

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1918 OF 2019

 BETWEEN 18 OCT 2019
CHINA AOYUAN GROUP
LIMITED
(中國奧園集團股份有限公司)
GUO ZHINING (郭梓寧)
PRIME CHAMPION
ENTERPRISE COMPANY
LIMITED
(丞冠企業有限公司)

1st Plaintiff

2nd Plaintiff

3rd Plaintiff

AND

CHAN TAK SUM (陳德心)
CHEN XIANGYU (陳香玉)
ZHU CANQIU (朱燦秋)
黃麗雅

1st Defendant

2nd Defendant

3rd Defendant

4th Defendant

5th Defendant

PERSONS WHO WILFULLY CAUSED
DISRUPTION TO OR INTERFERED WITH
THE USE OF THE SHOWROOM AT
ROOM 03, 23/F, CROCODILE CENTER, 79
HOI YUEN ROAD, KWUN TONG,
KOWLOON, HONG KONG ON 7, 8, 14, 26
SEPTEMBER 2019 OR 10, 11 OCTOBER
2019

PERSONS WHO DISPLAYED OR
CAUSED TO BE DISPLAYED POSTERS
AND/OR BANNERS CONTAINING
STATEMENTS OF DEFAMATORY
NATURE CONCERNING THE 1ST
AND/OR THE 2ND PLAINTIFFS IN
LOCATIONS SET OUT IN PARAGRAPH 5
OF THE INDORSEMENT

6th Defendant

PENAL NOTICE

If you, the above-named Defendants, 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 Order. 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 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 WILSON CHAN IN CHAMBERS

(NOT OPEN TO PUBLIC)

ORDER

UPON the *ex parte* (with notice to the 1st to 4th Defendants) application made on 18 October 2019 by the Plaintiffs

AND UPON reading the Writ of Summons with Indorsement of Claim, the draft Order, the Affirmation of Ning Shuai dated 17 October 2019, the Affirmation of Cho Cheuk Lun dated 17 October 2019, the Affirmation of Ai Jianhui dated 17 October 2019, the Affirmation of Lo Ka Chun dated 17 October 2019, the Affirmation of Lo Tin Kin dated 17 October 2019 and the 2nd Affirmation of Lo Ka Chun dated 18 October 2019 together with the exhibits thereto and the skeleton argument of the Plaintiffs

AND UPON the Plaintiffs' undertaking to:

- (1) abide by any order which the Court may make as to damages if the Court later finds that this Order has caused loss to the Defendants;
- (2) serve on the Defendants the Writ of Summons together with this Order as soon as practicable;
- (3) serve on the 1st to 4th Defendants an inter partes summons to be heard on the Return Date (as defined below) together with a copy of the affidavits and exhibits containing the evidence relied on by the Plaintiffs and a copy of the skeleton argument used at the application for this Order

AND UPON hearing Leading Counsel for the Plaintiffs

IT IS ORDERED that:

Injunction

1. The 1st Defendant be restrained, whether by himself, his agents or servants or otherwise howsoever from publishing, or causing and/or combining to

cause to be published, the following words or any words defamatory of and concerning the 1st Plaintiff to the same or similar effect:

- (a) “走呀！信我呀！奧園啲樓盤呢人，我就係嚟抗議，我有資料可以証明，大灣區發展幾好，但奧園啲野呢人，你可以唔買奧園樓盤，買其他無問題”;
- (b) “中國奧園 (股票號 3883) 幫隆基地產 在惠州詐騙至4.2 億，還我們血汗錢”; and
- (c) “奧園股票 3883 與惠州隆基地產一手遮天詐騙我們 4.2 億，還我血汗錢！”.

2. The 2nd and 4th Defendants be restrained, whether by themselves, their agents or servants or otherwise howsoever from publishing, or causing and/or combining to cause to be published, the words “奧園股票 3883 與惠州隆基地產一手遮天詐騙我們 4.2 億，還我血汗錢！” or any words defamatory of and concerning the 1st Plaintiff to the same or similar effect.

3. The 6th Defendant be restrained, whether by themselves, their agents or servants or otherwise howsoever from publishing, or causing and/or combining to cause to be published, the following words or any words defamatory of and concerning the 1st and/or 2nd Plaintiffs to the same or similar effect:

- (a) “惠州政府一手遮天，奧園隆基地產逍遙法外 中港鋪主投訴無門，請求中聯辦為民作主”;
- (b) “奧園上市公司(3883)在惠州幫隆基吳鳳武詐騙 4.2 億 在惠州建綠州花園，還我們血汗錢！”

- (c) “奧園郭梓寧幫隆基吳鳳武詐騙 5 億 在惠州詐騙 5 億還我血汗錢”;
- (d) “奧園郭梓寧 (股票號 3883)幫隆基吳鳳武在惠州詐騙¥4.2 億，還我們血汗錢”;
- (e) “中國奧園 (股票號 3883) 幫隆基地產 在惠州詐騙¥4.2 億，還我們血汗錢”;
- (f) “奧園股票 3883 與惠州隆基地產一手遮天詐騙我們 4.2 億，還我血汗錢！”; and
- (g) “中國奧園 (股票號 3883) 幫隆基地產在惠州詐騙 4.2 億，還我們血汗錢 China Aoyuan (3883.HK) and Longji scammed RMB 420 million in Huizhou China, Give it back to us!”.

