



31 OCT 2019

High Court Intended Action 202/2019

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
INTENDED ACTION NO. 202 OF 2019**

BETWEEN

SECRETARY FOR JUSTICE

Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY
CONDUCTING THEMSELVES IN ANY OF THE
ACTS PROHIBITED UNDER PARAGRAPH 1(a)
AND (b) 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) AND (b) 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

ORDER

UPON the *ex parte* application of the Plaintiff made on 31 October 2019

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

AND UPON hearing Leading Counsel for the Plaintiff

AND UPON accepting the Plaintiff's 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) Wilfully disseminating, circulating, publishing or re-publishing on any internet-based platform or medium (including but not limited to LIHKG and Telegram) any material or information that promotes, encourages or incites the use or threat of violence, intended or likely to cause :-
 - (i) bodily injury to any person unlawfully within Hong Kong; or
 - (ii) damage to any property unlawfully within Hong Kong.
 - (b) 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 Plaintiff 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 Hong Kong Police Force 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, 15 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 clear days prior to the Return Date notify the Plaintiff’s legal representatives and provide his/her name and address for service, upon receipt of which and upon payment of the usual photocopying charges the Plaintiff’ legal representatives shall forthwith serve a copy of the Writ of Summons, this Order, the Skeleton Submissions, the supporting affirmation and the *inter-partes* summons on him/her;
6. The Defendants (or any of them) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so should first inform the Plaintiff’s Solicitors at 3918 4455.
7. The Plaintiff 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);
8. No person may, without leave of the Court, search for, inspect or copy the documents filed in the Registry in this action;

9. Liberty to apply; and

10. Costs be reserved.

Dated this 31st day of October 2019.

Registrar

SCHEDULE 1

The Judge read the following documents before making this Order:

1. Draft Writ of Summons with Indorsement of Claim;
2. Draft Order;
3. Affirmation of Mohammed Swalikh dated 31 October 2019 in support with exhibits therein; and
4. Skeleton submissions and authorities of the Plaintiff's Counsel.

SCHEDULE 2

Undertakings given to the Court by the Plaintiff

- (1) If the Court later finds that this Order has caused loss to the Defendants or any other party and decides that such Defendants or that other party should be compensated for that loss, the Plaintiff will comply with any Order the Court may make.
- (2) As soon as practicable the Plaintiff will file and effect service of the Writ of Summons, this Order 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 Plaintiff 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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Plaintiff

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PERSONS UNLAWFULLY AND WILFULLY
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PROHIBITED UNDER PARAGRAPH 1(a) AND (b) OF
THE INDORSEMENT OF CLAIM

Defendants

ORDER

Dated this 31st day of October 2019

Filed this day of 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 912/19

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