

Case Digest

HKSAR v Chung Kam Lun (鍾錦麟)

HCCP 137/2021; [2021] HKCFI 1473

(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=136217&QS=%2B&TP=JU)

Before: Hon Toh J

Date of Hearing: 31 March 2021

Date of Reasons for Decision: 3 June 2021

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

1. The Applicant 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 Applicant 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”. The Applicant applied to the Court for bail after he had been denied bail by the Chief Magistrate. The prosecution objected to the application, submitting (inter alia) that the Applicant’s role in the “Power for Democracy” group was pivotal and one of great responsibility.

2. Held, the bail application refused, after carrying out a “predictive and evaluative” exercise as decided by Anthea Pang J (as she then was) in *HKSAR v Lai Chee Ying* [2021] HKCFI 448 based on the parties’ submissions, all the information and materials placed before the Court, and the terms of bail conditions offered., The Court held that it was not satisfied that sufficient grounds existed for believing that the Applicant

would not continue to commit acts endangering national security if granted bail, thus failing to pass the first threshold laid down by the CFA in *HKSAR v Lai Chee Ying* [2021] HKCFA 3 for applying NSL 42(2).

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