

Case Digest

HKSAR v Ng Man Yee Carol (吳敏兒)

HCCP 193/2021; [2022] HKCFI 1061

(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=143817&currpage=T)

Before: Hon Toh J

Date of Hearing: 20 December 2021

Date of Reasons for Decision: 28 April 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 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”. Having been refused bail by the Chief Magistrate, the Applicant applied to the Court for bail under s. 9J of the Criminal Procedure Ordinance (Cap. 221).

2. Held, the application refused, after applying NSL 42(2) and the CFA's decision in *HKSAR v Lai Chee Ying* [2021] HKCFA 3. Having read the documents submitted by both parties and heard the submissions of counsel, the Court was not persuaded that the Applicant would not continue to commit acts endangering national security, if granted bail. It appeared from the documents and videos submitted before the Court that although the Applicant did not specifically call for violence, what she had said certainly could have stirred up resentment and anger against the authority. Those assertions made by her were at times based on rumours and untruths, and not based on facts. Further, the Applicant had an international influence as a result of her trade union work. Hence, it would be very easy for her to connect with her colleagues

abroad to further the hostility against the authorities.

#373699v2B