

**For Information****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 updates Members of the Judiciary's refined key legislative proposals for the implementation of its major Information Technology ("IT") project called the Information Technology Strategy Plan ("ITSP") after the stakeholder consultation.

**BACKGROUND**

2. As we briefed Members at the Panel meeting in April 2019, the Judiciary is developing under the ITSP an integrated court case management system ("iCMS") in phases to streamline and standardize the electronic court processes, across different levels of courts as appropriate. In particular, 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.

3. 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 Court<sup>1</sup> ("DC") and the Summons Courts of the Magistrates' Courts

---

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

(“Summons Courts”)<sup>2</sup>. Development of the iCMS in these courts is at an advanced stage<sup>3</sup>.

4. In our paper for the Panel meeting for April 2019, we outlined the legislative proposals for implementing Phase I of the ITSP. The draft legislation would include a bill and some court rules (subsidiary legislation). At the meeting, the Panel indicated general support for the legislative proposals and urged that the Judiciary take forward the legislative exercise as soon as possible.

## **LATEST DEVELOPMENTS**

### **Draft Legislation**

5. The Judiciary has since then received views from the stakeholders, including the Hong Kong Bar Association and the Law Society of Hong Kong, on the draft legislation. There is also general support for the proposed legislation. In particular, the Law Society has also asked that the ITSP implementation work be undertaken quickly.

6. Arising from the comments of the stakeholders, the Judiciary has refined the draft legislation as appropriate. To better illustrate the Judiciary’s proposed policies, the latest draft of the bill and key sets of rules are as follows :

- (a) the Court Proceedings (Electronic Technology) Bill (“the Bill”) at **Annex A**;

---

<sup>2</sup> “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.

<sup>3</sup> As at July 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. One component relating to payment collection was rolled out to these levels of courts in late 2016 and early 2018 respectively. Components relating to case management such as record keeping and listing of the DC were rolled out in June 2019. Other components are scheduled to be rolled out by phases in late 2019 and thereafter.

- (b) the Court Proceedings (Electronic Technology) (Specification of e-Courts and Tribunals) Rules to specify which courts/tribunals would be able to handle documents electronically at **Annex B**;
- (c) the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules at **Annex C** on rules for civil proceedings at the DC;
- (d) the proposed consequential amendments to the Rules of the District Court (“RDC”) (Cap. 336H) at **Annex D**;
- (e) the Court Proceedings (Electronic Technology) (District Court Criminal Proceedings) Rules at **Annex E** on rules for criminal proceedings at the DC; and
- (f) the Court Proceedings (Electronic Technology) (Magistrates’ Court) Rules for the Summons Courts at **Annex F**.

### **Key Refinements**

7. The key refinements to the legislative proposals arising from the stakeholders’ comments are set out below.

#### **Incentive for Migration to Electronic Mode**

8. The efficiency and cost-effectiveness of switching to an electronic mode should provide much incentive for court users to migrate. Instead of visiting the court registries, court users would be able to use electronic means to communicate with the court. This saves time and effort for them. Moreover, the Judiciary would facilitate such migration through publicity and technical assistance such as production of users’ guides. But, some stakeholders consider that it would be more helpful if the Judiciary can provide some further concrete incentives.

9. After careful consideration, the Judiciary proposes to grant certain time-limited concessions in respect of court fees for electronic users, such as filing fees, at the early stage of the forthcoming ITSP implementation. The relevant fees rules (which are subsidiary legislation) will need to be amended and the Judiciary will consider how best to do so. The Judiciary will consult the Legislative Council (“LegCo”) on this in the context of the proposed amendments to the fees rules.

*e-Authentication of Documents*

10. The Judiciary put forward in the earlier Panel paper the different types of e-signature arrangements that would be allowed under the proposed rules for different types of documents and users. There has been a general feedback from stakeholders that the signature arrangements are rather complicated. The Judiciary has carefully reviewed the arrangements and suggested simplifying the arrangements.

11. In short, the Judiciary now proposes that there should only be two types of documents (instead of the earlier three types<sup>4</sup>), namely (i) special types of documents; and (ii) general documents.

12. As indicated before, 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 other personal identifier appears on the document. The manuscript signature would impress upon the signer that he or she has signed the document. As such, for the special types of documents (details to be set out in the ensuing paragraph), the Judiciary intends to require a more stringent approach to e-signature, i.e. a person needs to sign on a paper document manually before it is converted into an electronic one (say by scanning) with the signature being a clear and tangible image<sup>5</sup>. The electronic document may then be filed with the court. This is called “ ‘scanned’ manuscript signatures”<sup>6</sup>.

---

<sup>4</sup> In the Judiciary's earlier proposals, there were three types of documents, namely, (i) special types of documents requiring the presence of a third party; (ii) special types of documents not requiring any third party's presence; and (iii) any other documents.

<sup>5</sup> Such a requirement is modelled on the relevant rule of the court-related legislation of New South Wales of Australia.

<sup>6</sup> “Scanned” manuscript signatures may be regarded as one particular form of “electronic signatures” permitted under the Electronic Transactions Ordinance (Cap. 553).

13. The special types of documents are as follows :

For DC Civil Cases

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

For criminal cases at the DC and the Summons Courts

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

14. On the other hand, for the general documents<sup>7</sup>, the Judiciary suggests a more facilitating approach. As such, besides the two acceptable forms of electronic signature currently allowed under the Electronic Transactions Ordinance (namely, “electronic signature” and “digital signature”), if the signatory is a registered user, it is proposed that the signature requirement can also be satisfied by inputting the signatory’s name at the place where the signature is required (“typing signatures”).

15. Besides, similar to the Judiciary’s previous proposals, 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 the Chief Justice to specify by Practice Directions other acceptable electronic forms of signature.

16. A summary of the proposed simplified signature arrangements is at **Annex G**.

---

<sup>7</sup> In the Judiciary’s earlier proposal, witness statements were grouped as special types of documents not requiring any third party’s presence. The Judiciary now proposes that this type of document be treated like any other document because the maker of a witness statement will appear at trial to confirm the veracity of his statement (and his signature) under oath before his statement will be received in evidence. As the process will ensure the integrity of the evidence in the proceeding concerned, a more facilitating approach may be adopted for such documents.

## **POSSIBLE FURTHER REFINEMENTS**

17. The draft legislation, particularly the draft rules, will be subject to further refinements as we continue our dialogue with various stakeholders on operational and other issues.

## **WAY FORWARD**

18. Members are invited to note the contents of the information note. The Judiciary will continue to work with the stakeholders to refine the draft legislation. We hope to introduce the bill to the LegCo as soon as possible, before taking forward the legislative process for the rules.

**The Judiciary**  
**August 2019**

---

**Court Proceedings (Electronic Technology) Bill**

**Contents**

Clause		Page
<b>Part 1</b>		
<b>Preliminary</b>		
1.	Short title and commencement.....	1
2.	Interpretation.....	1
3.	References to judge or judicial officer.....	2
<b>Part 2</b>		
<b>Application and Effect of Ordinance</b>		
4.	Application to Government.....	4
5.	Section 9 of Electronic Transactions Ordinance not affected .....	4
<b>Part 3</b>		
<b>Specification of e-Courts</b>		
6.	Chief Justice may specify e-Courts.....	5
<b>Part 4</b>		
<b>Information System to Facilitate Use of Electronic Technology</b>		
7.	Chief Justice may designate e-system.....	6
8.	Particular purposes for which e-system may be used .....	6
<b>Part 5</b>		

---

Clause	Page
<b>Use of Electronic Technology in Courts</b>	
<b>Division 1—Interpretation and Application of Part 5</b>	
<b>Subdivision 1—Interpretation</b>	
9.	Interpretation of Part 5 ..... 8
10.	References to courts ..... 8
<b>Subdivision 2—Application</b>	
11.	Application of Part 5 ..... 9
12.	Application of provisions and directions for sending or serving documents in writing ..... 10
<b>Division 2—Documents in Electronic Form</b>	
<b>Subdivision 1—Documents Created, Issued or Sent by Means of e-system</b>	
13.	Documents created by courts ..... 11
14.	Documents issued by courts ..... 12
15.	Documents sent by courts ..... 12
16.	Documents sent to courts ..... 13
<b>Subdivision 2—Documents with Endorsements etc.</b>	
17.	Endorsements, attachments, etc. in electronic form ..... 14
<b>Division 3—Electronic Service of Documents</b>	
18.	Service between parties ..... 15
<b>Division 4—Electronic Authentication of Documents</b>	
<b>Subdivision 1—Authentication of Documents Originating from Courts</b>	



---

Clause	Page
19.	Authentication—documents created, issued or sent by courts..... 16
<b>Subdivision 2—Authentication of Documents Sent to Courts</b>	
20.	Authentication—documents sent to courts ..... 17
<b>Subdivision 3—Authentication of Documents Served by or on Parties</b>	
21.	Authentication—documents served by or on parties ..... 18
<b>Division 5—Electronic Copies of Originals etc. and Electronic Production of Documents</b>	
22.	Electronic copies of original or certified documents ..... 18
23.	Electronic production of documents ..... 19
<b>Division 6—Printouts of Documents</b>	
24.	Use of printouts of documents issued or sent in electronic form by courts ..... 20
<b>Division 7—Records of Courts in Electronic Form</b>	
25.	Keeping of records by courts ..... 21
<b>Part 6</b>	
<b>Disallowing Use of e-system</b>	
26.	Court may disallow use of e-system for sending documents ..... 22
<b>Part 7</b>	
<b>Effect of Things Done Electronically</b>	
27.	Effect of things done electronically ..... 23
<b>Part 8</b>	

---

Clause	Page
<b>Rules, Implementation Notices and Administrative Instructions, for Use of Electronic Technology</b>	
<b>Division 1—Rules</b>	
28.	Rules for use of electronic technology ..... 24
29.	Additional rules for use of electronic technology ..... 25
<b>Division 2—Implementation Notices</b>	
30.	Implementation notices ..... 26
<b>Division 3—Administrative Instructions</b>	
31.	Administrative instructions by Judiciary Administrator ..... 27
<b>Part 9</b>	
<b>Savings and Transitional Arrangements</b>	
32.	Interpretation of Part 9 ..... 29
33.	Continued use of existing systems during transitional period..... 29

# A BILL

## To

Provide for the use of electronic technology in relation to proceedings in a court (which includes specified tribunals) and court-related purposes; and to enable the phased implementation of the use of electronic technology in relation to court proceedings.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

##### 1. Short title and commencement

- (1) This Ordinance may be cited as the Court Proceedings (Electronic Technology) Ordinance.
- (2) This Ordinance comes into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

##### 2. Interpretation

In this Ordinance—

*court* (法院) means—

- (a) the Court of Final Appeal;
- (b) the Court of Appeal;
- (c) the Court of First Instance;
- (d) the District Court;
- (e) a Magistrates' Court;

(f) the Coroner's Court; or

(g) a tribunal specified by rules made under section 6(b);

**court office** (法院辦事處) in relation to a court, means a registry of the court, or an office of the court;

**document** (文件) means anything in which information of any description is recorded;

**e-Court** (電子法院) means a court specified by rules made under section 6(a);

**electronic form** (電子形式) means in the form of an electronic record;

**electronic record** (電子紀錄) means a record that—

(a) is generated in a digital form by an information system;

(b) can be transmitted—

(i) within an information system; or

(ii) from one information system to another; and

(c) can be stored in an information system or other medium;

**e-system** (電子系統) means the information system designated under section 7;

**information system** (資訊系統) has the meaning given by section 2(1) of the Electronic Transactions Ordinance (Cap. 553);

**implementation notice** (實施公告) means a notice published under section 30(1).

### 3. References to judge or judicial officer

In this Ordinance, a reference to a judge or a judicial officer—

(a) is a reference to a judicial officer as defined by section 2 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92); and

- (b) includes a person appointed as a deputy or temporary judicial officer to perform the duties of, or to act otherwise in the office of, a judicial office as defined by that section.

\_\_\_\_\_

## **Part 2**

### **Application and Effect of Ordinance**

**4. Application to Government**

This Ordinance applies to the Government.

**5. Section 9 of Electronic Transactions Ordinance not affected**

Nothing in this Ordinance affects the application of section 9 of the Electronic Transactions Ordinance (Cap. 553) in relation to a legal proceeding.

---

## Part 3

### Specification of e-Courts

#### 6. Chief Justice may specify e-Courts

The Chief Justice may make rules—

- (a) to specify the courts by or in relation to which electronic technology may be used under Part 5;
  - (b) to specify the tribunals for the purposes of paragraph (g) of the definition of *court* (法院) in section 2; and
  - (c) to provide for incidental or supplemental matters (including transitional matters) relating to a specification under paragraph (a) or (b).
-

## **Part 4**

### **Information System to Facilitate Use of Electronic Technology**

#### **7. Chief Justice may designate e-system**

The Chief Justice may designate an information system to facilitate the use of electronic technology—

- (a) in relation to proceedings;
- (b) for other court-related purposes; and
- (c) without limiting paragraph (a) or (b), for the particular purposes set out in section 8.

#### **8. Particular purposes for which e-system may be used**

- (1) An e-system may be used by a court—
  - (a) to create, issue, send or receive documents in electronic form in relation to a proceeding;
  - (b) to compile, record, store or otherwise process information or documents in electronic form relating to a proceeding; or
  - (c) to allow access to information relating to a proceeding.
- (2) An e-system may be used by a person—
  - (a) to send documents in electronic form to a court in relation to a proceeding; or
  - (b) to otherwise communicate in electronic form with the court before which a proceeding is being taken.
- (3) An e-system may be used to make electronic payments.
- (4) An e-system may be used for any other purpose specified by rules made under section 28(2)(c).



(5) In this section—

***court*** (法院) includes—

- (a) a judge and a judicial officer; and
- (b) a court office;

***send*** (送交), in relation to a document, means file, lodge, give, notify, serve, deliver, submit, furnish or any other expression that signifies or suggests conveying the document.

---

## Part 5

### Use of Electronic Technology in Courts

#### Division 1—Interpretation and Application of Part 5

##### Subdivision 1—Interpretation

#### 9. Interpretation of Part 5

In this Part—

*at the relevant time* (在有關時間), in relation to an act done in electronic form or electronically for the purposes of this Part, means at the time of doing the act;

*direction of a court* (法院指示) means a direction given by a court, a judge or a judicial officer;

*e-practice direction* (電子實務指示) means a direction that—

- (a) is issued by the Chief Justice as to the practice and procedure of a court; and
- (b) relates to the use of electronic technology under this Ordinance;

*e-rules* (電子規則) means rules made under section 28 or 29;

*written law* (成文法律) means an Ordinance or subsidiary legislation and includes any practice direction, except an e-practice direction, that provides for the practice and procedure of a court.

