

**For discussion
on 29 April 2019**

**Legislative Council
Panel on Administration of Justice and Legal Services**

**Legislative Proposals for the Implementation of the Information
Technology Strategy Plan of the Judiciary**

PURPOSE

This paper briefs Members of the Judiciary's legislative proposals for the implementation of its major Information Technology ("IT") project called the Information Technology Strategy Plan ("ITSP").

BACKGROUND

2. In February 2013, the Judiciary Administration informed Members that after an Information Systems Strategy Study, the Judiciary decided to implement the ITSP to achieve the following objectives :

- (a) to replenish the existing IT systems with the prevailing technologies to ensure sustainable operation in the long run;
- (b) to provide more effective and efficient services of a higher quality to all stakeholders in support of the administration of justice through process re-engineering with the use of IT;
- (c) to facilitate active case management throughout the entire litigation/adjudication and ancillary process in improving access to justice for the benefit of all stakeholders; and
- (d) to respond positively to the rising expectations from court users and the community.

3. Under the ITSP, an integrated court case management system ("iCMS") will be implemented in phases to streamline and standardize the electronic court processes, across different levels of courts as appropriate. A number of non-court systems will also be put in place to meet the operational requirements of the Judiciary. With the support of the Panel

and then the Finance Committee, the Judiciary obtained the necessary funding to implement the first phase of the ITSP.

4. To enhance access to justice, electronic services and facilities of various types will be introduced as appropriate as an additional option to the existing channels, to be used on a voluntary basis. While court users can choose to continue to interact with the Judiciary and other parties by conventional means, the Judiciary will encourage court users to transact court businesses by electronic means.

5. The ITSP will be implemented in two phases. The first phase of implementation is further broken down into two stages for better management. In Phase I, Stage 1, the iCMS will be implemented in the District Court¹ (“DC”) and the Summons Courts of the Magistrates’ Courts (“Summons Courts”)². Development of the iCMS in these courts is at an advanced stage³.

6. In Phase I, Stage 2, the iCMS will be extended to the Court of Final Appeal, the High Court, the Competition Tribunal, the non-summons courts of the Magistrates’ Courts (“MC”) and the Small Claims Tribunal. For the remaining courts and tribunals, the iCMS will be implemented under Phase II.

¹ Except for the Family Court because its procedural rules are being reviewed under a separate exercise.

² “Summons Courts” refers to the part of the Magistrates’ Courts which handle cases to be implemented with iCMS at the first stage of implementation. The proceedings covered by Summons Courts are mainly proceedings initiated by summons and fixed penalty proceedings. The exact types of cases covered by the Summons Courts will be set out in the relevant ITSP legislation and Practice Directions.

³ As at March 2019, all activities relating to the building and set-up of IT infrastructure foundation have been completed. Various components under Phase I, Stage 1 are being progressively rolled out to the DC and the Summons Courts of the MCs. One component relating to payment collection was rolled out to these levels of courts in late 2016 and early 2018 respectively. Other components are scheduled to be rolled out by phases in 2019 and after.

LEGISLATIVE PROPOSALS

Need for Legislative Amendments

7. At present, while the Electronic Transactions Ordinance (“ETO”) (Cap. 553) is generally applicable in Hong Kong, court proceedings are excluded from the operation of its material provisions (section 13 of the ETO). On the other hand, the legislation relating to court procedures, dispersed over a number of Ordinances/rules, does not fully envisage the possibility of electronic mode of handling. Legislative amendments are therefore needed to implement the ITSP.

Legislative Approach

8. In preparing the draft legislation, the Judiciary has made reference to the legislative approach in the ETO, the UNCITRAL Model Law on Electronic Commerce (“Model Law”) and similar court-related legislation in other common law jurisdictions (e.g. the UK, Singapore, New South Wales (“NSW”) and Western Australia (“WA”) of Australia). In line with their approach, the Judiciary intends to adopt a minimalist regulatory approach. Insofar as existing law already permits something to be done electronically, no new legislation is generally needed. On the other hand, when existing law imposes or implies restrictions on the use of modern technologies (e.g. by prescribing the use of “written”, “signed” or “original” documents), the Judiciary proposes to introduce legislation to remove the legal obstacles or uncertainties.

9. On the other hand, the proposed ITSP legislation will only apply to electronic submission of documents that at present is regulated by a written law (proposed to be defined to include Practice Directions) or court’s directions. For documents the submission of which is not regulated by any written law or court’s directions, they may be submitted electronically to the court via the iCMS on an administrative basis if so indicated by the Judiciary.

