

Brief Report on the 8.31 incident at Prince Edward Mass Transit Railway Station

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On the night of 31st August 2019, The Hong Kong Police Force (HKPF) conducted a dispersal operation and arrested 40 individuals at the Prince Edward Mass Transit Railway (MTR) Station. This incident raised public concern regarding the use of force by police.

During the period between September 6th and 24th, Civil Rights Observer (CRO) conducted interviews with eight victims and witnesses, including MTR passengers, journalists and individuals who got arrested in the incident. According to their testimonies, video recordings submitted to CRO by individuals, and news footages alongside video clips of the incident published by media, individuals, and organisations, we believe there is credible evidence to show that:

1. When police officers were dispersing the crowd with force at the platform of the Prince Edward Station, they made no effort to distinguish bystanders and peaceful protesters from actual targets of dispersal and arrest.
2. Police officers made no effort to de-escalate the incident nor attempted appropriate measures to disperse the crowd in accordance with the principle of minimum use of force; once HKPF arrived at the platform, they used force aggressively to disperse the crowd and arrest those who were present.
3. The Special Tactical Squad (“Raptors”) of HKPF entered the train compartments and used batons to indiscriminately strike those present. According to testimonies, medical records, news footages and video clips collected by CRO, police officers used lethal force by striking batons at the heads of individuals in the train compartments who did not show any aggression against police officers.
4. The HKPF delayed medical treatments for the injured arrestees, and obstructed their access to legal service.

The evidence shows that a number of police officers violated the principle of minimum force by using lethal force to disperse and arrest people in the incident unlawfully and inappropriately. HKPF should conduct criminal investigation into any unlawful use of force by police officers and prosecute those responsible. HKPF should account for the use of excessive force by police officers in the operation. They should review the operation and training of the riot police and the Special Tactical Squad (“Raptors”), and compensate the citizens injured by their unlawful use of force.

Hong Kong Government should establish an independent commission of inquiry under the Commission of Inquiry Ordinance to investigate and review the operation of HKPF on 31st August at Prince Edward MTR Station.

Our records show that it has become more common that police officers use batons in a potentially lethal and unlawful way. The problem is getting worse in term of its repetition and scale.

CRO criticises the lack of an effective monitoring system in Hong Kong to oversee and monitor the HKPF; and as a result, most of the alleged perpetrators can escape sanction because of the ineffective and limited monitoring mechanism. During the three months of the movement against the Extradition Law amendment bill, tension between citizens and the HKPF has increased. CRO worries that the revengeful and punitive sentiments of police officers towards citizens may lead to further escalation of the unlawful use of force during the formers' operations.

CRO expresses grave concern over police obstruction of arrestees' access to legal assistance, which is a violation of a legal right protected by the Basic Law of Hong Kong. Such malpractice diminishes the rule of law and violates the protection of arrested persons under the principle of due process of Hong Kong's criminal justice system. The HKPF should establish service pledge to ensure that once the arrestee's lawyer arrives at the police station, he/she will be able to receive legal assistance by the lawyer within a reasonable time.

According to the testimonies of interviewees, CRO identified incidents of unlawful use of force and human rights violations in relation to the HKPF's operation at the Prince Edward MTR Station. Details of the cases are summarised below. Personal information of the interviewees, including gender, and certain particulars of the incidents are hidden in order to prevent possible identification of the interviewees, as they may face retaliation for disclosing their cases.

Police pinned a citizen to the ground and beat the citizen with batons

One interviewee witnessed several "Raptors" forcing a person to leave an MTR train compartment and then pin the same person onto the floor on the platform. The person was facing down, and did not appear to resist. A "raptor" hit the person with his/her elbow at the person's back and neck. Another police officer struck baton at the person's back and neck several times as well.

Police assaulted citizens indiscriminately in a MTR train compartment, may have constituted unlawful use of force

One interviewee described that there were more than five "Raptors" and riot police entered the MTR train compartment, threatened passengers with their batons, drove passengers to the space between two train compartments, and then started hitting the passengers with batons for several minutes. No passenger showed aggression against police officers before and during the police's attack. The interviewee further said that after attacking the

passengers, the “Raptors” and riot police left the compartment without searching for anything or anyone; nor did they make any arrest. The interviewee described that the police officers just came in to beat people up and then left. Another interviewee witnessed similar situation, stating that police officers attacked passengers who were in the MTR train compartments by striking baton from above.

One interviewee told CRO that he was hit by “Raptors” at his/her head from the back when they rushed into the train compartment suddenly. The interviewee sustained serious head injury which required stitches, and was hospitalised for days. The interviewee emphasised that he/she did not confront the police prior to the attack, and only realised the attack was done by the “Raptors” after falling onto the ground.

Another interviewee described seeing riot police chasing a person on the platform. As the person was running away, police hit his/her head from the front and the back. The interviewee saw that the person sustained head injury, and was bleeding seriously.

Police Officers confined individuals on an escalator; attacking citizens’ head with batons and applying pepper spray from a short distance

An interviewee described seeing riot police blocked both sides of an escalator connecting to another level, trapping more than 20 citizens on the escalator. A police officer stuck his/her baton from above at citizens’ heads. Those individuals could only protect themselves by bracing their heads with their arms. Another police officer applied pepper spray without warning and from a short distance (about 50cm) at people at the front of the escalator. All trapped people were then arrested and ordered to kneel down with both hands behind their heads. There were police officers threatening those arrested not to move or look around with batons. An arrestee slightly raised his/her head, and was immediately threatened by a riot police with baton.

An interviewee described there was a man who attempted to use his body to shield a woman from being attacked by police officer; riot police yanked his head by pulling his hair from the back violently.

An interviewee witnessed arrestees being ordered to kneel down with hands behind the head near the escalator on the platform. Several riot police were coming down on the escalator. Finding the kneeled arrestees in their way, they stepped on the arrestees’ heads and backs to force their way onward. One of the arrestees got a leg injury as a result.

Delayed treatment for injured persons

An interviewee described, after the police attack, the police did not arrange medical treatment for people with head injury caused by police batons. Other passengers attempted to help stop the bleeding but failed. At least two injured individuals showed signs of losing consciousness, including unable to provide verbal response to other passengers’ questions.

An interviewee who was detained at Kwai Chung Police Station saw another arrestee who was pale and trembling, but was not arranged to receive medical care all along. Only when another arrestee made repeated request for that arrestee to be sent to a hospital did the

police make arrangement, after another 30 minutes. It is suspected that the police retaliated against the arrestee who made the request for the injured arrestee by providing extremely hot water when he/she requested water for drink.

Using different reasons and tactics to obstruct arrestee from access to lawyers

One Interviewee stated that he/she was obstructed from seeking legal assistance the whole time during detention. Incidents include: his/her request to contact a lawyer for legal assistance was rejected by police officer who said that the interviewee was “mentally unfit”; when a lawyer passed by the arrestee during his/her hospital stay, a police officer covered the arrestee’s handcuff with blanket intentionally and told him/her “hiring a lawyer is very expensive”. Again, when the interviewee was requested to make cautioned statement, the police officer suggested him/her not to request legal assistance as hiring a lawyer is very expensive. The interviewee could only obtain legal assistance 15 hours after his/her arrest, and after making a cautioned statement.

About us

Civil Rights Observer is a human rights organisation established in 2014, we advocate a human-rights approach in policing and the full enjoyment of the freedoms of assembly and expression in Hong Kong.

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