

## Case Digest

### **HKSAR v Mo Man Ching Claudia (毛孟靜)**

HCCP 134/2021; [2021] HKCFI 1435

(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=136080&QS=%2B&TP=JU](https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=136080&QS=%2B&TP=JU))

Before: Hon Toh J

Date of Hearing: 14 April 2021

Date of Reasons for Decision: 28 May 2021

#### ***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 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 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”. The Applicant applied to the Court for bail after she had been denied bail by the Chief Magistrate. The prosecution objected to the application, pointing out (inter alia) that the Applicant had played a critical role as advisor or consultant to the 1<sup>st</sup> Defendant in the conspiracy, and that she had misled the international press on several instances by referring to the alleged desperation and loss of human rights and freedom in Hong Kong.

2. Held, the bail application refused, after applying NSL 42(2) and the CFA's decision in *HKSAR v Lai Chee Ying* [2021] HKCFA 3. Having heard and seen what the Applicant had said and carried out the

“predictive and evaluative” exercise as decided by Anthea Pang J (as she then was) in *HKSAR v Lai Chee Ying* [2021] HKCFI 448 on the materials before the Court, the parties’ submissions, and the bail conditions offered, the Court held that there were insufficient grounds for believing that the Applicant would not continue to commit acts endangering national security if bail was granted.

#373680v2B