these fragments coming from two broken beer glasses.
5. Glass fragments can take on many shapes, some of which bear more than passing resemblance to knives. For example, a glass fragment can have a single cutting edge with a squared off back edge, just as a knife would have. Glass wounds may be clean cut often with small skin tags and notches. The involuntary (thus heavy) action of falling onto a glass fragment may mean that the wound inflicted is more severe than a wound inflicted with a knife in a stabbing incident. The severity of the wound was significant in this case.

6. In conclusion, my opinion is that the wound sustained by Mr. Simpson on the 11 August 2013 was consistent with falling on to broken glass on the pavement. In my opinion, without the presence of any weapon (i.e. a knife) that can be proved to have inflicted the wound, it remains as likely as not that the wound was caused by broken glass and the Defendant did not attempt to murder the victim by stabbing him.

III. Trial materials

Matters admitted pursuant to s.65C of the Criminal Procedure Ordinance, Cap. 221

November 2013

The following matters are admitted pursuant to
s.65C of the Criminal Procedure Ordinance, Cap. 221

Conduct of identification parades

1. On 1 September 2013 at 1300 hours at Wanchai Police Station Au Chi Chun agreed to participate in an identity parade. The parade was held in accordance with the police rules governing the conduct of identity parades.
2. Before the commencement of the parade, Au Chi Chun chose to remove an earring from his left ear.
3. Au Chi Chun selected position number 5 in the identification parade.
4. The witness George Simpson pointed to the person standing at position number 5, saying: “he was the one who stabbed me in the stomach.”
5. When asked at the end of the parade if he had any comments to make on its conduct, Au Chi Chun replied “no”.

IV. General materials

1. Blank TSP form
2. Copies of case law relevant to the interim application (attached to the “Instructions to candidates for the practical assessment”)