

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
ACTION NO 1471 OF 2019

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BETWEEN

AIRPORT AUTHORITY

Plaintiff

and

PERSONS UNLAWFULLY AND WILFULLY  
OBSTRUCTING OR INTERFERING WITH  
THE PROPER USE OF THE HONG KONG  
INTERNATIONAL AIRPORT

Defendants

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**STATEMENT OF CLAIM**

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**PARTIES**

*The Plaintiff*

1. The Plaintiff is a statutory corporation established under the Airport Authority Ordinance (Cap 483) (the "**AAO**"). Under section 5 of the AAO, the Plaintiff has the responsibility to provide, operate, develop and maintain an airport (i.e. the Hong Kong International Airport (the "**Airport**")) for civil aviation in the vicinity of Chek Lap Kok, with the objective of maintaining Hong Kong's status as a centre of international and regional aviation.
2. Under section 6 of the AAO, the Plaintiff shall, in conducting its business or in otherwise performing its functions, have regard to safety, security, economy and operational efficiency and the safe and efficient movement of aircraft, air passengers and air cargo.
3. An area of land at or in the vicinity of Chek Lap Kok, known as Chek Lap Kok Lot No.1 ("**CLK No.1**") was leased to the Plaintiff under the Land Grant as defined in section 16 of the AAO on or about 1 December 1995. Broadly speaking, CLK No.1 as originally issued, covered the island of Chek Lap Kok. For various reasons, CLK No.1 has been modified on a number of occasions since it was originally granted. In 2016 a portion of the land in CLK No.1 was surrendered and re-granted to the Plaintiff under a new land grant, known as Chek Lap Kok Lot No.3. The Plaintiff is the grantee under both land grants. This area is essentially the entire Chek Lap Kok Island with small portions excluded. Section 37 of the AAO provides for an area to be specified as the airport area which is also essentially the entire airport island and is marked in green in Plan (I) annexed hereto (the "**Airport Area**").

4. Under section 35 of the AAO, the Plaintiff may make bylaws for regulating the use and operation of the Airport and the conduct of all persons, or persons of a class or description specified in the bylaws, while within or on any 1 or more of the areas specified therein. The Bylaw Area is defined under regulation 3 of the Airport Authority Bylaw (Cap 483A) (the "**Bylaw**").
5. The airport area specified pursuant to section 37 of the AAO is referred to in the definition of the Bylaw Area. The Bylaw Area does not cover (i) the entire airport area, or (ii) the entire area which is subject to the land grants referred to above. For example the Bylaw Area expressly excludes the MTR Area as defined in the Bylaw. The Airport Express Station including platforms are part of the MTR Area and hence not within the Bylaw Area.

#### *The Defendants*

6. The Defendants are identified by description and not by name. They are a group of unknown protesters who either have been, intend to, or have incited, aided, or abetted another person in the obstruction and interference with the proper use of the Airport.

#### **EVENTS FROM 26 JULY 2019 UNTIL THE GRANTING OF THE EX PARTE INTERIM INJUNCTION ORDER DATED 13 AUGUST 2019**

##### *26 July 2019 – First Protest*

7. Since June 2019, there have been ongoing social movements and unrest in Hong Kong. In connection with these social movements, on 26 July 2019, flight attendants and Airport staff staged a demonstration (the "**First Protest**") at the Airport's Terminal 1 Arrival Hall (the "**Designated Area**").
8. Prior to the First Protest, the participants / organisers had applied to the Police to stage the demonstration, who in accordance with standard practice consulted the Plaintiff. The Plaintiff did not object to the First Protest and requested that the participants remained within the Designated Area. In general, the Plaintiff's policy was to try to refrain from objecting to the staging of peaceful demonstrations while at all times trying to discharge its obligations under the AAO and the Bylaw.
9. According to the Plaintiff's estimates, there were 4,000 protesters that joined the First Protest. While the Plaintiff had to increase its security and deploy additional manpower, there were no major disturbances to the operations of the Airport. Major passageways in Airport Terminal 1 for passengers remained clear and the Airport operations remained normal. During the First Protest, protesters assembled peacefully in the Designated Area.

*5 August 2019 – Second Protest*

10. On 5 August 2019, protesters organised a city-wide strike. Some of the participants of the strike decided to assemble at the Airport for another demonstration, and remained more or less within the Designated Area (the "**Second Protest**"). While 260 flights had to be cancelled and in-town check-in service at the Airport Express stations had to be suspended, the Airport operations remained largely normal. According to the Plaintiff's estimates, there were approximately 800 people that gathered at the Airport. No permission was sought from the Police or the Plaintiff to stage the Second Protest.

