

Case Digest (English Translation)

HKSAR v 蔡振諾 (Choi Chun Nok)

WKCC 3505/2022; [2022] HKMagC 14

(West Kowloon Magistrates' Courts)

(Full text of the Court's Reasons for Sentence in Chinese at

https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=149507&currpage=T)

Before: Mr So Wai-tak, Chief Magistrate

Date of Sentence: 16 December 2022

Sentencing – doing acts with seditious intention – guilty plea – publish, make available and continue to make available seditious statements, photos and pictures on online social media platforms – continuing for about 20 months

1. The Defendant pleaded guilty to one amended charge* of doing one or more acts with a seditious intention, contrary to s. 10(1)(a) of the Crimes Ordinance (Cap. 200). Between 15 January 2021 and 22 September 2022, the Defendant published, made available and continued to make available a total of 37 seditious statements, photos and pictures on an online forum LIHKG.
2. Held, sentencing the Defendant to 8 months' imprisonment, that:
 - (a) Committing an offence through the internet could facilitate the dissemination of messages quickly and widely, with the messages having continuity and permanence.
 - (b) The offence spanned about 20 months. The seditious contents mainly targeted at the Central Authorities, the HKSARG, judicial officers, LegCo members, etc., disseminating disinformation about social incidents and advocating the independence of Hong Kong.
 - (c) The Defendant called for the imposition of sanctions against Hong Kong by foreign states, and repeatedly advocated the use of violence against public servants.

* Editor's note: The court did not set out the original charge.

- (d) The Defendant advocated and glorified violence, and incited others to use violence. This posed real and potential threats to public order and public safety, constituted an attack on the judicial system, and endangered the personal safety of those being targeted.
- (e) Hence, the Court had to impose a deterrent sentence to reflect the seriousness of the case, so as to deter others from following suit, as well as to stop and prevent people from being incited to act on these extreme and unlawful views.
- (f) The Court adopted 12 months as the starting point for sentencing, which was reduced to 8 months after one-third discount on account of the Defendant's guilty plea. Save for this, there was no other valid mitigating ground to further reduce the sentence.

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