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SIT, FUNG, KWONG & SHUM

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Please reply to: Peter Sit
Direct line: 2909 7388

14 August 2018

Our Ref : PS/111774-2/18

By Email (sskwchun@polyu.edu.hk),
and By Post

Dr Chung Kim-wah (鍾劍華),
Assistant Professor,
GH415, Department of Applied Social Sciences,
The Hong Kong Polytechnic University,
Hung Hom,
Kowloon, Hong Kong.

Dear Sir,

Re: Your Article bearing the title “五年前的這件事與梁振英的紅線論”
appearing in Stand News since 12 August 2018 (the “Article”)

We act for Mr Leung Chun-ying (“Mr Leung”; “our client”).

In the above Article, you referred to two incidents and made a number of unfounded
allegations that a close relationship existed between Mr Leung and the triad society or the
underworld.

The first was 小桃園飯局 which you alleged to have taken place at the end of March 2012
(the “First Incident”) and the second was 天水圍居民諮詢大會 which took place on 11
August 2013 (the “Second Incident”). Despite the fact that Mr Leung, other related parties
and the Government, had immediately and publicly refuted similar allegations made by
others at the time, you deliberately repeated those wrongful allegations in your Article. Not

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only did you ignore what our client and the related parties had openly stated at the time, you expressly, wrongfully and maliciously stated in your Article that our client and the Government had kept quiet in the past five years.

Regarding the First Incident, you wrote:

“2012年3月底，梁振英當選特首。不多久之後，便出現了他的競選團隊出席小桃園飯局一事 (Note: This allegation is utterly wrong even on the basic facts as the First Incident took place on 10 February 2012 during the election campaign, some 6 weeks before Mr Leung was elected the Chief Executive of HKSAR on 25 March 2012. It did not take place as you claimed at the end of March 2012, after Mr Leung had been elected)。與會中有人有江湖背景，已是「絕對」而「清晰」的事實，政府高層不能與具背景的人士把酒言歡，這才是最絕對而清晰的政治紅線，梁振英先生直到今天對此又作出個什麼說明嗎？”

Regarding the Second Incident, you wrote:

“5年前，即2013年8月11日這一天，江湖人物拖馬撐梁振英，大家更是切勿忘記。這件事我已經講了很多次，不過還是要不厭其煩繼續再講。”

“當天，梁振英以特首的身分往天水圍出席居民諮詢大會。之前建制派把所有場內的票差不多取盡。場外則有一位名字響噹噹的江湖叔父輩人物，帶着他的一眾門生撐梁振英，還發生追打示威人士的事件。”

“這是我記憶所及，第一次政府高層領導要公然由江湖人物幫他們「維持秩序」，這是香港政治最黑暗、最墮落的一天。就算在殖民地時代，都未曾試過政府與江湖勢力公然合流。我認為，從這一天起，整個特區政府已經失去其管治香港的道德基礎。”

“對於這件事，特區政府高層，包括當時的特首梁振英本人、好打得的政務司長林鄭月娥、律政司長、保安局長、警務署長，到了今天已經五年了，仍然未發一言。大家千萬也不要忘記這一點。”

J

In the concluding paragraphs you wrote:

“...「梁振英的班子就曾經出席江湖飯局，梁振英領導的政府要由江湖中人及其門生維持秩序、追打示威抗議人士，梁振英領導的政府也會任由江湖人士公開向全社會作暴力威嚇，事後也一言不發」。”

“...當年梁振英領導下的特區政府開了這樣的先例，又有小桃園飯局在先，其後在兩傘運動中又曾經再出現過有人出動江湖人物，縱容江湖人物追打示威者。”

You must be well aware that Mr Leung treats all allegations that he was or is associated with the triad society, triad people or the underworld seriously. You know or ought to know that Mr Leung took action when Mr Joseph Lian (練乙錚) published an article bearing the heading 誠信問題已非要害，梁氏涉黑實可雙規 in the Hong Kong Economic Journal in January 2013. On behalf of our client, we wrote to the said newspaper demanding the withdrawal of the wrongful allegations that our client was associated with the triad or the underworld in that article. The newspaper apologized publicly on 7 February 2013. Mr Lian has since left the Hong Kong Economic Journal.

