

Claim nature: A. Mixed claim B. Defamation
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No. 1
Writ of Summons
(O. 6 r. 1)

HCA /2022

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2022**

Between

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

TO THE DEFENDANT, Modern Media Company Limited, whose registered office is situated at 7/F., Global Trade Square, 21 Wong Chuk Hang Road, Aberdeen, Hong Kong.

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 (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 or to make an admission, the Plaintiffs 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 25th day of July 2022.

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 Parties

1. The Plaintiff is the founder and Chief Executive Officer of “Binance” the largest cryptocurrency exchange in the world.
2. The Defendant is the publisher of the Chinese edition of *Bloomberg Businessweek*, i.e. 彭博商業周刊/中文版, circulated in hard-copy form and published digitally, which enjoys a wide circulation (physically or digitally) in Hong Kong.

Publication of the defamatory statements

The Cover Page

3. On or before 6 July 2022, the Defendant published or caused to be published (in permanent and written form) in Hong Kong the 250th issue of the aforesaid Chinese magazine 彭博商業周刊/中文版, circulated in hard-copy form and published digitally, with a photograph or likeness of the Plaintiff on the cover page. The cover page contained the following statement which refers to and is defamatory (in its natural and ordinary meaning) of the Plaintiff, namely:-
 - (a) “趙長鵬的龐氏騙局” (which directly translates to “Zhao Changpeng’s Ponzi Scheme”) (the “**1st Magazine Defamatory Statement**”)

The Tweet

4. On or around 6 July 2022, the Defendant published or caused to be published (in permanent and written form) in Hong Kong a tweet (the “**Tweet**”) on the Twitter account of the Chinese edition of *Bloomberg Businessweek* (“@BloombergBWCN”) which attached an image of the front page of the 250th issue of the Chinese magazine 彭博商業周刊/中文版 (which featured a photograph or likeness of the Plaintiff on the cover page). The image contained the following statement which refers to and is defamatory (in its natural and ordinary meaning) of the Plaintiff, namely (the “**Tweet Defamatory Statement**”):-
 - (a) “趙長鵬的龐氏騙局” (which directly translates to “Zhao Changpeng’s Ponzi Scheme”).

The Facebook Post

5. On or around 6 July 2022, the Defendant published or caused to be published (in permanent and written form) in Hong Kong a Facebook post (the “**Facebook Post**”) on the Facebook account of the Chinese edition of *Bloomberg Businessweek* (“@bbwhk”) which attached the aforesaid image of the front page of the 250th issue of the Chinese magazine 彭博商業周刊/中文版 (which featured a photograph or likeness of the Plaintiff on the cover page). The image contained the following statement which refers to and is defamatory (in its natural and ordinary meaning) of the Plaintiff, namely (the “**Facebook Defamatory Statement**”):-
 - (a) “趙長鵬的龐氏騙局” (which directly translates to “Zhao Changpeng’s Ponzi Scheme”).
6. Further and/or alternatively, if (which is denied) the Tweet and the Facebook Post were not published nor caused to be published by the Defendant, the Plaintiff will aver that:-
 - (a) The Tweet Defamatory Statement and the Facebook Defamatory Statement were republications of the 1st Magazine Defamatory Statement.
 - (b) The Defendant foresaw, or ought to have reasonably foreseen, the republication (in the form of the Tweet Defamatory Statement and the Facebook Defamatory Statement) of the 1st Magazine Defamatory Statement as a consequence of its initial publication. Without prejudice to the Plaintiff’s right to rely on further or other particulars, it is averred that the Defendant well knew, before its publication of the 1st Magazine Defamatory Statement, that the Twitter account of the Chinese edition of *Bloomberg Businessweek* and the Facebook account of the Chinese edition of *Bloomberg Businessweek* would publish an image of the front page of the 250th issue of the Chinese magazine 彭博商業周刊/中文版, which would include the 1st Magazine Defamatory Statement.
 - (c) The Plaintiff suffered further loss as a result of these republications of the 1st Magazine Defamatory Statement, which were the natural and foreseeable consequence of the publication by the Defendant.
 - (d) In any event, the Defendant foresaw and/or ought to have foreseen that the 1st Magazine Defamatory Statement was likely to be widely republished by others, including news reporting agencies, newspaper/media publishers and/or financial analysts in Hong Kong and beyond.

