

Case Digest (English Translation)

HKSAR v 王浩鏘 (Wong Ho Cheong)

WKCC 93/2023; [2023] HKMagC 8

(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=151695&QS=%28wkcc%7C93%2F2023%29&TP=RS)

Before: Mr Law Tak-chuen Peter, Principal Magistrate

Date of Sentence: 27 March 2023

Sentencing – doing acts with seditious intention – guilty plea – committing the offence on online social media platforms – continuing for about 4 months – acting with a plan and not under impulse

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 28 August 2022 and 5 January 2023, the Defendant posted a total of 196 messages in two accounts on two social media platforms, the contents of which carried a seditious intention, namely an intention (a) to bring into hatred or contempt or to excite disaffection against the Central Authorities and/or the HKSARG (e.g. “Down with the Communist Party”, “the police were essentially a triad society”); (b) to excite inhabitants of Hong Kong to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Hong Kong as by law established (e.g. “Liberate Hong Kong, Revolution of Our Times”, “Hong Kong Independence”); (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Hong Kong (e.g. messages targeting against judicial officers and prosecutors); (d) to incite persons to violence; and/or (e) to counsel disobedience to law or to any lawful order (e.g. participating in activities that would be contrary to the relevant offences under the NSL or the National Anthem Ordinance).

2. Held, sentencing the Defendant to 5 months' imprisonment, that:
- (a) Doing an act with a seditious intention was of a serious nature, regardless of its form.
 - (b) Considering the rapid development of today's online media platforms and their strong communication capabilities, their impact could not be underestimated.
 - (c) The crime of sedition was of a preventive nature. Even for first-time offenders, deterrent sentences should be imposed to suppress such conduct.
 - (d) The seditious messages in this case revolved around the slogans chanted in the social unrest in 2019. The social unrest had subsided for a while, but the Defendant posted seditious messages on social media platforms, exciting those who were sympathetic to or even agreed with the unlawful conduct of the protesters at the time, which could easily provoke the intense sentiments in the society back then.
 - (e) The Defendant had posted seditious messages on the social media platforms for a period of about 4 months, which was not a short period of time.
 - (f) The Defendant was often directly involved, showing that he did not commit the acts under impulse, but hoping to continue those types of messages to arouse responses.
 - (g) The seditious acts in this case were committed alone, and they were not considered large-scale or well planned. The Defendant was not a well-known person and was not capable of exerting great influence in the community.
 - (h) However, there was, after all, a plan and the messages disseminated were not of a low level of provocation, with the target being a group of people who could easily be aroused, thereby carrying potential risks.
 - (i) Apart from the guilty plea, there were no other justifications for reducing the sentence.
 - (j) The Court adopted 7.5 months as the starting point for sentencing. After the one-third discount on account of the guilty plea, the Defendant was sentenced to 5 months' imprisonment.