

Claim Nature:  
A. Non-Monetary Claim  
B. Declaratory relief under Order 15,  
rule 16 of the Rules of the High Court

Amended in red on 10 November 2015 pursuant to  
the Order of the Honourable Mr. Justice G. Lam  
dated 9 November 2015

Registrar



HCMP 2801//2015

**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  
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 this 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 this Amended Originating Summons)**

**Defendants whose  
names are not  
known**

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**Amended Originating Summons**

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TO THE 1<sup>st</sup> DEFENDANT HONG KONG COMMERCIAL BROADCASTING COMPANY  
LIMITED of 3 Broadcast Drive Kowloon, Hong Kong

To THE DEFENDANTS WHOSE NAMES ARE NOT KNOWN 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 meetings of the  
Council of the Plaintiff

**LET** the Defendants, within 14 days after service of this Summons on him/her, counting the day of service, return the accompanying Acknowledgment of Service to the Registry of the High Court.

**BY** this Summons, which is issued on the application of the Plaintiff, The University of Hong Kong of Pok Fu Lam, Hong Kong, the Plaintiff seek the following relief, namely:

(1) A Declaration that the Defendants are in breach of their duty of confidence in using, publishing or communicating or disclosing without the consent or authorisation by the Plaintiff:

- (a) any audio recording of meetings of the Council of the Plaintiff; and/or
- (b) any agenda, supporting papers and minutes of the meetings of the Council of the Plaintiff; and/or
- (c) any papers of the Council of the Plaintiff.

(collectively the "**Information**").

(2) An injunction restraining the Defendants by themselves, their directors, officers, employees or agents, or in any other way, from

- (a) using, publishing or communicating or disclosing to any other person all or any part of the Information; and/or
- (b) publishing any information which is liable to or might identify any member of the Plaintiff (including staff, students, advisors and members of the Council) as the subject of the Information or which otherwise contains material which is liable to, or might lead to, the identification of any member of the Plaintiff in any such respect.

(3) Further or other relief.

(4) Costs.

If the Defendants or any of them do not acknowledge service, such judgment may be given or order made against or in relation to them or him as the Court may think just and expedient.

## 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 "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 the Injunction Order), including, for the avoidance of doubt, the following materials:
  - (a) the audio recordings of the Relevant Meetings (or any part thereof) published on the 28 and 30 October 2015 by the 1<sup>st</sup> Defendant;
  - (b) the transcripts of the audio recordings (or any part thereof) referred to in paragraph 2 of this Schedule; and
  - (c) 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 30<sup>th</sup> day of October 2015

Registrar

Registrar

*Note:* This Summons may not be served later than 12 calendar months beginning with the above date unless renewed by Order of the Court.

This Summons was taken out by Messrs. Clifford Chance of 27<sup>th</sup> Floor, Jardine House, 1 Connaught Place, Central, Hong Kong, solicitors for the Plaintiff whose addresses are as stated above.



**Clifford Chance**

Solicitors for the Plaintiff

**Clifford Chance**

Solicitors for the Plaintiff

**IMPORTANT**

Directions for Acknowledgement of Service are given with this accompany form.

**Note:**

This is a legal document. The consequences of ignoring it may be serious. If in doubt, you should enquire as soon as possible at the Registry of the Court issuing the document, namely (High Court) LG 1, High Court Building, No. 38 Queensway, Hong Kong. You should also consider taking the advice of a Solicitor or applying for Legal Aid.

**(注意)**

因這是法律文件，忽視它可帶來嚴重的後果。如有疑問，請盡早向發出文件的法庭登記處（高等法院）香港金鐘道三十八號高等法院大樓低層一樓查詢。你亦應考慮聽取律師的意見或是申請法律援助。

表格 8  
原訴傳票---普通表格  
(第 7 號命令第 2 條規則)

二〇.....年案件第.....宗

香港特別行政區  
高等法院  
原訟法庭  
高院雜項案件 20 年第 號

(有關.....事宜)

原告人

及

被告人

致被告人.....

地址.....