- (e) The republication was the natural and probable consequence of the original publication, which was something the Defendant knew and foresaw.

Defamation

7. These statements (namely, the 1st Magazine Defamatory Statement, the Tweet Defamatory Statement, and the Facebook Defamatory Statement, collectively the “**Defamatory Statements**”) were defamatory, and were calculated to hold the Plaintiff up to hatred, contempt and ridicule. They tended to lower the Plaintiff in the estimation of right-thinking members of society in general, in particular the members (existing or potential) of the crypto community and commercial counterparties (existing or potential) of the Plaintiff.
8. By reason of the publication and/or republication of the Defamatory Statements, the Plaintiff has been gravely injured in his reputation and has been subject to hatred, contempt and ridicule. The Plaintiff has also suffered considerable distress and embarrassment. The Plaintiff is entitled to claim for aggravated and/or exemplary damages
9. The Plaintiff is entitled to claim for aggravated and/or exemplary damages and will rely on the following facts and matters (the Plaintiff duly reserves his right to plead further thereto):-
 - (a) The Defendant knew or ought to have known that the Defamatory Statements were defamatory.
 - (b) The Defamatory Statements were published in a sensational manner. The 1st Magazine Defamatory Statement appeared on the cover page of the Chinese magazine 彭博商業周刊 / 中文版 which also featured a photograph of the Plaintiff.
 - (c) The Defendant published, or caused to be published, or foresaw the publication of, the Tweet and the Facebook Post.
 - (d) The Defendant would have had to know that (or be reckless whether) it was committing the tort or defamation. The Defendant nonetheless decided to publish the Defamatory Statements, because the material advantages from publication outweighed the prospects of a material loss.
 - (e) The Defendant had no genuine belief in the truth of what it published. Alternatively, the Defendant must have suspected that the words were untrue, but had deliberately refrained from taking obvious steps which, if taken, would have turned suspicion into certainty.

AND THE PLAINTIFF CLAIMS AGAINST THE DEFENDANT:-

- (1) An injunction restraining the Defendant (whether by or through itself, its servants, agents, employees or officers whosoever) from howsoever publishing, republishing and/or participating in the publication and republication of the Defamatory Statements or similar words or publications defamatory of and concerning the Plaintiff.
- (2) A mandatory order that the Defendant do cause or procure the permanent withdrawal, removal and deletion of the Defamatory Statements, including but not limited to the recall of all physical publications, withdrawal, removal and deletion from all websites, related archives and all other social media under its management, control or power.
- (3) An order compelling the Defendant to apologize to the Plaintiff, and/or to publish a public retraction of the Defamatory Statements, and/or to publish corrective statements in such words and manners as this Honourable Court sees fit.
- (4) Damages (including in particular but without limitation aggravated and/or exemplary damages, and/or damages for republication).
- (5) Interest, including interest pursuant to sections 48 and 49 of the High Court Ordinance (Cap. 4).
- (6) Costs.
- (7) Further and/or other relief.

Dated this 25th day of July 2022.

José-Antonio Maurellet SC
Tom Ng
Counsel for the Plaintiff

Sidley Austin
Solicitors for the Plaintiff

THIS WRIT was issued by Sidley Austin of Level 39, Two International Finance Centre, 8 Finance Street, Central. Hong Kong.

Solicitors for the said Plaintiff whose address is Level 39, Two International Finance Centre, 8 Finance Street, Central. Hong Kong.

Sidley Austin
Solicitors for the Plaintiff

No. 14
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

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.

