

No. 1
Writ of Summons
(O. 6 r. 1)

Claim nature:
A. Non-monetary claim only
B. ~~Injunction in aid of criminal law~~ Tort

HCA 855/2023

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 855 OF 2023



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

WRIT OF SUMMONS

To the Defendants, namely PERSONS CONDUCTING THEMSELVES IN ANY OF THE ACTS PROHIBITED UNDER PARAGRAPH 1(a), (b), (c) or (d) OF THE INDORSEMENT OF CLAIM, whose last known address is at an unknown location within Hong Kong.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the back.

Within (14 days) after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Registry of the High Court the accompanying ACKNOWLEDGMENT OF SERVICE stating therein whether you intend to contest these proceedings or to make an admission.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings or to make an admission, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

If you intend to make an admission, you may complete an appropriate form enclosed in accordance with the accompanying Directions for Acknowledgment of Service.

Issued from the Registry of the High Court this 5th day of June 2023.

Registrar

Note: – This Writ may not be served later than 12 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.


INDORSEMENT OF CLAIM

The Plaintiff claims against the Defendants for injunctive relief in aid of criminal law, in relation to the Defendants' acts of 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**”), and seeks the following relief:-


1. 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, 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 9 of the Crimes Ordinance (Cap. 200); and in particular to advocate the separation of the Hong Kong Special Administrative Region (“**HKSAR**”) from the People's Republic of China;
 - (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 be likely to be mistaken 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; with intent to insult the national anthem, contrary to section 7 of the National Anthem Ordinance (Instrument A405); or
 - (c) Assisting, causing, procuring, inciting, aiding, abetting others to commit or participate in any of the acts as set out in paragraph 1(a) or 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 1(a) or 1(b).

2. Without limiting the generality of paragraph 1, the injunction as set out in paragraph 1 covers:
 - (a) The publications set out in the Schedule hereunder; and
 - (b) Any adaptation of the Song, the melody and/or lyrics of which are substantially the same as the Song;
3. An order that the Defendants and each of them shall take such action forthwith to cause any of the acts as set out in paragraph 1 to cease;
4. Consequential directions and further or other relief; and
5. Costs.

Dated this 5th day of June 2023.


Department of Justice
Solicitors for the Plaintiff

THIS WRIT was issued by the Department of Justice, Solicitors for the Plaintiff, of G/F, West Wing, Justice Place, 11 Ice House Street, Central, Hong Kong.


Department of Justice
Solicitors for the Plaintiff

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>

Acknowledgment of Service of Writ of Summons

(O. 12 r. 3)

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 at the following address: –

“LG1, High Court Building, 38 Queensway, Hong Kong.”

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings MUST ALSO file a DEFENCE which must be written in either the Chinese or the English language with the registry and serve a copy thereof on the Solicitor for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words “Statement of Claim” appear at the top of the back), the Defence must be filed and served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If a Statement of Claim is not indorsed on the Writ, the Defence must be filed and served within 28 days after a Statement of Claim has been served on the Defendant. If the Defendant fails to file and serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

The Defendant’s defence must be verified by a statement of truth in accordance with Order 41A of the Rules of the High Court (Cap. 4 sub. leg. A).

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, 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 Writ of 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 service of the Defence.

4. 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 attached Notes for Guidance

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Registry of the High Court.

[2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him and a writ served by post or by insertion through the Defendant's letter box is treated as having been served on the seventh day after the date of posting or insertion.]

(Note: Not applicable if the defendant is a company served at its registered office.)

3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".

4. Where the Defendant is a FIRM and a Solicitor is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "partner in the firm of (.....)" after his name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without a Solicitor acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian ad litem.

8. A Defendant acting in person may obtain help in completing the form at the Registry of the High Court.

9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 855 OF 2023

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

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

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 Writ is being acknowledged.

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

yes

no

See Direction 3.

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 Writ of Summons.

Where words appear between square brackets, delete if inapplicable

Service of the Writ 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" (居所) means its registered or principal office.

Indorsement by the Plaintiff's solicitor (or by the Plaintiff if suing in person) of his name, address and reference if any.

DEPARTMENT OF JUSTICE

G/F, West Wing, Justice Place,
11 Ice House Street, Central, Hong Kong
Tel No.: 3902 8654
Fax No.: 2876 5476
(Ref.: MIS 6/23)

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 855 OF 2023**

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

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

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Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

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 Writ is being acknowledged.

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

yes

no

See Direction 3.

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 Writ of Summons.

Where words appear between square brackets, delete if inapplicable

Service of the Writ 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" (居所) means its registered or principal office.

Indorsement by the Plaintiff's solicitor (or by the Plaintiff if suing in person) of his name, address and reference if any.

DEPARTMENT OF JUSTICE
G/F, West Wing, Justice Place,
11 Ice House Street, Central, Hong Kong
Tel No.: 3902 8654
Fax No.: 2876 5476
(Ref.: MIS 6/23)

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 855 OF 2023**

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

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

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 Writ is being acknowledged.

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

yes

no

- See Direction 3.
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 Writ of Summons.

Where words appear between square brackets, delete if inapplicable

Service of the Writ is acknowledged accordingly.

(Signed) [Solicitor] ()

[Defendant in person]

Address for service

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Indorsement by the Plaintiff's solicitor (or by the Plaintiff if suing in person) of his name, address and reference if any.

DEPARTMENT OF JUSTICE
G/F, West Wing, Justice Place,
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HCA 855/2023

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 855 OF 2023**

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

WRIT OF SUMMONS

Dated this 5th day of June 2023

Filed on this 5th day of June 2023 at 3:45 pm

DEPARTMENT OF JUSTICE

G/F, West Wing, Justice Place

11 Ice House Street

Central, Hong Kong

Tel No.: 3902 8564

Fax No.: 2876 5476

(Ref: MIS 6/23)

#1961215