Key Principles

10. In deciding whether to provide for an electronic option for certain court procedures and documents, the Judiciary considers that the

principles and spirit of the administration of justice as set out in the existing legislation should be carefully balanced against the convenience made possible with the introduction of the ITSP. The Judiciary needs to consider, among others, how best to facilitate the use of electronic means (i) without compromising the need to safeguard the interests or rights of the parties concerned⁴; and (ii) whilst ensuring fairness of the judicial process and integrity of the documents/processes.

11. Besides, as court users in future may choose to use manual or electronic mode in handling transactions with the court and other parties, the Judiciary considers it important to maintain as far as possible parity between these two types of users, unless otherwise justified. This is to ensure that the administration of justice will not be affected because of the introduction of a possible additional mode of handling documents. For example, when a time limit is imposed on manual users for submission of certain documents to the court, a similar time limit should also be imposed on electronic users though strictly speaking such a limit may not be necessary in an electronic environment.

12. To facilitate court users (including practitioners), while sometimes there may be different considerations for civil and criminal proceedings in deciding the possible use of an electronic mode, the Judiciary has tried to harmonize the policies and practices for these two types of proceedings as far as possible, unless otherwise justified.

Key Features of the Proposed Legislation

Legislative Framework

13. The Judiciary has proposed that a new Bill (“e-Bill”) be introduced to provide for an overall legislative framework for the electronic mode of handling court-related documents eventually covering all levels of court. Under the framework, the Chief Justice (“CJ”) may designate the use of iCMS in certain courts and tribunals (“e-Courts”). Detailed court procedures for the electronic mode in these e-Courts are proposed to be set out in court procedural rules (“e-Rules”).

⁴ This includes the need to ensure that the right of a party to be informed of any important steps or developments in the court process will not be prejudiced by reason of him or her, for example, not having access to the electronic system, not being familiar with the electronic process or the use of a computer, or failure of the electronic system.

14. For Phase I, Stage 1 of ITSP implementation, the following three sets of e-Rules are being prepared for the DC and the Summons Courts :

- (a) e-Rules for civil proceedings for the DC;
- (b) e-Rules for criminal proceedings for the DC; and
- (c) e-Rules for the Summons Courts.

15. While there is commonality among the above three sets of e-Rules, the Judiciary considers it necessary to have three separate sets so that any special or unique features of the practice and procedures for the respective court/types of proceedings can be catered for. The Judiciary also considers that this would be clearer for court users.

16. When more courts and/or tribunals become e-Courts in the future, additional sets of e-Rules may be required.

17. The Judiciary also proposes that the e-Bill provide for the following:

- (a) the issuance of Practice Directions by CJ (“e-PDs”) to govern the more detailed operational procedures and practices for the electronic mode in the e-Courts; and
- (b) the issuance of instructions of an administrative nature by the Judiciary Administrator (“JA”) relating to the use of the iCMS. These may include such issues as user registration matters, technical requirements and electronic payments. For transparency, the administrative instructions will be published.

18. The key features of the e-Bill and e-Rules will be set out in the ensuing paragraphs.

Possible Phased Implementation

19. The e-Bill will provide for use of e-Rules to specify the types of proceedings for which court users would be able to use an electronic mode in the respective e-Courts. Within these applicable proceedings in an e-Court, the Judiciary considers it prudent to build in the legislative flexibility to allow for possible actual implementation of the iCMS in a more gradual manner as switching to an electronic mode means substantive operational changes on all fronts and can affect all stakeholders concerned. For example, the Judiciary may consider allowing certain

types of civil proceedings in the DC (e.g. civil actions) to use iCMS ahead of the other civil proceedings. This will enable the court and court users to get familiarized with the new procedures for more limited types of proceedings before gradually taking up the new procedures in a more extensive manner. The Judiciary may decide nearer the time whether such phased implementation is really needed.

20. The Judiciary therefore proposes that the e-Bill should enable CJ to specify, by implementation notices published in the Gazette, different implementation dates for the e-Courts in respect of different types of proceedings and/or different venues⁵. For example, in the DC, it is possible that CJ may announce that the iCMS be used first with District Court civil actions, ahead of the other types of civil proceedings in the DC. For the MC, the CJ may consider to authorize the use of iCMS in one or two of the seven MCs ahead of the remaining MCs.