*9 August 2019 to 11 August 2019 – Third Protest*

11. Based on posts and messages the Plaintiff came across / monitored on the internet, the Plaintiff was aware that a third demonstration at the Airport between 9 August 2019 and 11 August 2019 was being rallied (the "**Third Protest**"). No permission was sought from the Plaintiff to stage this protest. The Plaintiff was aware that the posts and messages circulating around the internet were calling for the Third Protest to be peaceful and to cooperate with the Plaintiff's instructions.
12. While the posts and messages being circulated online largely called for the Third Protest to be peaceful, the Plaintiff noticed that there was a minority group that encouraged other protesters to bring their protest gear with them. The Plaintiff decided to set up an access control area at the Airport's Departures Hall in front of the check-in counters to facilitate passenger flow. Only departure passengers with an air ticket or boarding pass within the next 24 hours and a valid travel document, or Airport staff with identity proof would be allowed to enter into the check-in area ("**Access Control Area**").
13. At its peak, according to the Plaintiff's estimate, there were about 3,700 protesters that attended the Third Protest and the Designated Area was full to its brim. There was some inconvenience, annoyance and nuisance caused. However, the Airport operations were still manageable and there were no flight cancellations as a result of the Third Protest.
14. At the end of the Third Protest / early hours of 12 August 2019, the Plaintiff began to be aware of messages from chat groups on the internet calling for 1 million protesters to flood and paralyse the Airport, apparently because of an incident in the evening of 11 August 2019 concerning a female who suffered injury to her eye allegedly due to the Police's actions.

*12 August 2019 – Fourth Protest*

15. The following day, on 12 August 2019, the Plaintiff decided to maintain the access controls into the Access Control Area. In the morning, the Airport's operations remained normal. However, around noon, protesters began arriving at the Airport in large numbers

(the "**Fourth Protest**"). Around 2pm, based on the Plaintiff's estimate, there were approximately 4,900 protesters at the Airport; by 4pm there were approximately 9,200 protesters.

16. In the Designated Area, the Plaintiff tried to create a path for arrival passengers to exit the Airport, but it was very difficult for arrival passengers to walk through as it was obstructed by protesters demonstrating. Protesters began to spill out of the Designated Area and occupy the passages, the transition deck and the Departures area.
17. At around 3pm, protesters had started to use trolleys to block the access control point into the Access Control Area. They began to guard the entrance to the area and decide who to be allowed through to the access control point into the Access Control Area. The Plaintiff's staff tried to move away the trolleys, but were surrounded by protesters and were yelled at. As the Plaintiff's staff sensed that protesters could turn violent, they stopped trying to move away the trolleys. The Plaintiff continued attempting to facilitate passenger flow. Trolleys were not the only objects used to obstruct the flow of people. Throughout the Fourth Protest, protesters would sit on the floor in a large group or use objects like garbage cans to obstruct passageways.
18. Shortly after, at 3:24pm, protesters forced their way through the access control point into the Access Control Area. At the time the access control point was manned by approximately one temporary crowd control personnel, two personnel from the Aviation Security Company Limited ("**AVSECO**") (the Plaintiff's security company), and some airline representatives. The airlines closed their counters due to safety concerns. Check-in facilities at the Airport ceased. The Access Control Area was flooded with protesters to the point that it was difficult to move around, or for passengers or other authorised Airport personnel to get to the Airport Restricted Area (as defined in the Aviation Security Ordinance, Cap 494) in order to get through to the airside.
19. The Plaintiff began to announce that all flights will be cancelled for the rest of the day. At 3:30pm, the Plaintiff released an official statement informing the public that all flights to and from Hong Kong on 12 August 2019 would be cancelled.
20. The reason the Plaintiff decided to announce that all flights were cancelled was due to the fact that passengers on the landside could not get to the airside departure gates to board their flights. The sheer number of protesters meant that it was not possible for passengers to walk through the terminals to access check-in areas and to progress through security and immigration. In particular in Terminal 1 entrances to the e-security gates or Assisted Channels, security screening and immigration processing areas were blocked. Protesters were using their bodies or objects such as trolleys to block escalators, lifts, passageways and other areas within the Terminal buildings. This meant that passengers who had

completed check in procedures but were still in the Terminal buildings were unable to proceed to departure gates on the airside. This also affected passengers who had checked in online, at the In Town Check In, and those who had used the ICuss machines in the Terminals, and those who had not completed check in procedures or who had baggage to deposit with the airlines.

21. In addition, when the access control point into the Access Control Area was breached, protesters were very close to the security checkpoints into the Airport Restricted Area, which are only for passengers and authorised Airport personnel. If protesters managed to break through security and enter the airside, the integrity of the security of the Airport Restricted Area will be compromised which would cause significant safety and security concerns. The Plaintiff decided to close the entrances to the Airport Restricted Area to maintain the integrity of the Airport Restricted Area.
22. Notwithstanding the situation on the landside, the airside operations remained unaffected. As there were flights that had previously landed at the Airport and were due to depart, the airlines wanted to depart despite the fact that their landside passengers were not able to board. Passengers who made it through security to the airside were still allowed to board their flights and depart Hong Kong. However, for passengers who have not checked in, or have not passed through security, they were not able to board their flights. As for arrival flights into the Airport, if they were (1) within Hong Kong's airspace; (2) short on fuel; or (3) were long haul flights that have departed from their original departure point, they were still permitted to land in Hong Kong. The rest of the flights that were due to arrive Hong Kong that day were diverted or cancelled. Cargo flights were not affected. Despite that, there were still 226 flights cancelled and 8 flights diverted on the day of the Fourth Protest. The Civil Aviation Department and airlines were involved in the discussions regarding the flight cancellations. It was up to the airlines to decide whether or not to depart the Airport according to their own operational circumstances.