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2022**

Between

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

**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

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2022**

Between

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

**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

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2022**

Between

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

**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

No. 16C
Admission (unliquidated amount)
(O. 13A rr. 6(2), 7(2) & 13(2))

HCA /2022

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2022**

Between

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

Explanatory Note

1. The only claim the plaintiff has made against you is for an unliquidated amount of money. You may admit the plaintiff's claim in whole or in part by completing this form –
(a) within the period for service of your defence if you have been served with a writ; *or*
(b) the period for filing of your affidavit evidence if you have been served with an originating summons; *or*
(c) within 14 days after service of the originating process in any other case.
2. If you have made an admission, you may only be allowed to amend or withdraw your admission if the Court considers it just to do so.
3. You may offer a specified amount to satisfy the claim. If the amount you offer is accepted by the plaintiff, the plaintiff may request the Court to enter judgment against you for that amount. Alternatively, the plaintiff may request the court to enter judgment against you for an amount to be decided by the Court and costs.
4. You may also ask for time to pay. If the plaintiff does not accept your proposal for payment, the Court will decide how the payment should be made after considering –
(a) the information set out in this form;
(b) the reasons why the plaintiff does not accept your proposal for payment; and
(c) all other relevant matters.
5. The completed form should be filed in the Registry of the High Court.

How to fill in this form

- Tick the correct boxes and give as much information as you can. **Then sign and date the form.** If necessary provide details on a separate sheet, add the action number and attach it to this form.
- **If you do not ask for time to pay, you need not complete items 2 to 9 and 11 and 12.**
- **If you are not an individual, you need not complete items 1 to 9 but you should complete items 10 to 12 and ensure that you comply with the requirement specified in item 13 and provide sufficient details about the assets and liabilities of your firm, company or corporation to support any offer of payment made.**
- **If you are an individual, you need not complete items 10 to 12 and need not comply with the requirement specified in item 13.**
- You can get help to complete this form at the Registry of the High Court.

Part A Response to claim *(tick one box only)*

- ☐ I admit liability for the whole claim but want the Court to decide the amount I should pay
(if you tick this box, you need not complete Part B and items 2 to 9, 11 and 12 and need
not comply with the requirement specified in item 13)

OR

- ☐ I admit liability for the claim and offer to pay in satisfaction of the claim

Part B How are you going to pay the amount you have admitted? *(tick one box only)*

- ☐ I offer to pay on (date)

OR

- ☐ I cannot pay the amount immediately because *(state reason)*

AND

I offer to pay by instalments of \$ per(week)(month)
starting (date)

1. Personal details

Surname

Forename

☐ Mr ☐ Mrs ☐ Miss ☐ Ms

Address

2. Dependants *(people you look after financially)*

(give details)

3. Employment

☐ I am employed as a

--

My employer is

--

Jobs other than main job
(give details)

--

☐ I am self employed as a

--

Annual turnover is

\$

☐ I am not in arrears with my mandatory provident fund contributions and income tax

☐ I am in arrears and I owe

\$

Give details of :

(a) contracts and other work in
hand

--

(b) any sums due for work done

--

☐ I have been unemployed for

years	months
-------	--------

☐ I am a pensioner

4. Bank account and savings (please list all)

Bank account	In credit by \$	Overdrawn by \$

5. Residence

- I live in ☐ my own flat
☐ my jointly owned flat
☐ public housing estate
☐ rented private flat
☐ others (please specify)

6. Income

My usual take-home pay (including overtime, commission, bonuses etc)	\$	per month
My pension(s)	\$	per month
Others living in my home give me	\$	per month
Other income (<i>give details below</i>)		
	\$	per month
	\$	per month
	\$	per month
Total income	\$	per month

7. Other assets (*please list and indicate their location*)

8. Expenses

(Do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows:

Mortgage <i>(including second mortgage)</i>	\$	per month
Rent	\$	per month
Rates and government rent	\$	per month
Management fees	\$	per month
Domestic helper's salary	\$	per month
Gas	\$	per month
Electricity	\$	per month
Water charges	\$	per month
Telephone charges	\$	per month
Housekeeping, food, school meals	\$	per month
Travelling expenses	\$	per month
Children's clothing	\$	per month
Tuition fees	\$	per month
Maintenance payments	\$	per month
Court orders	\$	per month
Others		
	\$	per month
Total expenses	\$	per month

9. Liabilities

(This section is for arrears only. Do not include regular expenses listed in item 8.)