As regards the First Incident, it had been widely reported that members of Mr Leung's Election Campaign Office who attended the dinner gathering made a report to both the Police and the ICAC on 11 March 2012. They also gave a comprehensive account of the incident to media reporters. Any allegation of triad or underworld association had been refuted and since died down. No action has ever been taken by the Police or the ICAC or for that matter any other law enforcement agency against Mr Leung's Election Campaign Office.

Hence there is no justifiable reason for you to repeat this allegation and to require Mr Leung to account for it now. Your insistence that our client has to account to the public, ignoring the fact that full accounts had been given by members of the Election Campaign Office to the Police, the ICAC and the news media, is to underscore your malicious allegation that Mr Leung was or still is associated with the triad or the underworld. This is a most serious and vicious libel on Mr Leung.



As regards the Second Incident, it was a declared policy of Mr Leung's Government to hold "town hall meetings" in all the 18 districts in Hong Kong. These meetings were open to all. As with all public order events, it was the duty of the Hong Kong Police to maintain law and order. Since you claim that you had all along paid close attention to the Second Incident, you should know that:

- A. On 15 August 2013, Now TV reported that the Hong Kong Police had come out to deny the allegation that Hong Kong Police did not deal with the Second Incident seriously, impartially and independently. In fact according to the news report, seven persons had been arrested and the matter was handled by the Serious and Organized crime unit of the New Territories Headquarters. See a printed version of the Now TV report in Attachment I.
- B. A public statement in Chinese made by Mr Leung on 16 August 2013 pointing out that all concerned should act in a civilized manner and the Hong Kong Police would as always act fairly, justly and impartially, regardless of the political background and stances of those who broke the law. See Attachment II.
- C. A public statement in both Chinese and English issued by the Chief Executive's office (i.e. Mr Leung's then office) on 16 August 2013 stating that "Referring to the press release issued by the Civic Party today (August 16) on the Chief Executive attending a public forum in Tin Shui Wai on August 11, a spokesman for the Chief Executive's Office gave the following response: 'The allegation made by the Civic Party in a press release today that the Chief Executive is related to triads is untrue and groundless. In a blog issued earlier today, the Chief Executive clearly stated the wish that all parties would exchange views in a civilised manner. Regarding the scuffles and violence that involved a small number of people last Sunday, the Chief Executive stated that the Police had handled the incident according to the law in a fair, just and impartial manner. The Chief Executive expressed deep regret over the Civic Party for ignoring the facts.' ". See Attachments III and IV.

There is no justifiable reason for you to repeat this allegation. It is patently wrong for you to claim that the top echelon of the Government had kept quiet about this second incident, in your words, "對於這件事，特區政府高層，包括當時的特首梁振英本人、好打得的政務



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司長林鄭月娥、律政司長、保安局長、警務署長，到了今天已經五年了，仍然未發一言……”。 Again this is a most serious and vicious libel on Mr Leung.

Your wrongful allegations ignore the above public statements issued by the Police, by Mr Leung himself and the Chief Executive's Office, on 15 and 16 August 2013. You used the two incidents to make the unfounded and wrongful allegations that Mr Leung had associated himself with people of the triad and the underworld during his election campaign; after he was elected Chief Executive of Hong Kong, Mr Leung deployed the triad people to protect him and use force and violence on people holding different political views, and that Mr Leung's government turned a blind eye to the Second Incident. The wrongful allegations remain available on the internet and as each day passes by, they continue to damage and aggravate the damage on Mr Leung.

Section 5 of the Defamation Ordinance (Cap 21) states that, any person who maliciously publishes any defamatory libel, knowing the same to be false, shall be liable to imprisonment for 2 years, and, in addition, to pay such fine as the court may award.

In view of significance of the above publications and public statements, and in view of your professed knowledge of public and political affairs, you must be aware of the existence of those publications and public statements when you wrote your Article for publication, knowing that your allegations are false and defamatory.

We are instructed by our client to require you to:

1. cause the withdrawal of the Article from the internet forthwith;
2. undertake that you will not publish the Article or any similar essay or article in the future;
3. reimburse our client for legal costs incurred;
4. publish an apology the content of which to be approved by our client; and
5. pay damages to our client.