#### 10. References to courts

In this Part, a reference to—

- (a) a document created, issued or sent by a court or an e-Court includes a document created, issued or sent by a judge or a judicial officer or a court office;
- (b) a document sent to a court or an e-Court includes a document sent to a judge or a judicial officer or a court office; and
- (c) a document, file or record kept or maintained by a court or an e-Court includes a document, file or record kept or maintained by a court office.

### **Subdivision 2—Application**

#### **11. Application of Part 5**

- (1) This Part applies only in relation to an e-proceeding.
- (2) A proceeding is an e-proceeding—
  - (a) if—
    - (i) an implementation notice is published stating that an e-system has been implemented for all proceedings of an e-Court; and
    - (ii) the proceeding is in that Court;
  - (b) if—
    - (i) an implementation notice is published stating that an e-system has been published for a type or description of proceeding in an e-Court; and
    - (ii) the proceeding is in that Court and is of that type or description; or
  - (c) if—
    - (i) an implementation notice is published stating that an e-system has been implemented for a type or

description of proceeding in an e-Court at a venue;  
and

- (ii) the proceeding is in that Court at the venue and is of that type or description.

## **12. Application of provisions and directions for sending or serving documents in writing**

- (1) A provision in this Part that applies in relation to a provision of written law or a direction of a court that requires or permits a document sent by a court to be in writing applies whether the provision of written law or direction—
  - (a) uses “send”, “give”, “notify”, “serve”, “deliver” (including grammatical variations and cognate expressions) or any other expression that signifies conveying a document; or
  - (b) otherwise suggests the conveying of a document by a court.
- (2) A provision in this Part that applies in relation to a provision of written law or a direction of a court that requires or permits a document sent to a court to be in writing applies whether the provision of written law or direction—
  - (a) uses “file”, “lodge”, “send”, “give”, “notify”, “serve”, “deliver”, “submit”, “furnish” (including grammatical variations and cognate expressions) or any other expression that signifies conveying a document; or
  - (b) otherwise suggests the conveying of a document to a court.
- (3) A provision in this Part that applies in relation to a provision of written law or a direction of a court that requires or permits a document served by a person on another person to be in

writing applies whether the provision of written law or direction—

- (a) uses “serve”, “send”, “give”, “deliver”, “furnish” (including grammatical variations and cognate expressions) or any other expression that signifies service; or
- (b) otherwise suggests the service of a document by a person on another person.

## **Division 2—Documents in Electronic Form**

### **Subdivision 1—Documents Created, Issued or Sent by Means of e-system**

#### **13. Documents created by courts**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
  - (a) requires a document created by a court to be in writing; or
  - (b) permits a document created by a court to be in writing.
- (2) In relation to an e- proceeding—
  - (a) for subsection (1)(a)—the requirement is met if—
    - (i) the document is created in electronic form by means of an e-system; and
    - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference; and
  - (b) for subsection (1)(b)—the document may be created in electronic form if—

- (i) it is created by means of an e-system; and
- (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference.

#### **14. Documents issued by courts**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
  - (a) requires a document issued by a court to be in writing; or
  - (b) permits a document issued by a court to be in writing.
- (2) In relation to an e-proceeding—
  - (a) for subsection (1)(a)—the requirement is met if—
    - (i) the document is issued in electronic form by means of an e-system; and
    - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference; and
  - (b) for subsection (1)(b)—the document may be issued in electronic form if—
    - (i) it is issued by means of an e-system; and
    - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference.

#### **15. Documents sent by courts**

- (1) This section applies in relation to a provision of written law or a direction of a court that—

- (a) requires a document sent by a court to be in writing; or
  - (b) permits a document sent by a court to be in writing.
- (2) In relation to an e-proceeding—
- (a) for subsection (1)(a)—the requirement is met if—
    - (i) the document is sent in electronic form by means of an e-system; and
    - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference; and
  - (b) for subsection (1)(b)—the document may be sent in electronic form if—
    - (i) it is sent by means of an e-system; and
    - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference.

## **16. Documents sent to courts**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
- (a) requires a document sent to a court to be in writing; or
  - (b) permits a document sent to a court to be in writing.
- (2) In relation to an e-proceeding—
- (a) for subsection (1)(a)—the requirement is met if—
    - (i) the document is sent in electronic form by means of an e-system in accordance with any applicable e-rules and e-practice directions; and

- (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference; and
- (b) for subsection (1)(b)—the document may be sent in electronic form if—
  - (i) it is sent by means of an e-system in accordance with any applicable e-rules and e-practice directions; and
  - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference.

### **Subdivision 2—Documents with Endorsements etc.**

#### **17. Endorsements, attachments, etc. in electronic form**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
  - (a) requires information to be endorsed or recorded on, or attached or annexed to, a document; or
  - (b) permits information to be endorsed or recorded on, or attached or annexed to, a document.
- (2) If the document is used in an e-proceeding and is in electronic form—
  - (a) for subsection (1)(a)—the requirement is met if—
    - (i) the information is incorporated in electronic form into the document or associated electronically with it in accordance with any applicable e-rules and e-practice directions; and



- (ii) at the relevant time it was reasonable to expect that the information so incorporated or associated would be accessible so as to be usable for subsequent reference; and
  - (b) for subsection (1)(b)—the information may be incorporated in electronic form into the document or associated electronically with it if—
    - (i) it is so incorporated or associated in accordance with any applicable e-rules and e-practice directions; and
    - (ii) at the relevant time it was reasonable to expect that the information so incorporated or associated would be accessible so as to be usable for subsequent reference.
- (3) In this section—
- information* (資料), in relation to a document, includes a note, certificate, statement, acknowledgment, record, matter and another document.

### **Division 3—Electronic Service of Documents**

#### **18. Service between parties**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
  - (a) requires a document served by a person on another person to be in writing; or
  - (b) permits a document served by a person on another person to be in writing.
- (2) In relation to an e-proceeding—
  - (a) for subsection (1)(a)—the requirement is met if—

- (i) the document is served in electronic form in accordance with any applicable e-rules and e-practice directions; and
  - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference; and
- (b) for subsection (1)(b)—the document may be served in electronic form if—
  - (i) it is served in accordance with any applicable e-rules and e-practice directions; and
  - (ii) at the relevant time it was reasonable to expect that the information in the document in electronic form would be accessible so as to be usable for subsequent reference.
- (3) To avoid doubt, this section does not apply in relation to a provision of written law or a direction of a court that requires or permits a document served by or on a court to be in writing.

## **Division 4—Electronic Authentication of Documents**

### **Subdivision 1—Authentication of Documents Originating from Courts**

#### **19. Authentication—documents created, issued or sent by courts**

- (1) This section applies in relation to a document created, issued or sent by a court that a provision of written law or a direction of a court—
  - (a) requires to be signed, sealed or certified; or
  - (b) permits to be signed, sealed or certified.

- (2) If the document is created, issued or sent by an e-Court in electronic form by means of an e-system in relation to an e-proceeding—
  - (a) for subsection (1)(a)—the requirement is met if the document is authenticated in accordance with any applicable e-rules and e-practice directions; and
  - (b) for subsection (1)(b)—the document may be authenticated in accordance with any applicable e-rules and e-practice directions.

## **Subdivision 2—Authentication of Documents Sent to Courts**

### **20. Authentication—documents sent to courts**

- (1) This section applies in relation to a document sent to a court that a provision of written law or a direction of a Court—
  - (a) requires to be signed; or
  - (b) permits to be signed.
- (2) If the document is sent to an e-Court in electronic form by means of an e-system in relation to an e- proceeding—
  - (a) for subsection (1)(a)—the requirement is met if the document is authenticated in accordance with any applicable e-rules and e-practice directions; and
  - (b) for subsection (1)(b)—the document may be authenticated in accordance with any applicable e-rules and e-practice directions.

---

### **Subdivision 3—Authentication of Documents Served by or on Parties**

#### **21. Authentication—documents served by or on parties**

- (1) This section applies in relation to a document served by a person on another person that a provision of written law or a direction of a court—
  - (a) requires to be signed; or
  - (b) permits to be signed.
- (2) If the document is served in electronic form in relation to an e-proceeding—
  - (a) for subsection (1)(a)—the requirement is met if the document is authenticated in accordance with any applicable e-rules and e-practice directions; and
  - (b) for subsection (1)(b)—the document may be authenticated in accordance with any applicable e-rules and e-practice directions.

### **Division 5—Electronic Copies of Originals etc. and Electronic Production of Documents**

#### **22. Electronic copies of original or certified documents**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
  - (a) requires an original or a certified document to be sent to a court; or
  - (b) permits an original or a certified document to be sent to a court.
- (2) In relation to an e-proceeding—
  - (a) for subsection (1)(a)—the requirement is met if—

- (i) a copy of the document is sent in electronic form by means of an e-system in accordance with any applicable e-rules and e-practice directions; and
  - (ii) at the relevant time it was reasonable to expect that the information in the copy in electronic form would be accessible so as to be usable for subsequent reference; and
- (b) for subsection (1)(b)—a copy of the document may be sent in electronic form if—
  - (i) it is sent by means of an e-system in accordance with any applicable e-rules and e-practice directions; and
  - (ii) at the relevant time it was reasonable to expect that the information in the copy in electronic form would be accessible so as to be usable for subsequent reference.

### **23. Electronic production of documents**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
  - (a) requires a document to be conveyed by producing it as a paper document; or
  - (b) permits a document to be conveyed by producing it as a paper document.
- (2) In relation to an e-proceeding—
  - (a) for subsection (1)(a)—the requirement is met if—
    - (i) a copy of the document is sent in electronic form by means of an e-system in accordance with any applicable e-rules and e-practice directions; and
    - (ii) at the relevant time it was reasonable to expect that the information in the copy in electronic form

- would be accessible so as to be usable for subsequent reference; and
- (b) for subsection (1)(b)—a copy of the document may be sent in electronic form if—
    - (i) it is sent by means of an e-system in accordance with any applicable e-rules and e-practice directions; and
    - (ii) at the relevant time it was reasonable to expect that the information in the copy in electronic form would be accessible so as to be usable for subsequent reference.

## **Division 6—Printouts of Documents**

### **24. Use of printouts of documents issued or sent in electronic form by courts**

- (1) This section applies if—
  - (a) a provision of written law or a direction of a court requires or permits a document issued or sent by a court to be in writing; and
  - (b) an e-Court, in reliance on this Part, issues or sends the document in electronic form by means of an e-system.
- (2) In relation to an e-proceeding, a printout produced from the electronic version of the document in accordance with any applicable e-rules and e-practice directions—
  - (a) may be used for any purpose for which the document or a copy of it is required or permitted to be used under a provision of written law or a direction of a court; and
  - (b) has the same legal effect as the original of the document or a copy of it (as the case requires).
- (3) In this section—

*electronic version* (電子版本) means a document issued or sent by an e-Court in electronic form by means of an e-system;  
*printout* (打印本) includes a copy of a printout.

## **Division 7—Records of Courts in Electronic Form**

### **25. Keeping of records by courts**

- (1) This section applies in relation to a provision of written law or a direction of a court that—
    - (a) requires—
      - (i) a document, file or record kept or maintained by a court to be in writing; or
      - (ii) a record made by a court to be in writing; or
    - (b) permits—
      - (i) a document, file or record kept or maintained by a court to be in writing; or
      - (ii) a record made by a court to be in writing.
  - (2) In relation to an e-Court—
    - (a) for subsection (1)(a)—the requirement is met if the document, file or record is kept or maintained, or the record is made, in electronic form; and
    - (b) for subsection (1)(b)—the document, file or record may be kept or maintained, or the record may be made, in electronic form.
-

## **Part 6**

### **Disallowing Use of e-system**

#### **26. Court may disallow use of e-system for sending documents**

- (1) In an e-proceeding, the court may—
    - (a) give a direction disallowing the use of an e-system by a person for sending any document to the court (except for documents already sent), in relation to—
      - (i) the whole proceeding; or
      - (ii) a particular procedure; and
    - (b) give any other direction that the court considers necessary because of a direction under paragraph (a).
  - (2) In exercising a power under subsection (1), the court may have regard to—
    - (a) the nature of the proceeding or procedure;
    - (b) the conduct of a party; or
    - (c) any other factor the court considers relevant.
-



## **Part 7**

### **Effect of Things Done Electronically**

#### **27. Effect of things done electronically**

- (1) If, in reliance on Part 5, an act is done in electronic form, when it would otherwise be required or permitted to have been done using or with respect to a paper document, the doing of that act in electronic form has the same effect as if that act had been done using or with respect to a paper document.
  - (2) If, in reliance on Part 5, something takes an electronic form, when it would otherwise be required or permitted to be in the form of a paper document, that thing has the same effect as it were a paper document.
  - (3) A document that is authenticated in accordance with section 19 has the same effect as a document duly signed, sealed or certified.
  - (4) A document that is authenticated in accordance with section 20 or 21 has the same effect as a document duly signed.
-

## **Part 8**

# **Rules, Implementation Notices and Administrative Instructions, for Use of Electronic Technology**

## **Division 1—Rules**

### **28. Rules for use of electronic technology**

- (1) The Chief Justice may make rules—
  - (a) to regulate or prescribe the practice and procedure to be followed in the use of electronic technology under Part 5; and
  - (b) without limiting paragraph (a), for the particular matters set out in this section.
- (2) Rules made under this section may, in relation to an e-system—
  - (a) authorize its use by or in relation to an e-Court;
  - (b) authorize its use for a type or description of proceeding that—
    - (i) is within the jurisdiction of an e-Court; and
    - (ii) is specified in the rules;
  - (c) specify purposes other than those set out in section 8 for which it may be used;
  - (d) specify the class or description of persons who may use it; and
  - (e) provide for registration as a user or any other arrangement to use it for certain purposes relating to a proceeding.
- (3) Rules made under this section may also—

- (a) specify a type or description of proceeding or matters of a confidential nature in relation to which electronic technology (including the use of an e-system) may not be used for a purpose under Part 5;
- (b) specify a type or description of documents that is required to be in the form of a paper document, whether or not it is used in electronic form in a proceeding;
- (c) provide for the conversion of documents in electronic form into paper documents or of paper documents into electronic form for any purpose relating to a proceeding;
- (d) provide for anything that by this Ordinance is required to or may be done in accordance with the rules;
- (e) provide for any matter related to the carrying out of an act by a court under Part 5;
- (f) provide for matters relating to electronic payments;
- (g) provide for transitional matters relating to an authorization under subsection (2)(a) or (b); and
- (h) contain incidental or supplemental provisions for the better carrying out of the provisions of this Ordinance.

