

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
ACTION NO 1551 OF 2019

---

BETWEEN

MTR CORPORATION LIMITED

Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY  
OBSTRUCTING OR INTERFERING WITH  
THE PROPER USE AND OPERATION OF  
THE RAILWAY AS DEFINED IN THE MASS  
TRANSIT RAILWAY ORDINANCE (CAP 556)

1<sup>st</sup> Defendants

PERSONS UNLAWFULLY AND WILFULLY  
DAMAGING ANY PROPERTY AT ANY STATION  
OF THE RAILWAY AS DEFINED IN THE MASS  
TRANSIT RAILWAY ORDINANCE (CAP 556)

2<sup>nd</sup> Defendants

PERSONS UNLAWFULLY AND WILFULLY  
CONDUCTING THEMSELVES IN ANY OF  
THE ACTS PROHIBITED UNDER PARAGRAPH 3  
OF THE INJUNCTION ORDER DATED 30 AUGUST 2019

3<sup>rd</sup> Defendants



---

**PENAL NOTICE**

If you, the above-named 1<sup>st</sup> Defendants, namely PERSONS UNLAWFULLY AND WILFULLY OBSTRUCTING OR INTERFERING WITH THE PROPER USE AND OPERATION OF THE RAILWAY AS DEFINED IN THE MASS TRANSIT RAILWAY ORDINANCE (CAP 556); the above-named 2<sup>nd</sup> Defendants, namely PERSONS UNLAWFULLY AND WILFULLY DAMAGING ANY PROPERTY AT ANY STATION OF THE RAILWAY AS DEFINED IN THE MASS TRANSIT RAILWAY ORDINANCE (CAP 556); and the above-named 3<sup>rd</sup> Defendants, namely PERSONS UNLAWFULLY AND WILFULLY CONDUCTING THEMSELVES IN ANY OF THE ACTS PROHIBITED UNDER PARAGRAPH 3 OF THE INJUNCTION ORDER DATED 30 AUGUST 2019, 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 G LAM IN CHAMBERS**

### **ORDER**

UPON the application of the Plaintiff by way of summons filed herein on 26 August 2019

AND UPON reading the Affirmation of Wong, Kwan Wai Sammy filed herein on 26 August 2019, Second Affirmation of Wong, Kwan Wai Sammy filed herein on 28 August 2019, Affirmation of Lung Chi Hong filed herein on 28 August 2019, Affirmation of Tang Siman Bede filed herein on 28 August 2019, Affirmation Cheng, Po Hei Janice filed herein on 28 August 2019, Affirmation of Fung Chau Wah filed herein on 28 August 2019, Second Affirmation Cheng, Po Hei Janice filed herein on 29 August 2019, Third Affirmation of Wong, Kwan Wai Sammy filed herein on 29 August 2019; Second Affirmation of Fung Chau Wah filed herein on 29 August 2019, together with all the exhibits referred to therein

AND UPON hearing Leading Counsel for the Plaintiff and the Defendants being absent

**IT IS ORDERED THAT** the Injunction Order of the Honourable Mr Justice Chow dated 23 August 2019 (the “**Injunction Order**”) be continued until trial or further order in the following terms:-

1. The 1<sup>st</sup> 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 and operation of the railway as defined in the Mass Transit Railway Ordinance (Cap 556) (“**MTR**”) which, for the avoidance of doubt, includes the Airport Express;
  - (b) unlawfully and wilfully interfering with any doors or gates including any train doors, platform screen doors and automatic platform gates at any MTR station;
  - (c) improperly activating any emergency or safety device on any train or at any MTR station without authorization by the Plaintiff;
  - (d) improperly interfering with the passage of any train at any MTR station;
  - (e) conducting himself on any train or in any part of any MTR station so as to cause a nuisance to other passengers;
  - (f) deliberately failing or refusing to comply with reasonable directions and requests of any official of the Plaintiff, given or made for the purposes of preventing or restraining (a), (b), (c), (d), (e), (g) and/or (h) hereof, to vacate a train or an MTR station;

- (g) interfering with the proper use of any automatic gate and/or any mechanical, electrical, electronic, telecommunications and/or other appliance owned by or under the control of the Plaintiff at any MTR station without the Plaintiff's authorization;
- (h) obstructing or interfering with any staff of the Plaintiff in preventing or restraining or attempting to prevent or restrain (a), (b), (c), (d), (e), (f), and/or (g) above;
- (i) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a), (b), (c), (d), (e), (f), (g), and/or (h) above.

2. The 2<sup>nd</sup> 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) damaging any property at any MTR station;
- (b) painting, writing, drawing or affixing any word, representation or character upon any part of any MTR station;
- (c) damaging any train (including any part thereof) at any MTR station;
- (d) improperly use, meddle or damage any machine or equipment at any MTR station, including but not limited to fire hose, fire extinguishers, newspapers dispensers, recycling bins and/or litter bins;
- (e) obstructing or interfering with any staff of the Plaintiff in preventing or restraining or attempting to prevent or restrain (a), (b), (c) and/or (d) above;

(f) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a), (b), (c), (d) and/or (e) above.

3. The 3<sup>rd</sup> 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) using any threatening language, or behaving in a riotous or disorderly manner at any MTR station;

(b) loitering in any part of any MTR station;

(c) obstructing or interfering with any staff of the Plaintiff in preventing or restraining or attempting to prevent or restrain (a) and/or (b) above;

(d) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a), (b) and/or (c) above.

4. Paragraphs 4 to 8 of the Injunction Order be continued.

**IT IS FURTHER ORDERED THAT** leave be granted to the Plaintiff to serve this Order on the Defendants by way of substituted service by:-

5. fixing a copy of this Order securely in conspicuous places at all stations of the railway as defined in the Mass Transit Railway Ordinance (Cap 556).

6. posting a copy of this Order on the website <https://www.mtr.com.hk>.

7. publishing a copy of this Order in one English newspaper and one Chinese newspaper in Hong Kong for 1 day.

**IT IS FURTHER ORDERED THAT** costs of this application be reserved.

Dated this 30<sup>th</sup> day of August 2019.

Registrar

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
ACTION NO 1551 OF 2019

---

BETWEEN

MTR CORPORATION LIMITED

Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY  
OBSTRUCTING OR INTERFERING WITH  
THE PROPER USE AND OPERATION OF  
THE RAILWAY AS DEFINED IN THE MASS  
TRANSIT RAILWAY ORDINANCE (CAP 556)

1<sup>st</sup> Defendants

PERSONS UNLAWFULLY AND WILFULLY  
DAMAGING ANY PROPERTY AT ANY STATION  
OF THE RAILWAY AS DEFINED IN THE MASS  
TRANSIT RAILWAY ORDINANCE (CAP 556)

2<sup>nd</sup> Defendants

PERSONS UNLAWFULLY AND WILFULLY  
CONDUCTING THEMSELVES IN ANY OF  
THE ACTS PROHIBITED UNDER PARAGRAPH 3  
OF THE INJUNCTION ORDER DATED 30 AUGUST 2019

3<sup>rd</sup> Defendants

---

\*\*\*\*\*

**ORDER**

\*\*\*\*\*

Dated this 30<sup>th</sup> day of August 2019.

HOGAN LOVELLS  
Solicitors for the Plaintiff  
11<sup>th</sup> Floor, One Pacific Place  
88 Queensway  
Hong Kong

Tel: 2219 0888

Fax: 2219 0222

Ref: MXL/JC/130961.000946