4. The bailiff do take all reasonable and necessary steps to assist the Plaintiffs to effect the clearance and removal of banners and/or posters and/or any other similar items published and/or displayed (or caused to be published and/or displayed) by any of the Defendants in public spaces in breach of paragraph 1, 2 or 3 above. Any items so removed shall be kept by the Plaintiffs who shall use best endeavours to trace the owners of such items. If the owner is traceable, the Plaintiffs shall notify them and invite them to collect such items away. If the owner is not traceable despite reasonable efforts by the Plaintiffs after a period of 3 months, the Plaintiffs shall take such items to the police as lost items.
5. The 1st, 2nd, 3rd and 5th Defendants be restrained, whether by himself/herself/themselves, his/her/their agents or servants or otherwise

howsoever from entering the premises at Room 03, 23/F, Crocodile Center, 79 Hoi Yuen Road, Kwun Tong, Kowloon, Hong Kong (“**Showroom**”) without the 3rd Plaintiff’s consent or otherwise wilfully obstructing and/or interfering with the lawful use of the Showroom by the 3rd Plaintiff.

6. Paragraphs 1 to 5 of this Order will remain in force up to and including 25 October 2019 (“**Return Date**”) unless before then it is varied or discharged by a further Order of the Court. The application in which this Order is made shall come to the Court for further hearing on the Return Date.

Service

7. Leave be granted to the Plaintiffs to issue a Concurrent Writ of Summons and to serve a copy of the same duly sealed with the seal of the High Court of the Hong Kong Special Administrative Region out of which the said Concurrent Writ of Summons was issued and accompanied by the prescribed form of Acknowledgment of Service out of jurisdiction on:
 - (a) the 1st Defendant at the last known address of 廣東省惠州市惠東縣亞婆角旅遊度假區稔山鎮碧桂園十里銀灘海頭埔苑三區別墅棕欄灘 27 棟 02 號;
 - (b) the 2nd Defendant at the last known address of 廣東省深圳市南山區沙河街上白石三坊 20 號; and
 - (c) the 3rd Defendant at the last known address of 廣東省深圳市南山區沙河街上白石三坊 20 號.
8. The time for the 2nd and 3rd Defendants to acknowledge service of the said Concurrent Writ of Summons be 28 days after service of the same;

9. Leave be granted to the Plaintiffs to serve any other court documents in this action out of jurisdiction on:
- (a) the 1st Defendant at the last known address of 廣東省惠州市惠東縣亞婆角旅遊度假區稔山鎮碧桂園十里銀灘海頭埔苑三區別墅棕櫚灘 27 棟 02 號;
 - (b) the 2nd Defendant at the last known address of 廣東省深圳市南山區沙河街上白石三坊 20 號; and
 - (c) the 3rd Defendant at the last known address of 廣東省深圳市南山區沙河街上白石三坊 20 號.
10. Leave be granted to the Plaintiffs to serve the Writ of Summons and this Order on the 5th and 6th Defendants by way of substituted service by:
- (a) fixing a copy of the Writ of Summons and this Order in conspicuous places at the entrance of the Showroom;
 - (b) posting a copy of the Writ of Summons and this Order on the website of the 1st Plaintiff (www.aoyuan.com.cn); and
 - (c) publishing a copy of the Writ of Summons and this Order in one English newspaper and two Chinese Newspapers in Hong Kong for 3 consecutive days.
11. Anyone other than the 1st to 4th Defendant who may be affected and/or opposing this Order shall within 5 days from the date hereon notify the Plaintiffs' solicitors and provide his/her name and address for service, upon receipt of which the Plaintiffs' solicitors shall forthwith serve a copy of the Writ of Summons, this Order, the skeleton argument of the Plaintiff and

the Affirmation of Ning Shuai dated 17 October 2019, the Affirmation of Cho Cheuk Lun dated 17 October 2019, the Affirmation of Ai Jianhui dated 17 October 2019, the Affirmation of Lo Ka Chun dated 17 October 2019, the Affirmation of Lo Tin Kin dated 17 October 2019, and the 2nd Affirmation of Lo Ka Chun dated 18 October 2019 together with the exhibits thereto and the inter partes summons for the Return Date on him/her.

Other orders

12. Liberty to apply.
13. Costs be reserved.

Dated this 18th day of October 2019.

Registrar

Intended Action 191 / 2019
HCA 1918 / 2019

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CHINA AOYUAN GROUP LIMITED
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GUO ZINING 郭梓寧 2nd Plaintiff
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AND

CHAN TAK SUM (陳德心) 1st Defendant
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ZHU CANQIU (朱燦秋) 3rd Defendant
黃麗雅 4th Defendant

PERSONS WHO WILFULLY CAUSED DISRUPTION TO OR INTERFERED WITH THE USE OF THE SHOWROOM AT ROOM 03, 23/F, CROCODILE CENTER, 79 HOI YUEN ROAD, KWUN TONG, KOWLOON, HONG KONG ON 7, 8, 14, 26 SEPTEMBER 2019 OR 10, 11 OCTOBER 2019 5th Defendant

PERSONS WHO DISPLAYED OR CAUSED TO BE DISPLAYED POSTERS AND/OR BANNERS CONTAINING STATEMENTS OF DEFAMATORY NATURE AGAINST THE 1ST AND/OR THE 2ND PLAINTIFF IN LOCATIONS SET OUT IN PARAGRAPH 5 OF THE INDORSEMENT 6th Defendant

ORDER

Dated the 18th day of October 2019.
Filed on the day of October 2019.

18 OCT 2019

STEVENSON, WONG & CO.

Solicitors for the Plaintiffs

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15 Queen's Road Central, Hong Kong.

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Ref: EYC/HYC/HLO(P)/81600/19