## 29. **Additional rules for use of electronic technology**

- (1) A power to make rules of court under an Ordinance to provide for the practice and procedure of a court includes, in relation to an e-Court, a power to make rules—
  - (a) to provide for the use of electronic technology in proceedings governed by those rules (*Ordinance-specific rules*); and
  - (b) without limiting paragraph (a), to provide for anything that may be done in accordance with rules made under section 28.

- (2) Rules made under subsection (1) may supplement or depart from rules made under section 28 to suit the nature or type of proceedings governed by the Ordinance-specific rules.

## **Division 2—Implementation Notices**

### **30. Implementation notices**

- (1) The Chief Justice may provide for the phased implementation of the use of electronic technology in e-Courts and court offices—
  - (a) by notice published in the Gazette; and
  - (b) in accordance with this section.
- (2) The Chief Justice may, in an implementation notice, specify the date with effect from which electronic technology may be used for a purpose under Part 5 in relation to—
  - (a) a particular e-Court (whether or not at a particular venue); or
  - (b) a type or description of proceeding in an e-Court for which the use of an e-system has been authorized by rules made under section 28(2)(b).
- (3) The Chief Justice may specify different dates under subsection (2)(b) for proceedings of different types or descriptions or for different venues.
- (4) If an implementation notice has specified a date under this section—
  - (a) for a type or description of proceeding and the venue for it, with effect from that date, the use of electronic technology is implemented for—
    - (i) that type or description of proceeding;
    - (ii) the venue for the proceeding; and

- (iii) subject to subsection (5), the relevant court office;  
or
  - (b) for a type or description of proceeding (without a reference to a venue) with effect from that date the use of electronic technology is implemented for—
    - (i) that type or description of proceeding; and
    - (ii) subject to subsection (5), the relevant court office.
- (5) Without limiting subsection (4)(a) or (b), the Chief Justice may specify, in an implementation notice, a date—
  - (a) with effect from which the use of electronic technology (including the use of an e-system) is implemented for a court office; and
  - (b) which is different from the date specified for the e-Court concerned.
- (6) An implementation notice is not subsidiary legislation.

### **Division 3—Administrative Instructions**

#### **31. Administrative instructions by Judiciary Administrator**

- (1) The Judiciary Administrator may issue instructions of an administrative nature relating to the use of an e-system.
- (2) Without limiting subsection (1), administrative instructions may specify—
  - (a) for certain purposes relating to a proceeding, matters relating to registration as a user or any other arrangement referred to in section 28(2)(e), including—
    - (i) persons who are eligible to register;
    - (ii) how to register; and
  - (iii) administrative and organizational details relating to the arrangements;

- (b) technical matters relating to the use of an e-system, including—
    - (i) the computer hardware, software and other technical requirements for using an e-system;
    - (ii) the format and way in which documents are to be sent to the court under section 16; and
    - (iii) other technical requirements to which those documents must conform; and
  - (c) matters relating to electronic payments in proceedings.
- (3) The Judiciary Administrator—
- (a) must publish any administrative instructions; and
  - (b) may decide how and where to publish them.
- \_\_\_\_\_

## Part 9

### Savings and Transitional Arrangements

#### 32. Interpretation of Part 9

In this Part—

*commencement date* (實施日期) means the date on which Part 5 comes into operation;

*existing system* (現行系統) means any electronic means other than an e-system;

*relevant date* (有關日期), in relation to a particular section 8 purpose, means the date determined under section 33(3) for that purpose;

*section 8 purpose* (第 8 條用途) means a purpose for which an e-system may be used under section 8;

*transitional period* (過渡期), in relation to a particular section 8 purpose, means the period beginning on the commencement date and ending on the relevant date.

#### 33. Continued use of existing systems during transitional period

- (1) If, immediately before the commencement date, an existing system was used for a section 8 purpose, despite anything in this Ordinance, during the transitional period, the existing system may continue to be used for that purpose.
- (2) Anything that is done by means of an existing system during the transitional period pursuant to subsection (1) has the same effect as if it were done by means of an e-system.
- (3) In relation to a section 8 purpose, the Chief Justice may, by notice published in the Gazette—

- (a) specify a date after which an existing system is not to be used for that purpose; and
  - (b) under paragraph (a), specify different dates for different purposes.
- (4) A notice under subsection (3)—
- (a) may include details that relate to discontinuing the use of an existing system for the purpose concerned; and
  - (b) is not subsidiary legislation.
- \_\_\_\_\_



## Explanatory Memorandum

The main object of this Bill is to enable the use of electronic technology in proceedings in a court (as defined by clause 2) and for court-related purposes as an alternative to traditional paper-based methods.

2. The Bill is divided into 9 Parts.

### Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.
4. Clause 2 contains definitions that are necessary for the interpretation of the Bill. Some key definitions are *court* (which includes specified tribunals), *e-Court* (which is a court specified by rules made by the Chief Justice as a court in which electronic technology (*e-technology*) may be used), *electronic form*, *electronic record*, *e-proceedings* and *e-system*.
5. Clause 3 is a construction provision for the references to “judge” and “judicial officer”.

### Part 2—Application and Effect of Ordinance

6. Clause 4 provides that the Bill applies to the Government.
7. Clause 5 provides that the Bill does not affect the general provision in the Electronic Transactions Ordinance (Cap. 553) relating to the admissibility of electronic records in legal proceedings.

### Part 3—Specification of e-Courts

8. Clause 6 empowers the Chief Justice to make rules specifying courts and tribunals in which e-technology may be used.

**Part 4—Information System to Facilitate Use of Electronic Technology**

9. Clause 7 enables the Chief Justice to designate an information system to facilitate the use of e-technology for court proceedings and court-related matters.
10. Clause 8 sets out the particular purposes for which an e-system may be used.

**Part 5—Use of Electronic Technology in Courts**

11. Part 5 consists of 7 Divisions and contains the provisions that enable the use of the electronic form in place of a paper document in e-Court proceedings and give acts done in electronic form the same status as acts done using paper documents.

*Division 1—Interpretation and Application of Part 5*

12. Clause 9 contains definitions for the interpretation of Part 5. Some key definitions are *e-rules*, *e-practice directions* and *written law*.
13. Clause 10 is a construction provision to interpret references to a court or an e-Court to include a judge, judicial officer or a court office in relation to documents created or issued by, or sent to or by, a court or an e-Court. Similarly, references to a court or an e-Court include a court office in relation to documents, files or records kept or maintained by a court or e-Court.
14. Clause 11 states that Part 5 (which provides for the use of e-technology in Courts) applies to a proceeding that is an e-proceeding. An e-proceeding is a proceeding in an e-Court, a type or description of a proceeding in an e-Court, or a type or description of a proceeding at a venue in an e-Court, for which the use of an e-system has been implemented under clause 30. (This application clause, read with clause 30, effects the phased implementation of the use of e-technology in e-Courts).

15. Clause 12 addresses the fact that written laws and court directions use not only “send” or “serve” but various other expressions to signify the conveying of or service of a document. Accordingly, it provides that a Part 5 provision that applies in relation to the sending of a document by or to a court or service of documents applies irrespective of the term used in the written law or direction.

*Division 2—Documents in Electronic Form*

16. This Division deals with the use of documents in electronic form in e-proceedings to satisfy provisions of written law or court directions that require or permit a document to be in writing (*writing requirement or permission*).
17. Clauses 13, 14 and 15 relate to writing requirements or permissions applicable to documents created, issued or sent by a court. In each case, a document in electronic form can be used if two conditions are satisfied. The conditions are that the relevant act is done by means of an e-system and that the information in the document can reasonably be expected to be accessible so as to be usable for subsequent reference (*accessibility requirement*).
18. Clause 16 deals with writing requirements or permissions applicable to documents sent to a court. A document in electronic form can be used if the two conditions referred to in paragraph 17 (*specified conditions*) are met and the document is sent in accordance with e-rules and e-practice directions.
19. Clause 17 sets out how information (that is required permitted to be in writing) can be incorporated into a document that is in electronic form. The information can be incorporated or associated electronically with the document in accordance with e-rules and e-practice directions and subject to the accessibility requirement being met.

*Division 3—Electronic Service of Documents*

20. Clause 18 is about the service of documents between parties where a provision of written law or a court direction requires the served document to be in writing. In an e-proceeding, the document can be served in electronic form in accordance with any applicable e-rules and e-practice directions subject to the accessibility requirement being met.

*Division 4—Electronic Authentication of Documents*

21. This Division provides for the authentication of documents in electronic form that are used in e-proceedings.
22. Clause 19 deals with documents that are created, issued or sent by a court by means of an e-system and which are required or permitted to be signed, sealed or certified under a provision of written law or a court direction (*authentication requirement or permission*). To meet the authentication requirement or permission, the document can be authenticated in accordance with any applicable e-rules and e-practice directions.
23. Clause 20 provides that if a provision of written law or a court direction requires or permits a document sent to a court to be signed, the document can be authenticated in accordance with any applicable e-rules and e-practice directions.
24. Clause 21 provides that if a provision of written law or a court direction requires or permits a document served by a person on another person to be signed, the document can be authenticated in accordance with any applicable e-rules and e-practice directions.

*Division 5—Electronic Copies of Originals etc. and Electronic Production of Documents*

25. Clause 22 deals with the sending of an original or a certified document to a court under a provision of written law or a court direction in an e-proceeding. For this purpose, a copy of the document in electronic form can be sent in accordance with any

applicable e-rules and e-practice directions if the specified conditions are met.

26. Clause 23 provides that a provision of written law or a court direction requiring or permitting a document to be conveyed by producing it as a paper document is satisfied if a copy in electronic form is sent in accordance with any applicable e-rules and e-practice directions and the specified conditions are met.

*Division 6—Printouts of Documents Issued or Sent by Courts*

27. Clause 24 provides that if a document issued or sent by the court (***court document***) under Part 5 is in electronic form, a printout of it produced in accordance with any applicable e-rules and e-practice directions may be used for any purpose for which the court document could have been used under a written law or a court direction and has the same legal effect as the original or copy of the court document.

*Division 7—Records of Courts in Electronic Form*

28. Clause 25 provides that if a provision of written law or a court direction requires or permits a document, file or record kept, maintained or made by a court to be in writing, in relation to an e-Court, the document, file or record can be kept, maintained or made in electronic form.

**Part 6—Disallowing the Use of e-system**

29. Clause 26 empowers a court to disallow a person from using an e-system to send documents to court in an e-proceeding. In exercising the power, the court can take into account the nature of the proceeding or procedure, the conduct of a party or any other factor the court considers relevant.

**Part 7—Effect of Things Done Electronically**

30. Clause 27 confirms that if relying on Part 5, an act is done in electronic form, the act has the same effect as an act done using or with respect to a paper document and that if something takes an electronic form under Part 5, that thing has the same effect as a paper document. This clause also confirms that a document authenticated in accordance with clause 19 has the same effect as a document that is signed, sealed or certified and a document authenticated in accordance with clause 20 or 21 has the same effect as a document that is signed.

**Part 8—Rules, Implementation Notices and Administrative Instructions for Use of Electronic Technology**

31. Clause 28 empowers the Chief Justice to make rules to prescribe the practice and procedure for using e-technology for the purposes set out in Part 5 and for the particular matters specified in that clause.
32. Clause 29 in effect enlarges the power to make rules of court in other legislation (for the practice and procedure of a court), to include, for e-Courts, the power to make rules of court relating to the use of e-technology in proceedings governed by those rules.
33. Clause 30 contains the mechanism for introducing the use of e-technology in courts and court offices in phases. After the e-rules authorize the use of an e-system in relation to an e-Court or a type or description of proceeding, the Chief Justice may by a notice published in the Gazette, specify the date with effect from which e-technology can be used for a purpose under Part 5. The mechanism is flexible to allow phased implementation with reference to different types or descriptions of proceedings and different venues.
34. Clause 31 empowers the Judiciary Administrator to issue administrative instructions relating to registration and other

arrangements for using an e-system and for technical matters relating to the use of an e-system.

**Part 9—Savings and Transitional Arrangements**

35. Clause 32 contains definitions for the interpretation of clause 33.
36. Clause 33 allows the continued use of electronic means (other than an e-system) that had been in use for a purpose referred to in clause 8 before the commencement of Part 5, until the Chief Justice specifies a date after which the electronic means can no longer be used for that purpose.

---

**Court Proceedings (Electronic Technology)  
(Specification of e-Courts and Tribunals) Rules**

(Made by the Chief Justice under section 6 of the Court Proceedings  
(Electronic Technology) Ordinance ( of 2019))

**1. Commencement**

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

**2. Specification of e-Courts**

A court set out in Schedule 1 is specified as an e-Court.

**3. Specification of tribunals**

A tribunal set out in Schedule 2 is specified for the purposes of paragraph (g) of the definition of *court* in section 2 of the Ordinance.

---



## **Schedule 1**

[r. 2]

### **e-Courts**

1. District Court
  2. Magistrates' Court
-

## **Schedule 2**

[r. 3]

### **Tribunals**

1. Competition Tribunal
2. Lands Tribunal
3. Labour Tribunal
4. Small Claims Tribunal
5. Obscene Articles Tribunal

Chief Justice

2019

---

### **Explanatory Note**

Under section 6 of the Court Proceedings (Electronic Technology) Ordinance ( of 2019) (*Ordinance*), the Chief Justice is empowered to make rules to specify—

- (a) a court in which electronic technology may be used under Part 5 of the Ordinance (*e-Court*); and
  - (b) a tribunal for the purposes of paragraph (g) of the definition of *court* in section 2 of the Ordinance.
2. These Rules specify the District Court and Magistrates' Court as e-Courts.
  3. These Rules also specify the following tribunals so that a reference to a “court” in the Ordinance includes a tribunal so specified—
    - (a) the Competition Tribunal;
    - (b) the Lands Tribunal;
    - (c) the Labour Tribunal;
    - (d) the Small Claims Tribunal;
    - (e) the Obscene Articles Tribunal.

