

Case Digest (English Translation)

HKSAR v 古思堯 (Koo Sze Yiu)

WKCC 481/2022; [2022] HKMagC 5
(West Kowloon Magistrates' Courts)

(Full text of the Court's Reasons for Sentence in Chinese at
https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=146391&QS=%2B%7C%28WKCC%2C481%2F2022%29&TP=RS)

Before: Mr Law Tak-chuen Peter, Principal Magistrate

Date of Sentence: 12 July 2022

Sentencing – attempting or preparing to do acts with seditious intention – convicted after trial – Defendant's personal beliefs or stance having no bearing on sentencing – not many people influenced – Defendant acting alone

1. The Defendant was convicted after trial of one count of attempting or preparing to do an act or acts with a seditious intention, contrary to s. 10(1)(a) of the Crimes Ordinance (Cap. 200).
2. Held, sentencing the Defendant to 9 months' imprisonment, that:
 - (a) The Defendant's personal beliefs or stance had no bearing on sentencing.
 - (b) There were a number of factors that could not be overlooked in sentencing for a charge of sedition including the Defendant's reasons for committing the offence, the seriousness and reach of the influence of the contents of the seditious articles, the number of persons influenced, and the magnitude of the impact of the means adopted on members of the public.
 - (c) In the present case, not many people had been influenced, and the Defendant had to act alone eventually.

- (d) There were no sentencing guidelines for sedition in appeal cases, and sentencing depended entirely on each individual case. The present case was a serious one, and it was absolutely appropriate to impose a deterrent sentence.
- (e) A starting point of 9 months was adopted, and with the Defendant convicted after trial, there was no reason for any reduction in sentence.

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