



**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF APPEAL
CIVIL APPEAL NO. 274 OF 2023
(ON APPEAL FROM HCA NO. 855 OF 2023)**

- 8 MAY 2024

BETWEEN

SECRETARY FOR JUSTICE

Plaintiff

and

PERSONS CONDUCTING THEMSELVES IN ANY OF
THE ACTS PROHIBITED UNDER PARAGRAPH 1(a),
(b), (c) OR (d) OF THE INDORSEMENT OF CLAIM

Defendants

PENAL NOTICE

If you, the above-named Defendants, namely PERSONS CONDUCTING THEMSELVES IN ANY OF THE ACTS PROHIBITED UNDER PARAGRAPH 1(a), (b), (c) OR (d) OF THE INDORSEMENT OF CLAIM, 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

- (1) This is a legal document. The consequences of ignoring are serious.
因這是法律文件，忽視它可帶來嚴重的後果。
- (2) If in doubt, you should enquire as soon as possible at the Registry of the Court issuing the document, namely Room G28, G/F, High Court Building, 38 Queensway, Hong Kong.
如有疑問，請儘早向發出文件的法庭登記處（香港金鐘道 38 號高等法院大樓地下 G28 室）查詢。
- (3) You should also consider taking the advice of a solicitor or applying for legal aid.
你亦應考慮聽取律師的意見或是申請法律援助。

**BEFORE THE HONOURABLE MR. JUSTICE POON, CHIEF JUDGE OF
THE HIGH COURT, THE HONOURABLE MADAM JUSTICE CHU, VICE
PRESIDENT AND THE HONOURABLE MADAM JUSTICE ANTHEA PANG,
JUSTICE OF APPEAL, IN COURT**

ORDER

UPON READING the Notice of Appeal filed herein on 4 September 2023 and the Amended Notice of Appeal filed herein on 21 December 2023 on behalf of the Plaintiff by way of appeal from the Order of the Honourable Mr. Justice Anthony Chan dated 28 July 2023 whereby it was ordered that the Plaintiff's application for interlocutory injunction be dismissed

AND UPON reading the Decision of the Honourable Mr. Justice Anthony Chan dated 28 July 2023

AND UPON hearing Leading Counsel for the Plaintiff and *amici curiae*, and the Defendants being absent

AND UPON reading the two letters of the Plaintiff dated 11 March 2024 and 12 April 2024

IT IS ORDERED that:

1. The Plaintiff's appeal be allowed and the said Order dated 28 July 2023 be set aside;
2. The Plaintiff's application for the interlocutory injunction be granted in the following terms:
 - “(1) Until trial or further order of the Court, there be an injunction restraining the Defendants and each of them, whether acting by themselves, their servants or agents, or otherwise howsoever, from doing any of the

following acts:

- (a) Broadcasting, performing, printing, publishing, selling, offering for sale, distributing, disseminating, displaying or reproducing in any way including on the internet and/or any media accessible online and/or any internet-based platform or medium, the song commonly known as “願榮光歸香港” or “Glory to Hong Kong” (“**Song**”), whether its melody or lyrics or in combination:
 - (i) with the intent of and in circumstances capable of inciting others to commit secession, contrary to Article 21 of The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region; or
 - (ii) with a seditious intention as defined in section 23 of the Safeguarding National Security Ordinance (Instrument A305); and in particular to advocate the separation of the Hong Kong Special Administrative Region (“**HKSAR**”) from the People’s Republic of China; or

- (b) Broadcasting, performing, printing, publishing, selling, offering for sale, distributing, disseminating, displaying or reproducing in any way including on the internet and/or any media accessible online and/or any internet-based platform or medium, the Song, whether its melody or lyrics or in combination, in such a way:
 - (i) as to misrepresent it as the national anthem insofar as the HKSAR is concerned; or
 - (ii) as to suggest that the HKSAR is an independent state and has a national anthem of her own;

and

with intent to insult the national anthem, contrary to section 7 of the National Anthem Ordinance (Instrument A405); or

