

1471

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1471 OF 2019



14 AUG 2019

AIRPORT AUTHORITY

Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY
OBSTRUCTING OR INTERFERING WITH
THE PROPER USE OF THE HONG KONG
INTERNATIONAL AIRPORT

Defendants

PENAL NOTICE

If you, the above-named Defendants, PERSONS UNLAWFULLY AND WILFULLY OBSTRUCTING OR INTERFERING WITH THE PROPER USE OF THE HONG KONG INTERNATIONAL AIRPORT, 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

這是法律文件，忽視它可帶來嚴重的後果。

This is a legal document. The consequences of ignoring are serious.

如有疑問，請儘早向發出文件的法庭登記處 (香港金鐘道38號高等法院大樓低層一樓 LG1) 查詢。

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.

你亦應考慮聽取律師的意見或是申請法律援助。

You should also consider taking the advice of a solicitor or applying for legal aid.

BEFORE THE HONOURABLE MR JUSTICE CHOW IN CHAMBERS

(NOT OPEN TO PUBLIC)

ORDER

An application is made on the 13th day of August 2019 by Leading Counsel for the Plaintiff in this action to the Judge who read the documents listed in Schedule 1 and accepted the undertakings in Schedule 2 at the end of this Order. After hearing this application, the Judge made the following Order:

IT IS ORDERED THAT:-

1. The Defendants and each of them whether acting on his/her own or together with other person(s) be restrained from doing any of the following acts:-
 - (a) unlawfully and wilfully obstructing or interfering with the proper use of the Hong Kong International Airport ("**the Airport**");
 - (b) attending or participating in any demonstration or protest or public order event in the Airport (the boundary of which is delineated in green on Plan (I) annexed hereto) ("**Airport Area**") other than strictly within the area designated by the Plaintiff for the carrying out of such events which area is marked "A" and shaded in yellow on Plan (II) annexed hereto ("**Protest Area**") and only where the conduct of such demonstration or protest or public order event is lawful and peaceful provided that nothing in this Order shall be construed as authorising any demonstration, protest or public order event in contravention to the Public Order Ordinance (Cap. 245);
 - (c) entering the area marked "B" and shaded in red on Plan (III) annexed hereto ("**Access Control Area**") unless he/she is a bona fide traveller or is granted permission by the staff of the Plaintiff or of the Aviation

Security Company Limited (“AVSECO”) so to enter, for so long as the Plaintiff maintains and implements such Access Control Area;

- (d) loitering in any part of the Airport without reasonable cause in breach of section 20(1) of the Airport Authority Bylaw (Cap 483A);
 - (e) wilfully obstructing any road, passageway, entry or exit point or access control point, whether vehicular or pedestrian, and whether within or near the Airport Area;
 - (f) obstructing or interfering with any staff of the Plaintiff and/or AVSECO in enforcing or attempting to enforce (a), (b), (c), (d) and/or (e) above;
 - (g) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a), (b), (c), (d), (e) and/or (f) above.
2. The bailiff do take all reasonable and necessary steps to assist the Plaintiff and its agents to effect the clearance and removal of any obstructions or interference provided for in paragraph 1 of this Order.
 3. The bailiff be authorized and directed to request the assistance of the Police where necessary.
 4. Any police officer be authorized to arrest and remove any person who the police officer reasonably believes or suspects to be obstructing or interfering any bailiff carrying out his or her duties in enforcing the terms of this Order, provided that the person to be arrested has been informed of the gist of the terms of this Order and that his action is likely to constitute a breach of the Order and obstruction of the administration of justice, and that he may be arrested if he does not desist.

5. Any person so arrested by the Police shall be brought before the Court as soon as practicable for further directions.
6. For the avoidance of doubt, nothing in this Order is intended to, and nothing in this Order shall be taken as intending to, affect or prejudice in any way the powers and functions of the Plaintiff in the management and operation of the Airport conferred on it by law.
7. Notwithstanding paragraph 1(b) and (c) above, in the event that the Plaintiff shall consider it necessary for the management or operation of the Airport, the Plaintiff shall be at liberty to cancel or reduce the size of the Protest Area or to relocate it and/or to extend the Access Control Area to any other part(s) of the Airport Area including but not limited to the Protest Area;
8. Leave to the Plaintiff to serve the Writ of Summons and this Order on the Defendants by way of substituted service by:-
 - (a) fixing a copy of the Writ of Summons and this Order securely in conspicuous places in the Airport;
 - (b) posting a copy of the Writ of Summons and this Order on the website www.hongkongairport.com; and
 - (c) publishing a copy of the Writ of Summons and this Order in one English newspaper and one Chinese newspaper in Hong Kong for 3 consecutive days.
9. This Order will remain in force up to and including Friday, 23 August 2019 (**“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.
10. Anyone who may be affected by and/or opposing this Order shall within 5 days from the date hereof notify the Plaintiff’s solicitors and provide his/her

name and address for service, upon receipt of which the Plaintiff's solicitors shall forthwith serve a copy of the Writ of Summons, this Order, the Skeleton Submission, the Affirmation of Cheung, Vivian Karfay, and the Inter Partes Summons for the Return Date on him/her.