Rent arrears	\$
Mortgage arrears	\$
Rates and government rent arrears	\$
Water charges arrears	\$
Fuel debts : Gas	\$
Electricity	\$
Others	\$
Maintenance arrears	\$
Loans and credit card debts <i>(please list)</i>	\$
	\$
	\$
Others <i>(give details below)</i>	\$
	\$
	\$
Total liabilities	\$

10. Firm, company or corporation

Name	
Address	
Tel. no.	

11. Assets of firm, company or corporation *(please list)*

Property, plant and equipment		\$
Inventories		\$
Goodwill and other intangible assets		\$
Loans and receivables		\$
Bank balances and cash		\$
Others		\$
Total		\$

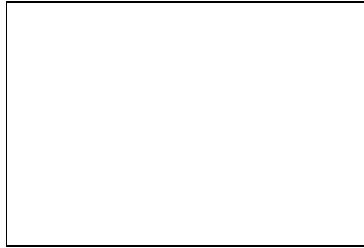
12. Liabilities of firm, company or corporation *(please list)*

Trade payables		\$
Tax payables		\$
Other payables		\$
Bank loans		\$
Other borrowings		\$
Others		\$
Total		\$

13. Attach to this form a copy of the latest audited profit and loss account and balance sheet of the firm, company or corporation.

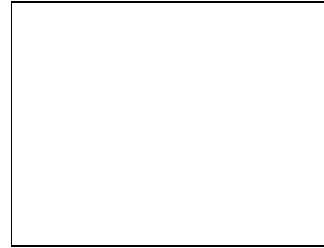
14. Declaration I _____ declare that the details I have given above and in the attached sheet(s) (if any) are true to the best of my knowledge And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declaration Ordinance (Cap. 11)

Signed

A large empty rectangular box for the declarant's signature.

Position or office held
(If signing on behalf of
a firm, company or
corporation)

**With company chop
(if applicable)**

A large empty rectangular box for a company chop or seal.

Declared at _____ in Hong Kong on _____ of 20 ____.

Before me

[Signature and designation, i.e.,
Justice of the Peace/Notary
Public/Commissioner for Oaths.]

- Note – Under section 36 of the Crimes Ordinance (Cap. 200), a person who knowingly and wilfully makes a statement false in a material particular in a declaration or other document which he is authorized or required to make by an enactment is guilty of an offence.
- A defendant who is an individual must sign personally. A director of a company must obtain leave to represent the company from a Practice Master before he may sign on behalf of the company.
 - If a plaintiff does not file a request for judgment within 14 days after this form is served on him, his claim is stayed until he files the request.

表格 14
傳訊令狀送達認收書
(第 12 號命令第 3 條規則)

關於送達認收書的指示

1. 隨附的送達認收書表格應由代表被告人行事的律師撕下及填寫，或如被告人是親自行事，則應由被告人撕下及填寫。表格填妥後必須交付或以郵遞方式送交高等法院登記處，登記處的位址是：—

香港金鐘道 38 號高等法院低層 1 樓

2. 被告人如在其送達認收書中表示擬就法律程式提出爭議，則必須亦將一份抗辯書送交高等法院登記處存檔，該份抗辯書必須以中文或英文寫成，其文本並必須送達原告人的代表律師(或如原告人是親自行事，則送達原告人)。

如令狀注有申索陳述書(即在背頁上端出現“申索陳述書”等字)，則除非在對令狀作認收送達的時限後 28 天內有要求作判決的傳票送達被告人，否則必須在該段時限內將抗辯書送交存檔及送達。

