



IN THE CENTRAL CRIMINAL COURT

REX

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CHUNG BIU (BILL) YUEN & CHI LEUNG (PETER) WAI

1. Bill Yuen and Peter Wai, please stand. You have both been convicted after trial of assisting a foreign intelligence service, contrary to s.3(2) National Security Act 2023. Peter Wai, you have also been convicted of misconduct in public office. I must now sentence you for those offences. There are no offence-specific sentencing guidelines applicable to this case, so I approach sentence by determining the seriousness of the offending, applying any applicable overarching guidelines, and considering analogous authorities to reach sentences that are proportionate and consistent with principle.
2. The first count alleges offending between 20 December 2023 and 2 May 2024. It is important to identify at once that, in sentencing I am concerned only with conduct after 20 December 2023, because that is the period of criminality created by Parliament under the National Security Act 2023. The fact that activity of this general kind may have occurred before that date, as the jury heard, does not enlarge the factual basis of sentence on count 1 beyond the period charged.
3. The offence of which you have been convicted is a grave one. Parliament enacted the National Security Act 2023 in response to a contemporary and growing reality: the United Kingdom now faces persistent, adaptive and often clandestine interference by foreign state actors and those acting on their behalf. Modern foreign intelligence activity is not confined to orthodox espionage against military or governmental secrets. It may take the form of surveillance, information gathering, intimidation and the targeting of dissidents and those who have sought the protection of this country's laws. Conduct of that kind threatens not only individual victims but the sovereignty of the state, public confidence in our institutions, and the safety that this jurisdiction must afford to those lawfully present here. This perspective materially informs the seriousness of your offending.
4. Sentences for national security offences must also mark, unmistakably, the need for deterrence. The authorities cited by the Crown make clear that, in this field, deterrence is not an incidental feature of sentencing but a central one. Indeed, authorities under the former statutory regime emphasise that those who betray the

safety or interests of this country, or who lend themselves to the purposes of a foreign power, must expect severe punishment even where actual damage cannot be shown to have eventuated. The statutory maximum on count 1 is 14 years' imprisonment.

5. Against that context, I turn to the offending on count 1. The particulars alleged that you, together with Matthew Peter Trickett and others, engaged in conduct including agreeing to undertake information gathering, surveillance and acts of deception, which was likely materially to assist a foreign intelligence service carrying out UK-related activities, and that in doing so you knew, or ought reasonably to have known, that your conduct was likely to have that effect.
6. I am sure that your activity in each of the four instances I am about to summarise satisfied the requirements of the offence. First, on 9 January 2024 there were messages passing between you concerning individuals identified by reference to nationality, immigration condition and travel activity, including references to BNO status, refugees, movements connected with Brazil, Chile and Qatar, and the transport of money. Those exchanges demonstrate the obtaining and relaying of information of utility to others. Peter Wai checked information on his computer, relayed the fruits of that enquiry, asking if any more information was needed. Bill Yuen responded, "No need. Just so I know." Further details were sent about why certain people were not being prosecuted to which he gave a thumbs up emoji. This was casual disclosure of confidential information to someone working for a foreign power, it had all the hallmarks of an ongoing relationship of information gathering and sharing. Such material may seem relatively innocuous in isolation, but it enables, incrementally, a picture to be formed of what the approach of the United Kingdom authorities may be to certain persons and situations.
7. Secondly, and more significantly, between January and April 2024 there was a sustained course of conduct directed at a woman called Monica Kwong and, initially at least Hon Tai Hung, believed to be her brother. The Crown identified repeated searches on the Atlas system in January 2024 concerning Ms Kwong, undertaken by Peter Wai in response to a request from Bill Yuen on 10 January 2024 which included allegations against her, copies of identity material, a photograph and a police report dated 18 December 2023. The searches enabled access to her personal immigration records and enabled you to identify where she was living in England. Similar searches were undertaken concerning her family members,
8. That activity did not stop at data gathering. It extended to the provision of surveillance information. On 30 January 2024 surveillance material in video form relating to Ms Kwong was sent by Mr Wai to Mr Yuen and onward to Hong Kong. To get this people, who you commissioned Mr Wai, had picked up a letter sent by Ms Kwong's father to her 9-year-old son and covertly filmed her and the child when they knocked on her door to hand it over. On 24 April 2024 another video recording also showing Ms Kwong and her child at their flat was sent to Mr Wai, and on the following day Mr Yuen sent that recording to a man in Hong Kong called Wing Cheung Cheuk. Cheuk is a retired police officer, then working with Ms Kwong's former employer who had made a multi-million-pound fraud allegation against her.