11. Liberty to apply.

12. Costs be reserved.

Dated this 13th day of August 2019.

Registrar

SCHEDULE 1

The Judge read the following documents before making this Order:

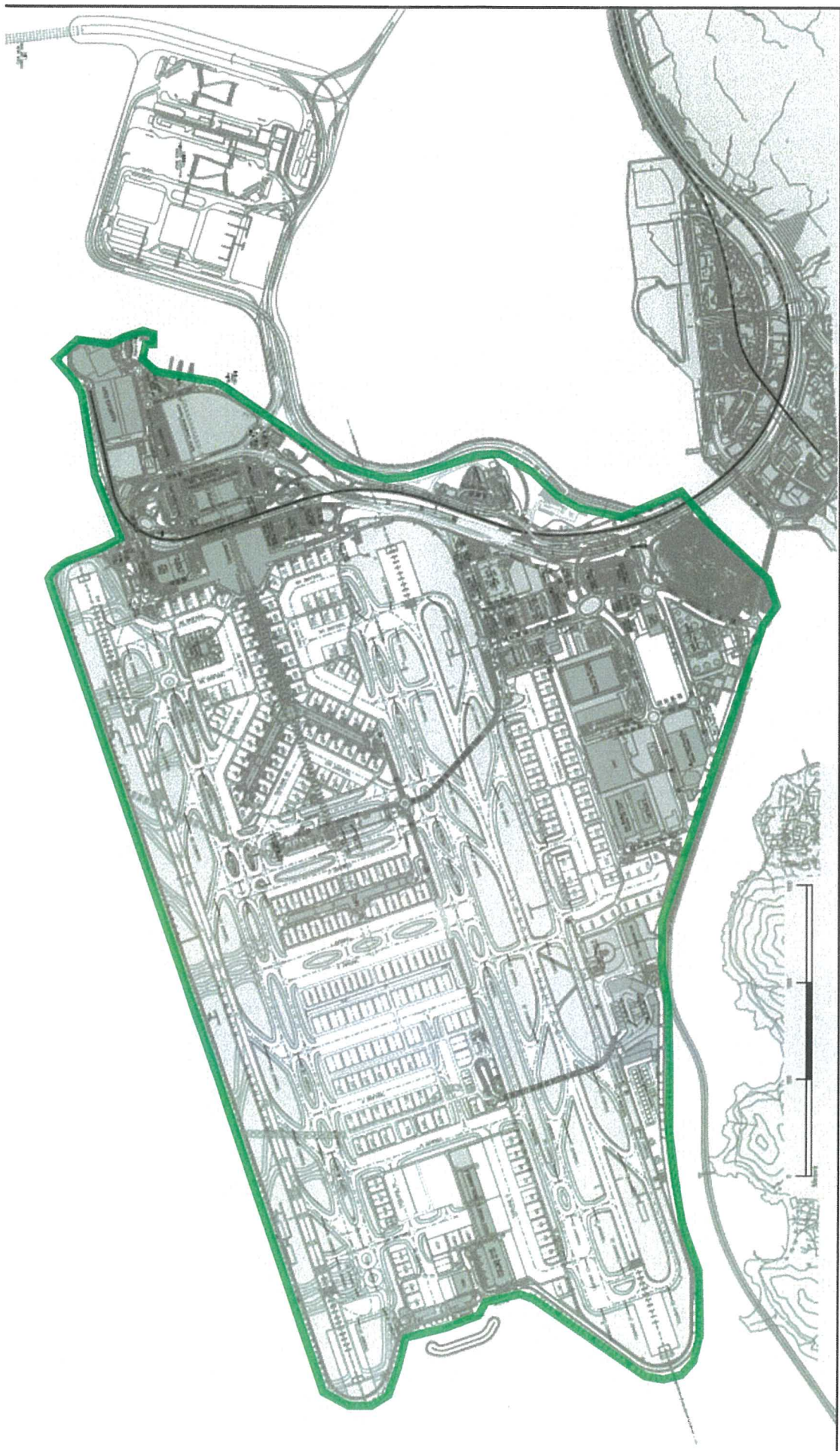
- (1) Writ of Summons with Indorsement of Claim
- (2) Draft Order
- (3) Draft Affirmation of Vivian Karfay Cheung with exhibits
- (4) Skeleton submissions and authorities of the Plaintiff's Counsel