---

**Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules**

**Contents**

Rule	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Commencement .....	1
2. Interpretation.....	1
<b>Part 2</b>	
<b>Authorization for Use of e-System and Application of these Rules</b>	
3. Authorization for use of e-System .....	4
4. Application of these Rules .....	4
<b>Part 3</b>	
<b>Non-compliance with these Rules</b>	
5. Effect of non-compliance.....	6
6. Application to set aside for irregularity .....	6
<b>Part 4</b>	
<b>Documents sent to Court by Means of e-System</b>	
7. Interpretation of Part 4.....	8
8. Who may send documents to Court by means of e-System .....	8
9. Receiving time of documents sent to Court by means of e-	

---

Rule	Page
System.....	8
10. Issuing time of documents sent to Court by means of e-System—originating documents, etc. ....	9
11. Issuing time of documents sent to Court by means of e-System—other documents .....	10
12. Electronic copies be sent to Court instead of originals or certified documents.....	11
13. Sending electronic copies to Court instead of producing paper documents .....	12

**Part 5**

**Conversion of Form of Documents by Court**

14. Court may convert a document from one form into another .....	14
---	----

**Part 6**

**Electronic Service of Documents**

15. Interpretation of Part 6 .....	15
16. Application of Part 6.....	15
17. Sending document by electronic transmission .....	16
18. Electronic service of documents .....	16
19. Consent to acceptance of service by electronic transmission.....	16
20. Withdrawal of consent to acceptance of service by electronic transmission .....	17

---

Rule	Page
21. Change of designated system for receiving documents .....	17
22. Service of notice under rule 20(1) or 21(1).....	18
23. When electronic service is effected .....	18
24. Proof of electronic service of documents.....	18
25. Failure to give notice of intention to defend .....	19

**Part 7**

**Electronic Authentication of Documents**

**Division 1—Interpretation**

26. Interpretation of Part 7 .....	21
------------------------------------	----

**Division 2—Authentication of Documents Sent by Court**

27. Authentication of documents sent by Court.....	21
--	----

**Division 3—Authentication of Documents Sent to Court by Means of e-System**

28. Application of Division 3.....	22
29. Authentication of affidavits etc. sent to Court .....	23
30. Authentication of other documents sent to Court.....	23

**Division 4—Authentication of Documents Served by or on Parties in  
Electronic Form**

31. Authentication of documents served by or on parties .....	24
---	----

**Division 5—Conditions and Requirements for Using Electronic Signature and  
Digital Signature**

32. Conditions for using scanned electronic signature.....	25
--	----

---

Rule	Page
33. Conditions for using ordinary electronic signature .....	25
34. Requirements for using digital signature .....	26

**Part 8**

**Transfer of Proceedings**

35. Interpretation of Part 8 .....	28
36. Transfer of proceedings from Court to non-e-Court .....	28
37. Transfer of proceedings from non-e-Court to Court .....	29
38. Transfer of proceedings within Court .....	29

**Part 9**

**Electronic Payments**

39. Electronic payment of fees, funds, etc. ....	31
Schedule Documents that may be Sent to Court by Means of e-System instead of Producing Them as Paper Documents.....	32

## **Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules**

(Made by the Chief Justice under section 28 of the Court Proceedings (Electronic Technology) Ordinance ( of 2019))

### **Part 1**

#### **Preliminary**

##### **1. Commencement**

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

##### **2. Interpretation**

In these Rules—

*administrative instructions* (行政指示) means instructions issued under section 31(1) of the Ordinance;

*closure time* (暫停辦公時間), in relation to a court office, means—

- (a) any time during which the office is normally closed to the public for a lunch break;
- (b) any time after the office is normally closed to the public for the day;
- (c) any time on a Saturday or general holiday; or
- (d) any time during which the office is closed to the public for—
  - (i) a gale warning as defined by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62); or



- (ii) a black rainstorm warning as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

**Court** (法院) means the District Court, a judge, judicial officer or a court office;

**court office** (法院辦事處) means the registry of the District Court or an office of the District Court;

**direction of the Court** (法院指示) means a direction given by the District Court, a judge or a judicial officer;

**e-practice direction** (電子實務指示) has the meaning given by section 9 of the Ordinance;

**judge** (法官) means a judge of the District Court or a deputy District Judge;

**judicial officer** (司法人員) means—

- (a) a master of the District Court;
- (b) the Registrar of the District Court;
- (c) a Deputy Registrar of the District Court; or
- (d) an Assistant Registrar of the District Court;

**Organization User account holder** (機構用戶帳戶持有人), in relation to a registered user, means an individual who, under any administrative instructions, may send (either in the individual's own name or in the individual's capacity as an officer in the registered user) a document to the Court by means of an e-system using the same account as the registered user;

**RDC** (《區院規則》) means the Rules of the District Court (Cap. 336 sub. leg. H);

**registered user** (註冊用戶) means a person who is registered as a user of an e-system under any administrative instructions;

***written law*** (成文法律) has the meaning given by section 9 of the Ordinance.

---

## Part 2

### Authorization for Use of e-System and Application of these Rules

#### 3. Authorization for use of e-System

The use of an e-system is authorized for all proceedings to which these Rules apply.

#### 4. Application of these Rules

- (1) These Rules apply to a proceeding in the Court—
  - (a) specified in subrule (2); and
  - (b) for which the use of electronic technology has been implemented under an implementation notice.
- (2) The proceeding is—
  - (a) a proceeding to which any of the following rules apply—
    - (i) the Employees' Compensation (Rules of Court) Rules (Cap. 282 sub. leg. B);
    - (ii) the District Court Equal Opportunities Rules (Cap. 336 sub. leg. G);
    - (iii) the RDC; or
  - (b) a proceeding under Part III of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7).
- (3) Unless otherwise ordered by the Court, these Rules cease to apply to a proceeding under subrule (1) if—
  - (a) the Court makes an order under Order 4, rule 9(1) of the RDC (*consolidation order*) in relation to the proceeding; and

- (b) these Rules do not apply to the other proceeding in relation to which the consolidation order is made.

---

## **Part 3**

### **Non-compliance with these Rules**

#### **5. Effect of non-compliance**

- (1) If, in the course of or in connection with a proceeding, because of anything done or left undone, there has been a failure to comply with a requirement of these Rules, the failure—
  - (a) is to be treated as an irregularity; and
  - (b) does not nullify—
    - (i) the proceeding;
    - (ii) a step taken in the proceeding; or
    - (iii) a document, judgment or order in the proceeding.
- (2) The Court may, on the ground that there has been a failure mentioned in subrule (1), and on such terms as to costs or otherwise as it considers just—
  - (a) set aside either wholly or in part the proceeding in which the failure occurred, the step taken in the proceeding or the document, judgment or order in the proceeding; or
  - (b) exercise its powers under the RDC and make such order as it considers appropriate.

#### **6. Application to set aside for irregularity**

- (1) An application to set aside for irregularity a proceeding, a step taken in a proceeding or a document, judgment or order in a proceeding must not be allowed unless it is made—
  - (a) within a reasonable time; and

- (b) before the party applying has taken any fresh step after becoming aware of the irregularity.
  - (2) An application under this rule may be made by summons and the grounds on which the application is made must be stated in the summons.
-

## **Part 4**

### **Documents sent to Court by Means of e-System**

#### **7. Interpretation of Part 4**

In this Part—

**Registry** (登記處) means the registry of the District Court.

#### **8. Who may send documents to Court by means of e-System**

- (1) Only a registered user or an Organization User account holder may send a document to the Court by means of an e-system.
- (2) However, neither a registered user nor an Organization User account holder may serve a document in relation to a proceeding by means of an e-system on the Court if the Court is acting in the capacity of a party to the proceeding.

#### **9. Receiving time of documents sent to Court by means of e-System**

- (1) This rule applies to a document sent to the Court by means of an e-system other than a document sent to the Court for issue out of the Court.
- (2) When the document is given system confirmation, the document is taken to have been received by the Court at the time it was given initial receipt.
- (3) However, if the time at which the document is given initial receipt is a time specified in subrule (4), the document is taken to have been received by the Court at whichever is the earlier of the following times—
  - (a) the time when the Registry is next normally open to the public;

(b) the time when the Registry is next open for the proceeding to which the document relates.

(4) The time—

(a) is a closure time of the Registry; and

(b) is not a time during which the Registry is open for the proceeding to which the document relates.

(5) In this rule—

**initial receipt** (初步收據), in relation to a document sent under this rule, means the acknowledgement by the e-system of the initial receipt of the whole document immediately preceding system confirmation;

**system confirmation** (系統確認), in relation to a document sent under this rule, means confirmation by the e-system of the acceptance of the document.

**10. Issuing time of documents sent to Court by means of e-System—originating documents, etc.**

(1) This rule applies to a document that—

(a) is—

(i) a document by which proceedings are commenced in the Court;

(ii) an inter-partes summons; or

(iii) any other document that falls within a type or description of documents specified in e-practice directions for the purposes of this rule;

(b) was sent by a registered user or an Organization User account holder to the Court by means of an e-system for issue out of the Court; and

(c) has been issued out of the Court.



- (2) The document is taken to have been issued out of the Court at the time it was given initial receipt.
- (3) However, if the time at which the document is given initial receipt is a time specified in subrule (4), the document is taken to have been issued out of the Court at whichever is the earlier of the following times—
  - (a) the time when the Registry is next normally open to the public;
  - (b) the time when the Registry is next open for the proceeding to which the document relates.
- (4) The time—
  - (a) is a closure time of the Registry; and
  - (b) is not a time during which the Registry is open for the proceeding to which the document relates.
- (5) In this rule—

***initial receipt*** (初步收據), in relation to a document sent under this rule, means the acknowledgement by the e-system of the initial receipt of the whole document immediately preceding the issue of the document out of the Court.

**11. Issuing time of documents sent to Court by means of e-System—other documents**

- (1) This rule applies to a document that—
  - (a) is not a document specified in rule 10(1)(a);
  - (b) was sent by a registered user or an Organization User account holder to the Court by means of an e-system for issue out of the Court; and
  - (c) has been issued out of the Court, whether amended by the Court or not.

- (2) The document is taken to have been issued out of the Court at the time it was sent by the Court to the registered user or the Organization User account holder (as the case requires) by means of an e-system.

**12. Electronic copies be sent to Court instead of originals or certified documents**

- (1) This rule applies if—
  - (a) a provision of written law or a direction of the Court requires an original or a certified document to be sent to the Court (*requirement*); or
  - (b) a provision of written law or a direction of the Court permits an original or a certified document to be sent to the Court (*permission*).
- (2) This rule applies in relation to a document sent to the Court whether the provision of written law or direction of the Court—
  - (a) uses “file”, “lodge”, “send”, “give”, “notify”, “serve”, “deliver”, “submit”, “furnish” (including grammatical variation and cognate expressions) or any other expression that signifies conveying a document; or
  - (b) otherwise suggests the conveying of a document to the Court.
- (3) Despite the requirement, a copy of the original or certified document may be sent to the Court in electronic form by means of an e-system if the original or certified document is a document specified in subrule (5).
- (4) Without limiting the permission, a copy of the original or certified document may be sent to the Court in electronic form by means of an e-system if the original or certified document is a document specified in subrule (5).

- (5) The document is—
  - (a) a resolution referred to in Order 5A, rule 2(2)(c)(i) or (ii) of the RDC;
  - (b) an agreement referred to in Order 42, rule 6(2)(a) of the RDC; or
  - (c) any other document that falls within a type or description of documents specified in e-practice directions for the purposes of this rule.

**13. Sending electronic copies to Court instead of producing paper documents**

- (1) This rule applies if—
  - (a) a provision of written law or a direction of the Court requires a document to be conveyed by producing it to the Court as a paper document (*requirement*); or
  - (b) a provision of written law or a direction of the Court permits a document to be conveyed by producing it to the Court as a paper document (*permission*).
- (2) Despite the requirement, a copy of the document may be sent to the Court in electronic form by means of an e-system if the document is a document specified in subrule (4).
- (3) Without limiting the permission, a copy of the document may be sent to the Court in electronic form by means of an e-system if the document is a document specified in subrule (4).
- (4) The document is—
  - (a) a document specified in the Schedule; or
  - (b) any other document that falls within a type or description of documents specified in e-practice directions for the purposes of this rule.

- (5) Without affecting subrules (2) and (3), in making an order that a document be produced to the Court under the RDC, the Court may instead permit the document to be sent to the Court in electronic form by means of an e-system.

---

## Part 5

### Conversion of Form of Documents by Court

#### 14. Court may convert a document from one form into another

- (1) If a document is sent by or to the Court in paper form, the Court may convert the document into electronic form for one or more of the purposes specified in subrule (3).
- (2) If a document is sent by or to the Court in electronic form, the Court may convert the document into paper form for one or more of the purposes specified in subrule (3).
- (3) The purposes are—
  - (a) compiling a case file for the proceeding to which the document relates;
  - (b) transferring the proceeding to which the document relates under Part 8;
  - (c) providing a copy of the document under Order 63, rule 4 of the RDC;
  - (d) any other purpose the Court considers appropriate.

- (4) In this rule—

**send** (送交), in relation to a document, means file, lodge, give, notify, serve, deliver, submit, furnish or any other expression that signifies or suggests conveying the document.

---

## Part 6

### Electronic Service of Documents

#### 15. Interpretation of Part 6

In this Part—

*designated system* (指定系統) means the information system designated by a receiving person;

*originating document* (原訴文件) means the document by which proceedings are commenced in the Court;

*receiving person* (接收人), in relation to a document, means the person on whom the document is to be served;

*serving person* (送達人), in relation to a document, means the person who is to serve the document.

#### 16. Application of Part 6

- (1) This Part applies if a provision of written law or a direction of the Court requires or permits a document to be served on or by a person by personal service or by post (whether registered or not).
- (2) However, this Part does not apply to the service of a document if—
  - (a) a provision of written law or a direction of the Court specifies in relation to the document personal service or delivery by hand as the only mode of service; or
  - (b) the document falls within a type or description of documents specified in e-practice directions for the purposes of this Part.