That accusation of crime had been notified to the Public Security Bureau in China, specifically the Operation Fox Hunt Team which deals with accusations against those believed to have fled the jurisdiction, and police in Hong Kong with whom Cheuk and Mr Yuen were historically linked.

9. In addition, a search for banking information relating to Ms Kwong was commissioned and what a third party provided was passed on to Cheuk. Although the screenshots were fabricated, the evidence at trial indicated that unauthorised genuine searches had been carried out by unknown bank employees, but the images they obtained were of poor-quality, so better-looking ones were fabricated to pass on.
10. The conduct culminated in arrangements for a group arriving from Hong Kong to attend at the flat where Ms Kwong lived with her young son in Yorkshire. They included her ex-employer, at least two assistants and two retired Hong Kong police officers, one of whom was Cheuk. The other Hornby Suen had been a Superintendent. Arrangements were made by Mr Wai for a driver, a car, a group of men acting as private investigators, some of them with military experience and a solicitor able to speak Mandarin and Cantonese to be at their disposal. Both of you met the visitors from Hong Kong at the airport in the early hours of 30 April before the group, accompanied by Mr Wai, travelled to Pontefract. There over the next two days, persistent efforts were made, including the use of deceit, to get Ms Kwong to open her door. Unknown to you all, she had left and the security services had placed covert equipment in the flat instead. Greater harm was prevented thereby.
11. I do not include in my assessment of culpable conduct, the fact that Ms Kwong's flat was eventually entered. This is because the prosecution formulated a specific charge, count 2, on which the jury could not agree, and which is no longer pursued. I reject the argument that because the jury did not reach a verdict on count 2 the jury must have excluded the conduct towards Ms Kwong in entirety when convicting on count 1. The jury heard expert evidence about the pursuit of alleged criminals by the Chinese regime and the irregular means deployed.
12. In the context of a national security offence, it makes no difference whether you are sentenced on the basis that you genuinely believed Ms Kwong had defrauded her employer of a substantial amount of money. Whether you took the documents you were provided with about her being a fraudster, at face value or not, the gravamen of the charge is that you were both prepared to assist this intimidating group of people, connected at a prominent business and law enforcement level in Hong Kong/China, to find and make physical contact with, a lone woman with a child, without the involvement, protection or knowledge of any legitimate United Kingdom authorities. Insofar as you, Mr Yuen may have believed that Mr Wai was a police officer you understood his conduct in relation to Ms Kwong would not have been authorised.
13. Thirdly, there was activity concerning a young woman, who was identified in the case by the cipher N, in March 2024. Witness N's evidence was not challenged by you in the trial. She was born in China and came to England to pursue a master's degree in international relations. She is an activist focussed on democracy and human rights issues in relation to China and she founded a network providing a safe space for

