

**Bills Committee on Domestic Violence (Amendment) Bill 2007 –
Supplementary Information Note**

**Statistics relating to Injunction Orders
granted under the Domestic Violence Ordinance (DVO)**

At the Bills Committee meeting held on 21 December 2007, Members requested the Administration to consult the Judiciary on the language of the injunction orders granted under the DVO (with power of arrest attached); and the number of ex-parte injunctions granted in the past two years (with or without power of arrest attached).

2. We have consulted the Judiciary. As there is no readily available database containing the required details of the injunction orders, the Judiciary is only able to provide statistics covering January to November 2007.

Language of injunction orders

3. According to the Judiciary, there were a total of 15 injunction orders granted under the DVO between January and November 2007, 13 of which were prepared in English with the remaining two in Chinese. Separately, eight out of the 15 injunction orders granted had attached to them a power of arrest, and seven of them were in English.

4. The Department of Justice advises that under the Official Languages Ordinance (Cap. 5), both English and Chinese are official languages in Hong Kong for court proceeding. Under the High Court Civil Procedure (Use of Language) Rules, Cap. 5C and the District Court Civil Procedure (General) (Use of Language) Rules, Cap. 5A, a judge may use either or both of the official languages in any proceedings or a part of any proceedings before him as he considers appropriate for the just and expeditious disposal of the proceedings before him, and a party may file any document to be served on another party or person in either official language.

5. In practice, if the applicant is represented by a lawyer, the lawyer has to prepare a draft injunction order for approval by the judge. While the language of the order usually follows the language of the application, the judge may, upon his own initiation or the request by the party / parties, direct that it be switched to the other official language as he considers appropriate for the just and expeditious disposal of

the proceedings before him. Such arrangement applies to all injunction proceedings, whether or not they fall under the DVO.

6. During an inter-parte hearing, the judge will explain to the respondent the content of the injunction order and the consequence of breaching it. With regard to an ex-parte injunction order, if a party (i.e. the respondent) is served with an order in an official language with which he is not familiar, he may, within 3 days of being served, request in writing the party serving the order (i.e. the applicant) to provide a translation of the document into the other official language. Should the applicant refuse the request, the respondent may apply to the court for an order that the applicant should provide a translation of the injunction order within a reasonable period of time if the court is satisfied that the request is reasonable.

Number of ex-parte injunction orders granted in 2007

7. Among the 15 injunction orders granted under the DVO between January and November 2007, nine were ex-parte applications. Five (out of nine) ex-parte orders were granted with power of arrest attached.

Labour and Welfare Bureau
(with information provided by the Judiciary)
February 2008