- (3) This Part applies in relation to a document served on or by a person whether the provision of written law or direction of the Court—
  - (a) uses “serve”, “send”, “give”, “deliver”, “furnish” (including grammatical variations and cognate expressions) or any other expression that signifies service; or
  - (b) otherwise suggests the service of a document by a person on another person.

**17. Sending document by electronic transmission**

For the purposes of this Part, a document is sent by electronic transmission if it is sent in the form of an electronic record to an information system.

**18. Electronic service of documents**

- (1) If the condition specified in rule 19(1) is satisfied, a document may be served by a serving person on a receiving person by sending the document to a designated system by electronic transmission.
- (2) For the purposes of the RDC, the designated system to which a document is sent under subrule (1) is taken to be at the address for service of the receiving person of the document.
- (3) Subrule (1) does not affect the operation of—
  - (a) Order 11 of the RDC; or
  - (b) Order 65, rule 4 of the RDC.

**19. Consent to acceptance of service by electronic transmission**

- (1) For the purposes of rule 18(1), the condition is that the receiving person has given a notice—

- (a) notifying the serving person that the receiving person consents to accept service of the document by electronic transmission; and
  - (b) notifying the serving person of the designated system for receiving the document.
- (2) The notice may be given in any way the receiving person considers appropriate, except orally.
- (3) The consent takes effect at the time when the receiving person gives the notice.
- (4) If the notice is given by post (whether registered or not), the notice is taken to have been given on the day of posting the notice.

**20. Withdrawal of consent to acceptance of service by electronic transmission**

- (1) The receiving person of a document may file and serve on the serving person of the document a notice to withdraw the consent to the acceptance of service by electronic transmission.
- (2) The notice must be in the form specified in e-practice directions.

**21. Change of designated system for receiving documents**

- (1) The receiving person of a document may file and serve on the serving person of the document a notice to change the designated system.
- (2) The notice must be in the form specified in e-practice directions.



**22. Service of notice under rule 20(1) or 21(1)**

A notice specified in rule 20(1) or 21(1) may be served by a receiving person on a serving person—

- (a) in accordance with Order 65, rule 5 of the RDC; or
- (b) if the serving person has notified the receiving person that the serving person consents to accept service by electronic transmission—by sending the notice to the information system designated by the serving person by electronic transmission.

**23. When electronic service is effected**

- (1) If an originating document is served under rule 18, 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 sent by electronic transmission.
- (2) If a document (other than an originating document) is served under rule 18 or 22(b), the document is, unless the contrary is shown, taken to have been served on the business day following the day on which the document is sent by electronic transmission.
- (3) In this rule—  
*business day* (工作天) means a day other than a general holiday.

**24. Proof of electronic service of documents**

- (1) This rule applies if—
  - (a) a serving person is required under a provision of written law or a direction of the Court to file an affidavit proving due service of a document on a receiving person; and
  - (b) the document is served in accordance with rule 18.

- (2) The affidavit proving due service of the document must contain a statement to the effect that in the opinion of the deponent (or, if the deponent is a solicitor of the serving person or an employee of the solicitor, in the opinion of the serving person), the document was sent successfully by electronic transmission.
- (3) If the document is an originating document, the affidavit proving its due service must also contain a statement to the effect that in the opinion of the deponent (or, if the deponent is a solicitor of the serving person or an employee of the solicitor, in the opinion of the serving person), the document will have come to the knowledge of the receiving person within 7 days following the day on which the document is sent by electronic transmission.
- (4) The affidavit proving due service of the document (whether an originating document or not) must exhibit the record—
  - (a) evidencing the satisfaction of the condition specified in rule 19(1); and
  - (b) evidencing the sending of the document by electronic transmission.

**25. Failure to give notice of intention to defend**

- (1) This rule applies if—
  - (a) a writ was purportedly served by a serving person on a receiving person under rule 18; and
  - (b) judgment has been entered against the receiving person under Order 13 of the RDC.
- (2) If, after judgment has been entered by the serving person against the receiving person, the serving person becomes aware that the copy of the writ was not sent successfully, the

serving person must, before taking any step in the action or the enforcement of the judgment, either—

- (a) make a request for the judgment to be set aside on the ground that the writ has not been duly served; or
  - (b) apply to the Court for directions.
- (3) Order 13, rule 7(4) and (5) of the RDC applies to a writ purportedly served in accordance with rule 18 in proceedings before the Court as if—
- (a) a reference in Order 13, rule 7(4) to paragraph (3)(a) were a reference to subrule (2)(a);
  - (b) a reference in Order 13, rule 7(5) to paragraph (3)(b) were a reference to subrule (2)(b); and
  - (c) a reference in Order 13, rule 7(5)(b) to the return were a reference to the unsuccessful sending by electronic transmission.
- (4) In this rule—
- writ** (令狀) means a writ of summons.
-

## Part 7

### Electronic Authentication of Documents

#### Division 1—Interpretation

##### 26. Interpretation of Part 7

In this Part—

**digital signature** (數碼簽署) means a digital signature—

- (a) that is within the meaning of section 2(1) of the ETO;  
and
- (b) that satisfies the requirements specified in rule 34;

**electronic signature** (電子簽署) has the meaning given by section 2(1) of the ETO;

**ETO** (《電子交易條例》) means the Electronic Transactions Ordinance (Cap. 553);

**ordinary electronic signature** (一般電子簽署) means an electronic signature that complies with the conditions specified in rule 33;

**scanned electronic signature** (經掃描電子簽署) means an electronic signature that complies with the conditions specified in rule 32;

**signer** (簽署人) means a person referred to in rule 28(a).

#### Division 2—Authentication of Documents Sent by Court

##### 27. Authentication of documents sent by Court

- (1) Subrule (2) applies to a document that—

- (a) is required or permitted to be signed or certified by a person specified in subrule (3) under a provision of written law or a direction of the Court; and
  - (b) is in electronic form.
- (2) The document must be authenticated—
- (a) by the signature of the person in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or
  - (b) in any other way prescribed by e-practice directions.
- (3) The person is—
- (a) a judge;
  - (b) a judicial officer; or
  - (c) any other officer appointed or attached to the District Court under section 14(1) of the District Court Ordinance (Cap. 336).
- (4) Subrule (5) applies to a document that—
- (a) is required or permitted to be sealed by the Court under a provision of written law or a direction of the Court; and
  - (b) is in electronic form.
- (5) The document must be sealed in a way prescribed by e-practice directions.

### **Division 3—Authentication of Documents Sent to Court by Means of e-System**

#### **28. Application of Division 3**

This Division applies to a document that—

- (a) is required or permitted to be signed by a person under a provision of written law or a direction of the Court; and
- (b) is sent to the Court by means of an e-system.

**29. Authentication of affidavits etc. sent to Court**

- (1) This rule applies if the document is—
  - (a) an affidavit (except an affidavit proving due service of a document);
  - (b) a statutory declaration;
  - (c) a deposition under Order 39, rule 11 of the RDC; or
  - (d) a notarial instrument within the meaning of section 35A(2) of the Evidence Ordinance (Cap. 8).
- (2) The document must be authenticated—
  - (a) by the signature of the signer in the form of a scanned electronic signature; or
  - (b) in any other way prescribed by e-practice directions.

**30. Authentication of other documents sent to Court**

- (1) A document that is not a document specified in rule 29(1) must be authenticated—
  - (a) by the signature of the signer in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or
  - (b) in any other way prescribed by e-practice directions.
- (2) Without limiting subrule (1), if the signer of the document is the submitter of the document, the document may be authenticated—

- (a) if the submitter is a registered user—by inputting the signer’s name at a place where the signature of the signer would otherwise appear on the document; and
  - (b) if the submitter is an Organization User account holder—by inputting the signer’s name and, if applicable, the post title with the registered user concerned, at a place where the signature of the signer would otherwise appear on the document.
- (3) In subrule (2)—
- submitter** (呈交人), in relation to a document, means a registered user or an Organization User account holder, who sends the document to the Court by means of an e-system.

## **Division 4—Authentication of Documents Served by or on Parties in Electronic Form**

### **31. Authentication of documents served by or on parties**

- (1) This rule applies to a document that—
  - (a) is served in electronic form by a serving person on a receiving person;
  - (b) is required or permitted to be signed by the serving person under a provision of written law or a direction of the Court; and
  - (c) is not sent to the Court.
- (2) The document may be authenticated—
  - (a) by the signature of the serving person in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or

- (b) in any other way agreed by the serving person and receiving person.
- (3) In this rule—
  - receiving person* (接收人), in relation to a document, means the person on whom the document is to be served;
  - serving person* (送達人), in relation to a document, means the person who is to serve the document.

## **Division 5—Conditions and Requirements for Using Electronic Signature and Digital Signature**

### **32. Conditions for using scanned electronic signature**

The conditions specified for the purposes of the definition of *scanned electronic signature* are that—

- (a) the signer manually signs the original paper document; and
- (b) a true and complete electronic image of the original paper document containing the signature of the signer is created in the form of an electronic record.

### **33. Conditions for using ordinary electronic signature**

The conditions specified for the purposes of the definition of *ordinary electronic signature* are that—

- (a) the document is in the form of an electronic record;
- (b) the signer uses a method to attach the electronic signature to the electronic record or to logically associate that signature with the electronic record for the purpose of—
  - (i) identifying the signer as the person who signed the document; and



- (ii) indicating that the information contained in the document is authenticated or approved by the signer; and
- (c) having regard to all the relevant circumstances, the method is reliable, and is appropriate, for the purpose for which the information contained in the document is communicated.

### 34. Requirements for using digital signature

- (1) The requirements specified for the purposes of paragraph (b) of the definition of *digital signature* are that the digital signature—
  - (a) is supported by a recognized certificate;
  - (b) is generated within the validity of the certificate; and
  - (c) is used in accordance with the terms of that certificate.

- (2) In this rule—

*certification authority* (核證機關) has the meaning given by section 2(1) of the ETO;

*recognized certificate* (認可證書) has the meaning given by section 2(1) of the ETO;

*recognized certification authority* (認可核證機關) has the meaning given by section 2(1) of the ETO;

*within the validity of the certificate* (在該證書的有效期內) means that at the time the digital signature is generated—

- (a) the certificate that supports it has not been revoked or suspended by the certification authority that issued the certificate;
- (b) the recognition of the certificate has not been revoked or suspended by the Government Chief Information Officer;

- (c) if it is a certificate designated as a recognized certificate issued by the recognized certification authority referred to in section 34 of the ETO—the designation has not been withdrawn by the certification authority;
  - (d) if the Government Chief Information Officer has specified a period of validity for the recognition of the certificate—the certificate is within that period; and
  - (e) if the recognized certification authority has specified a period of validity for the certificate—the certificate is within that period.
-

## Part 8

### Transfer of Proceedings

#### 35. Interpretation of Part 8

In this Part—

*non-e-Court* (非電子法院) means a court that is not an e-Court;

*Registrar* (司法常務官) has the meaning given by Order 1, rule 4(1) of the RDC;

*court* (某法院) means a court as defined by section 2 of the Ordinance;

*transfer document* (移交文件), in relation to a proceeding in a court, means—

- (a) a document issued out of, or sent to, the court in the proceeding;
- (b) a note of the proceeding of the court; or
- (c) a transcript or record of the proceeding.

#### 36. Transfer of proceedings from Court to non-e-Court

- (1) This rule applies if an order is made by the Court for the transfer of a proceeding from the Court to a non-e-Court.
- (2) The Registrar must, as soon as practicable after the order is made, send to the non-e-Court all transfer documents in relation to the proceeding.
- (3) If a transfer document in relation to the proceeding is in electronic form, the Registrar may convert the document into paper form before sending it to the non-e-Court.

**37. Transfer of proceedings from non-e-Court to Court**

- (1) This rule applies if an order is made by a court for the transfer of a proceeding from a non-e-Court to the Court.
- (2) On receiving a transfer document in relation to the proceeding from the non-e-Court, the Registrar may—
  - (a) convert the document into electronic form; and
  - (b) file the document in an electronic case file to be maintained by the Court for the proceeding transferred.

**38. Transfer of proceedings within Court**

- (1) Subrule (2) applies if—
  - (a) an order is made by the Court directing that a proceeding (*relevant proceeding*) that was entered in a particular list of the Court (*existing list*) be transferred to another list of the Court (*new list*);
  - (b) a proceeding in the existing list is a proceeding for which the use of an e-system has not been implemented under an implementation notice; and
  - (c) a proceeding in the new list is a proceeding for which the use of an e-system has been implemented under an implementation notice.
- (2) The Registrar may—
  - (a) convert into electronic form all transfer documents in relation to the relevant proceeding in the existing list; and
  - (b) file the documents in an electronic case file to be maintained for the relevant proceeding in the new list.
- (3) Subrule (4) applies if—
  - (a) an order is made by the Court directing that a proceeding (*relevant proceeding*) that was entered in a particular list

of the Court (*existing list*) be transferred to another list of the Court (*new list*);

- (b) a proceeding in the existing list is a proceeding for which the use of an e-system has been implemented under an implementation notice; and
  - (c) a proceeding in the new list is a proceeding for which the use of an e-system has not been implemented under an implementation notice.
- (4) The Registrar may—
- (a) convert into paper form all transfer documents in relation to the relevant proceeding in the existing list; and
  - (b) file the documents and make an entry of the filing of the documents in the cause book.
- (5) In subrule (4)—
- cause book** (訟案登記冊) has the meaning given by Order 1, rule 4(1) of the RDC.
-

## Part 9

### Electronic Payments

#### 39. Electronic payment of fees, funds, etc.

- (1) This rule applies to a payment that is made by means of an e-system for a purpose specified in the administrative instructions for the purposes of this rule.
- (2) The payment is taken to have been received by the Court at the time when the payment transaction is completed (*completion time*).
- (3) However, if the completion time is a time specified in subrule (4), the payment is taken to have been received by the Court at whichever is the earlier of the following times—
  - (a) the time when the accounts office of the Court is next normally open to the public;
  - (b) the time when the accounts office is next open for the proceeding to which the payment relates.
- (4) The time—
  - (a) is a closure time of the accounts office of the Court; and
  - (b) is not a time during which the accounts office is open for the proceeding to which the payment relates.