令狀並無注有申索陳述書，則必須在申索陳述書送達被告人後 28 天內將抗辯書送交存檔及送達。

如被告人沒有在適當時限內將其抗辯書送交存檔及送達，則原告人可不發出進一步通知而登錄判被告人敗訴的判決。

被告人的抗辯書必須按照《高等法院規則》(第 4 章，附屬法例 A) 第 41A 號命令，以屬實申述核實。

3. 如原告人尋求的唯一補救，是支付經算定款項或支付未經算定款項，你可藉填寫隨附於傳訊令狀的表格 16 或 16C (視乎情況所需)，承認原告人的整項申索或其部分。

填妥的表格 16 或 16C 必須在送達抗辯書的限期內，送交高等法院登記處存檔，並送達原告人[或原告人的律師]。

4. 被告人如意欲對原訟法庭在法律程式中的司法管轄權提出爭議，或意欲辯稱原訟法庭不應在有關法律程式中行使其司法管轄權，並意欲向原訟法庭提出申請，要求作出擱置法律程式的命令，必須就法律程式發出擬抗辯通知書，並必須在送達抗辯書的時限內提出申請。

見隨附的填寫指引

填寫指引

1. 每一名被告人(如被告人多於一名)均須填寫一份送達認收書，並將之交回高等法院登記處。

[2. 為計算作認收送達的 14 天期限，面交送達被告人的令狀視作已在其交付被告人之日送達，而以郵遞或投入被告人信箱的方式送達的令狀，則視作已在投寄或投入被告人信箱之日後第七天送達。]

(備註：如被告人是一間公司而令狀是在該公司的註冊辦事處送達，則此條並不適用。)

3. 凡被告人是以有別於其本身姓名或名稱的姓名或名稱被起訴，表格必須由他填寫，並須在第 1 段中加上“以(傳訊令狀所述明的姓名或名稱)之名被起訴”等字。

4. 凡被告人是一間商號，且並沒有指示律師代為行事，表格必須由一名合夥人以其姓名或名稱填寫，並須在第 1 段中在其姓名或名稱之後加上“(.....)商號的合夥人”的描述。

5. 凡被告人是以個人身分以其本身姓名以外的名稱營業而被起訴，表格必須由他填寫，並須在第 1 段中在其姓名之後加上“以(.....)之名營業”的描述。

6. 凡被告人是一間有限公司，表格必須由律師或獲授權代該公司行事的人填寫，但該公司如無律師代表行事，則不得在法律程式中採取進一步的步驟。

7. 凡被告人是未成年人或精神病人，表格必須由辯護監護人的代表律師填寫。

8. 親自行事的被告人可在高等法院登記處獲取協助填寫表格。

9. 本填寫指引只適用於比較普通的案件，親自行事的被告人如有困難應參閱上文第 8 段。

香港特別行政區
高等法院
原訟法庭
高院民事訴訟案件 年第 號

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

傳訊令狀送達認收書

如你擬指示律師代為行事，請立即將本表格交給他。

重要事項：填寫本表格前請小心閱讀隨附的指示及填寫指引。如錯誤提供任何所需資料或該等資料有所遺漏，則本表格可能須予退回。

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見指引 1、3、4 及 5。 1. 述明對令狀作認收送達或由他人代為對令狀作認收送達的被告人的全名。

2. 述明被告人是否擬就法律程式提出爭議。
(在適用的方格內加上“√”號)

☐ 是 ☐ 否

見指示 3。 3. 如原告人尋求的唯一補救，是支付經算定款項或支付未經算定款項，述明被告人是否擬作出承認。
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如擬作出承認，被告人可藉填寫隨附於傳訊令狀的表格 16 或 16C
(視乎情況所需) 而作出承認。

方括號內字句
如不適用請予
刪去。

本人據此對令狀作認收送達。

(簽署) [律師] ()
[無律師代表的被告人]

送達地址

關於送達地址的備註

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檔案：FY/SH/083500-90090

香港特別行政區
高等法院
原訟法庭
高院民事訴訟案件 年第 號

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

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香港特別行政區
高等法院
原訟法庭
高院民事訴訟案件 年第 號

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

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(在適用的方格內加上“√”號)

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刪去。

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檔案：FY/SH/083500-90090

表格 16C
承認(未經算定款額)
(第 13A 號命令第 6(2)、7(2)及 13(2)條規則)

