

Case Digest

HKSAR v Wong Ji Yuet (黃子悅)

HCCP 675/2021; [2022] HKCFI 1136

(Court of First Instance)

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

https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=143908&currpage=T)

Before: Hon Toh J

Date of Hearing: 21 December 2021

Date of Reasons for Decision: 3 May 2022

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 under s. 9J of the Criminal Procedure Ordinance (Cap. 221) (“CPO”) after the Chief Magistrate had refused her bail.

2. Held, bail granted after applying NSL 42(2) and the CFA’s decision in *HKSAR v Lai Chee Ying* [2021] HKCFA 3. On the first of the two thresholds laid down in that decision (namely, whether the Applicant, if granted bail, would not continue to commit acts endangering national security), the Court, following the decision of Anthea Pang J (as she then was) in *HKSAR v Lai Chee Ying* [2021] HKCFI 448, carried out “a predictive and evaluative exercise” on all the

materials before it. It was satisfied that with the bail conditions imposed*, the Applicant would not continue to commit acts endangering national security. The Court then considered the second threshold which was under the CPO, applying the presumption in favour of bail, and the main criterion was whether the Applicant would surrender to custody at the appointed time as the Court would direct. On this, the Court was satisfied that with the bail conditions imposed, the Applicant would do so.

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* Editor's note: The Court's reasons for decision did not set out the details of the bail conditions.