

Injunction orders should be respected and complied with

In response to media enquiries about Au J's Judgment delivered this afternoon in respect of the three injunction applications concerning the obstruction of certain roads in Mong Kok and also the obstruction at the entrance and exit of CITIC Tower, a spokesman for the Department of Justice (DoJ) said today (November 10) that the DoJ welcomes the exposition of the concept of the rule of law in paragraphs 137 to 150 of the Judgment and invites those who are still acting in breach of the injunction orders to respect the rule of law. The spokesman further said that the DoJ takes note of paragraph 152 of the Judgment, which states as follows:

(1) The bailiff do take all reasonable and necessary steps to assist the plaintiff and its agents to effect the clearance and removal of the obstructions.

(2) The bailiff be authorised and directed to request the assistance of the Police where necessary.

(3) Any police officer be authorised to arrest and remove any person who the police officer reasonably believes or suspects to be obstructing or interfering any bailiff in carrying out his or her duties in enforcing the terms of the injunction order, provided that the person to be arrested has been informed of the gist of the terms of the court order and that his action is likely to constitute a breach of the order and obstruction of the administration of justice, and that he may be arrested if he does not desist.

(4) Any person so arrested by the police shall be brought before the court as soon as practicable for further directions.

The spokesman said that the Police are willing and ready to provide such assistance regarding the enforcement of the injunction orders as stated in the Judgment.

"As highlighted in paragraphs 123 and 124 of the Judgment, attempts to obstruct bailiffs in their execution of duties may constitute criminal contempt, which is a common law offence. Whilst the Police will provide assistance in respect of the enforcement of the injunction orders, the Secretary for Justice may also consider taking appropriate action against persons who may have committed the offence of criminal contempt.

"We fully understand that people have different views on Hong Kong's constitutional development. However, irrespective of one's views, one should act in accordance with the law and comply with court order, or else there would be negative impact on the rule of law. We urge all the relevant persons to respect and comply with the court order and take immediate action to remove all the obstructions. The rule of law is the cornerstone of the success of our society and we should do our utmost to uphold and defend this important value," the spokesman said.

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