

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
MISCELLANEOUS PROCEEDINGS NO. 449 OF 2023

IN THE MATTER OF SECTION 27 OF THE
HIGH COURT ORDINANCE, CHAPTER 4 AND
ORDER 32A, RULE 1 OF THE RULES OF THE
HIGH COURT, CHAPTER 4A AND INHERENT
JURISDICTION

BETWEEN

SECRETARY FOR JUSTICE

Plaintiff

and

XU RUIBIN (徐瑞斌)

also known as RUIBIN XU and XU RUI BIN

Defendant

BEFORE THE HONOURABLE MR JUSTICE ST POON IN COURT

ORDER

UPON the Plaintiff's application by way of the Originating Summons filed herein on 21 March 2023

AND UPON reading the Affidavit of Shum Lok Tim filed herein on 21 March 2023 together with the exhibits referred to therein, the Affirmation of Siu Sin Man filed herein on 6 April 2023 together with the exhibit referred to therein, the Affidavit of Yip Hiu Fung filed herein on 23 May 2023 together with the exhibit referred to therein, and the 2nd Affidavit of Shum Lok Tim filed herein on 26 September 2023 together with the exhibit referred to therein

AND UPON hearing the Assistant Law Officer (Civil Law) for the Plaintiff and the Defendant being absent

IT IS ORDERED THAT:—

1. No legal proceedings shall without the leave of the Court of First Instance be instituted by the Defendant in all levels of courts;
2. Any and all legal proceedings instituted by the Defendant in any court before the making of this Order shall not be continued by him without the leave of the Court of First Instance;
3. If the Defendant, without first obtaining leave, commences or issues a fresh claim or proceeding, that fresh claim or proceeding shall automatically be dismissed without further order of the court or action by any other party or person (including any person named as a defendant, respondent or other party to the fresh claim or proceeding);
4. Where the Defendant seeks leave, he shall follow the procedure in Order 32A of the Rules of the High Court;
5. Pursuant to section 27(4) of the High Court Ordinance, a copy of this order shall be published in the *Gazette*;
6. A sealed copy of this Order be served on the Registrars of the High Court, the District Court and the Small Claims Tribunal;
7. There be a stay of proceedings referred to in sub-paragraph (2) above; and
8. Costs be to the Plaintiff, summarily assessed on a *nisi* basis at \$130,000.

12 March 2024

Registrar