

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
MISCELLANEOUS PROCEEDINGS NO. 2801 OF 2015



THE UNIVERSITY OF HONG KONG

Plaintiff

and

(1) HONG KONG COMMERCIAL  
BROADCASTING CO. LTD.

1<sup>st</sup> Defendant

(2) THE PERSON OR PERSONS UNKNOWN  
who has or have appropriated, obtained and/or  
offered or intend to offer for sale and/or  
publication the confidential information in respect  
of the Relevant Meetings (as defined in Part A of  
Schedule 1 of the Amended Originating  
Summons) of the Council of the Plaintiff,  
excluding the information that is already in the  
public domain (as set out in Part B of Schedule 1  
of the Amended Originating Summons)

Defendants whose  
names are not  
known

22 AUG 2016

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ORDER

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**BEFORE THE HONOURABLE MR JUSTICE G. LAM IN CHAMBERS**

UPON the application of the Plaintiff by way of Originating Summons filed on 30 October 2015 and amended on 10 November 2015 and 2 December 2015

AND UPON reading the 1<sup>st</sup> Affirmation of Henry Wai Wing Kun filed on 2 November 2015 with the exhibits referred to therein, the 2<sup>nd</sup> Affirmation of Henry Wai Wing Kun filed on 5 November 2015 with the exhibits referred to therein, the 3<sup>rd</sup> Affirmation of Henry Wai Wing Kun filed on 6 November 2015 with the exhibits referred to therein, the 4<sup>th</sup> Affirmation of Henry Wai Wing Kun filed on 17 November 2015 with the exhibits referred to therein, the 5<sup>th</sup> Affirmation of Henry filed on 21 December 2015 with the exhibits referred to therein and the 6<sup>th</sup> Affirmation of Henry filed on 4 January 2016 with the exhibits referred to therein

AND UPON hearing Senior Counsel for the Plaintiff and Counsel for the Hong Kong Journalists Association

IT IS ORDERED that:

- (1) Such of the 2<sup>nd</sup> Defendant as is or are person or persons unknown who has or have appropriated and/or obtained and offered or intend to offer for sale and/or publication the confidential information in respect of the Relevant Meetings (as defined in Part A of Schedule 1 hereof) of the Council of the Plaintiff, excluding the information that is already in the public domain (as set out in Part B of Schedule 1 hereto) be restrained from using, publishing or communicating or disclosing to any other person all or any part of:
  - (a) any audio recording of the Relevant Meetings (as defined in Part A of Schedule 1 hereof) of the Council of the Plaintiff; and/or
  - (b) any agenda, supporting papers and minutes of the Relevant Meetings of the Council of the Plaintiff; and/or
  - (c) any papers of the Council of the Plaintiff produced in relation to the Relevant Meetings

(collectively the "**Information**");

provided that nothing in this Order shall prevent the Defendants from using, publishing communicating or disclosing such of the Information, or any part thereof, as was already in, or that thereafter comes into, the public domain (other than as a result of breach of this Order), which is set out in Part B of Schedule 1 hereto.

- (2) There be a costs order *nisi* that the 2<sup>nd</sup> Defendant do pay the costs of the Plaintiff; and
- (3) There be a costs order *nisi* that there be no order as to costs in respect of the Hong Kong Journalists Association.

## SCHEDULE 1

### PART A

1. Relevant Meetings means meetings of the Council of the Plaintiff held from 30 June 2015 to the date of the Interim Injunction Order made by the Deputy High Court Judge Seagroatt in these proceedings on 30 October 2015 (the "**Interim Injunction Order**").

### PART B

1. Information, or any part thereof, as was already in, or that thereafter comes into, the public domain (other than as a result of breach of this Order), including, for the avoidance of doubt, the following materials:
  - (a) the audio recordings of the Relevant Meetings (or any part thereof) published on 28 and 30 October 2015 by the 1<sup>st</sup> Defendant;
  - (b) the audio recordings of the Relevant Meetings (or any part thereof) published on 8, 25 and 26 November 2015, first by a Taiwan online discussion forum and subsequently by the media in Hong Kong;
  - (c) the transcripts of the audio recordings (or any part thereof) referred to in subparagraphs 1(a) and (b) of Part B of this Schedule; and
  - (d) the information published by Mr Billy Fung on 29 September 2015 in relation to the meeting of the Council of the Plaintiff on the 29 September 2015.

Dated the 8<sup>th</sup> day of July 2016

Registrar

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
MISCELLANEOUS PROCEEDINGS NO. 2801 OF 2015

BETWEEN

THE UNIVERSITY OF HONG KONG

Plaintiff

- and -

(1) HONG KONG COMMERCIAL  
BROADCASTING CO. LTD.

1<sup>st</sup> Defendant

(2) THE PERSON OR PERSONS  
UNKNOWN

Defendants whose  
names are not  
known

who has or have appropriated, obtained  
and/or offered or intend to offer for sale  
and/or publication the confidential  
information in respect of the Relevant  
Meetings (as defined in Part A of  
Schedule 1 of the Amended Originating  
Summons) of the Council of the Plaintiff,  
excluding the information that is already  
in the public domain (as set out in Part B  
of Schedule 1 of the Amended  
Originating Summons)

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ORDER

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Dated the 8<sup>th</sup> day of July 2016

Filed the 22<sup>nd</sup> day of August 2016

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