

Subsidiary legislation related to Information Technology Strategy Plan gazetted

The following is issued on behalf of the Judiciary:

The Judiciary today (June 4) gazetted nine sets of subsidiary legislation related to the Information Technology Strategy Plan (ITSP) to provide the legal framework which would allow court users to transact court business by electronic means in the District Court (DC) and the Summons Courts of the Magistrates' Courts (MC).

Seven of the nine pieces of subsidiary legislation which were made by the Chief Justice of the Court of Final Appeal on May 25 are:

- (a) the Court Proceedings (Electronic Technology) (Specification of e-Courts) Rules;
- (b) the Court Proceedings (Electronic Technology) (Magistrates' Court) Rules;
- (c) the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules;
- (d) the Court Proceedings (Electronic Technology) (District Court Criminal Proceedings) Rules;
- (e) the Court Proceedings (Electronic Technology) (District Court) (Electronic Fees) Rules;
- (f) the Court Proceedings (Electronic Technology) (Magistrates' Court) (Electronic Fees) Rules; and
- (g) the Court Proceedings (Electronic Technology) Ordinance (Commencement) Notice.

The remaining two pieces of subsidiary legislation, namely the District Court Civil Procedure (Fees) (Amendment) Rules 2021 and the Rules of the District Court (Amendment) Rules 2021, were made by the District Court Rules Committee on May 25. The nine sets of subsidiary legislation will be tabled at the Legislative Council (LegCo) on June 9 for negative vetting.

Separately, the Chief Justice made the Costs in Criminal Cases (Amendment) Rules 2021 under section 22 of the Costs in Criminal Cases Ordinance (Cap. 492) on May 25. This set of Rules will be submitted to LegCo for approval in due course.

The Judiciary has been making on-going efforts to make use of technology for enhancing the efficiency of court operations. The ITSP is being implemented in two phases, with the first phase being divided into two stages. In Stage 1 of Phase I, the integrated court case management system (iCMS) is being implemented in the DC and the Summons Courts of the MCs. 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 MCs and the Small Claims

Tribunal. For the remaining courts and tribunals, the iCMS is planned to be implemented under Phase II.

To provide an overall legislative framework to enable court-related documents to be handled in electronic form, eventually covering all levels of court, the Court Proceedings (Electronic Technology) Ordinance (Cap. 638) was enacted on July 17, 2020. Its key features 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 signatures and electronic signatures, 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.

Cap. 638 also provides that the Chief Justice may specify by subsidiary legislation the detailed court and operational procedures for the use of electronic mode. The nine sets of subsidiary legislation are tabled at LegCo to regulate or facilitate the use of electronic technology in Stage 1, Phase I e-Courts (the DC and the Summons Courts of the MCs). Examples of matters provided for in the subsidiary legislation include documents that can be sent electronically through the iCMS, the conditions and requirements for using electronic signature, and the electronic payment of fees and fines.

The Judiciary aims to implement the iCMS for DC civil cases in batches starting from the fourth quarter of 2021, followed by the Summons Courts of MCs and DC criminal cases in 2022. Subject to the completion of the relevant legislative processes, subsidiary legislation related to DC civil cases will come into operation on October 1, 2021. The Court Proceedings (Electronic Technology) (Magistrates' Court) Rules, the Court Proceedings (Electronic Technology) (District Court Criminal Proceedings) Rules and the Court Proceedings (Electronic Technology) (Magistrates' Court) (Electronic Fees) Rules will come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette in due course.