

A HCCC 51 of 2022 A

B Press Summary B

C Of the Reasons for Verdict of the Court of First Instance C

D Handed down on 15 December 2025 D

E *(This Summary does not form part of the Reasons for Verdict)* E

F Court: The Honourable Madam Justice Toh F
G The Honourable Madam Justice D'Almada Remedios G
H The Honourable Mr Justice Alex Lee H

I The charges I

J 1. Lai Chee-ying (“D1”) and the three corporate defendants, J
K namely Apple Daily Limited (“D2”), Apple Daily Printing Limited (“D3”) K
L and AD Internet Limited (“D4”), are charged with one charge of L
M conspiracy to print, publish, sell, offer for sale, distribute, display and/or M
N reproduce seditious publications, contrary to sections 10(1)(c), 159A and N
O 159C of the Crimes Ordinance, Cap. 200 (Count 1); and one charge of O
P conspiracy to commit collusion with a foreign country or with external P
Q elements to endanger national security (namely, to request a foreign Q
R country or an institution, organisation or individual outside the Mainland, R
S Hong Kong, and Macao of the People’s Republic of China to impose S
T sanctions or blockade, or engage in other hostile activities (collectively T
U “SBHA”) against the Hong Kong Special Administrative Region U
V (“HKSAR”) or the People’s Republic of China (“PRC”)), contrary to V
Article 29(4) of the Law of the People’s Republic of China on
Safeguarding National Security in the Hong Kong Special Administrative
Region in the Schedule to the Promulgation of National Law 2020 (“NSL”)
and sections 159A and 159C of the Crimes Ordinance, Cap. 200 (Count 2).
D1 is additionally charged with another charge of conspiracy to commit

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collusion with a foreign country or with external elements to endanger national security (**Count 3**).

Background

2. In February 2019, the HKSAR Government proposed to introduce an amendment to the Fugitive Offenders Ordinance known colloquially as the “Extradition Amendment Bill” (“**ELAB**”). Arising from a murder case that took place in Taiwan involving a suspect who had since returned to Hong Kong, the introduction of the ELAB was to address the limitations in handling cases involving jurisdictions with which the HKSAR did not have formal surrender of fugitive agreements and mutual legal assistance agreements, including other parts of the PRC (including Taiwan and Macao). D1 believed that the ELAB was deliberately designed to send opponents of the Chinese Communist Party (“**CCP**”) regime, like himself, back to the Mainland and that the ELAB was a vicious conspiracy by the CCP and the HKSAR Government to undermine Hong Kong’s rule of law, human rights and freedom. D1 shared his views with the senior management of his newspaper (“**Apple Daily**”) and consistently thereafter used Apple Daily to encourage people to take to the streets and protest against the ELAB.

3. Although the HKSAR Government announced in September 2019 that the ELAB would be withdrawn and formally withdrew it one month later, the violent protests and the social disorder arising from the ELAB did not abate until some time after the outbreak of the Covid-19 pandemic in early 2020. From then onwards, the protests metamorphosed into a resistance movement of which D1 and Apple Daily were amongst those in the forefront. Social order was only eventually

A restored in Hong Kong subsequent to the enactment of the NSL on 30 June
B 2020.

C The prosecution case
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E 4. The prosecution alleged that: E

F (1) D1, in an attempt to achieve his goal to stop the ELAB from
G being enacted, through the operation of Apple Daily as a
H platform and together with the co-conspirators, published
I various seditious articles; and D1 closely collaborated with
J his foreign external connections and his co-conspirators in
K this regard. Some of the articles contained requests for
L foreign countries or external elements to impose SBHA
M against the PRC and the HKSAR. D1 lobbied for support
N against the enactment of the ELAB in the United States and
intentionally mobilised international opposition against the
O PRC and the HKSAR to solicit for foreign intervention to
impose SBHA against the PRC and the HKSAR.

O (2) D1's request for SBHA became more aggressive and intense
P upon learning of the decision by the Standing Committee of
Q the National People's Congress on 28 May 2020 that the NSL
R would be enacted. D1's agreement with his co-conspirators
S to publish the seditious articles and requests for SBHA
continued up until and even after the enactment of the NSL on
T 30 June 2020.
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(3) As to Count 1, the defendants and the senior management of Apple Daily, riding on the social unrest and public disorders at the time, conspired together and with others to use Apple Daily as a platform for the publication of seditious articles with a view to bringing the Central People's Government ("CPG") and the HKSAR Government into hatred and stirring up opposition against them.

