

Case Digest

Secretary for Justice v Lee Yue Shun (李予信)

HCCP 120/2021; [2021] HKCFI 919

(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=135136&QS=%2B&TP=JU)

Before: Hon Toh J

Date of Hearing: 15 March 2021

Date of Reasons for Decision: 22 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 Respondent on the same terms imposed by the Chief Magistrate, that the Respondent had successfully crossed 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 the Court was satisfied that the Respondent would not continue to offend against the NSL if granted bail. The Court could see from his short time as a District Councillor that he had helped the community and in doing so had also co-operated with several government departments. Apart from filling a nomination form for the LegCo election, the Respondent had not said or

done anything in relation to the original agreement ever since his loss in the “35+ Primaries”. As to the second threshold under the Criminal Procedure Ordinance (Cap. 221), the Court was satisfied that the original terms imposed by the Chief Magistrate would be sufficient.

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