

Case Digest

HKSAR v Wan Siu Kin Andrew (尹兆堅)

HCCP 141/2021; [2021] HKCFI 1255

(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=136081&QS=%2B&TP=JU)

Before: Hon Toh J

Date of Hearing: 23 March 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 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 the Chief Magistrate refused his bail. The prosecution objected to the application, submitting (inter alia) that even after the promulgation of the NSL, the Applicant continued advocating that Hong Kong people “say no to [the] totalitarian regime”, and that he had demonstrated a persistent and strong devotion to the agenda of subversion and secession.

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 carried out a “predictive and evaluative” exercise as decided by Anthea Pang J (as she then was) in *HKSAR v Lai Chee Ying* [2021]

HKCFI 448 on all the materials before the Court including the parties' submissions and all the documents attached thereto, the Court considered that there were not sufficient grounds for believing that the Applicant would not continue to commit acts endangering national security if bail was granted.

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