- (c) Wilfully assisting, causing, procuring, inciting, aiding, abetting others to commit or participate in any of the acts as set out in paragraph 2(1)(a) or 2(1)(b); or
 - (d) Knowingly authorizing, permitting or allowing others to commit any of the acts or participate in any of the acts as set out in paragraph 2(1)(a) or 2(1)(b);
- (2) Without limiting the generality of paragraph 2(1), the acts of publishing the items via the Uniform Resource Locators (URLs) set out in the Schedule hereunder constitute acts being restrained by paragraph 2(1)(a) and/or 2(1)(b);
 - (3) The Defendants and each of them shall take such action forthwith to cause any of the acts as set out in paragraph 2(1) to cease;
 - (4) For the avoidance of doubt, this Order does not prohibit any lawful acts in connection with the Song, whether its melody or lyrics or in combination, conducted for purposes such as academic activity and news activity, provided that they do not involve any of the acts as set out in paragraph 2(1)(a) to (d);
 - (5) In this Order:
 - (a) The Song as defined in paragraph 2(1)(a) and any reference thereto include any adaptation of the Song, the melody and/or lyrics of which are substantially the same as the Song; and

(b) ‘News activity’ in paragraph 2(4) means any journalistic activity and includes:

(i) The –

- I. gathering of news;
- II. preparation or compiling of articles, programmes or other publications concerning news; or
- III. observations on news or current affairs, for the purpose of dissemination to the public; or

(ii) The dissemination to the public of –

- I. any article or programme or other publication of or concerning news; or
- II. observations on news or current affairs;

(6) There be liberty to apply.”;

3. Leave be granted to the Plaintiff to serve this Order on the Defendants by way of substituted service by (a) publishing a copy of the sealed Order on the webpages of the Hong Kong Police Force, the Department of Justice and the Government of the HKSAR (“**Government**”); (b) exhibiting securely at a conspicuous place that is accessible by the public at the Wan Chai Division Report Room, No. 1 Arsenal Street, Wanchai, Hong Kong a notice containing the QR code linking to this Order; and (c) issuing a press release by the Government in which the three aforesaid webpages are set out and the QR code linking to this Order is provided; and

4. There be no order as to costs.

Dated this 8th day of May 2024.

Registrar

SCHEDULE

1. Hong Kong Anthem Official | 香港國歌 願榮光歸香港 HK, 00:00 to 01:42
<https://www.youtube.com/watch?v=gLhjkLToSqs>
2. 《願榮光歸香港》合集 香港國歌 Hong Kong National Anthem, 00:00 to 03:40
<https://www.youtube.com/watch?v=0u3yueQa7-s>
3. National Anthem of Hong Kong - Glory To Hong Kong, 00:00 to 02:00
<https://www.youtube.com/watch?v=cxsKSIDbBIY>
4. 香港國歌 National Anthem of Hong Kong:
《願榮光歸香港 Glory To Hong Kong》Instrumental Version 純音樂版, 00:00 to 01:46
<https://www.youtube.com/watch?v=zHyJYeWdWJM>
5. 《願榮光歸香港》 anthem ver2.9, 00:00 to 01:49
<https://www.youtube.com/watch?v=3YaxgmzJP5E>
6. 《願榮光歸香港》 anthem ver3.0 正確歌詞版, 00:00 to 01:48
<https://www.youtube.com/watch?v=TvNRAefh3SE>
7. anthem mv test1, 00:00 to 01:48
<https://www.youtube.com/watch?v=AxsWxTGn7iw>
8. 《願榮光歸香港》原版 《Glory to Hong Kong》First version (with ENG subs), 00:00 to 01:50
<https://www.youtube.com/watch?v=y7yRDOLCy4Y>
9. 《願榮光歸香港》正式進行曲版 《Glory to Hong Kong》Formal March Edition, 00:00 to 02:00
<https://www.youtube.com/watch?v=YxptkMBYk2A>
10. 《Glory to Hong Kong》International & Instrumental Edition (with singable subtitles), 00:00 to 02:00
<https://www.youtube.com/watch?v=e1Qy-WHErOE>

