

ended as underlined
in red this 28th day of
October 2019 pursuant
to the Order of the
Honourable Chow J
dated 28th day of
October 2019

HCA 1957/2019

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



REGISTRAR
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)

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

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.

AMENDED ORDER

UPON the *ex parte* application of the 1st and 2nd Plaintiffs made on 25 October 2019

AND UPON reading the documents listed in Schedule 1 at the end of this Order

AND UPON hearing Counsel for the 1st and 2nd Plaintiffs

AND UPON accepting the 1st and 2nd Plaintiffs' undertakings in Schedule 2 at the end of this Order

IT IS ORDERED that:-

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) 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) 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, pester or interfere with any Police Officer(s) and/or their spouses and/or their respective family

members (namely, parents, children or siblings), without the consent of the Police Officer(s) and/or their family member(s) (as the case may be) concerned;

(b) intimidating, molesting, harassing, threatening, pestering or interfering with any Police Officer(s) and/or their spouses and/or their respective family members (namely parents, children or siblings);

(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. Leave to the Plaintiffs to serve the Writ of Summons, this Order, and the *inter-partes* summons on the Defendants by way of substituted service, by publishing a copy of the Writ of Summons, this Order, and the *inter-partes* summons on the webpages of the Police as well as that of the Government of the Hong Kong Special Administrative Region;

3. Leave to serve and execute this Order within Hong Kong on a Sunday or public holiday;

4. This Order will remain in force up to and including Friday, 8 November 2019 at 10:30 a.m. (the “**Return Date**”) unless before then it is varied or discharged by a further Order of the Court. The application in which this Order is made shall come back to the Court for further hearing on the Return Date;

5. Anyone who may be affected by and/or opposing this Order shall no later than 3 working days prior to the Return Date notify the Plaintiffs’ legal representatives and provide his/her name and address for service, upon receipt of which and upon payment of the usual photocopying charges the Plaintiffs’ legal representatives shall forthwith serve a copy of the Amended Writ of

Summons, this Order, the Skeleton Submissions, the supporting Affirmations and the *inter-partes* summons on him/her;

6. The Plaintiffs be given leave to redact any part of the materials to be supplied pursuant to the preceding paragraph which reveals the personal particulars of any Police Officer and/or their family member(s);
7. No person may, without leave of the Court, search for, inspect or copy the documents filed in the Registry in this action;
8. Liberty to apply; and
9. Costs be reserved.

Dated this 25th day of October 2019.

Registrar

SCHEDULE 1

The Judge read the following documents before making this Order:

1. Writ of Summons with Indorsement of Claim;
2. Draft Order;
3. Affirmations in support with exhibits; and
4. Skeleton submissions and authorities of the Plaintiffs' Counsel.

SCHEDULE 2

Undertakings given to the Court by the Plaintiffs

- (1) If the Court later finds that this Order has caused loss to the Defendants or any other party and decides that such Defendant or that other party should be compensated for that loss, the Plaintiffs will comply with any Order the Court may make.
- (2) As soon as practicable the Plaintiffs will effect service of the Writ of Summons and the *inter-partes* summons in accordance with paragraph 2 of this Order.
- (3) If for any reason this Order ceases to have effect, the Plaintiffs will forthwith take all reasonable steps to inform, in writing, any person or company to whom it has given notice of this Order, or who it has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect.

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BETWEEN

SECRETARY FOR JUSTICE

1st Plaintiff

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THE INDORSEMENT OF CLAIM

Defendants

AMENDED ORDER

Dated this ²⁸25th day of October 2019

Re-Filed this day of October 2019

DEPARTMENT OF JUSTICE
6th Floor, East Wing, Justice Place
18 Lower Albert Road
Central, Hong Kong
Tel No.: 3918 4455
Fax No.: 3918 4525
Ref: MIS 880/19