---

## Schedule

[r. 13]

### **Documents that may be Sent to Court by Means of e-System instead of Producing Them as Paper Documents**

1. A receipt for payment of expenses referred to in Order 11, rule 8 of the RDC.
2. A receipt for payment of expenses referred to in Order 11, rule 8A of the RDC.
3. A certificate by a plaintiff's solicitor referred to in Order 13, rule 4(1) of the RDC.
4. An affidavit referred to in Order 13, rule 4(1) of the RDC.
5. A writ indorsed by a defendant's solicitor referred to in Order 13, rule 7(1) of the RDC.
6. An affidavit referred to in Order 13, rule 7(4) of the RDC.
7. A certificate by a plaintiff's solicitor referred to in Order 19, rule 5(1) of the RDC.
8. An affidavit referred to in Order 19, rule 5(1) of the RDC.
9. A consent to an action being withdrawn referred to in Order 21, rule 2(4) of the RDC.
10. A true copy of the record of proceedings referred to in Order 25, rule 11(1)(c) of the RDC.

11. A note authorizing the issue of a writ referred to in Order 32, rule 10(1) of the RDC.
12. A true copy of the record of proceedings referred to in Order 37, rule 1(1A)(d) of the RDC.
13. A certificate, order or other document referred to in Order 42, rule 5(3) of the RDC.
14. An order referred to in Order 42, rule 5(6) of the RDC.
15. A draft writ referred to in Order 44A, rule 1(2) of the RDC.
16. A judgment or order, or an office copy of a judgment or order, referred to in Order 46, rule 6(4)(a)(i) of the RDC.
17. An order or evidence referred to in Order 46, rule 6(4)(a)(ii) of the RDC.
18. A bailiff's list referred to in Order 47, rule 6(6) of the RDC.
19. A receipt for fees to counsel referred to in paragraph 2(1) of Part II of Schedule 1 to Order 62 of the RDC.
20. A certificate referred to in section 75A(1) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7).
21. An authority to distrain referred to in section 107 of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7).



Chief Justice

2019

---

### Explanatory Note

Under section 28 of the Court Proceedings (Electronic Technology) Ordinance ( of 2019) (*Ordinance*), the Chief Justice is empowered to make rules to, among other purposes—

- (a) prescribe the practice and procedure for using electronic technology for the matters set out in Part 5 of the Ordinance; and
  - (b) authorize the use of an e-system for a specified type or description of proceeding that is within the jurisdiction of an e-Court.
2. Under the Court Proceedings (Electronic Technology) (Specification of e-Courts and Tribunals) Rules, the District Court (*Court*) is specified as an e-Court.
3. These Rules authorize the use of an e-system for certain civil proceedings in the Court (Part 2).
4. These Rules also prescribe the practice and procedure for using electronic technology for the following matters—
  - (a) documents that are sent to the Court in electronic form by means of an e-system (Part 4);
  - (b) conversion of documents by the Court from paper form into electronic form, or vice versa (Part 5);
  - (c) electronic service of documents (Part 6);
  - (d) electronic authentication of documents (Part 7); and
  - (e) electronic payment of fees, funds, etc. (Part 9).
5. These Rules further provide for the following matters—
  - (a) the effect of non-compliance with these Rules (Part 3); and

- (b) the transfer of proceedings from the Court to a court that is not an e-Court, or vice versa (Part 8).

---

## **Rules of the District Court (Amendment) Rules 2019**

(Made by the District Court Rules Committee under section 72 of the District Court Ordinance (Cap. 336))

**1. Commencement**

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

**2. Rules of the District Court amended**

The Rules of the District Court (Cap. 336 sub. leg. H) are amended as set out in rules 3 and 4.

**3. Order 65, rule 10 amended (service of process on Sunday)**

Order 65, after rule 10(1)—

**Add**

“(1A) Paragraph (1) does not apply in relation to the service of any process under the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules.”.

**4. Appendix A amended (forms)**

(1) Appendix A, Form No. 14, under heading “*Directions for Acknowledgement of Service*”, after paragraph 1—

**Add**

“1A. However, a Defendant (or a Solicitor acting on behalf of a Defendant) who is a registered user or an Organization User account holder may send the Acknowledgment of Service to the Registry of the District Court by means of an e-system in accordance with the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules.

**Note—**

For the meaning of *registered user* and *Organization User account holder*, please see rule 2 of the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules.”.

- (2) Appendix A, Form No. 14, under heading “**Notes for Guidance**”, paragraph 2—

**Repeal**

everything after “and a writ served”

**Substitute**

“by post or by insertion through the Defendant’s letter box, or by sending it by electronic transmission in accordance with the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules, is treated as having been served on the seventh day after the date of posting, insertion or sending by electronic transmission.]

(*Note*: Not applicable if the defendant is a company served at its registered office.)”.

- (3) Appendix A, Form No. 14, under heading “**Notes for Guidance**”, after paragraph 7—

**Add**

“7A. A Defendant (or a Solicitor acting on behalf of a Defendant) who has received a printout of a Writ of Summons issued by the District Court in electronic form may contact the Registry of the District Court to ascertain whether the Writ of Summons had been issued by quoting its document reference number. For details, please refer to the Administrative Instructions issued by the Judiciary Administrator.”.

Made this            day of            2019.

---

### **Explanatory Note**

The Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules (***Electronic Rules***) authorize the use of an e-system for certain civil proceedings in the District Court and prescribe the practice and procedure for, among other things, using electronic technology for documents that are sent to the District Court in electronic form by means of an e-system and electronic service of documents.

2. These Rules consequentially amend—
  - (a) Order 65, rule 10 of the Rules of the District Court (Cap. 336 sub. leg. H) (***RDC***) to enable process to be served on a Sunday if it is served under the Electronic Rules; and
  - (b) the Directions for Acknowledgement of Service and Notes for Guidance attached to Form No. 14 (Acknowledgment of Service of Writ of Summons) in Appendix A of the RDC.

---

**Court Proceedings (Electronic Technology) (District  
Court Criminal Proceedings) Rules**

**Contents**

Section	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Commencement .....	1
2. Interpretation.....	1
<b>Part 2</b>	
<b>Authorization for Use of e-System and Application of these Rules</b>	
3. Authorization for use of e-System .....	3
4. Application of these Rules .....	3
<b>Part 3</b>	
<b>Documents sent to Court by Means of e-System</b>	
5. Who may send documents to Court by means of e-System .....	4
6. Receiving time of documents sent to Court by means of e-System.....	4
<b>Part 4</b>	
<b>Conversion of Form of Documents by Court</b>	
7. Court may convert a document from one form into another .....	6



---

Section	Page
---------	------

**Part 5**

**Electronic Service of Documents**

8.	Interpretation of Part 5 .....	7
9.	Application of Part 5 .....	7
10.	Sending document by electronic transmission .....	8
11.	Electronic service of documents .....	8
12.	Consent to acceptance of service by electronic transmission.....	8
13.	Withdrawal of consent to acceptance of service by electronic transmission .....	9
14.	Change of designated system for receiving documents .....	9
15.	Service of notice under rule 13(1) or 14(1).....	9
16.	When electronic service is effected .....	10

**Part 6**

**Electronic Authentication of Documents**

**Division 1—Interpretation**

17.	Interpretation of Part 6 .....	11
-----	--------------------------------	----

**Division 2—Authentication of Documents Sent by Court**

18.	Authentication of documents sent by Court .....	11
-----	---	----

**Division 3—Authentication of Documents Sent to Court by Means of e-System**

19.	Application of Division 3.....	12
-----	--------------------------------	----

Section	Page
20. Authentication of affidavits, etc. sent to Court .....	13
21. Authentication of other documents sent to Court.....	13
<b>Division 4—Authentication of Documents Served by or on Parties in Electronic Form</b>	
22. Authentication of documents served by or on parties .....	14
<b>Division 5—Conditions and Requirements for Using Electronic Signature and Digital Signature</b>	
23. Conditions for using scanned electronic signature.....	15
24. Conditions for using ordinary electronic signature .....	15
25. Requirements for using digital signature .....	16
<b>Part 7 Electronic Payments</b>	
26. Electronic payment of fees, fines, etc. ....	18

## **Court Proceedings (Electronic Technology) (District Court Criminal Proceedings) Rules**

(Made by the Chief Justice under section 28 of the Court Proceedings (Electronic Technology) Ordinance ( of 2019))

### **Part 1**

#### **Preliminary**

##### **1. Commencement**

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

##### **2. Interpretation**

In these Rules—

*administrative instructions* (行政指示) means instructions issued under section 31(1) of the Ordinance;

*closure time* (暫停辦公時間), in relation to a court office, means—

- (a) any time during which the office is normally closed to the public for a lunch break;
- (b) any time after the office is normally closed to the public for the day;
- (c) any time on a Saturday or general holiday; or
- (d) any time during which the office is closed to the public for—
  - (i) a gale warning as defined by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62); or

- (ii) a black rainstorm warning as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

**Court** (法院) means the District Court, a judge, judicial officer or a court office;

**court office** (法院辦事處) means the registry of the District Court or an office of the District Court;

**direction of the Court** (法院指示) means a direction given by the District Court, a judge or a judicial officer;

**e-practice direction** (電子實務指示) has the meaning given by section 9 of the Ordinance;

**judge** (法官) means a judge of the District Court or a deputy District Judge;

**judicial officer** (司法人員) means—

- (a) a master of the District Court;
- (b) the Registrar of the District Court;
- (c) a Deputy Registrar of the District Court; or
- (d) an Assistant Registrar of the District Court;

**Organization User account holder** (機構用戶帳戶持有人), in relation to a registered user, means an individual who, under any administrative instructions, may send (either in the individual's own name or in the individual's capacity as an officer in the registered user) a document to the Court by means of an e-system using the same account as the registered user;

**registered user** (註冊用戶) means a person who is registered as a user of an e-system under any administrative instructions;

**written law** (成文法律) has the meaning given by section 9 of the Ordinance.

---

## **Part 2**

### **Authorization for Use of e-System and Application of these Rules**

#### **3. Authorization for use of e-System**

The use of an e-system is authorized for all proceedings to which these Rules apply.

#### **4. Application of these Rules**

- (1) These Rules apply to a criminal proceeding in the Court—
    - (a) in relation to—
      - (i) a charge or complaint that is transferred to the Court under section 88 of the Magistrates Ordinance (Cap. 227); or
      - (ii) an indictment, the proceedings on which are transferred to the Court under section 65F of the Criminal Procedure Ordinance (Cap. 221); and
    - (b) for which the use of electronic technology has been implemented under an implementation notice.
  - (2) However, these Rules do not apply to a proceeding in relation to which the Rules of the District Court (Cap. 336 sub. leg. H) have effect.
-

## **Part 3**

### **Documents sent to Court by Means of e-System**

#### **5. Who may send documents to Court by means of e-System**

Only a registered user or an Organization User account holder may send a document to the Court by means of an e-system.

#### **6. Receiving time of documents sent to Court by means of e-System**

- (1) This rule applies to a document sent to the Court by means of an e-system other than a document sent for issue by the Court.
- (2) When the document is given system confirmation, the document is taken to have been received by the Court at the time it was given initial receipt.
- (3) However, if the time at which the document is given initial receipt is a time specified in subrule (4), the document is taken to have been received by the Court at whichever is the earlier of the following times—
  - (a) the time when the Registry is next normally open to the public;
  - (b) the time when the Registry is next open for the proceeding to which the document relates.
- (4) The time—
  - (a) is a closure time of the Registry; and
  - (b) is not a time during which the Registry is open for the proceeding to which the document relates.
- (5) In this rule—

***initial receipt*** (初步收據), in relation to a document sent under this rule, means the acknowledgement by the e-system of the initial receipt of the whole document immediately preceding system confirmation;

***Registry*** (登記處) means the registry of the District Court;

***system confirmation*** (系統確認), in relation to a document sent under this rule, means confirmation by the e-system of the acceptance of the document.

---

## Part 4

### Conversion of Form of Documents by Court

#### 7. Court may convert a document from one form into another

- (1) If a document is sent by or to the Court in paper form, the Court may convert the document into electronic form for one or more of the purposes specified in subrule (3).
- (2) If a document is sent by or to the Court in electronic form, the Court may convert the document into paper form for one or more of the purposes specified in subrule (3).
- (3) The purposes are—
  - (a) compiling a case file for the proceeding to which the document relates;
  - (b) transferring the proceeding to which the document relates between 2 relevant courts;
  - (c) providing a copy of the document under section 79 of the Criminal Procedure Ordinance (Cap. 221);
  - (d) any other purpose the Court considers appropriate.
- (4) In this rule—

**relevant court** (有關法院) means a court as defined by section 2 of the Ordinance;

**send** (送交), in relation to a document, means file, lodge, give, notify, serve, deliver, submit, furnish or any other expression that signifies or suggests conveying the document.

---



## Part 5

### Electronic Service of Documents

#### 8. Interpretation of Part 5

In this Part—

*designated system* (指定系統) means the information system designated by a receiving person;

*receiving person* (接收人), in relation to a document, means the person on whom the document is to be served;

*serving person* (送達人), in relation to a document, means the person who is to serve the document.

#### 9. Application of Part 5

- (1) This Part applies if a provision of written law or a direction of the Court requires or permits a document to be served on or by a person by personal service or by post (whether registered or not).
- (2) However, this Part does not apply to the service of a document if—
  - (a) a provision of written law or a direction of the Court specifies in relation to the document personal service or delivery by hand as the only mode of service; or
  - (b) the document falls within a type or description of documents specified in e-practice directions for the purposes of this Part.
- (3) This Part applies in relation to a document served on or by a person whether the provision of written law or direction of the Court—

- (a) uses “serve”, “send”, “give”, “deliver”, “furnish” (including grammatical variations and cognate expressions) or any other expression that signifies service; or
- (b) otherwise suggests the service of a document by a person on another person.

**10. Sending document by electronic transmission**

For the purposes of this Part, a document is sent by electronic transmission if it is sent in the form of an electronic record to an information system.

**11. Electronic service of documents**

If the condition specified in rule 12(1) is satisfied, a document may be served by a serving person on a receiving person by sending the document to a designated system by electronic transmission.

**12. Consent to acceptance of service by electronic transmission**

- (1) For the purposes of rule 11, the condition is that the receiving person has given a notice—
  - (a) notifying the serving person that the receiving person consents to accept service of the document by electronic transmission; and
  - (b) notifying the serving person of the designated system for receiving the document.
- (2) The notice may be given in any way the receiving person considers appropriate, except orally.
- (3) The consent takes effect at the time when the receiving person gives the notice.