(4) As to Count 2, before the enactment of the NSL, the defendants and the senior management of Apple Daily had agreed to use Apple Daily as a platform to request foreign countries to impose SBHA against the HKSAR or the PRC. Despite the enactment of the NSL, they did not stop but continued to carry out their agreement.

(5) As to Count 3, before the enactment of the NSL, D1, CHAN Tsz-wah ("**Wayland**"), Mark Herman Simon ("**Mark Simon**"), LI Yu-hin ("**Andy**"), and LAU Cho-dik ("**Finn Lau**", also known as Mutual Destruction Bro) agreed to request foreign countries to impose SBHA against the HKSAR or the PRC and to also use "Stand with Hong Kong Fight for Freedom" ("**SWHK**") as a platform. After the enactment of the NSL, their agreement continued.

The defence case

5. D1 elected to give evidence in his defence. His case was:

(1) On Count 1, the articles in question were not seditious and there was no conspiracy to publish seditious articles.

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(2) On Count 2, after the enactment of the NSL, he and Apple Daily had ceased to make any request for SBHA and there was no conspiracy to request SBHA.

(3) On Count 3, he never had any agreement to request for SBHA prior to the NSL, and if there was such an agreement, it did not continue.

(4) The accomplice witnesses, Cheung Kim-hung and Wayland, who gave evidence implicating him in the offences, were not telling the truth.

6. The corporate defendants, D2, D3 and D4, elected not to give evidence or to call any witnesses. Their case was that the senior management identified by the prosecution did not constitute the directing minds and wills of the corporate defendants and therefore did not render the corporate defendants guilty.

Evaluation of evidence

7. The Court made it clear that D1 was not on trial for his political views or beliefs. The Court only considered the law and evidence to determine if the prosecution had proved the charges against the defendants beyond reasonable doubt. The Court also stressed that what D1 had done or said pre-NSL were not the subject matters of the charges but only as background to the evidence relevant to the charges.

8. The main prosecution witnesses were six accomplice witnesses. Four of them were from the senior management of Apple Daily at the relevant time, namely Cheung Kim-hung, Chan Pui-man,

A Yeung Ching-kee and Chow Tat-kuen. They each gave accounts of
B D1's close management and hands-on control of the editorial direction of
C Apple Daily; this was to such an extent that Yeung Ching-kee, who was at
D the material time in charge of the editorial and the forum section of
E Apple Daily, said they were free but within a "bird cage". Yeung Ching-
F kee said that D1's views and stance were considered as the guidelines for
G Yeung's own editorial writings and his selection of articles for the forum
H section. The witnesses also said that D1 had made known his political
I views to the senior management of Apple Daily in lunchbox meetings.
Moreover, they said that Apple Daily's editorial writers would only be
engaged with D1's approval and those writers understood that they had to
follow the basic stance of the newspaper.

J 9. The other two accomplice witnesses were Wayland and Andy.
K Wayland testified that in 2019 when he had tried to help Andy to obtain
L financial assistance for "G20" group's campaign of international
M propaganda to solicit for foreign political pressure on the PRC and the
N HKSAR, he had attempted to approach D1 through Martin Lee and he had
O been told to speak to Mark Simon who was D1's personal assistant. Mark
P Simon had then told Wayland that D1 could provide funds of up to HKD5
Q million to settle publication fees which would have to be repaid. At one
R stage Mark Simon had even lent his bank account for activities organised
S by "G Fry" for their international lobbying activities. The many
T campaigns of international propaganda and crowdfunding are set out in the
U Reasons for Verdict.

V 10. Wayland gave evidence of his six meetings with D1, one of
which was the meeting between him, Finn Lau and D1 in January 2020 at
D1's home at Yangmingshan, in Taipei, which had been arranged with the

A assistance of Mark Simon and had been paid for by D1. This meeting had
B been arranged specifically for D1 to meet with Finn Lau who was based in
C London. D1 had wanted Finn Lau and Wayland to carry out international
D lobbying which would involve requesting foreign countries to impose
E sanctions on the PRC and the HKSAR. D1 had also told Wayland and
F Finn Lau that they needed to unite different sectors, including the
G legislative, the international and the street fronts (“**the three forces**”). D1
H had said it was only by the combined forces of these fronts that they could
I achieve “China implosion” (「支爆」), which Wayland understood to mean
J the collapse of the economy and the political regime. Subsequent to the
K Taipei meeting, Wayland had informed D1 that he, Finn Lau and Andy
L would participate in the international front but not the legislative front.

