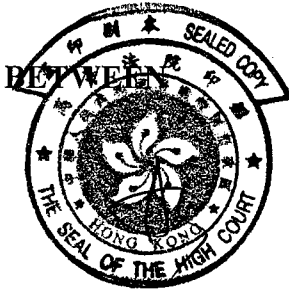


IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
MISCELLANEOUS PROCEEDINGS NO. 2801 OF 2015



10 NOV 2015

THE UNIVERSITY OF HONG KONG

Plaintiff

and

(1) HONG KONG COMMERCIAL
BROADCASTING CO. LTD.

1st 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)

BEFORE THE HONOURABLE MR JUSTICE G. LAM IN CHAMBERS

ORDER

Upon the application by the Plaintiff by way of Summons filed on 2 November 2015, the application by Hong Kong Journalists Association by way of Summons filed on 5 November 2015, the application by Lau Yee Ching by way of Summons filed on 5 November 2015, the application by Ip Kin-yuen by way of the Summons filed on 5 November 2015

Upon reading the 1st Affirmation of Henry Wai Wing Kun filed on 2 November 2015 with the exhibits referred to therein, the 2nd Affirmation of Henry Wai Wing Kun filed on 5 November 2015 with the exhibits referred to therein, the 3rd Affirmation of Henry Wai Wing Kun filed on 6 November 2015 with the exhibits referred to therein, the Affirmation of Lau

Yee Ching dated 5 November 2015 with the exhibits referred to therein, the Affirmation of Lee Hei Shun dated 5 November 2015 with the exhibits referred to therein, the Affirmation of Ip Kin-yuen dated 5 November 2015 with the exhibits referred to therein and the Affidavit of Sham Yee-Lan filed on 5 November 2015 with the exhibits referred to therein

AND upon hearing the Senior Counsel of the Plaintiff and the Senior Counsel and Counsel of the Intended Interveners and Intended Defendants

IT IS ORDERED that:

1. The Plaintiff's Summons dated 2 November 2015, the Summons taken out by The Hong Kong Journalists Association dated 5 November 2015, the Summons taken out by Lau Yee Ching dated 5 November 2015, the Summons taken out by Ip Kin-Yuen dated 5 November 2015, be adjourned to be heard at 10 am on 24 November 2015, with one day reserved;
2. The ex-parte interim injunction order granted by Deputy High Court Judge Seagroatt on 30 October 2015 (as revised and appended herewith) shall be continued until the determination of the Plaintiff's Summons dated 2 November 2015 or further order;
3. Leave be given to Apply Daily Limited to file and serve any evidence by 13 November 2015;
4. Leave be given for the Plaintiff to file and serve evidence in reply by 17 November 2015;
5. No further evidence shall be filed without the leave of this Court;
6. Any application for leave to file further evidence shall be made by no later than 20 November 2015;
7. The Plaintiff shall file its skeleton submissions by 18 November 2015;
8. The Intended Interveners and Intended Defendants shall file their skeleton submissions by 20 November 2015; and
9. Costs reserved.

Dated the 6th day of November 2015.

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.

1st 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

INJUNCTION ORDER

PENAL NOTICE

IF YOU, THE NAMED DEFENDANT, DISOBEY THIS ORDER, YOU MAY BE HELD TO
BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR FINED OR YOUR
ASSETS MAY BE SEIZED.

THIS IS A LEGAL DOCUMENT. THE CONSEQUENCES OF IGNORING ARE SERIOUS.
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. YOU SHOULD ALSO CONSIDER TAKING THE ADVICE
OF A SOLICITOR OR APPLYING FOR LEGAL AID.

因這是法律文件忽視它可帶來嚴重的後果。如有疑問，請儘早向發出文件的法庭登記處(地址：
香港金鐘道 38 號高等法院大樓低層 1 樓)查詢。你亦應考慮聽取律師的意見或是申請法律援助。

IMPORTANT

NOTICE TO THE DEFENDANTS

1. The Order is subject to the exceptions which are set out in the Order. You should read the whole of this document carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the court to vary or discharge this Order.
2. If you disobey this Order you may be found guilty of contempt of court and you and any of your directors may be sent to prison or fined or your assets may be seized.

BEFORE DEPUTY HIGH COURT JUDGE SEAGROATT IN CHAMBERS (NOT OPEN TO PUBLIC)

An ex parte application was made on 30 October 2015 by the solicitors for the Plaintiff, to the Judge who read the draft Originating Summons and the Affirmation listed in Schedule 1 and accepted the undertakings in Schedule 2 at the end of this Order. After hearing the application the Judge made the following Order.

IT IS ORDERED that:

INJUNCTION

1. Pending the determination of the Plaintiff's Summons dated 2 November 2015 or further order, each Defendant must not:
 - (a) use, publish or communicate or disclose to any other person (other than (i) by way of disclosure to legal advisers instructed in relation to these proceedings (the **Defendants' legal advisers**) for the purpose of obtaining legal advice in relation to these proceedings or (ii) for the purpose of carrying this Order into effect) all or any part of the information referred to in Schedule 3 to this Order (the **Information**);

provided that nothing in this Order shall prevent the publication, disclosure or communication of any information which is contained in this Order or in the public judgments of the Court.