- (4) If the notice is given by post (whether registered or not), the notice is taken to have been given on the day of posting the notice.

**13. Withdrawal of consent to acceptance of service by electronic transmission**

- (1) The receiving person of a document may file and serve on the serving person of the document a notice to withdraw the consent to the acceptance of service by electronic transmission.
- (2) The notice must be in the form specified in e-practice directions.

**14. Change of designated system for receiving documents**

- (1) The receiving person of a document may file and serve on the serving person of the document a notice to change the designated system.
- (2) The notice must be in the form specified in e-practice directions.

**15. Service of notice under rule 13(1) or 14(1)**

A notice specified in rule 13(1) or 14(1) may be served by the receiving person of a document on the serving person of the document—

- (a) in any way the document may be served under a provision of written law or a direction of the Court; or
- (b) if the serving person has notified the receiving person that the serving person consents to accept service by electronic transmission—by sending the notice to the information system designated by the serving person by electronic transmission.

**16. When electronic service is effected**

(1) If a document is served under rule 11 or 15(b), the document is, unless the contrary is shown, taken to have been served on the business day following the day on which the document is sent by electronic transmission.

(2) In subrule (1)—

*business day* (工作天) means a day other than a general holiday.

---

## Part 6

### Electronic Authentication of Documents

#### Division 1—Interpretation

##### 17. Interpretation of Part 6

In this Part—

**digital signature** (數碼簽署) means a digital signature—

- (a) that is within the meaning of section 2(1) of the ETO;  
and
- (b) that satisfies the requirements specified in rule 25;

**electronic signature** (電子簽署) has the meaning given by section 2(1) of the ETO;

**ETO** (《電子交易條例》) means the Electronic Transactions Ordinance (Cap. 553);

**ordinary electronic signature** (一般電子簽署) means an electronic signature that complies with the conditions specified in rule 24;

**scanned electronic signature** (經掃描電子簽署) means an electronic signature that complies with the conditions specified in rule 23;

**signer** (簽署人) means a person referred to in rule 19(a).

#### Division 2—Authentication of Documents Sent by Court

##### 18. Authentication of documents sent by Court

- (1) Subrule (2) applies to a document that—

- (a) is required or permitted to be signed or certified by a person specified in subrule (3) under a provision of written law or a direction of the Court; and
- (b) is in electronic form.
- (2) The document must be authenticated—
  - (a) by the signature of the person in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or
  - (b) in any other way prescribed by e-practice directions.
- (3) The person is—
  - (a) a judge;
  - (b) a judicial officer; or
  - (c) any other officer appointed or attached to the District Court under section 14(1) of the District Court Ordinance (Cap. 336).
- (4) Subrule (5) applies to a document that—
  - (a) is required or permitted to be sealed by the Court under a provision of written law or a direction of the Court; and
  - (b) is in electronic form.
- (5) The document must be sealed in a way prescribed by e-practice directions.

### **Division 3—Authentication of Documents Sent to Court by Means of e-System**

#### **19. Application of Division 3**

This Division applies to a document that—

- (a) is required or permitted to be signed by a person under a provision of written law or a direction of the Court; and
- (b) is sent to the Court by means of an e-system.

**20. Authentication of affidavits, etc. sent to Court**

- (1) This rule applies if the document is—
  - (a) an affidavit; or
  - (b) any other document made on oath and filed in support of an application.
- (2) The document must be authenticated—
  - (a) by the signature of the signer in the form of a scanned electronic signature; or
  - (b) in any other way prescribed by e-practice directions.

**21. Authentication of other documents sent to Court**

- (1) A document that is not a document specified in rule 20(1) must be authenticated—
  - (a) by the signature of the signer in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or
  - (b) in any other way prescribed by e-practice directions.
- (2) Without limiting subrule (1), if the signer of the document is the submitter of the document, the document may be authenticated—
  - (a) if the submitter is a registered user—by inputting the signer’s name at a place where the signature of the signer would otherwise appear on the document; and

- (b) if the submitter is an Organization User account holder—by inputting the signer’s name and, if applicable, the post title with the registered user concerned, at a place where the signature of the signer would otherwise appear on the document.
- (3) In subrule (2)—  
*submitter* (呈交人), in relation to a document, means a registered user or an Organization User account holder, who sends the document to the Court by means of an e-system.

## **Division 4—Authentication of Documents Served by or on Parties in Electronic Form**

### **22. Authentication of documents served by or on parties**

- (1) This rule applies to a document that—
  - (a) is served in electronic form by a serving person on a receiving person;
  - (b) is required or permitted to be signed by the serving person under a provision of written law or a direction of the Court; and
  - (c) is not sent to the Court.
- (2) The document may be authenticated—
  - (a) by the signature of the serving person in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or
  - (b) in any other way agreed by the serving person and receiving person.
- (3) In this rule—



*receiving person* (接收人), in relation to a document, means the person on whom the document is to be served;

*serving person* (送達人), in relation to a document, means the person who is to serve the document.

## **Division 5—Conditions and Requirements for Using Electronic Signature and Digital Signature**

### **23. Conditions for using scanned electronic signature**

The conditions specified for the purposes of the definition of *scanned electronic signature* are that—

- (a) the signer manually signs the original paper document; and
- (b) a true and complete electronic image of the original paper document containing the signature of the signer is created in the form of an electronic record.

### **24. Conditions for using ordinary electronic signature**

The conditions specified for the purposes of the definition of *ordinary electronic signature* are that—

- (a) the document is in the form of an electronic record;
- (b) the signer uses a method to attach the electronic signature to the electronic record or to logically associate that signature with the electronic record for the purpose of—
  - (i) identifying the signer as the person who signed the document; and
  - (ii) indicating that the information contained in the document is authenticated or approved by the signer; and

- (c) having regard to all the relevant circumstances, the method is reliable, and is appropriate, for the purpose for which the information contained in the document is communicated.

## 25. Requirements for using digital signature

- (1) The requirements specified for the purposes of paragraph (b) of the definition of *digital signature* are that the digital signature—
  - (a) is supported by a recognized certificate;
  - (b) is generated within the validity of the certificate; and
  - (c) is used in accordance with the terms of that certificate.

- (2) In this rule—

*certification authority* (核證機關) has the meaning given by section 2(1) of the ETO;

*recognized certificate* (認可證書) has the meaning given by section 2(1) of the ETO;

*recognized certification authority* (認可核證機關) has the meaning given by section 2(1) of the ETO;

*within the validity of the certificate* (在該證書的有效期內) means that at the time the digital signature is generated—

- (a) the certificate that supports it has not been revoked or suspended by the certification authority that issued the certificate;
- (b) the recognition of the certificate has not been revoked or suspended by the Government Chief Information Officer;
- (c) if it is a certificate designated as a recognized certificate issued by the recognized certification authority referred

- to in section 34 of the ETO—the designation has not been withdrawn by the certification authority;
- (d) if the Government Chief Information Officer has specified a period of validity for the recognition of the certificate—the certificate is within that period; and
  - (e) if the recognized certification authority has specified a period of validity for the certificate—the certificate is within that period.
- \_\_\_\_\_

## **Part 7**

### **Electronic Payments**

#### **26. Electronic payment of fees, fines, etc.**

- (1) This rule applies to a payment that is made by means of an e-system for a purpose specified in the administrative instructions for the purposes of this rule.
- (2) The payment is taken to have been received by the Court at the time when the payment transaction is completed (*completion time*).
- (3) However, if the completion time is a time specified in subrule (4), the payment is taken to have been received by the Court at the earlier of the following times—
  - (a) the time when the accounts office of the Court is next normally open to the public;
  - (b) the time when the accounts office is next open for the proceeding to which the payment relates.
- (4) The time—
  - (a) is a closure time of the accounts office of the Court; and
  - (b) is not a time during which the accounts office is open for the proceeding to which the payment relates.

Chief Justice

2019

---

### **Explanatory Note**

Under section 28 of the Court Proceedings (Electronic Technology) Ordinance ( of 2019) (*Ordinance*), the Chief Justice is empowered to make rules to, among other purposes—

- (a) prescribe the practice and procedure for using electronic technology for the matters set out in Part 5 of the Ordinance; and
  - (b) authorize the use of an e-system for a specified type or description of proceeding that is within the jurisdiction of an e-Court.
2. Under the Court Proceedings (Electronic Technology) (Specification of e-Courts and Tribunals) Rules, the District Court (*Court*) is specified as an e-Court.
3. These Rules authorize the use of an e-system for certain criminal proceedings in the Court (Part 2).
4. These Rules also prescribe the practice and procedure for using electronic technology for the following matters—
  - (a) documents that are sent to the Court in electronic form by means of an e-system (Part 3);
  - (b) conversion of documents by the Court from paper form into electronic form, or vice versa (Part 4);
  - (c) electronic service of documents (Part 5);
  - (d) electronic authentication of documents (Part 6); and
  - (e) electronic payment of fees, fines, etc. (Part 7).

---

**Court Proceedings (Electronic Technology)  
(Magistrates' Court) Rules**

**Contents**

Section	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Commencement .....	1
2. Interpretation.....	1
<b>Part 2</b>	
<b>Authorization for Use of e-System and Application of these Rules</b>	
3. Authorization for use of e-System .....	3
4. Application of these Rules .....	3
<b>Part 3</b>	
<b>Documents sent to Court by Means of e-System</b>	
5. Who may send documents to Court by means of e-System .....	5
6. Receiving time of documents sent to Court by means of e-System.....	5
7. Sending electronic copies to Court .....	6
<b>Part 4</b>	
<b>Conversion of Form of Documents by Court</b>	
8. Court may convert a document from one form into another .....	7

---

Section	Page
---------	------

**Part 5**

**Electronic Service of Documents**

9.	Interpretation of Part 5 .....	8
10.	Application of Part 5 .....	8
11.	Sending document by electronic transmission .....	9
12.	Electronic service of documents .....	9
13.	Consent to acceptance of service by electronic transmission.....	9
14.	Withdrawal of consent to acceptance of service by electronic transmission .....	10
15.	Change of designated system for receiving documents .....	10
16.	Service of notice under rule 14(1) or 15(1).....	10
17.	When electronic service is effected .....	11

**Part 6**

**Electronic Authentication of Documents**

**Division 1—Interpretation**

18.	Interpretation of Part 6 .....	12
-----	--------------------------------	----

**Division 2—Authentication of Documents Sent by Court**

19.	Authentication of documents sent by Court .....	12
-----	---	----

**Division 3—Authentication of Documents Sent to Court by Means of e-System**

20.	Application of Division 3.....	13
21.	Authentication of affidavits, etc. sent to Court .....	14



---

Section	Page
22. Authentication of other documents sent to Court.....	14
<b>Division 4—Authentication of Documents Served by or on Parties in Electronic Form</b>	
23. Authentication of documents served by or on parties .....	15
<b>Division 5—Conditions and Requirements for Using Electronic Signature and Digital Signature</b>	
24. Conditions for using scanned electronic signature.....	16
25. Conditions for using ordinary electronic signature .....	16
26. Requirements for using digital signature .....	17
<b>Part 7</b>	
<b>Electronic Payments</b>	
27. Electronic payment of fees, fines, etc. ....	19
Schedule 1 Ordinances under which Penalty Notices are Issued .....	20
Schedule 2 Documents that may be Sent to Court by Means of e-System instead of Producing Them as Paper Documents.....	21

## **Court Proceedings (Electronic Technology) (Magistrates' Court) Rules**

(Made by the Chief Justice under section 28 of the Court Proceedings  
(Electronic Technology) Ordinance ( of 2019))

### **Part 1**

#### **Preliminary**

##### **1. Commencement**

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

##### **2. Interpretation**

In these Rules—

*administrative instructions* (行政指示) means instructions issued under section 31(1) of the Ordinance;

*closure time* (暫停辦公時間), in relation to a court office, means—

- (a) any time during which the office is normally closed to the public for a lunch break;
- (b) any time after the office is normally closed to the public for the day;
- (c) any time on a Saturday or general holiday; or
- (d) any time during which the office is closed to the public for—
  - (i) a gale warning as defined by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62); or

- (ii) a black rainstorm warning as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

**Court** (法院) means the Magistrates' Court, a magistrate or a court office;

**court office** (法院辦事處) means a registry or an office of the Magistrates' Court;

**direction of the Court** (法院指示) means a direction given by the Magistrates' Court or a magistrate;

**e-practice direction** (電子實務指示) has the meaning given by section 9 of the Ordinance;

**magistrate** (裁判官) has the same meaning as in the MO;

**Magistrates' Court** (裁判法院) includes a juvenile court within the meaning of section 3A of the Juvenile Offenders Ordinance (Cap. 226);

**MO** (《裁判官條例》) means the Magistrates Ordinance (Cap. 227);

**Organization User account holder** (機構用戶帳戶持有人), in relation to a registered user, means an individual who, under any administrative instructions, may send (either in the individual's own name or in the individual's capacity as an officer in the registered user) a document to the Court by means of an e-system using the same account as the registered user;

**registered user** (註冊用戶) means a person who is registered as a user of an e-system under any administrative instructions;

**written law** (成文法律) has the meaning given by section 9 of the Ordinance.

---

## **Part 2**

### **Authorization for Use of e-System and Application of these Rules**

#### **3. Authorization for use of e-System**

The use of an e-system is authorized for all proceedings to which these Rules apply.

#### **4. Application of these Rules**

- (1) These Rules apply to a proceeding in the Court—
  - (a) specified in subrule (2); and
  - (b) for which the use of electronic technology has been implemented under an implementation notice.
- (2) The proceeding is a proceeding—
  - (a) in relation to which a notice of prosecution is or is to be filed under section 7D(1) of the MO;
  - (b) in relation to which a summons is or is to be issued under section 8(1) of the MO;
  - (c) in relation to which a notice to appear is or is to be served under section 8A(1) of the MO; or
  - (d) in relation to which a penalty notice is issued under an Ordinance specified in Schedule 1.
- (3) However, the proceeding must be in relation to—
  - (a) a contravention the proceedings in respect of which is or is to be initiated by a person specified in subrule (4); or
  - (b) an offence the prosecution of which is or is to be initiated by a person specified in subrule (4).
- (4) The person is—

- (a) the Secretary for Justice; or
  - (b) a complainant or informant who—
    - (i) is acting or deemed to act on behalf of the Secretary for Justice to initiate the proceedings or prosecution; or
    - (ii) is authorized by an Ordinance (other than the MO) to initiate the proceedings or prosecution.
  - (5) Unless otherwise ordered by the Court, these Rules cease to apply to a proceeding under subrule (1) if the Court makes an order that the proceeding be heard, or otherwise dealt with, together with any other proceeding to which these Rules do not apply.
  - (6) In subrule (2)(d)—  
***penalty notice*** (罰款通知書), in relation to a contravention or an offence specified in an Ordinance, means a notice in which the person to whom the notice is sent is offered an opportunity to discharge the person's liability in respect of the contravention or offence by paying a fixed penalty imposed under the Ordinance.
-

## Part 3

### Documents sent to Court by Means of e-System

#### 5. Who may send documents to Court by means of e-System

Only a registered user or an Organization User account holder may send a document to the Court by means of an e-system.