*On 13 August 2019 – Tuesday Protest*

23. On 13 August 2019, the day after the Fourth Protest, the Plaintiff was made aware of an article reporting that student unions from 11 universities have called for protesters to demonstrate at the Airport every day at 1pm.
24. On 13 August 2019, more than 2400 protesters broke through the Airport's check-in aisle access control checkpoints and blocked the security screening and pre-immigration areas of Terminal 1 at 2:41pm (the "**Tuesday Protest**"). As a result, passengers could not conduct security check and immigration formalities at Terminal 1. They were directed to Terminal 2 facilities as contingency. However, at 4.40pm, the pathway to Terminal 2 security screening and immigration was also blocked. Because of such activities, all

airlines suspended check-in at 4.30pm, and all passengers could not check-in for the flights departing on the day.

25. At around 6:30pm of the Tuesday Protest, for the same reasons as mentioned in paragraph 20 above, the Plaintiff announced that all flights departing the Airport would be cancelled for the rest of the day. As with the Fourth Protest, the airside operations remained unaffected and flights that were due to depart were still permitted to depart. In any event, a total of 411 flights were cancelled on the day of the Tuesday Protest.
26. Despite the announcement that all flights departing the Airport would be cancelled, passengers kept coming to the Airport, as more and more protesters flooded in. By 7pm, there were thousands of protesters at the Airport. It was difficult to estimate the number of protesters at a given time as they moved around the Airport Terminal.
27. On the day of the Tuesday Protest, the Plaintiff had arranged for additional AVSECO staff, contract security staff, and the Plaintiff's duty staff deployed to deal with the situation at the Airport. In addition, the Plaintiff's office support staff were also called to assist passengers to get through to the airside, answer their queries and to diffuse conflicts between protesters and passengers. However, the situation began to deteriorate dramatically after 6pm of the Tuesday Protest. The situation became very tense and volatile in the Terminal buildings and the protests spilled over to areas outside the Terminal building late Tuesday evening. Protesters were yelling slogans and many were angry. It became too dangerous for the Plaintiff's office support staff to remain in the Terminal, and they were asked to retreat and remain on standby. AVSECO staff continued to safeguard the aviation security entrance points to the Airport Restricted Area and continued to assist passengers to leave the Airport. Additional security staff and the Plaintiff's operational staff remained on duty.
28. At 9:50pm and 11:46pm that evening, protesters had climbed to the roof of the check-in counters in the Terminal 1 Departure Hall and used umbrellas to cover the CCTV cameras. In total, 7 CCTV cameras were covered. There were three incidents which were particularly serious and drew significant press coverage during the evening of the Tuesday Protest as will be explained below.
  - (a) *First incident on transition deck*
29. At around 6:25pm, the Plaintiff's staff received a report of a confrontation at Terminal 1 of the transition deck which eventually moved towards Aisle C of the check-in counters. It was understood that one man was suspected by protesters to be an undercover Mainland police officer and a confrontation between the man and protesters ensued. According to the Plaintiff's staff who remained at the scene, the man was surrounded by protesters and was assaulted. The Plaintiff's and AVSECO's staff tried to reach the man but protesters

actively resisted the staff from attending to him. The Plaintiff's duty staff called the paramedics.

30. The paramedics arrived at the scene shortly thereafter. Due to the crowd of protesters, the paramedics could not get through to the man, and protesters continued to block the paramedics from reaching him. The paramedics tried to persuade protesters to let them through and eventually, at least an hour later, protesters allowed a paramedic through the crowd to examine the man. However, after examining the man, the paramedic was unable to evacuate the man as he was blocked by protesters. The Plaintiff made announcements over their PA system at 1 minute intervals asking people to make way for the paramedics.
31. At around 10:45pm, a Police car arrived at Level 8 Zone 2 of Terminal 1. Protesters then moved towards the Level 8 Zone 2 door to confront the Police and to block them from entering the Terminal building. During this time, the paramedics took the opportunity to evacuate the man.
32. Separately, at 10:40pm, the Plaintiff's Fire Services Communication Centre received a call regarding a report of a suspected fire in Level 5, Arrival Hall B. A fire alarm was also triggered at Level 7 Aisle C of the check-in area at 11:15pm. This was later confirmed to be a false alarm.

(b) *Second incident – Terminal 1 kerbside*

33. Following on from the arrival of the Police to assist as mentioned above, there was a violent clash between the Police and protesters. The Plaintiff's staff were not involved in the incident however the clash was widely reported in the media.

(c) *Third incident – Check-in Aisle G*

34. Near midnight of the Tuesday Protest, there was another confrontation between a man and protesters near Aisle G of the check-in area at the Departure Hall in Terminal 1. According to the Plaintiff's staff who remained at the scene, the man was chased around by protesters and eventually he was held by protesters. Protesters searched his belongings, tied him up and assaulted him. An ambulance was called and shortly thereafter the man was evacuated at around 12:30am of Wednesday morning. The second evacuation that evening was much quicker.
35. After these incidents took place, there were still a large number of protesters remaining. The Plaintiff's staff tried to ask the remaining protesters to leave, but protesters behaved aggressively towards them. Nonetheless, most of the remaining protesters decided to leave on their own accord during the early hours of Wednesday morning.