21. For simplicity, inter-partes electronic service will only be allowed for those proceedings/venues that have been specified in CJ's implementation notices (i.e. only when one can use the iCMS for those proceedings/venues).

General Effect of the ITSP legislation

22. The e-Bill will provide that if a provision of written law (which will mean statute law and/or Practice Directions) or a direction of a court requires or permits that a document be submitted to the court and signed etc., the requirement is met if, as appropriate, the act in electronic mode is done in accordance with any applicable e-rules and e-PDs. Moreover, other requirements such as a designated IT system to be used (e.g. iCMS)

⁵ It is the Judiciary's intention to ensure that the key court offices, such as the registry and account offices concerned, will use iCMS at the same time when the relevant court becomes an e-Court. But, for similar reason of allowing for administrative flexibility, the Judiciary has suggested building in some legislative flexibility so that CJ may specify by implementation notices different implementation date(s) for the more independent court offices of an e-Court (e.g. bailiff and court language sections).

and the need for the electronic document concerned to be accessible for subsequent reference⁶ will also be specified.

23. The e-Bill will also provide that if something takes an electronic form, when it would otherwise be required to or permitted to be in the form of a paper document, that thing has the same effect as it were a paper document if it is handled by relying on the provisions of the e-Bill as stated out in para. 22 above.

Key Exceptions

24. However, some circumstances may warrant a deviation from the above general arrangements, though the Judiciary has tried to restrict such exceptions to the minimum.

25. The proposed exceptional arrangements are as follows :

- (a) electronic mode only given a legal effect similar to that of the hard copy selectively

The Judiciary considers that the submission of “original”/“certified” documents and documents which are now required or permitted to be “produced” to the court⁷ may require special handling under the electronic mode. The Judiciary needs to balance the benefits of facilitation and the need for upholding the related legal principles, including the genuine need for examining the original or paper documents in a court proceeding.

Taking a forward-looking approach, the Judiciary has critically gone through the relevant legislative provisions for the e-Courts to see which of them may possibly be given an electronic option. The Judiciary suggests the following arrangements :

⁶ There is also a similar “usability” requirement in the ETO, e.g. sections 5 and 5A. For court proceedings, as the document concerned may need to be referred to at a subsequent stage of the proceeding, it is important that the document can be accessible for future reference. For example, a court user cannot apply a password to the document to make it impossible for subsequent readers to access the document electronically again.

⁷ The legislative provisions with the expression “produce” or expressions with similar effect (collectively called “production expressions”) do not necessarily mean “physical production”. It all depends on the context of the relevant statutes (if any) and the applicable rules of evidence etc.

- (i) for originals or certified documents of civil cases in the DC which are required or permitted by a provision of written law or a direction of a court to be submitted to the court, they still have to be submitted in their original form unless otherwise permitted by e-Rules and/or e-PDs; and
- (ii) for documents which are now required or permitted to be produced to the court as a paper document for any of the e-Courts, they still have to be submitted to the court in hard copy or physical form unless otherwise permitted by e-Rules and/or e-PDs.

(b) electronic mode not allowed altogether

The Judiciary considers that an electronic mode is not appropriate for proceedings which are highly confidential and are now given very special treatment under the manual mode. Otherwise, this may affect the secrecy of the related proceedings and the wider public confidence in how the court handles such documents/proceedings.

For the above reasons, the Judiciary does not propose allowing an electronic mode for the following proceedings:

- (i) Sivan proceedings which are governed by case law only;
- (ii) applications for search warrants under section 5 of the Organized and Serious Crimes Ordinance (Cap. 455) to the DC; and
- (iii) applications for production order under section 15 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) to the DC.

26. For the avoidance of doubt, for documents to be adduced as evidence, unless otherwise specifically provided for in the ITSP legislation, they should continue to be presented/submitted to the court in hard copy.

e-sending of documents to the Court

27. Other than the few key exceptions above and some other minor exceptions due to for example practical considerations⁸, the Judiciary intends to generally allow an electronic submission of documents for filing or sending to the court. To do so, court users will have to first register with the Judiciary Administration and the electronic documents should be submitted to the e-Courts using iCMS in accordance with any applicable requirements set out in the relevant e-Rules, e-PDs and JA's administrative instructions.

28. In future, as at present, a manual user will only be able to submit documents to the court when the related registry is open. On the other hand, while an electronic user may do so any time round the clock, for parity with a manual user, the Judiciary proposes that an electronic submission received by the court after the registry is closed (e.g. after 5:30pm on a working day) would generally be deemed to have been received when the registry is next open for operation (normally at 8:45am on the next working day).

