

Amended as underlined in red on 11th
December 2019 pursuant to the Order of the
Hon. Coleman J dated 10th December 2019.

Registrar

HCA 1957/2019

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1957 OF 2019

BETWEEN

SECRETARY FOR JUSTICE

1st Plaintiff

COMMISSIONER OF POLICE (SUING ON HIS
OWN BEHALF AND ON BEHALF OF ALL OTHER
POLICE OFFICERS AND AUXILIARY OFFICERS
AS DEFINED IN THE POLICE FORCE

2nd Plaintiff

ORDINANCE, CAP 232, AND SPECIAL
CONSTABLES AS APPOINTED UNDER THE
PUBLIC ORDER ORDINANCE, CAP 245)

and

PERSONS UNLAWFULLY AND WILFULLY
CONDUCTING THEMSELVES IN ANY OF THE
ACTS PROHIBITED UNDER PARAGRAPH 1(a),
(b) OR (c) OF THE INDORSEMENT OF CLAIM

Defendants

PENAL NOTICE

If you, the above-named Defendants, namely PERSONS UNLAWFULLY AND WILFULLY CONDUCTING THEMSELVES IN ANY OF THE ACTS PROHIBITED UNDER PARAGRAPH 1(a), (b) OR (c) OF THE INDORSEMENT OF CLAIM, neglect to obey or comply with the Orders set out below, you may be held in contempt of Court and you may be sent to prison or fined or liable to process of execution to compel you to obey the Orders. Any person who assists any of the above-named Defendants in breaching the Orders set out below may also be held in contempt of Court and may be sent to prison or fined.

IMPORTANT NOTICE TO THE DEFENDANTS

- (1) This is a legal document. The consequences of ignoring are serious.
- (2) If in doubt, you should enquire as soon as possible at the Registry of the Court issuing the document, namely LG1, High Court Building, 38 Queensway, Hong Kong.
- (3) You should also consider taking the advice of a solicitor or applying for legal aid.

BEFORE THE HONOURABLE MR JUSTICE COLEMAN IN CHAMBERS

AMENDED ORDER

UPON the application of the 1st and 2nd Plaintiffs by way of summons filed herein on 29 October 2019 (“**the Plaintiffs’ Summons**”)

UPON the application of the Hong Kong Journalists Association (“**HKJA**”) by way of summons filed herein on 5 November 2019 (“**the HKJA’s Summons**”)

AND UPON reading the Supporting Affirmation filed herein on 6 November 2019 for the 1st and 2nd Plaintiffs, together with the exhibits referred to therein

AND UPON reading the Affirmation of Yueng, Kin Hing filed herein on 5 November 2019 for the HKJA, together with the exhibits referred to therein

AND UPON hearing counsel for the 1st and 2nd Plaintiffs, senior counsel for the HKJA and the Defendants being absent

IT IS ORDERED THAT the Order of the Honourable Mr. Justice Chow dated 25 October 2019 as amended on 28 October 2019 and re-amended on 31 October 2019 be continued and varied until trial or further order in the following terms:-

1. The Defendants and each of them, whether acting by themselves, their servants or agents, or otherwise howsoever, be restrained from doing any of the following acts:-
 - (a) using, publishing, communicating or disclosing to any other person the personal data of and concerning any Police Officer(s), Special Constable(s) and/or their spouses and/or their respective family members (namely parents, children or siblings), including but not limited to their name, job

title, residential address, office address, school address, email address, date of birth, telephone number, Hong Kong Identity Card number or identification number of any other official identity documents, Facebook Account ID, Instagram Account ID, car plate number, and any photograph of the Police Officer(s), Special Constable(s) and/or their spouses and/or their respective family members (namely parents, children or siblings) (“**Personal Data**”), intended or likely to intimidate, molest, harass, threaten, or pester any Police Officer(s), Special Constable(s) and/or their spouses and/or their respective family members (namely parents, children or siblings), without the consent of the Police Officer(s), Special Constable(s) and/or their family member(s) (as the case may be) concerned;

- (b) intimidating, molesting, harassing, threatening, or pestering any Police Officer(s), Special Constable(s) and/or their spouses and/or their respective family members (namely parents, children or siblings); and
 - (c) assisting, causing, counselling, procuring, instigating, inciting, aiding, abetting or authorizing others to commit any of the aforesaid acts or participate in any of the aforesaid acts;
2. Paragraph 1 of this Order does not prohibit any lawful act(s) which are done solely for the purpose of a ‘news activity’ as defined in section 61 of the Personal Data (Privacy) Ordinance (Cap. 486);
 3. Leave to the Plaintiffs to serve this Order on the Defendants by way of substituted service, by publishing a copy of this Order on the webpages of the Police as well as that of the Government of the Hong Kong Special Administrative Region;
 4. Leave to the Plaintiffs to redact any part of the materials filed in the Registry

which reveals the personal particulars of any Police Officer, Special Constable, their spouse(s) and/or their family member(s).

5. No person may, without leave of the Court, search for, inspect or copy the documents filed in the Registry in this action;

46. Costs of the Plaintiffs' Summons be reserved; and

57. There be no order as to costs in respect of HKJA's Summons.

Dated this 8th day of November 2019.

Registrar

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COURT OF FIRST INSTANCE
ACTION NO. 1957 OF 2019**

BETWEEN

SECRETARY FOR JUSTICE

1st Plaintiff

COMMISSIONER OF POLICE (SUING ON HIS OWN
BEHALF AND ON BEHALF OF ALL OTHER POLICE
OFFICERS AND AUXILIARY OFFICERS AS DEFINED
IN THE POLICE FORCE ORDINANCE, CAP 232, AND
SPECIAL CONSTABLES AS APPOINTED UNDER THE
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2nd Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY
CONDUCTING THEMSELVES IN ANY OF THE ACTS
PROHIBITED UNDER PARAGRAPH 1(a), (b) OR (c) OF
THE INDORSEMENT OF CLAIM

Defendants

AMENDED ORDER

Dated this 8th day of November 2019.

Re-Filed this 8th / 11th day of ~~November~~ December 2019

DEPARTMENT OF JUSTICE
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Central, Hong Kong
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