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Please reply to: Peter Sit
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17 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 refer to your emails to us dated 16 August 2018 respectively received by us at 2:43 pm and 3:03 pm. Among other things, you asked us also to read your open statement dated 16 August 2018 appearing on your Facebook page. You made three points and we will reply to those as follows. The words and terms defined in our letter to you dated 14 August 2018 (“our letter”) shall bear the same meanings when they are used in this letter:-

- 1. Your Article was posted onto your Facebook; the editors of Stand News chose to post it onto their electronic newspaper:

When you posted your Article onto your Facebook page, you intended all the libellous allegations you levelled at Mr Leung in the Article to spread across the internet wide and afar. If you did not write and post the Article, Stand News could not have reproduced it. If

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you did not give your permission or consent to Stand News, Stand News would not have maintained the Article on their electronic newspaper for public viewing. It is clearly within your power and ability to delete the Article from your Facebook page and it is clearly your right to demand Stand News to withdraw the Article from their website. You have so far taken none of the above actions to stop the continual spreading of the libellous allegations and to reduce further damage to Mr Leung.

2. *There was no allegation made against Mr Leung personally in the Article and you have been advised that there is no defamatory libel:*

Your Article referred to Mr Leung by name 21 times and it is ludicrous for anyone, your adviser included, to suggest that the libellous allegations in your Article did not pinpoint Mr Leung. Indeed, the editors of Stand News understood the allegations of your Article perfectly. To align with your libellous allegations that Mr Leung had a strong association with the triad or the underworld people, they reproduced a caricature with Mr Leung dressed like a gangster walking down a crowded street holding a foldable stool.

You used the First Incident and the Second Incident 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; those triad people used force and violence on people holding different political views; and Mr Leung's government turned a blind eye to the incidents (the "core libellous allegations"). See the following statements in the Article:-

- a. 他自己與黑社會或江湖中人有甚麼關係，才是最引人疑竇，而他也從來未有認真交代過的事。這個才是香港人應該向梁振英強調的「紅線」。
- b. 他的競選團隊出席小桃園飯局一事。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？
- c. 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。

- d. 但「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」。
- e. 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，其後在雨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。
- f. 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。

Your allegations are demonstrably false and malicious, especially so when Mr Leung and his government, including the Police, had made very firm public statements immediately after the Second Incident, stating that Mr Leung's government would deal with all street violence. Indeed, the Police took resolute actions and a number of arrests were made. See Attachments I to IV of our previous letter.

Thus, there is no justifiable reason for you to resurrect, repeat and contrive the untrue allegations in your Article that Mr Leung and his government did not say a word in the past five years about the Second Incident.

3. *The incident you referred to 已經五年了，仍然未發一言 was in respect of the 10th paragraph of your Article and not in respect of other parts of your Article:*

First, your current explanation is clearly an afterthought; it is a lame and appalling defence to say that your complaint about Mr Leung and his government was only in respect of what was said by a person at a press interview referred to in the 10th paragraph of your Article. If that had been your *only* complaint, your Article need not refer to the First Incident and the Second Incident at all.



Second, there was no omission on our part in not referring to the 10th paragraph in our letter. Simply put, the 7th, 8th, 9th and 11th paragraphs referred directly or by implication to Mr Leung. The 10th paragraph did not.

Third, the core libellous allegations clearly referred to Mr Leung, whether or not the 10th paragraph, as you now allege, also referred to Mr Leung and his government does not reduce the seriousness of the core libellous allegations, if anything, your present allegation regarding the 10th paragraph increases the severity of the libel.

Fourth, both Mr Leung and his government had made open and public statements on 15 and 16 August 2013 emphasizing that the police would deal with any act of violence accordingly to the law in a fair, just and impartial manner. It is therefore wrong to suggest that Mr Leung and his government turned a blind eye to acts of violence.

Our client does not tolerate malice. When the First Incident and the Second Incident happened in 2012 and 2013, there were some wild speculations. But five years had since passed. There is not a shred of evidence to suggest that Mr Leung had or has an association with triad and underworld people. It is scandalous to suggest the former Chief Executive of Hong Kong had been or is still in association with triad members and the underworld. You simply wanted to bring Mr Leung into public odium and disrespect by reviving those wild speculations which had already died down.

You have now confirmed that you were aware of the public statements made by Mr Leung and his government in Attachments 1 to IV of our letter, before you posted the Article. This is tantamount to admitting that you knew beforehand your allegation ‘that Mr Leung and his government did nothing about the Second Incident’ was false; this, among other issues, could be a clear contravention of Section 5 of the Defamation Ordinance (Cap. 21) which imposes a criminal liability. No Court of Law will treat such a malicious libel lightly.

We repeat our client’s demand as follows:-

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;



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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.

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,

SIT, FUNG, KWONG & SHUM

c.c. client