29. The Judiciary however considers that special handling is needed for documents for submission to the court that are time critical. For example, a party submitting an originating document in a civil case to a court registry for issuing under the manual mode is normally able to receive on the same day the document from the court (after sealing etc.) for serving on the other party if no apparent irregularity is identified. While similar cursory vetting would be performed by the court registry on the documents submitted via iCMS, depending on the particulars of any irregularities identified, the total volume of submissions received that day and the prevailing workload of the court, an originating document received (or deemed to be received) by the registry within its business hours on a particular day may only be issued and sent to the submitting party after that day.

30. As such, to maintain parity between manual and electronic users, the Judiciary suggests allowing the dating back of the issuing time of such time-critical documents, such as originating documents and *inter-partes* summons for civil cases, to the time when the document was first submitted to the court (or deemed to have been received by the court) if the court cannot return the document to the submitting party on the same day.

⁸ For example, it may not be possible to turn a detailed map into an electronic document with sufficient clarity for submission to the court.

Inter-Party Electronic Service of Documents

31. For service of documents between parties, it is proposed that the same approach be adopted for civil and criminal proceedings in the e-Courts. The proposed arrangements are as follows :

- (a) by making reference to section 5A of the ETO so that electronic service will be allowed, subject to the pre-requisite in point (b) below, if the written law or the court's direction requires or permits a document to be served by personal service or by post (whether by registered or ordinary post) except when personal service is the only prescribed mode of service; and
- (b) the pre-requisites are that there is prior consent between the parties concerned to use electronic service and the relevant electronic contacts (normally email addresses) have been designated.

32. For indication of consent, one can use a consent form to be specified in the e-PDs or publish a general consent on the relevant webpage. It is not necessary to file the written consent to the court unless necessary. Besides, one may withdraw the consent or change the electronic contacts by using the forms to be specified in the e-PDs.

33. Parties may choose any suitable electronic platform for serving the documents electronically as long as both the serving party and the recipient agree to the use of the platform. However, the iCMS is not a platform that can be used for service between parties.

34. For effective date of service, for DC civil cases, the Judiciary intends to largely follow the arrangements for the manual mode at present. For originating documents, if electronic service is used, the document is, unless the contrary is shown, taken to have been served on the seventh day following the day on which the document is served. This will not only maintain parity with the manual mode users, but would also allow for the possibility that the recipient may not always have access to electronic devices to see the document concerned. For other documents, the effective date is taken to be the business day following the day on which the document is electronically sent.

35. For DC criminal proceedings and the Summons Courts, since there is no distinction between the first and subsequent documents in the

manual mode at present, the effective date of inter-party service of all documents would be the business day following the day on which the document is electronically served).

36. Moreover, for DC civil cases, at the moment, Order 65, rule 10 of the Rules of the District Court (Cap. 336H) (“RDC”) provides that no process shall be served on Sunday except, in case of urgency, with the leave of the court. The Judiciary considers that such a restriction is no longer needed for the electronic mode. On the other hand, there is now no such restriction for criminal cases. To better suit the possible modus operandi of parties in the electronic environment, the Judiciary suggests that for both the civil and criminal cases, service by electronic mode be allowed on Sunday.

e-Authentication of Documents

(I) Overall Considerations

37. The Judiciary intends to allow electronic forms of signatures for authentication of court-related documents. In deciding what specific electronic forms of signature may be permitted, the key consideration is to facilitate the use of an electronic mode without compromising any key legal principles. The Judiciary has taken into account the allowable electronic forms of signature in the ETO and in the courts of the other jurisdictions, the possible need for more stringent requirements for some types of documents and the likely technological developments.

38. In particular, the Judiciary has examined the Model Law and similar court-related legislation etc. of the few overseas jurisdictions mentioned above. The two basic functions of a signature are to identify the author of a document and to confirm that the author has approved the content of that document. These overseas jurisdictions accept the naming of the person whose signature is required as the functional equivalent of the person’s signature when it comes to electronically filed documents.

(II) Typing Signatures

39. Given that electronic filing can only be done in future by registered users, the Judiciary suggests accepting a more facilitating mode of authentication for circumstances where the signatory is a party or a person acting on behalf of the party (e.g. counsel/solicitor) and the signatory is a registered user.