members of the Chinese diaspora to discuss their concerns freely. This runs workshops, screenings and discussion panels. Chinese authorities are known to target activists like her as part of their United Front aiming to influence such representative figures. She sought asylum in the United Kingdom and has been subjected to what she calls ‘mind-games’ by the Chinese regime. This includes being given the impression that they can continuously monitor what she is doing especially online in banking or on social media. On 18 March 2024 George Lee, another member of the network of retired Hong Kong police officers identified in this case, sought information from Mr Yuen about a “targeted subject” in the United Kingdom, describing her as a mainland Chinese person involved in ‘sensitive’ activities. That information was passed to Mr Wai. There followed communications between Mr Wai and Matthew Trickett, and then a response sent back via Mr Yuen indicating that the details could only be found with greater time and resources. This was a clear indication that what enquiries had been made had not borne fruit, not that no relevant conduct had been engaged in. Later that month a further request was made as to whether there could be an investigation about “this female in the UK” on the basis that she was engaged in anti-Chinese activities and had left Hong Kong owing money to George Lee. The material provided by Lee to Mr Yuen and then on to Mr Wai included photographs of N and accurate official and personal information about N and her mother; it included IP addresses consistent with where N was when she accessed the internet in April 2023, August 2023 and January 2024. There was never any genuine debt, but the suggestion of her being a fugitive and trumped-up inquiries could conceivably have damaged and discredited N’s asylum claim.

14. Fourthly, in April 2024 the retired police officer Lee passed on a request which he said came from Shanghai concerning two Chinese designers, one of Chinese nationality and the other a German, whose design house was said to be in financial dispute with a Chinese company. He said that they wanted to use the dispute as an excuse to evaluate their business dealings and discover how the flow of information in such an investigation would work. He enquired whether there were ways to do this within what he called “Hong Kong investigating circles” which is what the two of you were engaged in. Mr Yuen agreed to let Lee know if an investigation could be mounted in Germany. He then deployed his unofficial ‘investigating circle’ and held a nine-minute call with Mr Wai, following which Mr Wai communicated with Matthew Trickett about that potential work. In my judgement such conduct by people holding the positions the two of you and Mr Trickett held, to aid senior people connected to the Chinese regime outwith conventional legal processes does prejudice the safety or interests of the United Kingdom and contributes to the activity of a foreign intelligence service in UK-related activities.
15. I treat the conduct in the round as deliberate, concerted and serious. It involved what the prosecution called, correctly “shadow policing operations”; information gathering, the relay of personal data, surveillance, the procurement or attempted procurement of financial information, and arrangements on the ground in this jurisdiction, all directed to activity that you both knew was likely materially to assist a foreign intelligence

service carrying out UK-related activities. Distinctions as to significance and materiality can be drawn between the individual episodes but in my judgment the broad picture is one of willing, sustained cooperation in the service of interests ultimately alien to the safety and autonomy of the United Kingdom. This is not a case of inadvertence or mere recklessness.

16. Who are you? Neither of you has any previous criminal convictions. Chung Biu Yuen, you are 66 years old. You served as a police officer in Hong Kong for 37 years until 2015, reaching the rank of Superintendent. You are a former colleague of some of the retired officers in this case who were involved in securing information about people in the UK of interest to the Hong Kong authorities for example you told Peter Wai that you had known Cheuk for over thirty years. You retired and came to England to join your family, already settled here. Within months you took up employment in London as Office Manager at the Hong Kong Economic & Trade Office, an extension of the Government of Hong Kong Special Administrative Region, part of the People's Republic of China. You will have been aware of the pronouncements made by the Hong Kong/China regime about forced repatriation and the oppression of dissidents. From 2019 you were responsible for security for the Office. In 2021 you engaged an organisation introduced by Peter Wai to provide a guard for the building. He told you, at some point, that he was a senior police officer in London and he was in possession of a forged Police Superintendent's warrant card when he was arrested in 2024. Nonetheless, as I have already observed, your own experience of law enforcement in Hong Kong and your contact with the allocated officer from the Parliamentary and Diplomatic Protection unit, to whom you made no mention of your relationship with Mr Wai, means I am sure you understood what Peter Wai was doing for you in relation to count 1 was unauthorised.
17. Chi Leung Wai you are 41 years old with a young child. You were born in Hong Kong, and your father was a policeman in Hong Kong. You yourself joined the Royal Navy and after taking redundancy became a constable in the Metropolitan Police for about four years. From 2020 you were a UK Home Office Border Force officer. You were also a volunteer City of London Special Constable although you liked to give the impression you were a much more senior serving police officer. You also ran a security company and were employed to carry out undercover security operations, with some success. Both of you met frequently in London and on several occasions in Hong Kong with members of the ex-police officers' network.
18. Matthew Trickett was an ex-Marine and a close friend of yours Mr Wai. He worked for Home Office Immigration Enforcement as well as a private security guard and knew others with his background who did the same work. He was arrested with you at Miss Kwong's flat on 1 May 2024. Very sadly for his family he died by his own hand, shortly after release on bail after charge.
19. I regard the culpability of each of you on count 1 as high rather than medium or low. I reject the submission that an offence contrary to s.3(2) is of lesser culpability than s.3(1). Both of you played significant roles in the enterprise, which was primarily motivated by your enduring affinity with, or loyalty to, the Chinese state despite your