### SAFETY CONCERNS

36. The Airport was not designed to accommodate the crowds experienced during the Fourth Protest and Tuesday Protest. The Terminal 1 Departure Check-in Hall, and the Arrivals Meeters & Greeters Hall, are equipped with more than sufficient fire escapes to facilitate the evacuation of a large number of Airport users, in the event that one is required. However, the public areas of the Airport are to facilitate "on the move" users, instead of "dwellers", with ample circulation passageways between facilities. When events such as the aforesaid protests occurred, with the users sitting on the floor tightly packed without any sufficient circulation, the safety risk is greatly increased, which would compromise the fire evacuation efficiency originally intended.
37. In addition, the large number of protesters caused obstruction to the management of the Airport and aggravated threats to public order and safety by preventing quick access of emergency vehicles and Police service response.

### THE GRANTING OF THE EX PARTE INTERIM INJUNCTION ORDER

38. It was around 9:30pm on 13 August 2019, the night of the Tuesday Protest, that the Plaintiff made an application to the High Court of Hong Kong for an *ex parte* interim injunction concerning the obstruction and interference caused by the protests as described above. The Court granted the *ex parte* interim injunction that same evening (the "**ex parte Interim Injunction Order**"), which was continued on 23 August 2019 (the "**Interim Injunction Order**")
39. In summary, the Interim Injunction Order restrained the Defendants from:-
- (a) unlawfully and willfully obstructing or interfering with the proper use of the Airport;
  - (b) demonstrating in any part of the Airport Area unless within the area designated by the Plaintiff for carrying out such events which is marked in "A" and shaded in yellow on Plan (II) of the Interim Injunction Order;
  - (c) entering the area marked "B" and shaded in red on Plan (III) of the Interim Injunction Order unless permission is granted by the Plaintiff or AVSECO;
  - (d) loitering in any part of the Airport without reasonable cause in breach of section 20(1) of the Bylaw;
  - (e) willfully obstructing any road, passageway, entry or exit point or access control point, whether vehicular or pedestrian, and whether within or near to the Airport Area;
  - (f) obstructing or interfering with the Plaintiff's staff or AVSECO's staff in enforcing the Interim Injunction Order; and
  - (g) inciting and/or aiding and/or abetting any person to do any of the acts prohibited in the Interim Injunction Order, including the acts mentioned above.



40. Following the granting of the *ex parte* Interim Injunction Order, the Plaintiff served the Order and the Writ of Summons (1) by posting copies securely at conspicuous places in the Airport; (2) publishing the same on its website, [www.hongkongairport.com](http://www.hongkongairport.com); and (3) publishing the same in one English and one Chinese newspaper in Hong Kong for three days consecutively.
41. The Interim Injunction Order was served in the same manner as mentioned in the paragraph above, save that the Interim Injunction Order was only published in one English and one Chinese newspaper for one day.

**DEFENDANTS' BREACHES OF THE EX PARTE INTERIM INJUNCTION ORDER AND THE INTERIM INJUNCTION ORDER**

42. As a result of the Tuesday Protest and after the grant of the *ex parte* Interim Injunction Order, the Plaintiff took urgent steps to enhance the Access Control Area which limited Terminal building access to *bona fide* travellers, staff of the Plaintiff and staff of various contractors who worked at the Airport only. At around 3:20pm on 14 August 2019, the day after the *ex parte* Interim Injunction Order was granted, there were 40 protesters trying to get past the access control point at Level 5, Hall B into the Terminal building. At around 4:06pm, protesters had gathered near the entrance to the Terminal buildings near the bus terminus and obstructed passengers seeking to enter the Terminal buildings. That evening, around 9pm, there were over 100 protesters trying to enter the Airport at the same area near the bus terminus. In these instances, the Plaintiff's and AVSECO's staff were able to contain the situation.
43. The Plaintiff noted that, despite the *ex parte* Interim Injunction Order, there were messages and videos circulating online on social media platforms and public group chats inciting others to obstruct the access control point to prevent passengers from entering the Airport, including, creating long queues into the terminal building so that passengers could not enter. In particular, the Plaintiff was made aware that Mr Tam Takchi, Vice Chairman of the People Power, posted a video on his Facebook on 14 August 2019 inciting others to loiter in the arrivals hall of the Airport terminal building with trolleys under the pretext of picking up arriving passengers with a view to paralysing the operations at the Airport.
44. The Plaintiff was also made aware of social media calls for people to conduct a "stress test" on Saturday, 24 August 2019 by crowding the public transportation to and from the Airport, including the Airport Express, taxis and Airport buses. There were also calls for people to drive their cars and cause traffic jams on the Tsing Ma Bridge, North Lantau Highway and the other main roads leading to the Airport. It was claimed that such obstruction can prevent flight crews and passengers from arriving at the Airport on time and result in flights being delayed or even cancelled.