40. So, in general, besides the two acceptable forms of electronic signature currently allowed under the ETO (namely, “electronic signature” and “digital signature”), if the signatory is a registered user (e.g. regardless of whether the signatory is a party, counsel or solicitor), it is proposed that the signature requirement is satisfied by stating the signatory’s name at the place where the signature is required (“typing signatures”).

(III) “Scanned” Manuscript Signatures

41. On the other hand, the Judiciary is mindful that a person who has not actually signed on a document may easily disavow the document even if the person’s name and/or any other personal identifier appears on the document. The manuscript signature would impress upon the signer that he or she has signed the document. Hence, for some special types of documents, the Judiciary intends to generally require that the electronically filed document must be an electronic copy (say by scanning a hard copy of the document) that includes a clear, legible image of the signature of the person who signed the document⁹ (“‘scanned’ manuscript signatures”)¹⁰.

(IV) Special Types of Documents

42. The Judiciary considers that e-authentication of the following types of documents in the e-Courts in the first phase of ITSP implementation may warrant special handling :

For DC Civil Cases

- (i) an affidavit (except an affidavit proving due service of a document);
- (ii) a statutory declaration;
- (iii) a witness statement under Order 38, rule 2A of the RDC;
- (iv) a deposition under Order 39, rule 11 of the RDC; or
- (v) a notarial instrument within the meaning of section 35A(2) of the Evidence Ordinance (Cap. 8).

⁹ Such a requirement is modelled on the relevant rule of the NSW court-related legislation.

¹⁰ “Scanned” manuscript signatures may be regarded as one particular form of “electronic signatures” permitted under the ETO.

For criminal cases at the DC and the Summons Courts

- (vi) an affidavit; or
- (vii) any other document made on oath and filed in support of an application.

43. But, if a registered user is also the signer of the document, the Judiciary considers that allowing him or her to use the typing signatures as appropriate should be acceptable as the Judiciary will be assured about the identity of the signer through the registration mechanism. For DC civil proceedings, it is noted that of the types of special documents set out above, three of them would require another person's presence when the document is signed, e.g. the oath administrator. Hence, practically, the document would need to be printed out anyway. So, there is little added benefit even if the signatory is allowed to use the typing signature instead of "scanned" manuscript signature.

44. But, no third-party's presence is required for the following two types of documents for DC civil proceedings :

- (i) a witness statement under Order 38, rule 2A of the RDC; and
- (ii) a deposition under Order 39, rule 11 of the RDC.

Hence, on balance, for these two types of documents, it is proposed that a signatory who is also a registered user may use the typing signature.

45. For DC criminal proceedings and the Summons Courts, a third party's presence is required for all the special types of documents set out above. So, typing signature is not proposed for these documents.

(V) Possible Technological Developments

46. Besides, to allow for possible new forms of electronic signatures (e.g. the eID that the Government is developing), the Judiciary suggests providing for flexibility by enabling CJ to specify by e-PDs other acceptable electronic forms of signature.

(VI) Summary

47. Given the complexity of different possible proposed ways of signing a document electronically in future, for ease of reference, a summary of the proposed signature arrangements is at Annex A.

Retention of Hard Copy

48. Submitters of the above special types of documents are also advised to retain the original paper document until the final disposal of the proceeding for which the document was sent. This is because the authenticity of the document may be challenged or need to be verified during the course of the court proceeding.

Printouts

49. For some of the court procedures, there will be a need for a copy of an electronic document to be printed out for subsequent use. The Judiciary has considered whether any legal status should be given to such printouts. The considerations and proposed arrangements are set out below.

(I) Service of Originating Documents for Civil Cases

50. A common scenario which may require such printouts is about the service of originating documents for civil cases. At present, when a person (the plaintiff) submits an originating document to the court for issuance, the court will put a physical seal on each and every copy of the originating document submitted, retain the sealed original copy in the court file (to complete the filing process) and give the other sealed copies back to the submitter for service on the other party(ies) (e.g. the defendant) as well as for his or her own retention.

51. With the court's physical seal on the document, the defendant who receives the document would have confidence that the document received is genuine and the same as that submitted to the court.

52. In future, after the proposed ITSP legislation is implemented, for an e-Court, the plaintiff who is a registered user may submit an originating document in electronic form to the court through the iCMS. The court will then apply an electronic seal on the document (i.e. by dragging an image of a court seal onto the document electronically, while applying a digital signature on the document electronically to ensure the integrity of the document). The court will then send the electronically sealed document to the plaintiff through the iCMS.