dual British-Hong Kong citizenship. You targeted individuals. You involved others and the activity formed a course of conduct lasting some months which ceased only upon intervention by the authorities. Your conduct was closely aligned with foreign intelligence objectives as the expert evidence to the jury demonstrates. Whether or not every aggravating contention advanced by the Crown were to be adopted in identical terms, I am satisfied that neither of you was a peripheral actor. Mr Yuen, you were employed by the Hong Kong Economic & Trade Office and were the conduit, organiser and facilitator: requests came to you, you relayed them, you coordinated responses, and you monitored or transmitted the product. Mr Wai, you were not merely a subordinate functionary: you gathered information, exploited your access to official systems, arranged and transmitted surveillance material, and participated in arrangements on the ground in Pontefract. You solicited a bank employee to breach confidentiality, and you directed others in the activity such as Matthew Trickett. Although it was not the only or primary motivation, there was evidence at the trial that both of you received remuneration during the indictment period; it was agreed Peter Wai received £5,500 from Bill Yuen and HK\$590,000 (equivalent to over £50,000) in cash to his Hong Kong bank account. Mr Wai transferred HK\$120,000 to Bill Yuen who was, of course, receiving his wages at Hong Kong Economic & Trade Office.

20. In relation to harm, I bear in mind that the offence is one concerned not only with completed damage but with the provision of material assistance in UK-related activities, and with the risk thereby created. The prosecution invites attention to the highly material assistance provided in respect of Ms Kwong; to the sensitivity of immigration data and personal information which is not publicly available; to the vulnerability of Ms Kwong, her child and Witness N; and to the severe potential consequences had the efforts to locate, discredit or return them to Hong Kong/China succeeded. It further identifies the connection between such conduct and wider threats to democratic values and the rule of law. In respect of Ms Kwong, there is no extradition treaty between the United Kingdom and China, and it is vital that extra-judicial processes are not permitted to proliferate.
21. Turning to witness N. Freedom to dissent is the quiet architecture of a just society. N's evidence goes to the ability of Chinese dissidents in the UK to protest vociferously speak openly to challenge policies or leadership in their homeland and given the past relationship between this country and Hong Kong, it carries a particular poignancy. Those are all proper features to bear in mind in assessing seriousness of the harm in this offence.
22. As to specific victim impact, the materials before the court require measured assessment and I bear in mind the submissions made on your behalf. In relation to Ms Kwong, who was not a dissenter or activist, highly personal information was obtained so her address in the United Kingdom could be subjected to surveillance. In relation to Witness N, the activity contemplated or undertaken had the potential to discredit an asylum claim and expose her to grave consequences. Both are rightly described as somewhat vulnerable. In her victim impact statement Ms Kwong describes a

significant psychological and emotional impact on herself and her son. Both are anxious, experience sleeping problems and they have isolated themselves to avoid putting others at risk, here and in Hong Kong/China. This court is not in any position to determine whether she was a fugitive from justice or, as she told the jury that she fled Hong Kong because she was afraid of being made a scapegoat for her wealthy employer's misdemeanours and she knew people in her position had been made to disappear.

