

## Case Digest

### **HKSAR v Cheung Kim Hung (張劍虹)**

HCCP 418/2021; [2021] HKCFI 3372

(Court of First Instance)

(Full text of the Court's reasons for decision in English at

[https://legalref.judiciary.hk/lrs/common/ju/ju\\_frame.jsp?DIS=140017&currpage=T](https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=140017&currpage=T))

Before: Hon D'Almada Remedios J

Date of Hearing: 5 November 2021

Date of Reasons for Decision: 10 November 2021

***Bail – conspiracy to commit collusion with a foreign country or with external elements to endanger national security contrary to NSL 29(1)(4) and ss. 159A and 159C of Crimes Ordinance (Cap. 200)***

1. The Applicant was charged with one count of conspiracy to commit collusion with a foreign country or with external elements to endanger national security, contrary to NSL 29(1)(4) and ss. 159A and 159C of the Crimes Ordinance (Cap. 200). The prosecution's case was that between 1 July 2020 and 3 April 2021, the Applicant, together with others including three companies of which he had been a director since 1 February 2018, conspired to commit collusion that was to request a foreign country or an institution, organization or individual outside the Mainland, Hong Kong and Macao of the PRC, to impose sanctions or blockade, or engage in other hostile activities against the HKSAR or the PRC. The Applicant applied to the Court for bail under s. 9J of the Criminal Procedure Ordinance (Cap. 221) after the Chief Magistrate's refusal to grant him bail.

2. Held, refusing bail to the Applicant, that applying NSL 42(2) and the CFA's decision in *HKSAR v Lai Chee Ying* [2021] HKCFA 3, the Court was not satisfied that there were sufficient grounds for believing that the Applicant would not continue to commit acts endangering

national security if bail was granted to him. In making this decision, the Court, following the decision of Pang J (as she then was) in *HKSAR v Lai Chee Ying* [2021] HKCFI 448, carried out “a predictive and evaluative exercise” on all the relevant matters before it, including such matters as the Applicant’s background, his associations, community ties and financial position. It had also considered the parties’ submissions and the bail conditions offered.

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