11. Each of the prosecution witnesses was extensively cross-
K examined but none of them was discredited. The Court found them to be
L honest and reliable witnesses. This was also clearly demonstrated in the
M evidence of Wayland who gave a very clear account of his dealings with
N D1, Mark Simon and Andy. Having considered all the evidence, the
O Court found that the prosecution witnesses’ evidence was cogent and clear
P and was supported in many instances by the contemporaneous WhatsApp
Q and Signal messages they had with D1, as well as those which D1 had with
R Mark Simon and others. The contemporaneous text messages and emails
S were of considerable assistance to the Court in assessing the credibility and
T reliability of the prosecution witnesses and assisted the Court in
U determining the contested factual issues. They provided supportive and
V reliable evidence of what the witnesses were thinking at the time when the
relevant communications were written, sent and received.

12. On the other hand, the Court found D1's evidence to be contradictory and inconsistent and he was evasive and unreliable in many instances. The Court rejected his evidence.

Verdict and Findings

13. Having carefully assessed all the evidence with the law in mind, the Court was satisfied that the prosecution had proved the charges against the defendants beyond any reasonable doubt.

14. In convicting them, the Court made the following findings.

Count 1

15. The Court found that the written articles under consideration were objectively seditious and written with a view to bringing the HKSAR Government into hatred and contempt and to exciting disaffection against it. The Court also found that D1 was consciously using Apple Daily and his personal influence to carry out a consistent campaign with a view to undermine the legitimacy or authority of the CPG, the HKSAR Government and their institutions and harming the relation between the CPG and the HKSAR Government with the people of Hong Kong. That went far beyond what would be permissible by the law.

16. Furthermore, the Court found that the senior management of Apple Daily and others agreed with D1 and were knowing and willing parties to the aforesaid campaign of D1.

Count 2

17. The Court found that there was ample evidence that after the coming into operation of the NSL D1 continued to express an anti-China stance and carry out the campaign for requesting SBHA but he did so by adopting a more indirect and subtle strategy and by toning down his rhetoric, as seen from the editorial and the forum of Apple Daily, D1's own writings, his tweets and his own *live chat* programmes.

18. Based on the evidence, the Court found that D1's pre-NSL campaign for requesting foreign countries (the United States, in particular) to impose SBHA on the PRC and the HKSAR had not ceased after the enactment of the NSL. Even though D1 was aware of the legal risk for what he was doing after the enactment of the NSL, he continued with what he had done. The only adaptation he made after the NSL came into operation was in form rather than in substance. Before the enactment of the NSL, the request for SBHA was open and direct. After the enactment of the NSL, even though the requests became implicit and subtle, D1's intention to carry out his campaign remained the same as before and he continued to act in furtherance of that campaign. D1's agreement with the named co-conspirators and others which included members of the senior management of Apple Daily continued after the enactment of the the NSL.

Liability of the corporate defendants

19. The Court found that the conspiracies which are the subject matters of Count 1 and Count 2 had the co-operation of the corporate defendants. It also found that D1, the accomplice witnesses

(Cheung Kim-hung, Chan Pui-man and Chow Tat-kuen), Law Wai-kwong and Cheung Chi-wai acted together as a living embodiment and the “directing minds and wills” of the corporate defendants of which they were directors, so that their intentions relating to Count 1 and Count 2 also became the intentions of the companies concerned. Therefore, the Court concluded that the corporate defendants were also knowing and willing parties to the conspiracies in Count 1 and Count 2.

Count 3

20. The Court found that prior to the enactment of the NSL, there was in existence an agreement between D1, Mark Simon, Andy, Wayland, Finn Lau and others to engage in “international lobbying” with a view to soliciting international support for the resistance movement in Hong Kong; and that they knew and intended that their campaign would include the request of SBHA by foreign countries against the PRC and the HKSAR.

21. The evidence, in particular, the evidence of Wayland and D1’s WhatsApp messages, clearly showed that even shortly before the enactment of the NSL, D1 was putting in place people to carry on the fight internationally to request for SBHA against the PRC and the HKSAR. D1’s agreement with Mark Simon, Wayland, the named co-conspirators and others continued after the enactment of the NSL as the co-conspirators continued to follow D1’s direction on the unity of the three forces and to implement the agreement to request foreign countries or external organisations to impose SBHA against the HKSAR and the PRC.