

Amended as underlined in red pursuant to the Order of the Hon. Chow J dated 25 October 2019

Claim nature: A. * Monetary Claim/Non-Monetary Claim/Mixed Claim B. Tort

No. 1
Writ of Summons
(O. 6 r. 1)

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 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
DISCLOSING AND/OR USING THE PERSONAL
DATA OF ANY POLICE OFFICER OR AUXILIARY
OFFICER AS DEFINED IN THE POLICE FORCE
ORDINANCE, CAP 232

Defendants

AMENDED WRIT OF SUMMONS

To the 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 DISCLOSING AND/OR USING THE PERSONAL DATA OF ANY POLICE OFFICER OR AUXILIARY OFFICER AS DEFINED IN THE POLICE FORCE ORDINANCE, CAP 232, whose last known address is at an unknown location within Hong Kong with computer access to the internet.

THIS AMENDED WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out on the back.

Within (14 days) after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Registry of the High Court the accompanying ACKNOWLEDGMENT OF SERVICE stating therein whether you intend to contest these proceedings or to make an admission.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings or to make an admission, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

If you intend to make an admission, you may complete an appropriate form enclosed in accordance with the accompanying Directions for Acknowledgment of Service.

Issued from the Registry of the High Court this 25th day of October 2019.

Registrar

Note: – This Writ may not be served later than 12 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

Indorsement of Claim

The 1st and 2nd Plaintiffs claim against the Defendants for public nuisance and/or the torts of harassment/intimidation in relation to the Defendants' acts of doxxing conducted against Police Officers and Auxiliary Officers as defined in the Police Force Ordinance (Cap 232) ("**Police Officer(s)**"), for the following relief:-

- (1) An injunction restraining each of the Defendants, whether by themselves, their servants or agents, or otherwise howsoever, 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 and/or their spouses and/or their respective family members (namely parents, children or siblings) (including their spouse and children), 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) (including their spouse or children) ("**Personal Data**"), 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) (including their spouse or children);
 - (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) An order that the Defendants shall take all steps as may be necessary to withdraw from the public any documents or statements or materials which have been published by the Defendants which disclose, cite and/or refer to the Personal Data;
- (3) Consequential directions and further or other relief;
- (4) Costs.

Dated this 25th day of October 2019



Department of Justice
For the 1st & 2nd Plaintiffs

THIS WRIT was issued by the Department of Justice of 6/F, East Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong, acting for the said Plaintiffs whose address is 6/F, East Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong.

No. 14
Acknowledgment of Service of Writ of Summons
(O. 12 r. 3)

Directions for Acknowledgment of Service

1. The accompanying form of ACKNOWLEDGMENT OF SERVICE should be detached and completed by a Solicitor acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Registry of the High Court at the following address: –

“LG1, High Court Building, 38 Queensway, Hong Kong.”

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings **MUST ALSO** file a DEFENCE which must be written in either the Chinese or the English language with the registry and serve a copy thereof on the Solicitor for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words “Statement of Claim” appear at the top of the back), the Defence must be filed and served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If a Statement of Claim is not indorsed on the Writ, the Defence must be filed and served within 28 days after a Statement of Claim has been served on the Defendant. If the Defendant fails to file and serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

The Defendant’s defence must be verified by a statement of truth in accordance with Order 41A of the Rules of the High Court (Cap. 4 sub. leg. A).

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, you may admit the Plaintiff’s claim in whole or in part by completing Form No. 16 or 16C (as the case may require) accompanying the Writ of Summons.

A completed Form No. 16 or 16C must be filed with the Registry of the High Court and served on the Plaintiff [or the Plaintiff’s Solicitors] within the period for service of the Defence.

4. A Defendant who wishes to dispute the jurisdiction of the Court of First Instance in the proceedings or to argue that the Court of First Instance should not exercise its jurisdiction in the proceedings, and wishes to apply to the Court of First Instance for an order staying the proceedings, must give notice of intention to defend the proceedings and make the application within the time limited for service of a defence.

See attached Notes for Guidance

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Registry of the High Court.

[2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him and a writ served by post or by insertion through the Defendant's letter box is treated as having been served on the seventh day after the date of posting or insertion.]

(Note: Not applicable if the defendant is a company served at its registered office.)

3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".

4. Where the Defendant is a FIRM and a Solicitor is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "partner in the firm of (.....)" after his name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without a Solicitor acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian ad litem.

8. A Defendant acting in person may obtain help in completing the form at the Registry of the High Court.

9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

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

BETWEEN

SECRETARY FOR JUSTICE	1 st 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)	2 nd 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

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

If you intend to instruct a Solicitor to act for you, give him this form IMMEDIATELY.

Important: Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

See Notes 1,
3,4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

See Direction 3.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

yes no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Writ of Summons.

Where words appear between square brackets, delete if inapplicable

Service of the Writ is acknowledged accordingly.

(Signed) [Solicitor] ([Defendant in person])

Address for service :

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

Defendant in person. Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" (居所) means its registered or principal office.

DEPARTMENT OF JUSTICE
Solicitors for the 1st and 2nd Plaintiffs
6th Floor, East Wing, Justice Place
Central, Hong Kong
Tel: 3918 4455
Fax: 3918 4525
Ref.: MIS 880/19

#1482273v1

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

BETWEEN

SECRETARY FOR JUSTICE	1 st 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)	2 nd 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

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Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

See Notes 1,
3,4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

See Direction 3.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

yes no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Writ of Summons.

Where words appear between square brackets, delete if inapplicable

Service of the Writ is acknowledged accordingly.

(Signed) [Solicitor] ([Defendant in person])

Address for service :

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

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**IN THE HIGH COURT OF THE
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COURT OF FIRST INSTANCE
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BETWEEN

SECRETARY FOR JUSTICE	1 st 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)	2 nd 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

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

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Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

See Notes 1,
3,4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

See Direction 3.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

yes no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Writ of Summons.

Where words appear between square brackets, delete if inapplicable

Service of the Writ is acknowledged accordingly.

(Signed) [Solicitor] ([Defendant in person])

Address for service :

Notes as to Address for Service

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**IN THE HIGH COURT OF THE
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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)

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 DISCLOSING
AND/OR USING THE PERSONAL DATA OF ANY
POLICE OFFICER OR AUXILIARY OFFICER AS
DEFINED IN THE POLICE FORCE ORDINANCE (CAP
232)

Defendants

AMENDED WRIT OF SUMMONS

~~Dated this 25th day of October 2019~~
~~Filed this 25th day of October 2019~~

Dated this 25th day of October 2019
Filed this day of October 2019

DEPARTMENT OF JUSTICE
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