45. In late August 2019, there were also repeated calls on social media and public chat groups for people to conduct "stress tests" of transportation networks to and from the Airport every weekend and public holiday from 1 September 2019 to 1 October 2019. These "stress tests" campaigns caused serious disruptions to the Airport's operations. In particular, on 1 September 2019, despite the grant of the Interim Injunction Order, large numbers of protesters began to demonstrate outside the access control point at the Airport's bus terminus, attempting to charge through the access control point, and later piling luggage trolleys to create barricades and throwing objects. This disruption and damage caused to the Airport and its operations were widely reported in the media. When the Plaintiff began to enforce the Interim Injunction Order, protesters moved to other areas outside the Airport terminal buildings, and began to vandalise Airport property, including smashing glass and surveillance cameras, spraying graffiti, and smashing fire extinguishers. Protesters also created serious disruption to the transportation networks to and from the Airport by throwing objects on to the Airport Express tracks and intruding onto the train tracks, causing the Airport Express to be suspended from about 16:30 hours to 22:30 hours. Protesters blocked roads within the Airport Area and also roads connecting to the Airport Area (such as the North Lantau Highway) which caused traffic to and from the Airport to be halted to a near standstill. Fire was set on Chek Lap Kok South Road, which is a road within and leading to the Airport Area. As a result, many travellers, Airport and airline staff had to abandon their vehicles to walk to their destination. Bus services to the Airport were disrupted. A total of 57 passenger flights were cancelled that day.
46. The following week, on 7 September 2019, protesters again attempted "stress tests" to the transportation networks to and from the Airport. Some people gathered at the Ground Transportation Centre of the Airport, leading to an arrest of one woman after the Plaintiff's staff asked her to leave and the Interim Injunction Order was executed by the Bailiffs. On the same day, it was reported in the media that the Police also intercepted some private vehicles and made several arrests after suspected items were found in vehicles on Tsing Yi Hong Wan Road and on Chek Lap Kok South Road (Chek Lap Kok South Road is a road which extends beyond the Airport Area and connects to Tung Chung).
47. Since October 2019, there have been numerous discussions on social media to obstruct transportation networks to and from the Airport and appeals to the public to interfere with the operations of the Airport. The Plaintiff remains concerned that disruption will recur.

#### **ACCESS CONTROL AREA**

48. On 29 November 2019, the Plaintiff revised the Access Control Area as Terminal 2 of the Airport was decommissioned temporarily for expansion as part of the Three-runway

System project. The revised Access Control Area is marked in red in Plan (III) annexed hereto, and has remained the same since then.

#### **THE DEFENDANTS' BREACH OF THE BY-LAWS**

49. The Defendants' obstruction to the use and operation of the Airport is a deliberate and flagrant flouting of the Bylaw.

##### Particulars

- (a) holding any meeting or assembly which causes any obstruction to the proper use or operation of the Airport, without permission of the Plaintiff in breach of section 17(2)(b) of the Bylaw;
- (b) without lawful authority or reasonable excuse, wilfully obstructing or interfering with the propose use of the Airport in breach of section 18(a)(i) of the Bylaw;
- (c) without lawful authority or reasonable excuse, wilfully obstructing or interfering with any Authorised Officer<sup>1</sup> or Authorised Person<sup>2</sup> in the execution of his duty or in the exercise of any powers conferred on him by the Bylaw, in breach of section 18(a)(ii) of the Bylaw;
- (d) loitering in any part of the Bylaw Area without reasonable cause in breach of section 20(1) of the Bylaw; and
- (e) occupying or settling on any site or space within the Bylaw Area save for the purposes permitted by the Plaintiff in breach of section 21 of the Bylaw.
- (f) continuing to remain or stay in the Bylaw Area after being requested to leave or move therefrom in breach of section 9 of the Bylaw.

#### **THE DEFENDANTS' LIABILITY FOR PUBLIC NUISANCE**

50. The Defendants' acts described above constitute public nuisance as they have obstructed the right of the public in the exercise of the enjoyment of their right to use the Airport.

##### Particulars

- (a) the Plaintiff repeats paragraphs 10 to 37 and 42 to 46 herein;
- (b) the Defendants' actions also caused serious blockage and disruption within and outside the Airport Terminal building, preventing the public from obtaining access to and the using of the Airport's services to check in and board their flights. Approximately 5,000 arrival passengers and 30,000 departing passengers were affected by the protests;
- (c) the blockage by Defendants has been causative of the delay and eventually the complete halt in flight onboarding on the day of the Fourth Protest and Tuesday Protest, constituting an additional affront to the public's exercise of its right to the use of the Airport. Aviation movement has been hindered, including diversion or cancellation of 260 flights on the day of the Second Protest, cancellation of 226

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<sup>1</sup> Defined in paragraph 2 of the Bylaw as persons referred to in section 35(10)(a)-(d) of the AAO.

<sup>2</sup> Defined in paragraph 2 of the Bylaw as a person appointed pursuant to section 59(1) of the AAO.

flights on the day of the Fourth Protest and 411 flights cancelled on the day of the Tuesday Protest;

- (d) the Defendants' actions seriously endangered the lives, safety, health, property and comfort of the public; and
- (e) it was or ought reasonably to have been within the Defendants' knowledge that the likely consequences of their actions would present a real risk of harm to the public.

51. As a result of the Defendants' public nuisance, the Plaintiff suffered damages beyond the general inconvenience and injury suffered by the public as described in paragraph 52 below.

