

Case Digest

HKSAR v Lam Cheuk Ting (林卓廷)

HCCP 138/2022; [2022] HKCFI 1797
(Court of First Instance)

(Full text of the Court's decision in English at
https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=145335&QS=%28hccp%7C138%2F2022%29&TP=JU)

Before: Hon Toh J

Date of Hearing: 12 May 2022

Date of Decision: 13 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 and 46 others were jointly charged with conspiracy to commit subversion, contrary to NSL 22(1)(3) and ss. 159A and 159C of the Crimes Ordinance (Cap. 200). The Applicant applied to the Court for bail under s. 9J of the Criminal Procedure Ordinance (Cap. 221).

2. Held, refusing the application, that the Court was not satisfied that the Applicant would not continue to commit acts endangering national security if granted bail, thus failing to overcome the first threshold laid down by the CFA in *HKSAR v Lai Chee Ying* [2021] HKCFA 3 for applying NSL 42(2). In making this decision, the Court had carried out “a predictive and evaluative exercise” on all matters before it as decided by Anthea Pang J (as she then was) in *HKSAR v Lai Chee Ying* [2021] HKCFI 448, including (a) that the Applicant had strong political influence; and (b) that he had maintained his stance to lobby for international sanctions as late as in November 2020.

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