PUBLIC DOMAIN

2. For the avoidance of doubt, nothing in this Order shall prevent the Defendants from 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), including for the avoidance of doubt, the material described in Schedule 4 to this Order.

COSTS

3. The costs of and occasioned by the Application are reserved.

VARIATION OR DISCHARGE OF THIS ORDER

4. The parties or anyone affected by any of the restrictions in this Order may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but they must first give written notice to the Plaintiff's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Plaintiff's solicitors in advance. The Defendants may agree with the Plaintiff's solicitors and any other person who is, or may be bound by this Order, that this Order should be varied or discharged, but any agreement must be in writing.

EFFECT OF THIS ORDER

5. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
6. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents, or in any other way.

THIRD PARTIES

- (1) *Effect of this Order.* It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be imprisoned, fined, or have his assets seized.
- (2) *Effect of this Order outside Hong Kong.* The terms of this Order do not affect or concern anyone outside Hong Kong until it is declared enforceable or is enforced by a court in another jurisdiction and then they are to affect him only to the extent they have been declared enforceable or have been enforced UNLESS such person is:
 - (a) a person to whom this Order is addressed or an officer or an agent appointed by power of attorney of such a person; or
 - (b) a person who is subject to the jurisdiction of this court and (i) has been given written notice of this Order at his residence or place of business within the jurisdiction of this court and (ii) is able to prevent acts or omissions outside the jurisdiction of this court which are a breach or assist in a breach of this Order.

UNDERTAKINGS

The Plaintiff gives to the court the undertakings set out in Schedule 2 to this Order.

NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS

The Plaintiff's solicitors are:

Clifford Chance of 27/F Jardine House, One Connaught Place, Hong Kong (Tel: 2825 8888)

INTERPRETATION OF THIS ORDER

- (1) In this Order "he", "him" or "his" include "she", "her", "hers" and "it" or "its".
- (2) When there are two or more Defendants then (unless otherwise stated):
 - (a) references to "the Defendant" mean both or all of them;
 - (b) an order requiring "the Defendant" to do or not to do anything requires each Defendant to do it or not to do it; and
 - (c) a requirement relating to service of this Order, or of any Defendant" means on each of them.

SCHEDULE 1

Affirmation

The Judge read the following Affirmation before making this Order:

Affirmation of Henry Wai Wing Kun dated 30 October 2015.

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 the 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 serve on the Defendant the Originating Summons in the form of the draft produced to the court together with this Order.
- (3) The Plaintiff will cause the Affirmation of Henry Wai Wing Kun dated 30 October 2015 to be filed.
- (4) As soon as practicable the Plaintiff will serve on the Defendants a summons to be heard on the return date together with a copy of the Affirmation and copiable exhibits containing the evidence relied on by the Plaintiff and a copy of the skeleton argument used at the application for this Order.
- (5) Anyone notified of this Order will be given a copy of it by the Plaintiff's solicitors.
- (6) On the return date the Plaintiff will inform the Court of the identity of all third parties that have been notified of this Order. The Plaintiff will use all reasonable endeavours to keep such third parties informed of the progress of the action insofar as it may affect them, including, but not limited, advance notice of any applications, the outcome of which may affect the status of the Order
- (7) If for any reason this Order ceases to have effect, the Plaintiff will forthwith take all reasonable steps to inform, in writing anyone to whom he has given notice of this Order, or who he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect.

SCHEDULE 3

Information referred to in the Order

1. any audio recording of meetings of the Council of the Plaintiff held from 30 June 2015 to the date of this Order (the **Relevant Meetings**); and
2. any agenda, supporting papers and minutes of the Relevant Meetings of the Council of the Plaintiff; and
3. any papers of the Council of the Plaintiff produced in relation to the Relevant Meetings.

SCHEDULE 4

1. the audio recording of the Relevant Meetings (or any part thereof) published on 28 October and 30 October 2015 by the 1st Defendant;
2. transcripts of the audio recordings (or any part thereof) referred to in paragraph 1 above;
3. the information published by Billy Fung on 29 September 2015 in relation to the meeting of the Council of the Plaintiff on 29 September 2015.

Dated the 30th day of October 2015.

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 1st Defendant
BROADCASTING CO. LTD.

(2) THE PERSON OR PERSONS Defendants whose
UNKNOWN who has or have names are not
appropriated, obtained and/or offered or known
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)

INJUNCTION ORDER

Dated the 30th day of October 2015
Filed the 2nd day of November 2015

CLIFFORD CHANCE
Solicitors for the Plaintiff
27/F, Jardine House
One Connaught Place
Central
Hong Kong
Tel: 2825 8888
Fax: 2825 8800
Ref: BWG.10-40592650.YKW

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.

1st 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)

ORDER

Dated the 6th day of November 2015

Filed the 10th day of November 2015

CLIFFORD CHANCE
Solicitors for the Plaintiff
27/F, Jardine House
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Central
Hong Kong
Tel: 2825 8888
Fax: 2825 8800

Ref: BWG.10-40592650.YKW