#### **DAMAGES SUFFERED BY THE PLAINTIFF**

52. By reason of the Defendants' wrongful acts described in paragraphs 10 to 37 and 42 to 46 above, the Plaintiff has suffered the following direct and substantial damages as a result:

##### Particulars

- (a) loss of revenue including payment of airport charges as defined under the AAO from the diversion and/or cancellation of flights as particularised in paragraph 50(c) above. Many shops at the Airport were also forced to close early and business of some service operators were also impacted, which affected their business and hence revenue for the Airport;
- (b) replacement and repair of equipment and property including trolleys, security gates, garbage cans, security surveillance cameras, fire extinguishers, glass panels;
- (c) costs of increasing the number of AVSECO and security contractors during the Second Protest, Third Protest, Fourth Protest and Tuesday Protest;
- (d) costs associated with setting up and maintaining the Access Control Area after the Third Protest, Fourth Protest and Tuesday Protest;
- (e) costs associated with the cleaning and restoring the Airport to resume operations as soon as possible after each of the Second Protest, Third Protest, Fourth Protest and Tuesday Protest; and
- (f) loss of reputation.

53. The Plaintiff reserves the right to further plead and quantify the particulars of damages caused by the Defendants.

#### **AND THE PLAINTIFF CLAIMS:-**

The Plaintiff claims against the Defendants for breach of the Bylaw and/or public nuisance and seeks the following relief against the Defendants:-

1. The 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 of the Airport;
  - (b) attending or participating in any demonstration or protest or public order event within the Airport Area (the boundary of which is delineated in green on Plan (I) annexed hereto) other than strictly within the area designated by the Plaintiff for the carrying out of such events which area is marked "A" and shaded in yellow on Plan (II) annexed hereto (the "**Protest Area**") and only where the conduct of such demonstration or protest or public order event is lawful and peaceful provided that nothing in the Order to be obtained herein shall be construed as authorising any demonstration, protest or public order event in contravention to the Public Order Ordinance (Cap. 245);
  - (c) entering the area shaded in red on Plan (III) annexed hereto (namely, the Access Control Area) unless he/she is a bona fide traveller or is granted permission by the staff of the Plaintiff or of the AVSECO so to enter, for so long as the Plaintiff maintains and implements such Access Control Area;
  - (d) loitering in any part of the Airport without reasonable cause in breach of section 20(1) of the Bylaw;
  - (e) wilfully obstructing any road, passageway, entry or exit point or access control point, whether vehicular or pedestrian, and whether within or near the Airport Area;
  - (f) obstructing or interfering with any staff of the Plaintiff and/or AVSECO in enforcing or attempting to enforce (a), (b), (c), (d) and/or (e) above; and
  - (g) inciting and/or aiding and/or abetting any person to do any of the acts identified in (a), (b), (c), (d), (e) and/or (f) above.
  - (h) Notwithstanding paragraph 1(b) and (c) above, in the event that the Plaintiff shall consider it necessary for the management or operation of the Airport, the Plaintiff shall be at liberty to cancel or reduce the size of the Protest Area or to relocate it and/or to extend or reduce the Access Control Area within any other part(s) of the Airport Area including but not limited to the Protest Area.
2. Damages to be assessed.
3. Liberty to apply.
4. Costs.
5. Further and/or other relief as the Court sees fit.

Dated this 10<sup>th</sup> day of December

2020.

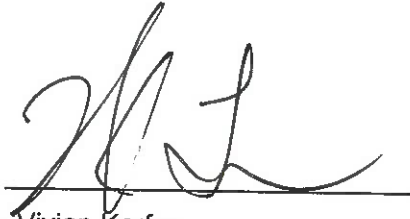
  
HOGAN LOVELLS

Solicitors for the Plaintiff

**STATEMENT OF TRUTH**

I, Cheung, Vivian Karfay, believe that the facts stated in this Statement of Claim are true. I am authorised by the Plaintiff to sign this Statement of Truth on its behalf.

Signature:

A handwritten signature in black ink, appearing to be 'VK', written over a horizontal line.