SCHEDULE 2

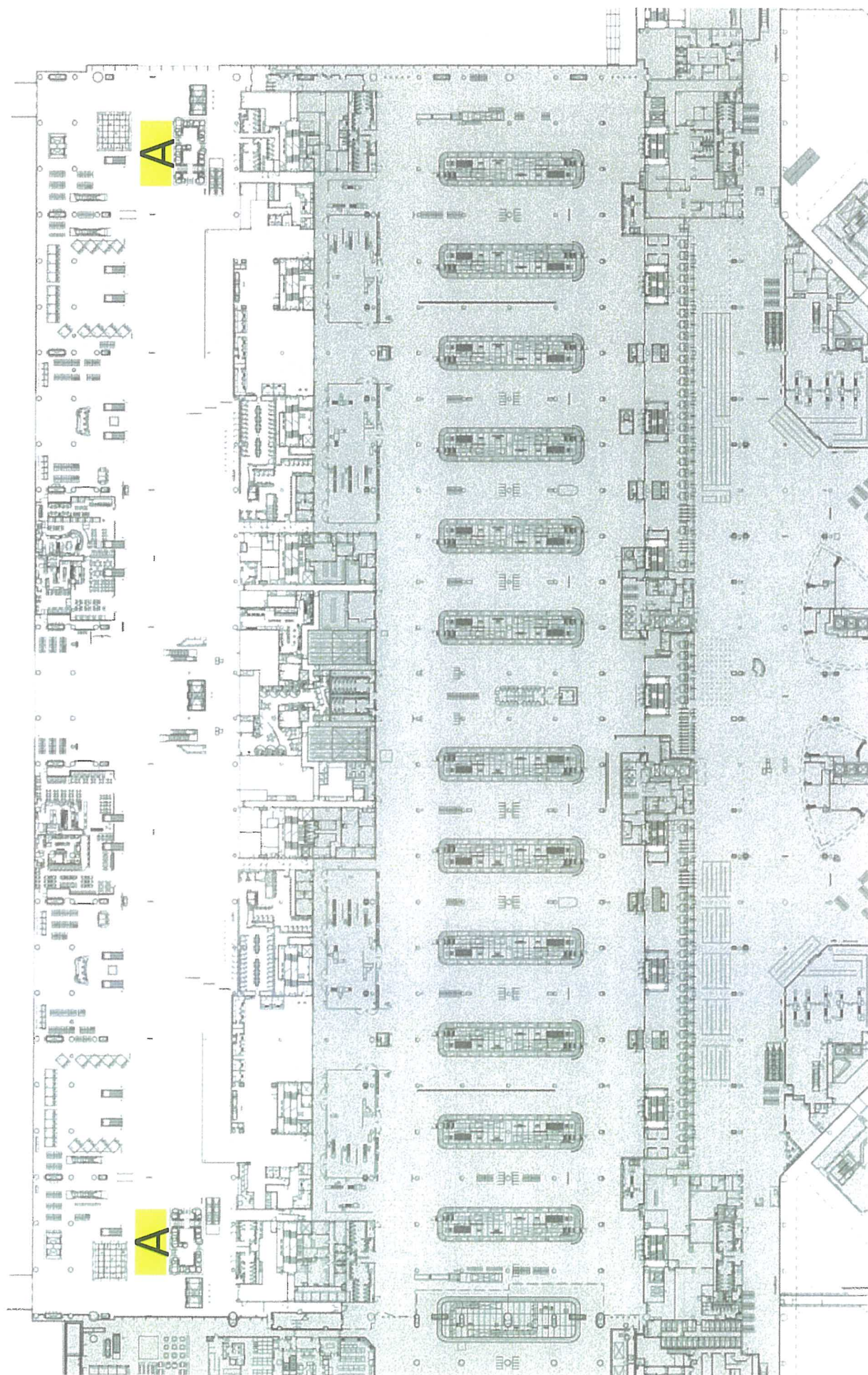
Undertaking given to the Court by the Plaintiff

1. If the Court later finds that this Order has caused loss to the Defendants or to anyone of them or to 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. The Plaintiff shall as soon as practicable issue and serve the writ in accordance with paragraph 8 of this Order.

