

Case Digest

HKSAR v Yung Chung Hei (容頌禧)

HCCP 446/2021; [2021] HKCFI 2765
(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=138832&QS=%28hccp%7C446%2F2021%29&TP=JU)

Before: Hon Toh J

Date of Hearing: 27 August 2021

Date of Reasons for Decision: 20 September 2021

Bail – advocating terrorism and, alternatively, incitement to wound with intent

1. The Respondent, together with three others, were jointly charged with one count of advocating terrorism and, alternatively, incitement to wound with intent. On 7 July 2021, the Respondent, as the representative of the Arts Association on the Hong Kong University Students' Union Council, supported a motion to express its "deep sadness" at the death of Leung Kin-fai who had attacked a police officer and "to appreciate his sacrifice to Hong Kong", which was passed by the Council as a resolution. The Applicant applied for a review of the decision of the Acting Chief Magistrate to admit the Respondent to bail, pointing out (inter alia) that the Respondent had stressed that Leung was a hero.

2. Held, refusing the application and granting bail with conditions*, that with the conditions imposed, sufficient grounds existed for believing that the Respondent would not continue to commit acts endangering national security if bail was granted. Having passed the first threshold for bail laid down by the CFA in *HKSAR v Lai Chee Ying* [2021] HKCFA 3 for applying NSL 42(2), the Court considered that the risk of the

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

Respondent re-offending or absconding in view of his background was not high, and it was satisfied that the bail conditions to be imposed on him would ensure his surrender to custody as the Court might appoint.

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