HCA /2022

香港特別行政區
高等法院
原訟法庭
高院民事訴訟案件 年第 號

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

註釋

1. 原告人針對你而提出的唯一申索，是未經算定款項。你可在下述限期內，藉填寫本表格而承認原告人的整項申索或其部分 —
 - (a) (如你已獲送達令狀) 送達抗辯書的限期；或
 - (b) (如你已獲送達原訴傳票) 將你的誓章證據送交存檔的期限；或
 - (c) (在任何其他情況下) 送達原訴法律程序文件後 14 天。
2. 如你已作出承認，你僅會在法庭認為容許你修訂或撤回你的承認屬公正的情況下，獲容許修訂或撤回你的承認。
3. 你可提議一個指明的款額以了結申索。如你提議的款額獲原告人接受，則原告人可請求法庭登錄判你須支付該款額的判決。另一做法是原告人可請求法庭登錄判你須支付有待法庭決定的款額以及訟費的判決。
4. 你亦可要求給予時間以作付款。如原告人不接受你的付款建議，法庭在考慮下述事宜後，會決定應如何作出付款 —
 - (a) 本表格列出的資料；
 - (b) 原告人不接受你的付款建議的原因；及
 - (c) 所有其他有關事宜。
5. 已填妥的表格應送交高等法院登記處存檔。

如何填寫本表格

- 在正確的方格內加上“✓”號，並盡可能提供最詳盡的資料。然後在表格上簽署和註明日期。如有需要，可另紙提供詳細資料，加上有關訴訟編號，並將其夾附於本表格。
- 如你不要求給予時間以作付款，則不必填寫第 2 至 9 項以及第 11 及 12 項。
- 如你並非個人，則不必填寫第 1 至 9 項，但你應填寫第 10 至 12 項，並確保你遵守第 13 項指明的規定，以及就你的商號、公司或法團的資產及負債提供足夠的詳細資料，以支持所作出的任何付款提議。
- 如你是個人，則不必填寫第 10 至 12 項，亦不必遵守第 13 項指明的規定。
- 你可在高等法院登記處，得到關於填寫本表格的協助。

A 部對申索的回應(僅在一個方格內加上“✓”號)

- ☐ 本人承認整項申索的法律責任，但希望法庭決定本人應支付的款額(如你在本方格內加上“✓”號，則不必填寫 B 部及第 2 至 9 項、第 11 及 12 項，亦不必遵守第 13 項指明的規定)

或

- ☐ 本人承認申索的法律責任，並提議支付 以了結申索

B 部 你將如何支付已承認的款額?(僅在一個方格內加上“✓”號)

- ☐ 本人提議在(日期) 付款

或

- ☐ 本人不能即時付款，理由是(述明理由)

及

本人提議分期付款，\$ 並由 開始
每(星期)(月)支付 (日期) 付款

1. 個人詳細資料

姓

名

☐ 先生 ☐ 夫人 ☐ 小姐 ☐ 女士

地址

2. 受養人(接受你財政照顧的人)

(提供詳細資料)

3. 受僱情況

☐ 本人受僱為

本人的僱主為

主要工作以外的工作
(提供詳細資料)

☐ 本人自僱從事

每年營業額為

\$

☐ 本人並無拖欠本人的強制性公積金供款及入息稅

☐ 本人有拖欠款項，
所欠款額為

\$

提供以下項目的詳細
資料:

(a) 手上的合約及
其他工作

(b) 已進行工作的任何
未付款項

☐ 本人已失業，為期

年

個月

☐ 本人為領取退休金的人

4. 銀行帳戶及儲蓄 (請全數列出)

銀行帳戶	貸項款額 \$	透支款額 \$

5. 居所

- 本人居於 ☐ 自置居住單位
☐ 本人的聯名擁有居住單位
☐ 公共屋邨
☐ 租住私人單位
☐ 其他(請指明)

