

Justice upheld in District Court's sentencing in a case of "conspiracy to publish seditious publication"

Following the conviction of three defendants on August 29 in a case of "conspiracy to publish and/or reproduce seditious publication", the District Court handed down its sentence today (September 26).

The Hong Kong Special Administrative Region (HKSAR) Government spokesman said: "The court has held earlier that Chung Pui-kuen and Lam Shiu-tung, while holding chief editorial positions at Stand News, had knowledge and approved of the seditious intent of the articles, providing Stand News as a publishing platform for inciting hatred against the Central Authorities and the HKSAR Government, as well as hatred against the administration of justice."

The spokesman said, "The reasons for verdict by the Court have pointed out clearly that the ideology of Stand News was localism which excluded China, and that it even became a tool to smear and vilify the Central Authorities and the HKSAR Government during the movement of opposition to the proposed legislative amendments. The court found that the relevant articles, without any objective basis, attacked the relevant law and procedures; and relevant law enforcement and prosecutorial process; spread hatred and anti-government sentiment with disinformation; attacked law enforcement by the Police and glorified the behaviour of rioters – in other words, they were not based on facts. To distort acts of inciting hatred as "journalism" is a complete reversal of right and wrong."

"According to Schedule 3 of the Implementation Rules of Article 43 of the Hong Kong National Security Law, the Department of Justice (DoJ) has made an application to court for a confiscation order to confiscate the proceeds of the relevant crime. DoJ will continue to handle subsequent procedures in accordance with the law."

"The court stated in its reasons for sentence that at the time of the offence, the three defendants were not engaging themselves in genuine journalistic work but were participating in the so-called protest at the time. From the editorial of Stand News and News Stand, it is evident that they sided with the protesters against the Government. The crimes committed by the three defendants are very serious."

"The reasons for sentence also pointed out that, given Stand News had approximately 1,600,000 followers, the seditious articles involved have undoubtedly caused significant harm to both the Central Government and HKSAR Government as well as the residents, although it is difficult to quantify."

The spokesperson stated: "The reasons for sentence also indicated that,

due to the severity of the offences, imprisonment is the only appropriate sentencing option. Regarding the length of the sentence, the maximum penalty is two years' imprisonment. This maximum penalty is completely disproportionate to the severity of the offences. According to the existing Safeguarding National Security Ordinance, the maximum penalty for the crime of sedition is seven years' imprisonment. Based on the culpability of the second defendant, Chung Pui-kuen, a starting point of 23 months' imprisonment was adopted, and a sentence of 21 months was passed. For the third defendant, Lam Siu-tung, a starting point of 14 months' imprisonment was adopted but due to the potential risk to his life if sent to prison, a sentence was imposed that allows for his immediate release."

The spokesman says, "Following the verdict in this case, some have expressed concerns about freedom of the press and speech in Hong Kong. Some foreign media or other people with ulterior motives, as well as anti-China organisations and anti-China politicians, made untruthful and purely political remarks smearing the HKSAR. We have made clarifications and rebuttals many times to set the record straight. As demonstrated in the court's reasons for its verdict, Stand News completely disregarded objective facts and contravened the "special duties and responsibilities" which journalists must observe under international human rights conventions."

The spokesman pointed out that, "The Basic Law and the Hong Kong Bill of Rights guarantee fundamental rights such as the freedom of expression, peaceful assembly, procession and demonstration. Members of the public (including journalists) in Hong Kong are, as always, free to make comments or criticisms that are based on facts, and to enjoy and exercise freedoms of the press and of speech in accordance with the law, without fear of unwittingly violating the law."

"It is the constitutional duty of the HKSAR to safeguard national security. In this regard, the HKSAR Government will ensure that laws are observed and continue to enforce the law resolutely, decisively and rigorously with a view to effectively preventing, suppressing and imposing punishment for acts and activities endangering national security with all-out efforts."