

**HKSAR v. NG Gordon Ching-Hang [2024] HKCFI 3298**

**Hong Kong 47: Sentencing Order**

Decision Date: November 19, 2024

The Hong Kong Special Administrative Region Court of First Instance adjudicated the sentencing of 45 pro-democracy activists, part of the "Hong Kong 47," accused of conspiracy to commit subversion under Article 22(3) of the National Security Law (NSL) and sections of the Crimes Ordinance. The case revolved around a scheme allegedly designed to disrupt government operations by gaining control of the Legislative Council (LegCo) and forcing the Chief Executive's resignation through indiscriminate budget vetoes and LegCo dissolution. While 31 defendants pleaded guilty before trial, 14 were convicted after. The Court, emphasizing a narrow interpretation of NSL penal provisions, rejected the automatic alignment of conspiracy penalties with substantive offenses, instead adopting individualized sentencing guided by local legal principles. The Court dismissed defense arguments of "impossibility" and ignorance of the law, underscoring the conspiracy's seriousness, scale, and public engagement, including the participation of over 610,000 citizens in a related Primary Election. It highlighted that substantial coordination and premeditation invalidated claims of symbolic actions, leading to significant penalties proportionate to the offense's gravity.

The sentence period of the 45 Defendants has been articulated in the table below:

No.	Defendants Name	Age	Profession/ Title	Number of Criminal Records	Role of Defendant	Sentence Awarded
D1	Tai Yiu-ting	60	Former Associate Professor of Law at the University of Hong Kong	2 (2019, 2022)	Initiator and organizer of the Scheme, mastermind of the Primary Election	10 years
D2	Au Nok-hin	37	Former LegCo Councillor and District Councillor	2	The organizer provided crucial evidence for the prosecution	6 years and 9 months



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D3	Chiu Ka-yin Andrew	39	Chairperson of the Hong Kong Society of Accredited Mediators, Vice- President of the Hong Kong Mediation Centre	No criminal record	The principal offender, the organizer of the Scheme, gave evidence for the prosecution	7 years
D4	Chung Kam- lun	36	District Councillor, Chairman of the Sai Kung District Council	No criminal record	The principal offender, the organizer, gave evidence for the prosecution	6 years
D5	Ng Gordan Ching-hang	46	Not specified	No criminal record	Active participant in the scheme	7 years and 3 months
D6	Yuen Ka-wai Tiffany	31	District Council Member (2020)	1 (unauthorize d assembly)	Active participant in the scheme	4 years and 3 months
D7	Leung Fong- wai Fergus	27	University student (Biomedical Sciences)	No criminal record	Active participant in the scheme	4 years and 11 months
D8	Cheng Tat- hung	36	Civic Party member, District Council Member (since 2016)	No criminal record	Convicted after trial, an active participant in the scheme	6 years and 6 months
D9	Chui Chi-kin	57	Former businessman , District	2 (unauthorize d assembly)	Active participant in the scheme	4 years and 2 months



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			Council Member			
D10	Yeung Suet-ying Clarisse	38	Art consultant, District Council Chairlady (since 2020)	No criminal record	Convicted after trial, an active participant in the scheme	6 years and 6 months
D11	Pang Cheuk-kei	30	CEO of Hong Kong Basic Law Foundation, former District Council Member	No criminal record	Active participant, involved in vetoing Budgets	6 years 6 months
D12	Sham Tsz-kit	37	District Councillor, Vice-Chairman of the League of Social Democrats	Spent criminal record	Active participant, involved in vetoing Budgets	4 years 3 months
D13	Mo Man-Ching Claudia	67	Former LegCo Member	No criminal record	Active participant, involved in vetoing Budgets	4 years 2 months
D14	Ho Kai-ming Kalvin	36	District Councillor	No criminal record	Active participant, involved in vetoing Budgets	6 years 7 months
D15	Fung Tat-chun Frankie	29	Lifestyle Magazine Editor, Sales & Marketing Consultant	No criminal record	Active participant, involved in vetoing Budgets	4 years 5 months