11. 《영광이 다시 오길》 《Glory to Hong Kong》 Korean Ver, 00:00 to 01:44
<https://www.youtube.com/watch?v=3R268cZrPaE>
12. 《Glory to Hong Kong》 《願榮光歸香港》 English Version, 00:00 to 01:55
<https://www.youtube.com/watch?v=jXZNOecZreY>
13. 《Glory to Hong Kong》 《願榮光歸香港》 多國合唱版, 00:00 to 02:00
<https://www.youtube.com/watch?v=7y5JOd7jWqk>
14. 【榮光燦爛】藝術很有事 第 60 集, 02:24 to 04:02, 05:09 to 05:55, 07:22 to 08:38, 09:21 to 09:50, 14:10 to 14:36, 17:25 to 18:53, 25:24 to 27:12
<https://www.youtube.com/watch?v=plDe-E3dHFA>
15. 願榮光歸香港 (純樂器版), 00:00 to 02:00
<https://www.youtube.com/watch?v=ZJetLUXmhK4>
16. 《願榮光歸香港》 中樂合奏及合唱團版 MV, 00:20 to 02:20
<https://www.youtube.com/watch?v=VHOZuIO5G2s>
17. 【香港 9•23】 【轉載】 《願榮光歸香港》 手語版, 00:24 to 01:30, 01:54 to 02:35
<https://www.youtube.com/watch?v=OQDUjVOZBgk>
18. 10.11 【超好聽】 《願榮光歸香港》 英文版 | 旺角街頭藝人演唱 | Busking
Glory To Hong Kong | Oliver ma, 00:00 to 02:45
<https://www.youtube.com/watch?v=kav9OnKLAZw>
19. Glory to Hong Kong—願榮光歸香港 (英文版), 00:00 to 01:54
<https://www.youtube.com/watch?v=Chx1a-IV6yM>
20. 《願榮光歸香港台語版》 台灣《撐香港，要自由》 演唱會 | #台灣大紀元時報, 01:40 to 05:30, 06:59 to 10:21
<https://www.youtube.com/watch?v=IVaop1QoyKg>
21. 香港に栄光あれ - 珠夢, 00:00 to 04:00
<https://www.youtube.com/watch?v=2PF1a8-AF20>

22. 【轉載】《영광이 다시 오길》 《Glory to Hong Kong》 Korean Version, 00:00 to 03:27
<https://www.youtube.com/watch?v=kXclYJqB56g>
23. 《願榮光歸香港》德語版 Möge der Ruhm Hongkong gehören | 香港反送中歌曲 | 石賈墨, 00:00 to 02:03
<https://www.youtube.com/watch?v=4gv-MybAcUU>
24. Glorie aan Hong Kong (Nederlands) 《願榮光歸香港》荷蘭文版, 00:00 to 02:15
<https://www.youtube.com/watch?v=cHHNQdxxO8Q>
25. 《願榮光歸香港 x 肥媽有話兒》大戲版, 00:00 to 01:54, 03:07 to 04:00
<https://www.youtube.com/watch?v=FjHaT-EQJxc>
26. 《願榮光歸香港》管弦樂團及合唱團版 MV, 00:00 to 02:09
<https://youtu.be/oUIDL4SB60g>
27. 《願榮光歸香港》新年中樂版, 00:00 to 01:20
<https://www.youtube.com/watch?v=U2jE2jixKK4>
28. 《願榮光歸香港》光輝版, 00:00 to 02:00
<https://www.youtube.com/watch?v=4qNmhaWxTbo>
29. "Glory to Hong Kong" - Anthem of The Hong Kong Protests [ENGLISH LYRICS], 00:00 to 01:55
<https://youtu.be/6yjLIYNFKCg>
30. 何韻詩在中環慶祝集會上演唱《願榮光歸香港》, 00:00 to 03:56
<https://youtu.be/4MU8xmG9hTw>
31. 路上ライブで「願榮光歸香港」警察が出動【香港中環10月24日】一位中環的街頭歌手唱《榮光》遭警察到包圍針對引發大批市民不滿 防暴一度到場威嚇 但市民的支持與歌手的無懼 事件最後和平收場, 05:47 to 07:36, 20:57 to 24:03
<https://youtu.be/bhJZav1qQsc>

32. MAY GLORY BE TO HONG KONG 願榮光歸香港 【非正式英文版】，
00:00 to 01:45
<https://youtu.be/koOAJHt9UO8>

- END -

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Plaintiff

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PERSONS CONDUCTING THEMSELVES
IN ANY OF THE ACTS PROHIBITED
UNDER PARAGRAPH 1(a), (b), (c) OR (d) OF
THE INDORSEMENT OF CLAIM

Defendants

ORDER

Dated this 8th day of May 2024

Filed on this 8th day of May 2024

DEPARTMENT OF JUSTICE

G/F, West Wing, Justice Place

11 Ice House Street

Central, Hong Kong

Tel: 3902 8564

Fax: 2876 5477

(Ref: CACV 274/23)