

# Court Proceedings (Electronic Technology) Bill gazetted

The Government published in the Gazette today (December 27) the Court Proceedings (Electronic Technology) Bill which seeks to provide an electronic option for handling court-related documents.

"The Bill aims to make the necessary legislative amendments to implement the Judiciary's Information Technology Strategy Plan (ITSP). Under the ITSP, an integrated court case management system (iCMS) is being implemented to streamline and standardise electronic court processes across different levels of courts as appropriate. This will in the long run improve the efficiency of litigation in Hong Kong and reduce paper use," a Government spokesman said.

"The ITSP will facilitate active case management throughout the entire litigation/adjudication and ancillary processes to improve access to justice for the benefit of all stakeholders," he added.

Key proposals of the Bill include:

- (a) electronic filing or sending of documents to the court will generally be allowed;
- (b) documents between parties may be served electronically if there is mutual consent to serve and accept documents by electronic means;
- (c) signatures other than traditional manual signatures, such as digital signature and electronic signature, for court-related documents will generally be allowed; and
- (d) provide proper legal status for printouts/copies of printouts for documents issued by the court.

"Court users are encouraged to transact court businesses by electronic means on a voluntary basis, while they can choose to continue to interact with the Judiciary and the other parties concerned by conventional means," the spokesman said.

The Bill also provides that the Chief Justice of the Court of Final Appeal may specify by subsidiary legislation or include in practice directions the detailed court and operational procedures for the use of electronic mode, so as to enable the Judiciary to make timely refinements to the detailed procedures and practices to take into account rapid technological developments.

In formulating the Bill, the Judiciary has carefully balanced the principles and spirit of the administration of justice as set out in the existing legislation against the convenience resulting from the use of technology.

"The ITSP will be implemented in two phases, with the first phase consisting of two stages for better management. In Stage 1 of Phase I, the

iCMS will be implemented in the District Court and the Summons Courts of the Magistrates' Courts (MC). In Stage 2 of Phase I, the iCMS is expected to be extended to the Court of Final Appeal, the High Court, the remaining part of the MC and the Small Claims Tribunal. For the remaining courts and tribunals, the iCMS is planned to be implemented under Phase II," the spokesman added.

The Hong Kong Bar Association, the Law Society of Hong Kong and the Legislative Council (LegCo) Panel on Administration of Justice and Legal Services were consulted and supported the Bill.

The Bill will be introduced into the LegCo for first reading on January 8, 2020.