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D1 7	Wong Pik Wan	65	Retired University Lecturer	No criminal record	Active participant, involved in vetoing Budgets	6 years 6 months
D1 8	Lau Chak-fung	28	Former Chairman, HKFS	No criminal record	Active Participant	4 years 5 months
D1 9	Wong Chi-fung	28	No specific title provided	Multiple (2016-2023)	Active Participant	4 years 8 months
D2 0	Tam Man-ho Jeremy Jansen	49	Serving LegCo Member	None	Active Participant	4 years 2 months
D2 1	Li Ka-tat	33	District Councillor, Kwun Tong District	None	Active participant in the Scheme	4 years 3 months
D2 2	Tam Tak-chi	52	Radio Host	2	Active participant in the Scheme	4 years 5 months
D2 3	Wu Chi-wai	62	LegCo Member, Chairman of the Democratic Party	2	Active participant in the Scheme	4 years 5 months
D2 4	Sze Tak-loy	42	Chairman of ADPL, District Councillor	None	Active participant in the Scheme	6 years 7 months
D2 5	Chu Hoi-dick Eddie	47	Former LegCo Councillor	3	Active participant in the Scheme	4 years 5 months



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D2 6	Cheung Ho-sum	31	Former District Councillor	Clear	Active participant	4 years 11 months
D2 7	Wong Ji-yuet	27	Assistant to Art Therapist	1 previous record	Active participant	4 years 5 months
D2 8	Ng Kin-wai	29	Former District Councillor	Clear	Active participant	5 years 7 months
D2 9	Wan Siu-kin Andrew	55	LegCo member, District Councillor	4 previous convictions	Active participant	4 years 8 months
D3 0	Kwok Ka-ki	63	Surgeon, Former LegCo member, District Councillor	Clear	Active participant	4 years 2 months
D3 1	Ng Man-yee Carol	54	Former flight attendant	None	Low participation, lost election	4 years 5 months
D3 2	Tam Hoi-pong	44	District Councillor	None	Low participation, environmentalist	4 years 3 months
D3 3	Ho Kwai-lam	34	Former journalist	1 conviction (2021)	No mitigation provided	7 years
D3 4	Lau Wing-hong	31	Former community worker	1 record (riot case)	Active participant	4 years 5 months, consecutive to riot sentence
D3 5	Yeung Alvin Ngok-kiu	43	Former LegCo	None	Pro-active and leading role	5 years 1 month



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			member, barrister			
D3 6	Chan Chi-Chuen Raymond	52	Former LegCo Councillor	0	Active participant	6 years 6 months
D3 7	Chow Ka-Shing	27	Student (Nursing)	2	Active participant initiated IWR Declaration	7 years 9 months, consecutive to prior sentence
D3 8	Lam Cheuk-ting	47	Former LegCo Councillor	4	Another participant	6 years 9 months
D3 9	Fan Gary Kwok-wai	58	Former LegCo Councillor	None	Another participant	4 years 2 months
D4 0	Lui Chi-hang Hendrick	42	Former Social Worker	None	Active participant	4 years 3 months
D4 1	Leung Kwok-hung	68	Former LegCo Councillor, Radio Host	24 convictions	Another participant	6 years 9 months
D4 2	Lam King-nam	36	Businessman	None	Another participant	5 years 2 months
D4 3	Or Yiu-lam Ricky	53	Former District Councillor	None	Active participants	6 years 7 months
D4 4	Shum Lester	31	Policy Research Assistant,	2 convictions	Active participant	4 years 6 months



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			District Councillor			
D4 5	Wong Pak-yu	33	IT in Financial Sector, District Councillor	None	Active participant	4 years 3 months
D4 7	Yu Wai-ming Winnie	37	Registered Nurse, Health Informatics Analyst	None	Active participant	6 years 9 months