Name: Cheung, Vivian Karfay

Position: Executive Director, Airport Operations

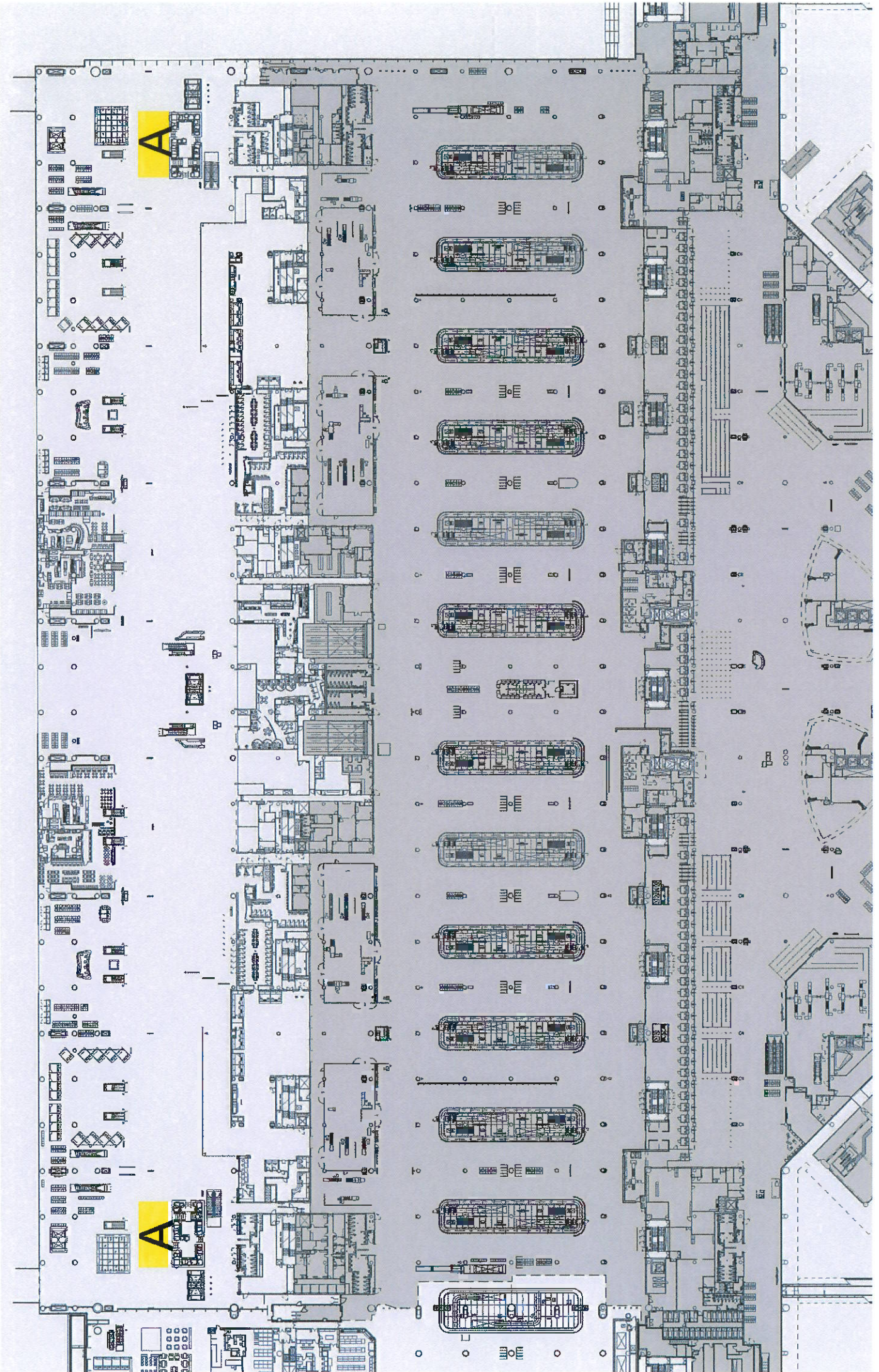
For and on behalf of the Plaintiff

Date: 10 December 2020

Plan (I)



# PLAN II



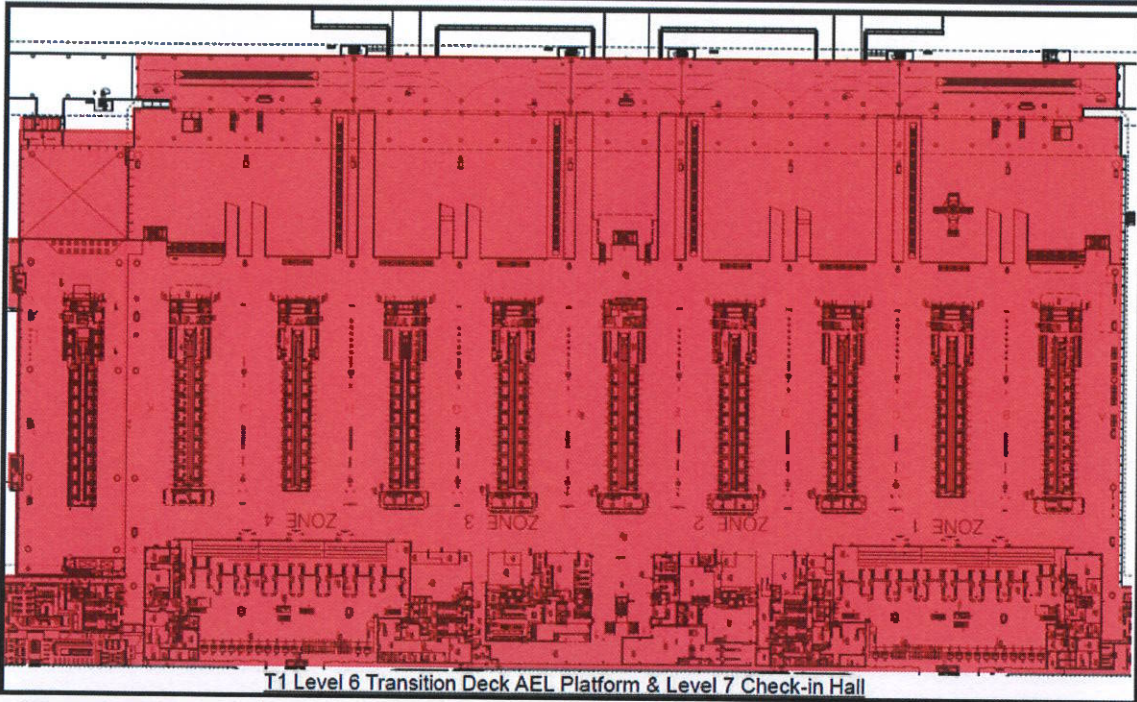
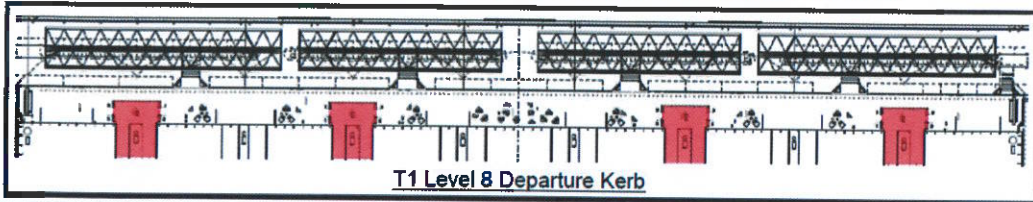