6. 入息

本人通常的實得收入(包括超時收入、佣金、花紅等)	每月 \$
本人的退休金	每月 \$
居於本人家中的其他人給本人的款項	每月 \$
其他入息(在下面提供詳細資料)	
	每月 \$

	每月 \$
	每月 \$
總入息	每月 \$

7. 其他資產 (請列出和示明其所在)

--

8. 開支

(請勿包括住戶中其他成員自其本身入息作出的任何付款)

本人有以下定期開支:	
按揭 (包括第二按揭)	每月 \$
租金	每月 \$
差餉及地租	每月 \$
管理費	每月 \$
家庭傭工薪金	每月 \$
石油氣／煤氣費	每月 \$
電費	每月 \$
水費	每月 \$
電話費	每月 \$
家務開支、食物、學校膳食	每月 \$
交通費	每月 \$
子女衣服	每月 \$
學費及補習費	每月 \$
贍養費	每月 \$
法院命令	每月 \$
其他	每月 \$
總開支	每月 \$

9. 負債

(本項僅供填寫欠款。請勿包括第 8 項中列出的定期開支。)

租金欠款	\$
按揭欠款	\$
差餉及地租欠款	\$
水費欠款	\$
燃料債項：石油氣／煤氣費	\$
電費	\$
其他	\$
贍養費欠款	\$
貸款及信用卡債項(請列出)	\$

其他(在下面提供詳細資料)	
	\$
總負債	\$

10. 商號、公司或法團

名稱

地址

電話號碼

11. 商號、公司或法團資產 (請列出)

財產、裝置及設備		\$
庫存資產		\$
商譽及其他無形資產		\$
貸款及應收款項		\$
銀行結餘及現金		\$
其他		\$
總額		\$

12. 商號、公司或法團負債 (請列出)

營業應繳款項		\$
應繳稅項		\$
其他應繳款項		\$
銀行貸款		\$

其他借款		\$
其他		\$
總額		\$

13. 將商號、公司或法團最近期的經審計的損益表及資產負債表副本夾附於本表格

14. 聲明 本人_____聲明：盡本人所知，本人在以上各段及在附頁(如有的話)中提供的詳細資料，均屬事實

本人謹憑藉《宣誓及聲明條例》(第 11 章)衷誠作出此項鄭重聲明，並確信其為真確無訛

簽署

職銜或所擔任的
職位
(如代表商號、
公司或法團簽
署)

連同公司圖章
(如適用的話)

此項聲明是於 20____年____月____日在香港_____作出。

在本人面前作出

[簽署及職銜，即：太平紳士/公證人/監誓員。]

附註 — 根據《刑事罪行條例》(第 200 章)第 36 條，任何人明知而故意在任何成文法則授權他或規定他作出的聲明或其他文件中，作出在要項上屬虛假的陳述，即屬犯罪。

- 屬個人的被告人必須由個人親身簽署。公司的董事必須事先取得常規聆案官的許可，方可代公司簽署。
- 如原告人沒有在本表格送達他後 14 天內，將要求判決的請求送交存檔，其申索須予擱置，直至他將該請求送交存檔為止。

TAKE NOTICE

This is a legal document. The consequences 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 (Court of First Instance, LG1 Floor, High Court, No. 38 Queensway, Hong Kong). You should also consider taking the advice of a Solicitor or applying for Legal Aid.

重要告示

因這是法律文件,忽視它可帶來嚴重的後果。如有疑問,請盡早向發出文件的法庭登記處(高等法院,香港金鐘三十八號,低層一字樓)查詢。你亦應考慮聽取律師的意見或是申請法律援助。

HCA / 2022

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2022**

Between

Zhao Changpeng

Plaintiff

and

Modern Media Company Limited

Defendant

Writ of Summons

Issued on the 25th day of July 2022.

Filed on the 25th day of July 2022.

SIDLEY AUSTIN
Solicitors for the Plaintiff
Level 39, Two International Finance Centre
8 Finance Street, Central
Hong Kong
Tel: (852) 2509 7888
Fax: (852) 2509 3110
Ref: FY/SH/083500-90900