23. Witness N continues to fear for her safety and has been taking medication to help her mental health. She is worried about her family in China as the authorities there have maintained pressure on relatives to suppress Witness N's activism in England and to persuade her to withdraw her application for asylum.
24. I have no hesitation in accepting that your conduct contributed to fear, insecurity and distress to those targeted although I temper the degree to which I can fairly attribute those conditions entirely to your conduct. Overall, then, I find that the harm was real and significant, but not at the highest level, and the potential for substantially greater harm (if for example Miss Kwong had been located, confronted and persuaded against her will to return) was evident to you. There would have been no need to gather the large group of people (including two ex-Marines) in the vicinity of Miss Kwong's flat unless it was intended to intimidate her into cooperating, physically if necessary.
25. I turn to count 3. Peter Wai, this count covers a different though related species of wrongdoing. You were convicted of misconduct in public office between 16 September 2022 and 2 May 2024. The Crown's case was that throughout that period you conducted unauthorised searches on the Home Office Atlas database. Atlas was a confidential database; access was conditional upon acceptance of clear restrictions; and you had received training in its proper use.
26. The count 3 wrongdoing spans the whole charged period and overlaps only in part with count 1. It includes searches conducted for the benefit of the foreign intelligence activity already described, but it also extends to searches concerning many other individuals. Evidence was called of you searching for the personal details of a young man who gave evidence as Witness Y. He sought asylum in this country and has taken part in many protests against the Chinese regime. You passed the information to an intelligence officer following an incident at Basinghall Street in the City of London in 2023 in which he was protesting at the visit of a Hong Kong politician. You had supplied private security officers for the event, and you came across Y after he had verbally remonstrated with the politician. You told him you could have him arrested. In your evidence you admitted you searched for and passed on his personal details, in a memo to Home Office officials and to intelligence requesting that his asylum application be reviewed, because of the view you took of his behaviour. The prosecution rightly described this as malicious conduct towards a young man, physically much inferior to you, who had caused personal affront. It reveals a serious defect of judgment and lack of professional integrity which is not reflected in the way those who have provided character references on your behalf see you. I record that

Witness Y's asylum application succeeded so the harm you envisaged in that regard did not come to pass.

27. On your behalf it has been acknowledged that, in addition to Monica Kwong, Atlas was accessed for non-professional reasons in relation to at least nine individuals. Some of them were known to you or contacts of acquaintances.
28. As a starting point to the relevant principles, I have regard to Attorney General's Reference (No.30 of 2010) (R v Bohannan) [2010] EWCA Crim 2261. Punishment and deterrence are important, an incentive increases the seriousness, gravity grows when those who have no right to the information being provided gain comfort from knowing they have a source of confidential material at their command and where misconduct impacts on border force operations a different category of severity would be reached.
29. The prosecution identifies aggravating features of count 3 including that the conduct was deliberate rather than negligent; that it persisted for nearly two years; that it involved many repeated examples of unauthorised access; that searches were carried out for the benefit of a foreign intelligence agency and in attempts to suppress political dissent; that the search concerning Witness Y appears to have followed a lawful and peaceful protest; that some copies of sensitive data were retained on your personal device; and that the misconduct caused potential harm to confidence in the integrity of the United Kingdom's immigration arrangements. It also records that your abuse of the Atlas system in respect of the Hong Kong dissident Nathan Law was part of your being commissioned to subject him to surveillance whilst he was engaging in a public speaking event at the Oxford Union. You told the jury that activists like Mr Law deserved the description 'cockroaches', dehumanising language used by the Chinese regime for pro-democracy protestors of whom Mr Law had been one, and you made it clear you disapproved of their activities both in Hong Kong and England.
30. The offending in count 3 was not an isolated lapse, a momentary error, or a technical breach. It was a prolonged, knowing and repeated misuse of a confidential state database by a public official entrusted with access to it. Public confidence in official systems depends upon the assurance that information entrusted to the state will be accessed only for proper purposes. When such access is abused for private ends or to assist the objectives of a foreign state actor particularly in its attempts to suppress political dissent, the damage extends far beyond the individual whose data is misused. Such a breach of trust damages trust in government and corrodes confidence in the fairness and security of our immigration system. That is why immediate custody and deterrence are of particular importance in wrongdoing of this kind.
31. I therefore assess your culpability on count 3, Mr Wai, as high. I regret to say that I found your evidence on this aspect was marked by a degree of arrogance. That assessment is based not on demeanour alone, but on the substance of your answers, which repeatedly dismissed the importance of the rules and regulations concerning confidentiality and data protection governing your role as a Border Force officer. You appeared to regard those obligations as optional rather than central to your duties. You boldly stated that you didn't bother to finish the training as you were not paid for

