



Summary of Judgment

Secretary for Justice (“SJ”) v Yeung Hin Wun (“Defendant”)

HCMP 674/2022; [2023] HKCFI 1029

Decision : Defendant liable for civil contempt and sentenced to 2 months imprisonment, suspended for 12 months, and liable to contribute towards SJ’s costs in the sum of HK\$80,000

Date of Hearing : 18 April 2023

Date of Decision : 18 April 2023

(Reasons for decision handed down on 18 August 2023)

Background

1. On 25 October 2019¹, the Court of First Instance (“CFI”) in HCA 1957/2019 granted an injunction order (“**Police Doxxing Injunction**”) to SJ as the guardian of the public interest and to the Commissioner of Police on behalf of the police officers, restraining anyone from:-
 - (a) using, publishing, communicating or disclosing without consent the personal data of and concerning any Police Officer(s) and/or their family members, intended or likely to intimidate, molest, harass, threaten, pester or interfere with them without consent;
 - (b) intimidating, molesting, harassing, threatening, pestering or interfering with any Police Officer(s) and/or their family members; and/or
 - (c) assisting, causing, counselling, procuring, instigating, inciting, aiding, abetting or authorising others to commit or participate in any of the aforesaid acts.
2. On 7 June 2020, the Defendant was a photography assistant to a photo-shooting team of the wedding ceremony of a Senior Inspector of Police (“**Officer**”) at a wedding venue in Tsim Sha Tsui (“**Venue**”). The Defendant later on the same day published a post (the “**Post**”) on LIHKG, an online discussion forum, which was titled “今日我老死結婚 一齊祝福佢”², and read “2020-6-7 結婚 大好青年 立此存照 今天我大義滅親”³, along with a screenshot of an extract from an online

¹ Last amended on 11 December 2019.

² English translation: “It’s my buddy’s wedding today. Let’s give them a blessing.”

³ English translation: “Wedding on 2020-6-7. A promising youngster. For the record. Today I place



news report entitled “銅鑼灣放火暴徒 網友肉搜竟是飛虎隊假扮的”⁴, and a screenshot of the Officer’s “profile” on a doxxing website known as “Hong Kong Chronicles”, which contained the Officer’s personal information, viz the Officer’s (a) Chinese name; (b) English name; (c) unique identification number; (d) phone number; (e) Hong Kong identity card number; (f) schools attended; and (g) Facebook account.

3. Later in the same thread, the poster also: (a) disclosed the location at which the wedding ceremony was held and (b) posted photos of the Officer and his wife taken during the ceremony.
4. The Post attracted about 24 replies in half an hour with numerous distasteful and despicable comments directed at the Officer and/or his wife, and even their relatives attending the wedding.
5. The couple chose the Venue partly because of the privacy and security he thought would be afforded to them and their guests. But eventually the Officer’s wedding day was still ruined by the Post. They had no choice but to leave the Venue as soon as possible.
6. The Defendant was arrested on 16 September 2020. Under caution, the Defendant admitted that he uploaded two photos which he took of the Officer and his wife at the ceremony on LIHKG.
7. In light of the breach of the Police Doxxing Injunction, SJ commenced the present civil contempt proceedings against the Defendant. The Defendant did not contest liability. The CFI dealt with sentencing on 18 April 2023, with Reasons for Decision handed down on 18 August 2023.

Key issues

8. The question for determination is the appropriate sentence.

Department of Justice’s Summary of the Court’s rulings

(Full text of the judgment at

https://legalref.judiciary.hk/doc/judg/word/vetted/other/en/2022/HCMP000674_2

righteousness above family loyalty.”

⁴ English translation: “The rioters who set fire in Causeway Bay [are exposed by netizens as] [undercover] SDU officers.”



[022.doc](#))

9. In determining the appropriate sentence for contempt of court, a brief summary of these principles is repeated as follows:

- (a) Court orders are to be obeyed. Contempt of court orders is a serious matter. (§24(1))
- (b) Subject to any mitigating factors, the starting and primary penalty for contempt of court in breaching an injunction order is immediate custodial sentence, and one perhaps measured in months. (§24(3))
- (c) Imprisonment is ordinarily regarded as a sanction of last resort, and any custodial term should be consistent with the circumstances of the case. (§24(4))
- (d) The facility afforded by the internet and social media to broadcast and publish material widely makes breaches involving such actions worse rather than less serious. (§24(7))
- (e) The fact that the person in contempt is in a position of influence and is a person to whom others may look as an example is an aggravating factor. (§24(8))

10. On the **appropriate sentence** in the present case, the Court took into account the following factors:

- (a) The Court accepted that the Defendant had previously been a man of good character and a contributing member to society and that the breach was most likely a one-off event. (§38)
- (b) The Post had ruined the once in a life time wedding day. The fact that the personal information of the Officer had already been disclosed as early as 2020 and that he had been subject to harassment since 2019 was no mitigating factor. The impact from the Defendant's actions was more immediate and far greater than any general effect from a wider campaign of doxxing. (§39)
- (c) The breach was not what might be characterised as a breach of trust in the context of criminal sentencing. However, the circumstances of the Defendant's actions during the wedding celebration itself – which he was



only able to achieve precisely because he was one of the service providers – showed what most persons would regard (at least in ordinary language) as a gross breach of trust. (§40)

(d) The Defendant took down the Post hours after its publication and fully cooperated with the Police upon arrest and made early admission to the breach. The Post was perhaps made out of impulse rather than a calculated attempt to influence the community. But, impulse or not, the potential impact of the Post should have been obvious to the Defendant. The Court did not regard it as real mitigation to state that a person has simply failed to pay any regard to the likely or potential consequence of the Post (§41)

(e) The Court accepted there was no deliberate delay by the SJ in this case but there was an inordinate delay in bringing the proceedings. The appropriate way to reflect the impact of delay is within the sentence, and its proportionality. Further, the passage of time had allowed society to move on, and given time for the Defendant to demonstrate a return to behavior more in line with his previous good character. (§42)

11. Having weighed and balanced the relevant features and factors, the Court considered sufficient, proportionate and appropriate penalty to impose was one of 2 months' imprisonment, suspended for 12 months. (§43)

12. On the issue of costs, the Court acknowledged that the Defendant was not in a position to meet an indemnity costs order. It was observed in some previous decisions that making a costs order a defendant cannot afford risks being disproportionate, when the penalty and costs are considered together. Having considered the Defendant's financial means and all other factors, the Court ordered the Defendant to contribute a sum of HK\$80,000 to SJ's costs in these proceedings. (§§44-45)

Civil Division

Department of Justice

18 August 2023