

## Case Digest

### Secretary for Justice v Pang Cheuk Kei (彭卓棋)

HCCP 111/2021; [2021] HKCFI 850

(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=134796&QS=%2B&TP=JU](https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=134796&QS=%2B&TP=JU))

Before: Hon Toh J

Date of Hearing: 13 March 2021

Date of Reasons for Decision: 9 April 2021

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

1. The Respondent 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 Respondent 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 for a review of the Chief Magistrate’s decision to grant the Respondent bail.

2. Held, granting bail to the Respondent on the same conditions imposed by the Chief Magistrate, that the Respondent had successfully passed the first of the two thresholds laid down by the CFA in *HKSAR v Lai Chee Ying* [2021] HKCFA 3 for applying NSL 42(2) as there were sufficient grounds for believing that he would not continue to commit acts endangering national security if bail was granted. The past conduct of the Respondent, together with his work to the community and his business plan for the young people, had shown that he was not “anti-Mainland”. In relation to the second threshold, the Court was satisfied that the conditions for bail imposed by the Chief Magistrate would ensure

that the Respondent would surrender to custody as the Court might appoint.

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