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For information

**Supplemental Paper for LegCo Panel on
Administration for Justice and Legal Services**

Legal Aid for Victims in Family Violence Cases

In a paper submitted to the Panel on 16 December 2005, the Department indicated that it would conduct a manual trawl of the relevant case files to see how many of the 342 applications for legal aid for injunctive relief during 2002-2004 relates to family violence and their outcome. The Department has completed the exercise and the information requested is as follows:

1. Number of applications

Of the 342 applications for injunctive relief, 187 were from applicants wishing to seek an injunction order because of domestic violence either on its own or to obtain a divorce at the same time.

2. Outcome of application

(a) Below is a breakdown in the outcome of those 187 applications:

	<u>2002</u>	<u>2003</u>	<u>2004</u>
No. of applications withdrawn	9	14	18
No. of applications refused*	18	8	16
No. of lapsed offers	5	1	2
No. of certificates issued	30	21	45
TOTAL	<u>62</u>	<u>44</u>	<u>81</u>

* A total of 42 applications were refused, 8 on means and 5 on merits and the rest were for reasons such as failure to provide information or to attend interview

(b) Of the 96 legal aid certificates issued during 2002-2004, 11 of those were for injunction only and 23 were for injunction as well as divorce and ancillary proceedings. The remaining 62 certificates were granted solely

for divorce and ancillary proceedings possibly because the circumstances of those cases did not warrant an application for injunction or that the need for an injunction had subsided. However, since the aided persons concerned could readily have access to legal advice and assistance following the grant of legal aid, the assigned solicitors could apply for an injunction if it was necessary to do so for the safety of the aided persons by obtaining urgent approval from the LAD. As a matter of fact, there were two cases in 2004 where the LAD had extended the certificates for the assigned solicitors to apply for injunction.

Legal Aid Department

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