

Claim nature:  
A. Mixed Claim  
B. Tort

HCA 1551 /2019



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  
CAUSING DISTURBANCES AT ANY STATION  
OF THE RAILWAY AS DEFINED IN THE MASS  
TRANSIT RAILWAY ORDINANCE (CAP 556)

3<sup>rd</sup> Defendants

TO: (1) THE ABOVE-NAMED 1ST 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) whose last known address is at any station of the railway as defined in the Mass Transit Railway Ordinance (Cap 556) (2) THE ABOVE-NAMED 2ND 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) whose last known address is at any station of the railway as defined in the Mass Transit Railway Ordinance (Cap 556); and (3) THE ABOVE-NAMED 3RD DEFENDANTS, namely PERSONS UNLAWFULLY AND WILFULLY CAUSING DISTURBANCES AT ANY STATION OF THE RAILWAY AS DEFINED IN THE MASS TRANSIT RAILWAY ORDINANCE (CAP 556) whose last known address is at any station of the railway as defined in the Mass Transit Railway Ordinance (Cap 556) .

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 fourteen (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, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued from the Registry of the High Court this 26<sup>th</sup> day of August 2019.

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 1<sup>st</sup>, 2<sup>nd</sup> and/or 3<sup>rd</sup> Defendants for breach of the Mass Transit Railway By-laws (Chapter 556B, Laws of Hong Kong) and/or public nuisance and seeks the following relief against the 1<sup>st</sup>, 2<sup>nd</sup> and/or 3<sup>rd</sup> Defendants:-

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 or annoyance to other passengers;
  - (f) deliberately failing or refusing to comply with reasonable directions and requests of any official of the Plaintiff, including in particular a direction or request 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, abusive, obscene or offensive language, or behave in a riotous, disorderly, indecent or offensive manner at any MTR station;
  - (b) wilfully interfering with the comfort or convenience of any person at any MTR station including but not limited to staff of the Plaintiff;
  - (c) loitering in any part of any MTR station;
  - (d) obstructing or interfering with any staff of the Plaintiff in preventing, or restraining or attempting to prevent or restrain (a), (b), and/or (c) above;
  - (e) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a), (b), (c), and/or (d) above.
  
4. Damages to be assessed.

5. Costs.

6. Further and/or other relief as the Court sees fit.

Dated this 26<sup>th</sup> day of August 2019.

  
Hogan Lovells  
Solicitors for the Plaintiff

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THIS WRIT was issued by Messrs Hogan Lovells of 11/F, One Pacific Place, 88 Queensway, Hong Kong, Solicitors for the said Plaintiff, MTR Corporation Limited, whose registered office is situate at MTR Headquarters Building, Telford Plaza, Kowloon Bay, Kowloon, Hong Kong.





IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
ACTION NO. 155 / 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 CAUSING DISTURBANCES  
AT ANY STATION OF THE RAILWAY AS DEFINED IN THE MASS  
TRANSIT RAILWAY ORDINANCE (CAP 556)

3<sup>rd</sup> 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.

**HOGAN LOVELLS**

*Solicitors for the Plaintiff*

11th Floor, One Pacific Place 88 Queensway, Hong Kong

Tel: 2219 0888 / Fax: 2219 0222

(Ref: MXL/JC/130961.000946)

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
ACTION NO. 155/ 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

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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.

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Service of the Writ is acknowledged accordingly.

(Signed) [Solicitor]/[Defendant in person]

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Address for service

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**HOGAN LOVELLS**

*Solicitors for the Plaintiff*

11th Floor, One Pacific Place 88 Queensway, Hong Kong  
Tel: 2219 0888 / Fax: 2219 0222  
(Ref: MXL/JC/130961.000946)

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  
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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  
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delete if  
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Service of the Writ is acknowledged accordingly.

(Signed) [Solicitor]/[Defendant in person]

\_\_\_\_\_  
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**HOGAN LOVELLS**

*Solicitors for the Plaintiff*

11th Floor, One Pacific Place 88 Queensway, Hong Kong

Tel: 2219 0888 / Fax: 2219 0222

(Ref: MXL/JC/130961.000946)



**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*

(a) **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.

## **IMPORTANT NOTICE**

This is a legal document. The consequence 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 LG1 High Court Building, 38 Queensway, Hong Kong. You should also consider taking the advice of a Solicitor or applying for Legal Aid.

IN THE HIGH COURT OF THE  
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BETWEEN

MTR CORPORATION LIMITED

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PERSONS UNLAWFULLY AND WILFULLY  
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TRANSIT RAILWAY ORDINANCE (CAP 556)

3<sup>rd</sup> Defendants

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**WRIT OF SUMMONS**

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Issued the 26<sup>th</sup> of August 2019

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

Tel: 2219 0888  
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