

Intended Action No. 212/2020

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
INTENDED ACTION NO. 212 OF 2020**

30 OCT 2020

BETWEEN

SECRETARY FOR JUSTICE

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.

BEFORE THE HONOURABLE MR JUSTICE COLEMAN IN CHAMBERS

ORDER

UPON the *ex parte* application of the Plaintiff made on 30 October 2020

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) using, publishing, communicating or disclosing to any other person the personal data of and concerning any Judicial Officer(s) (as defined in section 2 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92)), Deputy/Temporary Judge(s), District Judge(s), Magistrate(s), Presiding Officer(s), Coroner(s) and Member(s) of courts of record (exhaustively set out in Schedule 3 hereto and hereinafter collectively "**Judicial Officer(s)**") and/or their spouse and/or family members (namely parents, children or siblings), including but not limited to their name, job title, residential address, office address, email address, education, age, date of birth, telephone number, Hong Kong Identity Card number, Facebook Account ID, Instagram Account ID, car plate number and photograph ("**Personal Data**"), intended or likely to

intimidate, molest, harass, threaten or pester any Judicial Officer(s) and/or their spouses and/or their respective family members (namely parents, children or siblings), without the consent of the person concerned;

(b) intimidating, molesting, harassing, threatening or pestering any Judicial Officer(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 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 be granted 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, the Department of Justice and the Government of the Hong Kong Special Administrative Region;
4. Leave be granted to the Plaintiff to serve and execute this Order within Hong Kong on a Sunday or public holiday;
5. This Order will remain in force up to and including Friday, 13 November 2020 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;

6. 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 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's legal representatives shall forthwith serve a copy of the Writ of Summons, this Order, Skeleton Submissions, supporting affidavits/affirmations (redacted pursuant to paragraph 9 hereof) and the *Inter Partes* Summons on him/her;
7. PW1 as defined in the affirmation in support of the *ex parte* application be granted anonymity throughout these proceedings and be referred to as "PW1" at any hearing or in any document to be filed in the Registry in these proceedings as from the date hereof;
8. No report by any member of the public (including the media) of these proceedings shall directly or indirectly identify PW1 or his/her spouse or his/her family member(s);
9. Leave be granted to the Plaintiff to redact any part of the materials filed in the Registry which reveals (i) the name of PW1 and (ii) the personal particulars of any Judicial Officer(s) and/or their spouse(s) and/or their family member(s);
10. No person may, without leave of the Court, search for, inspect or copy the unredacted documents filed in the Registry in this action;
11. Liberty to apply; and
12. Costs be reserved.

Dated this 30th day of October 2020.

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. Affidavits/Affirmations in support with exhibits; and
4. Plaintiff's Skeleton Submissions and authorities

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 Defendant 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 effect service of the Writ of Summons and the *Inter Partes* Summons in accordance with paragraph 3 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.

SCHEDULE 3

“Judicial Officer” as defined in paragraph 1(a)(i)

1. Chief Justice
2. Judge of the Court of Final Appeal
3. Chief Judge of the High Court
4. Justice of Appeal
5. Judge of the Court of First Instance
6. Recorder of the Court of First Instance
7. President, Competition Tribunal
8. Deputy President, Competition Tribunal
9. Member, Competition Tribunal
10. Chief District Judge
11. Principal Family Court Judge
12. District Judge
13. Coroner
14. Chief Magistrate
15. Principal Magistrate
16. Magistrate
17. Special Magistrate
18. President, Lands Tribunal
19. Presiding Officer, Lands Tribunal
20. Member of the Lands Tribunal appointed under section 4(1)(c) of the Lands Tribunal Ordinance (Cap. 17)
21. Principal Presiding Officer, Labour Tribunal
22. Presiding Officer, Labour Tribunal
23. Principal Adjudicator, Small Claims Tribunal
24. Adjudicator, Small Claims Tribunal
25. Registrar of the Court of Final Appeal

26. Registrar of the High Court
27. Senior Deputy Registrar, High Court
28. Deputy Registrar, High Court
29. Assistant Registrar, High Court
30. Registrar of the Competition Tribunal
31. Senior Deputy Registrar, Competition Tribunal
32. Deputy Registrar, Competition Tribunal
33. Registrar of the District Court
34. Deputy Registrar, District Court
35. Assistant Registrar, District Court
36. Deputy Judge of the Court of First Instance appointed under section 10(1) of the High Court Ordinance (Cap. 4)
37. Deputy District Judge appointed under section 7(1) of the District Court Ordinance (Cap. 336)
38. Deputy Magistrate appointed under section 5A(1) of the Magistrates Ordinance (Cap. 227)
39. Deputy Coroner appointed under section 3A(1) of the Coroners Ordinance (Cap. 504)
40. Temporary Member of the Lands Tribunal appointed under section 6A(1) of the Lands Tribunal Ordinance (Cap. 17)
41. Deputy Presiding Officer of the Labour Tribunal appointed under section 5A(1) of the Labour Tribunal Ordinance (Cap. 25)

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Plaintiff

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ACTS PROHIBITED UNDER PARAGRAPH 1(a), (b)
OR (c) OF THE INDORSEMENT OF CLAIM

Defendants

ORDER

Dated this 30th day of October 2020

Filed this day of 30 OCT 2020 2020

DEPARTMENT OF JUSTICE

6th Floor, Main Wing & East Wing, Justice Place
18 Lower Albert Road
Central, Hong Kong
Tel No.: 3918 4455
Fax No.: 3918 4525
Ref: MIS 541/20