53. The plaintiff may then serve the sealed originating document on the defendant electronically if the latter has agreed to accept electronic

service of documents. But, if not, the plaintiff will have to print out the electronic document and serve the printout on the defendant. More than one printed copy of the sealed originating document would be required if there is more than one defendant involved.

54. A defendant who receives the document electronically would be certain about the integrity of the document because of the digital signature applied by the court onto the document.

55. But, if the defendant receives the printout from the plaintiff, though an image of a seal in the printout can be seen, the printout would just be a copy of the originating document and the seal itself is not a physical one. While the Judiciary will provide a cross-checking service for the defendant (e.g. by allowing the defendants to call the Judiciary to quote the document reference number in the printout and check whether there is indeed such a document etc.), there may be questions on the legal status of the printout.

(II) Proposed Arrangements

56. The Judiciary has taken a forward-looking approach to examine the legal status of the printouts from any electronic documents issued by the court in general.

57. In the common example about DC civil cases quoted above, given the cross-checking service and practical considerations, the Judiciary does not suggest following the requirement of the manual mode that there has to be a physical seal on the originating document for serving on the other party. Instead, the Judiciary proposes to include a provision in the e-Bill to provide a proper legal status for printouts/copies of printouts for documents issued by the court¹¹. This should cover not only the originating documents, but also any other documents that may be issued by the court, e.g. documents that are sealed and/or signed by the Judges or Judicial Officers.

58. In putting forward the above policies, the Judiciary is mindful of the following key considerations :

- (a) one should not or cannot give different legal status to a printout and a photocopy. It is because they are simply copies of

¹¹ This is modelled on the relevant WA court-related legislation.

documents produced using different technologies (the former using a printer and the latter a photocopier); and

- (b) there is concern that the respondent/defendant receiving the printout may not believe/realize that these are indeed court/important documents. Such concern may be addressed through stipulating specific technical requirements on how best to print out the documents (e.g. form and colour of the seal, seal to be clearly legible and quality of the papers etc.) so that the printouts would look similar to documents handled under the manual mode. Moreover, the cross-checking service to be provided by the court should also help.

59. The Judiciary will reflect the above policy intention in the e-Bill. The detailed printing specifications will be spelt out in the e-PDs.

CONSULTATION

60. The Judiciary is consulting the relevant stakeholders, including the Hong Kong Bar Association and the Law Society of Hong Kong, on the proposed legislation.

WAY FORWARD

61. Subject to Members' views on the above legislative proposals and stakeholders' comments on the draft legislation, the Judiciary will refine the draft legislation as appropriate. The Judiciary proposes to provide to the Panel an information note with the draft e-Bill and e-Rules when they are at a more advanced stage of drafting.

Information Technology Strategy Plan (“ITSP”) : Proposed Forms of e-Signatures for Documents sent to Court

Types of e-signatures		Existing Types of e-signature under the Electronic Transactions Ordinance (“ETO”) (Cap. 553)		Proposed Types of e-signatures under ITSP		
		<i>Digital signature</i>	<i>Electronic signature</i>	<i>“Scanned” manuscript signature¹</i>	<i>Typing signature</i>	<i>Any other ways that the Chief Justice may prescribe</i>
Types of documents						
Special Types of Documents requiring the presence of a third party ²	Signer is the submitter ³			√		N/A yet
	Signer is not the submitter			√		N/A yet
Special Types of Documents not requiring any third party’s presence ⁴	Signer is the submitter	√	√	√	√	N/A yet
	Signer is not the submitter			√		N/A yet

¹ “Scanned” manuscript signatures may be regarded as one particular form of “electronic signatures” permitted under the ETO.

² These include :
 (a) Civil proceedings at the District Court : affidavits, statutory declaration and notarial instrument; and
 (b) Criminal proceedings at the District Court/Summons Courts: affidavit and any other documents made on oath and filed in support of an application.

³ The signer has to be a registered user for using iCMS.

⁴ These include witness statement and deposition for civil proceedings at the District Court. No such documents for criminal cases.

Types of e-signatures Types of documents		Existing Types of e-signature under the Electronic Transactions Ordinance (“ETO”) (Cap. 553)		Proposed Types of e-signatures under ITSP		
		<i>Digital signature</i>	<i>Electronic signature</i>	<i>“Scanned” manuscript signature¹</i>	<i>Typing signature</i>	<i>Any other ways that the Chief Justice may prescribe</i>
Any other documents	Signer is the submitter	√	√	√	√	N/A yet
	Signer is not the submitter	√	√	√		N/A yet