



## Summary of Judgment

Secretary for Justice (“SJ”) v  
Poon Chuk Hung (潘焯鴻) (“Defendant”)  
HCMP 2386/2024, [2026] HKCFI 1986

Decision	: Defendant liable for criminal and civil contempt and sentenced to one month’s imprisonment, and liable to pay SJ’s costs on indemnity basis
Date of Hearing	: 25 March 2026
Date of Judgment	: 2 April 2026

### Background

1. The Defendant was the sole director of Lockill Biochemical Limited (“**Company**”), and the Company was the respondent in a claim for unpaid wages brought by an ex-employee of the Company (“**Claimant**”) under LBTC 3098/2021 (“**Underlying Proceedings**”). The Defendant represented the Company at the trial of the Underlying Proceedings. On 29 December 2022, the Labour Tribunal made an award in favour of the Claimant. The Company applied for leave to appeal in HCLA 2/2023 (“**Leave Application**”). The Defendant applied for and obtained the transcript of the trial in the Underlying Proceedings (“**Transcript**”), after signing an undertaking to the Labour Tribunal to only use to the Transcript for purposes in connection with those proceedings and not for any other purpose; and not to reproduce or disseminate the Transcript to any other person or body (“**Undertaking**”).
2. In breach of the Undertaking, the Defendant uploaded screenshots of parts of the Transcript in two public Facebook posts. He also uploaded two videos to his YouTube channel in which he was shown to be:
  - (i) making abusive and insulting remarks against the Labour Tribunal and its judicial officer(s) (namely, “Okay, 勞審咁嘅咁嘅咁嘅咁官呀? 喂, 跌到最底層嗰啲, 即係全部XXX啦直頭, 直頭嗰個呀直頭XX嚟㗎。我直頭講個官係XX, 個XX, X你... 你判到咁?.....”);
  - (ii) reciting contents of the Transcript, attacking the Claimant, holding a document which resembled the Transcript, saying that it was the transcript obtained from the Court and he would recite the same, and inviting his viewers to visit his Facebook page for the Transcript.
3. On 20 November 2024, SJ commenced the present contempt proceedings against

the Defendant for:

- (1) criminal contempt in making insulting, abusive, offensive, scurrilous, ridiculing and/or harassing remarks against the judicial officer(s) of the Labour Tribunal in the Underlying Proceedings; and
  - (2) civil contempt in aiding and abetting the breach of the Undertaking.
4. The Defendant did not contest liability. The CFI found the Defendant liable for both criminal contempt and civil contempt and handed down the decision on sentencing on 2 April 2026 after the hearing on 25 March 2026.

### **Issues in dispute**

5. The question for determination is the appropriate sentence.

### **Department of Justice's Summary of the Court's rulings**

(Full text of the CFI judgment at

[https://legalref.judiciary.hk/lrs/common/ju/ju\\_frame.jsp?DIS=179202&currpage=T](https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=179202&currpage=T))

6. In determining the appropriate sentence for civil and criminal contempt, the general principles include:
- (a) The court has a wide discretion as to the sanction to be imposed (from a fine to a term of imprisonment) (§14(1)).
  - (b) In sentencing for civil contempt:
    - (i) The primary concern is to demonstrate to litigants that court orders are to be obeyed; and that contempt of court orders is a serious matter (§15(1)-(2)).
    - (ii) Imprisonment is a sanction of last resort but is appropriate for deliberate and repeated breaches, and is not inappropriate where there is no evidence to suggest that compliance with the court order or the undertaking was in any way difficult or impossible (§§14(2), 15(4)).
    - (iii) The court has an “absolute discretion” to suspend a term of imprisonment but it would be difficult to think of circumstances where a suspended order should be made when nothing further remains to be done to comply with the order (§15(5)).
    - (iv) Relevant factors to be considered by the Court include (i) the nature and extent of the breach, (ii) whether the contempt was contumacious, the motives and state of mind, (iii) whether the claimant has been prejudiced and whether the prejudice is capable of remedy, (iv) whether the contemnor appreciates the seriousness of the breach, (v) the contemnor's cooperation, and (vi) acts to purge the contempt (§15(6)-(7)).

- (c) In criminal contempt, a term of imprisonment is generally called for, especially where the interferences are grave and contumacious (§14(3)).
  - (d) The court must have regard to the principle of totality of sentence for multiple counts of contempt (§16).
7. In deciding on the appropriate sentence in the present case, the Court took into account the following mitigation and aggravating factors:
- (a) The Defendant admitted liability, has purged his contempt by removing the subject videos, reviewing his social media and securing the Transcript, and gave an unreserved apology (§§23, 25).
  - (b) The Defendant's conduct was intentional and pre-conceived, as multiple posts and videos were published on 3 days, more than 2 months after the Labour Tribunal's award, which could not be explained away as an impulsive act. In any event, the posts and videos remained in the public domain for a least 5 months (§§27, 29).
  - (c) There was a pending Leave Application and the Defendant intended to involve the public to affect its outcome, which was interference with the proper administration of justice (§28).
  - (d) The Defendant, being a public figure, misused his public platform for a private dispute and his publication had reached a wider public audience; yet the flipside of him having these public platforms is that he could influence the public on what not to do about vilifying the court, which is a very important mitigating factor (§§30-31).
8. The Court placed no weight on a "clear record" which would otherwise suggest that each person has one opportunity to commit contempt (§24). Further, the withdrawal of the Leave Application was not a mitigating factor as it is never the intention of contempt proceedings to deter a litigant from pursuing a rightful appeal (§26).
9. Taking all circumstances into account, the Defendant was sentenced to 1 month's imprisonment (reduced from 2 months after mitigation) for criminal contempt and 1 month's imprisonment (reduced from 6 weeks after mitigation) for civil contempt (§§32, 35). Both sentences were ordered to run concurrently (§36). The Defendant was ordered to pay SJ's costs on an indemnity basis (§37).