

Case Digest

Secretary for Justice v Ng Kin Wai (伍健偉)

HCCP 117/2021; [2021] HKCFI 772

(Court of First Instance)

(Full text of the Court's reasons for decision in English at

https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=134675&QS=%2B&TP=JU)

Before: Hon Toh J

Date of Hearing: 11 March 2021

Date of Reasons for Decision: 1 April 2021

Bail – conspiracy to commit subversion contrary to NSL 22(1)(3) and ss. 159A and 159C of Crimes Ordinance (Cap. 200)

1. The Respondent was charged with one count of conspiracy to commit subversion, contrary to NSL 22(1)(3) and ss. 159A and 159C of the Crimes Ordinance (Cap. 200), in relation to a scheme by the Respondent and others to undermine the “proper functioning of the Legislative Council so as to paralyse the operations of the HKSAR government, eventually compelling the Chief Executive of HKSAR to resign”. SJ applied to the Court for a review of the Chief Magistrate’s decision to grant the Respondent bail.

2. Held, the Respondent’s bail revoked. Applying NSL 42(2) and the CFA’s decision in *HKSAR v Lai Chee Ying* [2021] HKCFA 3, the Court had to carry out a predictive evaluation as to whether there were sufficient grounds to believe that the Respondent would not continue to commit acts endangering national security if he was granted bail, taking into consideration the relevant materials, including the parties’ submissions and bail conditions offered. Before the Court, there were materials that showed the Respondent’s “clear determination” to further his idea for Hong Kong independence, and therefore, the Court was of

the view that there were sufficient grounds for believing that the Respondent would continue to commit acts endangering national security if bail was granted to him.

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