

Case Digest (English Translation)

HKSAR v 王俊傑 (Wong Chun Kit)

WKCC 4360/2022; [2023] HKMagC 1
(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=149774&currpage=T)

Before: Mr So Wai-tak, Chief Magistrate
Date of Sentence: 5 January 2023

Sentencing – doing acts with seditious intention – guilty plea – committing the offence on online social media platforms – continuing for about 23 months – parts of the published contents produced and written by the Defendant, not just shared by him

1. The Defendant pleaded guilty to one count of doing one or more acts with a seditious intention, contrary to s. 10(1)(a) of the Crimes Ordinance (Cap. 200). Between 30 January 2021 and 21 November 2022, the Defendant published, made available and continued to make available a total of 113 seditious statements, photos, videos and pictures via his four accounts with Facebook, Instagram and Twitter.
2. Held, sentencing the Defendant to 8 months' imprisonment, that:
 - (a) For each of his four accounts, there were over 100 to over 400 "friends" or "followers", and their contents could be browsed by members of the public. The offence spanned 23 months. The modus operandi was penetrating, pervasive, continuous and perpetual.
 - (b) The seditious contents mainly targeted at state leaders, national flag, national anthem, HKSARG, etc., making offensive and insulting statements with an intention to bring into hatred and hostility and to excite disaffection.
 - (c) The Defendant advocated the independence of Hong Kong and parts of Mainland China, with an intention to disseminate secessionist messages.
 - (d) He also incited others not to follow the disease prevention

measures implemented by the HKSARG, and incited others to get organized to disrupt social order and tranquillity by unlawful means. He even advocated and incited others to use violence, to stage a revolution, to start a war, to rise against established authority, to fight a battle, etc., thus posing real and potential threats to public security.

- (e) Parts of the published contents were produced and written by the Defendant, not just shared by him.
- (f) 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.
- (g) 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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