在本傳票送達被告人後 (14 天) 內 (送達之日計算在內), 被告人須將隨附的送達認收書交回高等法院登記處。

本傳票是應居於.....的原告人.....的申請發出。而藉本傳票, 原告人針對被告人.....提出申索 (或尋求法庭就下述問題作出裁定, 即 .....或 (按具體情況填寫))。

如被告人不作認收送達, 法庭可作出其認為公正及合宜的判被告人敗訴的判決或命令, 或就被告人作出其認為公正及合宜的判決或命令。

日期: .....年.....月.....日

司法常務官

備註: --- 本傳票除非經由法庭命令予以續期, 否則不得在上述日期起計 12 個公曆月之後送達。

本傳票是由代表上述原告人.....的高偉紳律師行取得, 其地址為: 香港中環康樂廣場 1 號, 怡和大廈 30 樓。而該原告人的地址則如上述 (或凡原告人是親自起訴者。本傳票是由居於上述地址 (或按具體情況填寫) 的上述原告人取得, 及 (如原告人並非居於本司法管轄權範圍內) 其送達地址為 ..... )。

重要事項

關於送達認收書的指示載於隨附的表格。

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  
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 this 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  
this Amended Originating Summons)

Defendants whose  
names are not known

ACKNOWLEDGMENT OF SERVICE  
OF AMENDED ORIGINATING 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.

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 Amended Originating Summons is being acknowledged.

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

yes

no

See Direction 2.

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 Originating Summons.

Service of the Originating Summons 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" means its registered or principal office.

\* Where words  
appear between  
square brackets,  
delete if  
inapplicable

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  
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 this 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  
this Amended Originating Summons)

Defendants whose  
names are not known

ACKNOWLEDGMENT OF SERVICE  
OF AMENDED ORIGINATING SUMMONS

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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.

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 Amended Originating Summons is being acknowledged.

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

yes

no

See Direction 2.

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 Originating Summons.

Service of the Originating Summons 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" means its registered or principal office.

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**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 this 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 this Amended Originating Summons)

\_\_\_\_\_  
**ACKNOWLEDGMENT OF SERVICE  
OF AMENDED ORIGINATING 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.

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 Amended Originating Summons is being acknowledged.

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

yes

no

See Direction 2.

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 Originating Summons.

\_\_\_\_\_  
Service of the Originating Summons 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" means its registered or principal office.

\* Where words appear between square brackets, delete if inapplicable

**Acknowledgment of Service of Originating Summons - for all cases other than costs-only proceedings under section 52B of the High Court Ordinance**  
(O.10 r.5; O.12 r.3(1))

**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 of the following address:- LG 1, High Court Building, 38 Queensway, Hong Kong.

2. If the only remedy that the Plaintiff is seeking is 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 Originating 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 filing of the Defendant's affidavit evidence.

3. 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 over for Notes for Guidance

表格 15

**原訴傳票送達認收書——所有案件（根據《高等法院條例》  
第 52B 條展開的只涉訟費的法律程序除外）**  
(第 10 號命令第 5 條規則；第 12 號命令第 3(1)條規則)

*關於送達認收書的指示*

1. 隨附的送達認收書表格應由代表被告人行事的律師撕下及填寫，或如被告人是親自行事，則應由被告人撕下及填寫。表格填妥後必須交付或以郵遞方式送交高等法院登記處，登記處的地址是：香港金鐘道三十八號高等法院大樓低層一樓

2. 如原告人尋求的唯一補救，是支付經算定款項或支付未經算定款項，你可藉填寫隨附於原訴傳票的表格 16 或 16C（視乎情況所需），承認原告人的整項申索或其部分。

填妥的表格 16 或 16C 必須在送交被告人的誓章證據存檔的限期內，送交高等法院登記處存檔，並送達原告人[或原告人的律師]。

3. 被告人如意欲對原訟法庭在法律程序中的司法管轄權提出爭議，或意欲辯稱原訟法庭不應在有關法律程序中行使其司法管轄權，並意欲向原訟法庭提出申請，要求作出擱置法律程序的命令，必須就法律程序發出擬抗辯通知書，並必須在送達抗辯書的時限內提出申請。

填寫指引請見後頁

IN THE HIGH COURT OF THE  
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BETWEEN

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Plaintiff

- and -

(1) HONG KONG COMMERCIAL  
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1<sup>st</sup> Defendant

(2) THE PERSON OR PERSONS  
UNKNOWN who has or have  
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in respect of the Relevant Meetings (as  
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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 this Amended Originating  
Summons)

Defendants whose  
names are not  
known

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Amended Originating Summons

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Dated the 30<sup>th</sup> day of October 2015  
~~Filed the 2<sup>nd</sup> day of November 2015~~  
Amended the 10<sup>th</sup> day of November 2015.  
Re-filed the 10<sup>th</sup> day of November 2015.

CLIFFORD CHANCE  
Solicitors for the Plaintiff  
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One Connaught Place  
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Hong Kong  
Tel: 2825 8888  
Fax: 2825 8800  
Ref: BWG.10-40592650.YKW