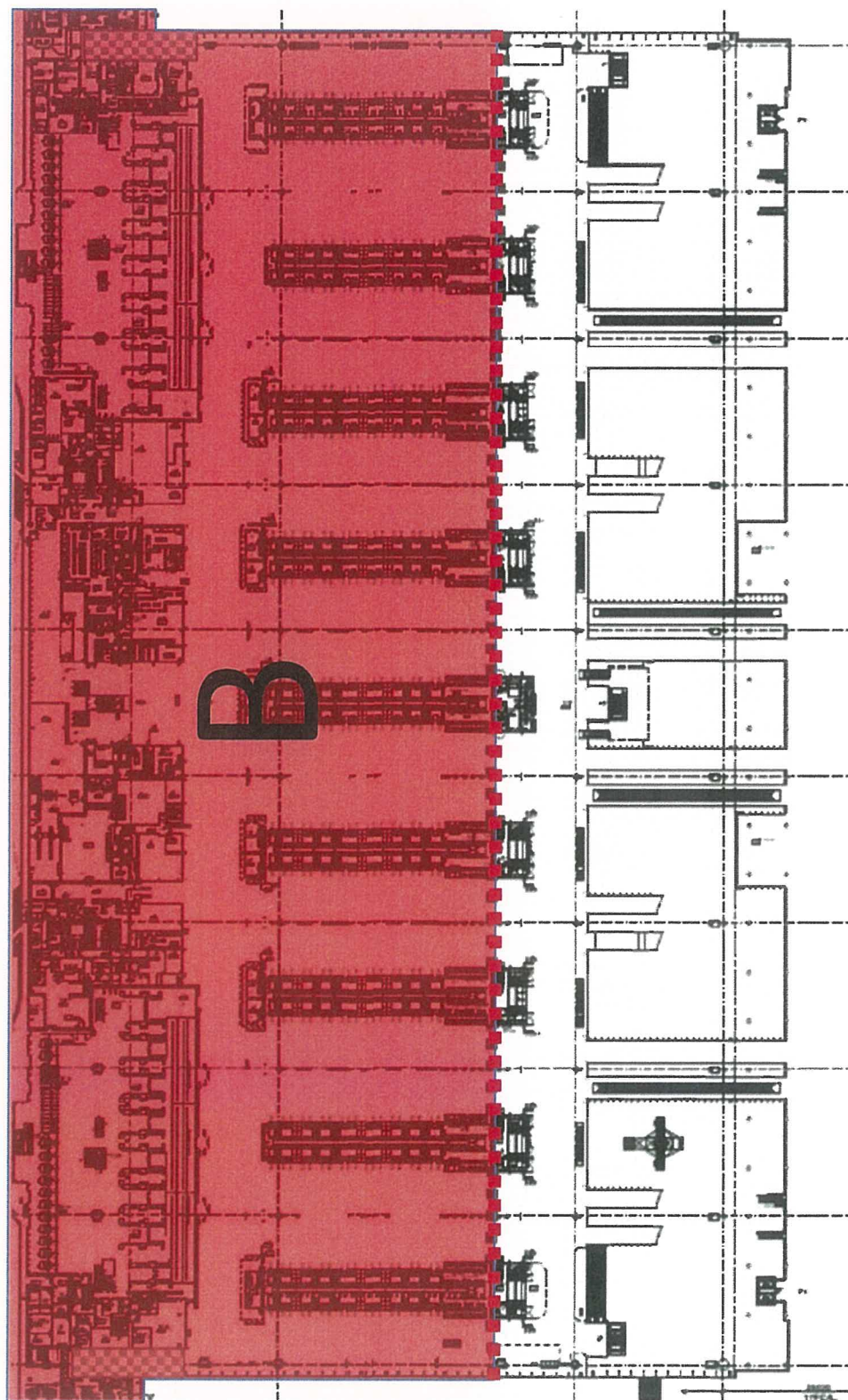
PLAN I



PLAN II



PLAN III



Legend

- ■ ■ ■ ■ Access Control for Departures Passengers

HCA /2019

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AIRPORT AUTHORITY

Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY
OBSTRUCTING OR INTERFERING WITH
THE PROPER USE OF THE HONG KONG
INTERNATIONAL AIRPORT

Defendant

ORDER

Dated this 13th day of August 2019.

HOGAN LOVELLS
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