doing it all and you didn't pay attention to the clear warning screens which were displayed when you logged on. This attitude discloses a serious departure from the standards properly expected of a public servant entrusted with the enforcement of such significant matters as border control. Rather, you had a pronounced sense of entitlement to do as you pleased with the access your post gave you. Your disregard of your responsibilities extended to another employment you held with an immigration advisory agency called Elite UK Migration Consultancy as an "Immigration Consultant", which was, at the very least, an outside interest which you had not declared to the Home Office as the relevant policy required. On the other hand, I recognise that there is no evidence that you were providing information for financial gain, outside of the facts I have already dealt with in relation to count 1.

32. The sentence or sentences I impose must reflect the entirety of the criminality and be just and proportionate avoiding double counting any elements while recognising that while count 3 contains wrongdoing over a longer time and with a wider compass, it overlaps in part with count 1 because some of the unauthorised Atlas searches formed part of the foreign intelligence assistance offence. The prosecution specifically invites a consecutive sentence in respect of the non-overlapping misconduct; the defence submissions rightly call attention to totality. Both are matters to which I have proper regard.
33. It is a rare case in which there is no mitigation, and you rely on what might have been strong mitigation were the convictions you have acquired for a different type of crime. Several people have recognised your positive qualities. Mr Yuen you had an exemplary police service record, Mr Wai you were a loyal and considerate friend and lent yourself to a dangerous undercover operation. I have borne carefully in mind the character references and the absence of previous convictions. It is plain though that here your standing and previous good character put you into a position to commit these offences in the way you did. Neither of you have the benefit of a guilty plea.
34. Stepping back, the offending proved to the jury strikes at several interests which the criminal law must vigilantly protect: the national security of the United Kingdom; the integrity of public administration; the safety of those who have sought refuge or residence here; and the principle that foreign powers may not, through covert means or local proxies, pursue their objectives on British soil with impunity.
35. Those who lend themselves to conduct such as that proved in this case must expect severe sentences. The court must punish the wrongdoing and speak plainly so that others who may be tempted to act in similar fashion understand that such conduct will attract condign punishment.
36. Mr Yuen on count 1 the sentence is 8 years imprisonment. Mr Wai on count 1 the sentence is 6 years imprisonment. On count 3 the sentence is 4 years consecutive. The total in your case is 10 years imprisonment.
37. According to current provisions you will be eligible for release on parole after serving two thirds of the sentence on count 1 and not more than half the sentence on count 3. The 42 days spent in custody since conviction will count. Of the 447 days of qualifying curfew, half will also count against the terms I have imposed.

38. I order that count 2 shall lie on file not to be revived without leave of this court or the Court of Appeal.
39. I impose the victim surcharge as required and I make the order for forfeiture and destruction of devices listed by the prosecution.

Mrs Justice Cheema-Grubb

18 June 2026