HKIA T1 Level 8 Departure Kerb & L7 Check-in Hall & L6 Transition Deck (Effective from 29Nov2019)

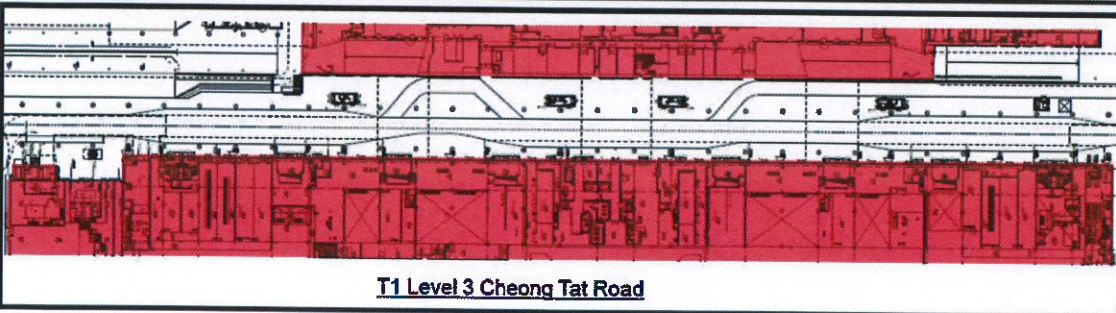
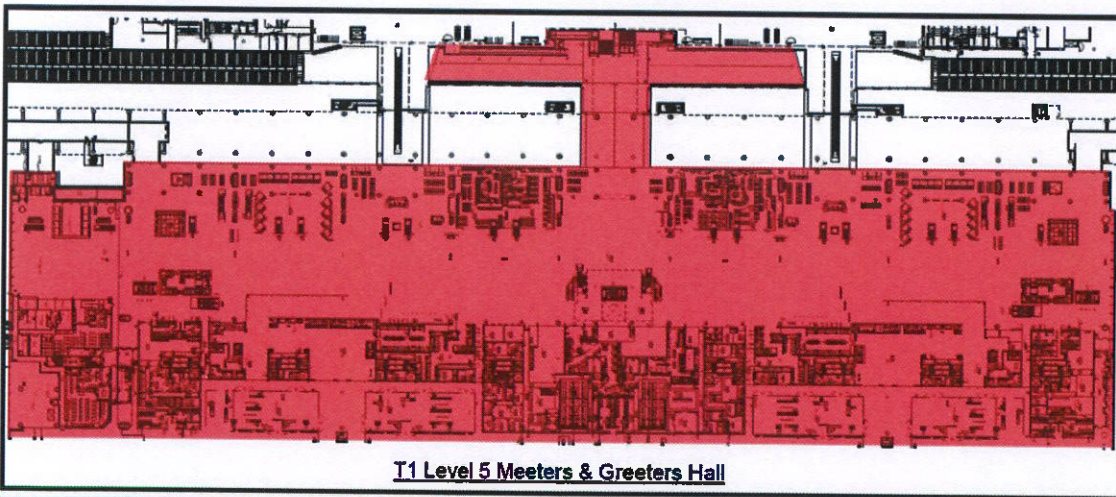
Plan (III)

**Legend**

■ Access Control Area



HKIA T1 Level 5 Meeters & Greeters Hall, and GTC & Level 3 Cheong Tat Road (Effective from 29Nov2019)



**Legend**

■ Access Control Area

HCA 1471 / 2019

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
ACTION NO. 1471 OF 2019

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BETWEEN

AIRPORT AUTHORITY

Plaintiff

AND

PERSONS UNLAWFULLY AND WILFULLY  
OBSTRUCTING OR INTERFERING WITH  
THE PROPER USE OF THE HONG KONG  
INTERNATIONAL AIRPORT

Defendants

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STATEMENT OF CLAIM

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Dated this 10<sup>th</sup> day of *December* 2020.

Filed on this      day of                      2020.

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