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We are instructed that if any of the above requirements are not met with by Tuesday 21 August 2018, our client will issue proceedings against you without further notice.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'SIT, FUNG, KWONG & SHUM', is written over the typed name.

SIT, FUNG, KWONG & SHUM

Encl.

c.c. client



警發聲明否認縱容黑幫

警發聲明否認縱容黑幫

2013年8月15日 22:16



對於有指控認為早前行政長官梁振英落區時，在會場外聚集的市民有黑幫背景，警方發表聲明，否認縱容黑幫，強調絕不會對容忍任何暴力行為。

梁振英早前到天水圍天晴社區會堂見市民，支持及反對他的示威者聚集在會場外，雙方推撞，場面混亂。警方發表聲明，有指控聲稱警方縱容黑幫，是與事實不符，誤導市民，警方表示遺憾。

警方已因應現場環境及情況，在保障公共安全和秩序的前提下，適當調配人手及作出最佳安排。重申絕不容忍任何暴力事件；任何人如有違法行為，不論任何背景，警方絕不會視若無睹，一定會不偏不倚，公平公正地處理。至今共拘捕七人，交由新界北總區重案組跟進。



熱門新聞

編輯之選

更多

TV新聞頻道

now TV 新聞相關頻道資訊



警方再發聲明籲示威人 警方聲明：相同原則處 警方發聲明回應遊行
士離開 理案件

2014年9月29日 04:20 2013年8月16日 23:26 2011年9月3日 19:32

警方在深水埗酒店掃毒警方：男童頸有勒痕 廣林苑搶槍及開槍案
拘三人 證物包括背囊帶 警方調查配槍被搶原因



行政長官
香港特別行政區

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文明對話

繼上星期日在天水圍與市民直接交流後，後天下午我將再到觀塘聽取市民的意見。

這次有食物及衛生局高永文和環境局黃錦星兩位局長一同出席。

我落區就是想直接與市民對話，聆聽大家的心聲和訴求。我希望會場內外的各方人士，都能遵守文明社會的規則和秩序，任何人都不應以聲浪或肢體動作妨礙他人的發言，更不應堵塞通道。

上星期日在我落區期間，少數人在會場外爭執，並涉嫌使用暴力襲擊他人，警方已根據法律，以公平、公正和不偏不倚的態度處理。相信後天在觀塘的交流會，如果出現類似情況，不論違法人士的背景和政治立場，警方亦會一如以往，不偏不倚地執法。

2013年8月16日

特首網誌



二零一七至一八年度
財政預算案

二零一七年
施政報告



GovHK
香港政府一站通

新聞公報

行政長官辦公室回應公民黨新聞稿

就公民黨今日（八月十六日）發出有關行政長官八月十一日在天水圍出席論壇的新聞稿，行政長官辦公室發言人作出以下回應：

「公民黨今日發出新聞稿指行政長官與黑勢力有關，內容毫無事實根據。行政長官今日較早前在網誌中清楚表示，希望各方人士文明對話，並指出上星期日少數人士的爭執及暴力行為，警方已根據法律，以公平、公正和不偏不倚的態度處理。

行政長官對公民黨漠視事實的態度深表遺憾。」

完

2013年8月16日（星期五）
香港時間19時35分

Press Releases

Chief Executive's Office responds to Civic Party's press release

Referring to the press release issued by the Civic Party today (August 16) on the Chief Executive attending a public forum in Tin Shui Wai on August 11, a spokesman for the Chief Executive's Office gave the following response:

"The allegation made by the Civic Party in a press release today that the Chief Executive is related to triads is untrue and groundless. In a blog issued earlier today, the Chief Executive clearly stated the wish that all parties would exchange views in a civilised manner. Regarding the scuffles and violence that involved a small number of people last Sunday, the Chief Executive stated that the Police had handled the incident according to the law in a fair, just and impartial manner.

The Chief Executive expressed deep regret over the Civic Party for ignoring the facts."

Ends/Friday, August 16, 2013
Issued at HKT 20:40

NNNN