

IN THE DISTRICT COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

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**PRESS SUMMARY**

*HKSAR*

v

*TAM TAK CHI*

*Criminal Case Nos 927, 928 & 930/2020*

[\[2022\] HKDC 208](#)

Before: HH Judge Stanley Hcan

Date of verdict: 2 March 2022

Present: Mr Anthony Chau, (Ag) DDPP, for HKSAR

Mr Choy Edwin W B, SC, leading Mr Tung Ho Chit, Ernie, instructed by Michelle Tsoi, Solicitors, for the defendant

Offences: [1] Incitement to knowingly take part in an unauthorized assembly (煽惑他人明知而參與未經批准集結)

[2],[4],[9]-[10]&[12]-[14] Uttering seditious words (發表煽動文字)

[3],[5]&[7] Disorderly conduct in a public place (公眾地方內擾亂秩序行為)

[6] Holding or convening an unauthorized assembly (舉行或召集一個未經批准集結)

[8] Refusing or wilfully neglecting to obey an order given by an authorized officer (拒絕遵從或故意忽略遵從授權人員作出的命令)

[11] Conspiracy to utter seditious words (串謀發表煽動文字)

Verdict: Charges 1-4, 6, 8-10, 12-14 – guilty

Charges 5,7,11 – not guilty

1. The defendant was charged with a total of 14 various counts of offences, including incitement to knowingly take part in an unauthorized assembly, uttering seditious words, disorderly conduct in a public place, holding or convening an unauthorized assembly etc. He pleaded not guilty to all charges. At trial, the defendant was represented by Mr Choy SC with three junior counsel.

2. The prosecution alleged that the defendant committed these offences between 17 January 2020 and 19 July 2020. It is to be noted that the Hong Kong National Security Law was promulgated and becomes effective on 30 June 2020.

3. Eight charges were related to uttering seditious words which were committed on various occasions in which the defendant repeated his attack on Hong Kong police, the HKSAR government, a number of the LegCo members and the Communist Party. The defendant uttered those seditious words with the intention to bring into hatred or contempt or to excite disaffection against the Central Authorities or the HKSAR government, or to excite Hong Kong residents to attempt to procure the alteration of matters in Hong Kong as by law established, and to raise discontent or disaffection amongst Hong Kong residents or to counsel disobedience to law or any lawful order.

4. Some of the uttering conduct of the defendant was recorded and broadcast on the Facebook account of the defendant. The content of such uttering has been transcribed, some of which was extracted and referred to, with modifications, in the Reasons for Verdict.

5. The court ruled that the offence of uttering seditious words under sections 9 and 10 of the Crimes Ordinance Cap 200 is constitutional and prescribed by law. It is also ruled that the political slogan of “Liberate Hong Kong, Revolution of our times” bears a close semantic connection and cannot be construed separately. The slogan, when uttered and/or displaced, was capable of inciting others to commit secession. An attack on the HKSAR government can be taken as an attack on the Central Authorities.

6. The defendant elected not to give evidence in court.

7. Upon conclusion of the trial, the defendant was convicted of 11 out of the 14 charges, and he was found not guilty of Charges 5, 7 and 11.

\* End \*