#### 6. Receiving time of documents sent to Court by means of e-System

- (1) This rule applies to a document sent to the Court by means of an e-system.
- (2) When the document is given system confirmation, the document is taken to have been received by the Court at the time it was given initial receipt.
- (3) However, if the time at which the document is given initial receipt is a time specified in subrule (4), the document is taken to have been received by the Court at whichever is the earlier of the following times—
  - (a) the time when the relevant registry is next normally open to the public;
  - (b) the time when the relevant registry is next open for the relevant proceeding.
- (4) The time—
  - (a) is a closure time of the relevant registry; and
  - (b) is not a time during which the relevant registry is open for the relevant proceeding.
- (5) In this rule—

***initial receipt*** (初步收據), in relation to a document sent under this rule, means the acknowledgement by the e-system of the

initial receipt of the whole document immediately preceding system confirmation;

**relevant proceeding** (有關法律程序), in relation to a document sent under this rule, means the proceeding to which the document relates;

**relevant registry** (有關登記處), in relation to a relevant proceeding, means the registry of the magistrate's court in which the proceeding is initiated;

**system confirmation** (系統確認), in relation to a document sent under this rule, means confirmation by the e-system of the acceptance of the document.

## 7. Sending electronic copies to Court

- (1) This rule applies if—
    - (a) a provision of written law or a direction of the Court requires a document to be conveyed by producing it to the Court as a paper document (**requirement**); or
    - (b) a provision of written law or a direction of the Court permits a document to be conveyed by producing it to the Court as a paper document (**permission**).
  - (2) Despite the requirement, a copy of the document may be sent to the Court in electronic form by means of an e-system if the document is a document specified in subrule (4).
  - (3) Without limiting the permission, a copy of the document may be sent to the Court in electronic form by means of an e-system if the document is a document specified in subrule (4).
  - (4) The document is—
    - (a) a document specified in Schedule 2; or
    - (b) any other document that falls within a type or description of documents specified in e-practice directions for the purposes of this rule.
-

## Part 4

### Conversion of Form of Documents by Court

#### 8. Court may convert a document from one form into another

- (1) If a document is sent by or to the Court in paper form, the Court may convert the document into electronic form for one or more of the purposes specified in subrule (3).
- (2) If a document is sent by or to the Court in electronic form, the Court may convert the document into paper form for one or more of the purposes specified in subrule (3).
- (3) The purposes are—
  - (a) compiling a case file for the proceeding to which the document relates;
  - (b) transferring the proceeding to which the document relates between 2 relevant courts;
  - (c) providing a copy of the document under section 35A of the MO;
  - (d) any other purpose the Court considers appropriate.
- (4) In this rule—

**relevant court** (有關法院) means a court as defined by section 2 of the Ordinance;

**send** (送交), in relation to a document, means file, lodge, give, notify, serve, deliver, submit, furnish or any other expression that signifies or suggests conveying the document.

---



## Part 5

### Electronic Service of Documents

#### 9. Interpretation of Part 5

In this Part—

*designated system* (指定系統) means the information system designated by a receiving person;

*receiving person* (接收人), in relation to a document, means the person on whom the document is to be served;

*serving person* (送達人), in relation to a document, means the person who is to serve the document.

#### 10. Application of Part 5

- (1) This Part applies if a provision of written law or a direction of the Court requires or permits a document to be served on or by a person by personal service or by post (whether registered or not).
- (2) However, this Part does not apply to the service of a document if—
  - (a) a provision of written law or a direction of the Court specifies in relation to the document personal service or delivery by hand as the only mode of service; or
  - (b) the document falls within a type or description of documents specified in e-practice directions for the purposes of this Part.
- (3) This Part applies in relation to a document served on or by a person whether the provision of written law or direction of the Court—

- (a) uses “serve”, “send”, “give”, “deliver”, “furnish” (including grammatical variations and cognate expressions) or any other expression that signifies service; or
- (b) otherwise suggests the service of a document by a person on another person.

**11. Sending document by electronic transmission**

For the purposes of this Part, a document is sent by electronic transmission if it is sent in the form of an electronic record to an information system.

**12. Electronic service of documents**

If the condition specified in rule 13(1) is satisfied, a document may be served by a serving person on a receiving person by sending the document to a designated system by electronic transmission.

**13. Consent to acceptance of service by electronic transmission**

- (1) For the purposes of rule 12, the condition is that the receiving person has given a notice—
  - (a) notifying the serving person that the receiving person consents to accept service of the document by electronic transmission; and
  - (b) notifying the serving person of the designated system for receiving the document.
- (2) The notice may be given in any way the receiving person considers appropriate, except orally.
- (3) The consent takes effect at the time when the receiving person gives the notice.

- (4) If the notice is given by post (whether registered or not), the notice is taken to have been given on the day of posting the notice.

**14. Withdrawal of consent to acceptance of service by electronic transmission**

- (1) The receiving person of a document may file and serve on the serving person of the document a notice to withdraw the consent to the acceptance of service by electronic transmission.
- (2) The notice must be in the form specified in e-practice directions.

**15. Change of designated system for receiving documents**

- (1) The receiving person of a document may file and serve on the serving person of the document a notice to change the designated system.
- (2) The notice must be in the form specified in e-practice directions.

**16. Service of notice under rule 14(1) or 15(1)**

A notice specified in rule 14(1) or 15(1) may be served by the receiving person of a document on the serving person of the document—

- (a) in any way the document may be served under a provision of written law or a direction of the Court; or
- (b) if the serving person has notified the receiving person that the serving person consents to accept service by electronic transmission—by sending the notice to the information system designated by the serving person by electronic transmission.

**17. When electronic service is effected**

(1) If a document is served under rule 12 or 16(b), the document is, unless the contrary is shown, taken to have been served on the business day following the day on which the document is sent by electronic transmission.

(2) In subrule (1)—

***business day*** (工作天) means a day other than a general holiday.

---

## Part 6

### Electronic Authentication of Documents

#### Division 1—Interpretation

##### 18. Interpretation of Part 6

In this Part—

**digital signature** (數碼簽署) means a digital signature—

- (a) that is within the meaning of section 2(1) of the ETO;  
and
- (b) that satisfies the requirements specified in rule 26;

**electronic signature** (電子簽署) has the meaning given by section 2(1) of the ETO;

**ETO** (《電子交易條例》) means the Electronic Transactions Ordinance (Cap. 553);

**ordinary electronic signature** (一般電子簽署) means an electronic signature that complies with the conditions specified in rule 25;

**scanned electronic signature** (經掃描電子簽署) means an electronic signature that complies with the conditions specified in rule 24;

**signer** (簽署人) means a person referred to in rule 20(a).

#### Division 2—Authentication of Documents Sent by Court

##### 19. Authentication of documents sent by Court

- (1) Subrule (2) applies to a document that—

- (a) is required or permitted to be signed or certified by a person specified in subrule (3) under a provision of written law or a direction of the Court; and
- (b) is in electronic form.
- (2) The document must be authenticated—
  - (a) by the signature of the person in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or
  - (b) in any other way prescribed by e-practice directions.
- (3) The person is—
  - (a) a magistrate; or
  - (b) any other officer of the Court.
- (4) Subrule (5) applies to a document that—
  - (a) is required or permitted to be sealed by the Court under a provision of written law or a direction of the Court; and
  - (b) is in electronic form.
- (5) The document must be sealed in a way prescribed by e-practice directions.

### **Division 3—Authentication of Documents Sent to Court by Means of e-System**

#### **20. Application of Division 3**

This Division applies to a document that—

- (a) is required or permitted to be signed by a person under a provision of written law or a direction of the Court; and
- (b) is sent to the Court by means of an e-system.

**21. Authentication of affidavits, etc. sent to Court**

- (1) This rule applies if the document is—
  - (a) an affidavit; or
  - (b) any other document made on oath and filed in support of an application.
- (2) The document must be authenticated—
  - (a) by the signature of the signer in the form of a scanned electronic signature; or
  - (b) in any other way prescribed by e-practice directions.

**22. Authentication of other documents sent to Court**

- (1) A document that is not a document specified in rule 21(1) must be authenticated—
  - (a) by the signature of the signer in the form of—
    - (i) a scanned electronic signature;
    - (ii) an ordinary electronic signature; or
    - (iii) a digital signature; or
  - (b) in any other way prescribed by e-practice directions.
- (2) Without limiting subrule (1), if the signer of the document is the submitter of the document, the document may be authenticated—
  - (a) if the submitter is a registered user—by inputting the signer's name at a place where the signature of the signer would otherwise appear on the document; and
  - (b) if the submitter is an Organization User account holder—by inputting the signer's name and, if applicable, the post title with the registered user concerned, at a place where the signature of the signer would otherwise appear on the document.

(3) In subrule (2)—

**submitter** (呈交人), in relation to a document, means a registered user or an Organization User account holder, who sends the document to the Court by means of an e-system.

## **Division 4—Authentication of Documents Served by or on Parties in Electronic Form**

### **23. Authentication of documents served by or on parties**

(1) This rule applies to a document that—

- (a) is served in electronic form by a serving person on a receiving person;
- (b) is required or permitted to be signed by the serving person under a provision of written law or a direction of the Court; and
- (c) is not sent to the Court.

(2) The document may be authenticated—

- (a) by the signature of the serving person in the form of—
  - (i) a scanned electronic signature;
  - (ii) an ordinary electronic signature; or
  - (iii) a digital signature; or
- (b) in any other way agreed by the serving person and receiving person.

(3) In this rule—

**receiving person** (接收人), in relation to a document, means the person on whom the document is to be served;

**serving person** (送達人), in relation to a document, means the person who is to serve the document.



## **Division 5—Conditions and Requirements for Using Electronic Signature and Digital Signature**

### **24. Conditions for using scanned electronic signature**

The conditions specified for the purposes of the definition of *scanned electronic signature* are that—

- (a) the signer manually signs the original paper document; and
- (b) a true and complete electronic image of the original paper document containing the signature of the signer is created in the form of an electronic record.

### **25. Conditions for using ordinary electronic signature**

The conditions specified for the purposes of the definition of *ordinary electronic signature* are that—

- (a) the document is in the form of an electronic record;
- (b) the signer uses a method to attach the electronic signature to the electronic record or to logically associate that signature with the electronic record for the purpose of—
  - (i) identifying the signer as the person who signed the document; and
  - (ii) indicating that the information contained in the document is authenticated or approved by the signer; and
- (c) having regard to all the relevant circumstances, the method is reliable, and is appropriate, for the purpose for which the information contained in the document is communicated.

## 26. Requirements for using digital signature

- (1) The requirements specified for the purposes of paragraph (b) of the definition of *digital signature* are that the digital signature—
  - (a) is supported by a recognized certificate;
  - (b) is generated within the validity of the certificate; and
  - (c) is used in accordance with the terms of that certificate.

- (2) In this rule—

**certification authority** (核證機關) has the meaning given by section 2(1) of the ETO;

**recognized certificate** (認可證書) has the meaning given by section 2(1) of the ETO;

**recognized certification authority** (認可核證機關) has the meaning given by section 2(1) of the ETO;

**within the validity of the certificate** (在該證書的有效期內) means that at the time the digital signature is generated—

- (a) the certificate that supports it has not been revoked or suspended by the certification authority that issued the certificate;
- (b) the recognition of the certificate has not been revoked or suspended by the Government Chief Information Officer;
- (c) if it is a certificate designated as a recognized certificate issued by the recognized certification authority referred to in section 34 of the ETO—the designation has not been withdrawn by the certification authority;
- (d) if the Government Chief Information Officer has specified a period of validity for the recognition of the certificate—the certificate is within that period; and

- (e) if the recognized certification authority has specified a period of validity for the certificate—the certificate is within that period.
-

## Part 7

### Electronic Payments

#### 27. Electronic payment of fees, fines, etc.

- (1) This rule applies to a payment that is made by means of an e-system for a purpose specified in the administrative instructions for the purposes of this rule.
- (2) The payment is taken to have been received by the Court at the time when the payment transaction is completed (*completion time*).
- (3) However, if the completion time is a time specified in subrule (4), the payment is taken to have been received by the Court at whichever is the earlier of the following times—
  - (a) the time when the relevant accounts office is next normally open to the public;
  - (b) the time when the relevant accounts office is next open for the relevant proceeding.
- (4) The time—
  - (a) is a closure time of the relevant accounts office; and
  - (b) is not a time during which the relevant accounts office is open for the relevant proceeding.
- (5) In this rule—

**relevant accounts office** (有關會計部), in relation to a relevant proceeding, means the accounts office of the magistrate's court in which the proceeding is initiated;

**relevant proceeding** (有關法律程序), in relation to a payment made under this rule, means the proceeding to which the payment relates.

---

## **Schedule 1**

[r. 4(2)(d)]

### **Ordinances under which Penalty Notices are Issued**

1. Buildings Ordinance (Cap. 123).
  2. Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237).
  3. Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).
  4. Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C).
  5. Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D).
  6. Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570).
  7. Fixed Penalty (Smoking Offences) Ordinance (Cap. 600).
  8. Product Eco-responsibility Ordinance (Cap. 603).
  9. Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611).
-

## Schedule 2

[r. 7(4)]

### **Documents that may be Sent to Court by Means of e-System instead of Producing Them as Paper Documents**

1. A document specified in section 5 or 6 of Schedule 7 to the Buildings Ordinance (Cap. 123) that is produced for an application under section 3 of that Schedule.
2. A document specified in section 19(a) or (b) of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) that is produced for an application under section 16(2) of that Ordinance.
3. A document specified in section 7(1)(a) or (b) of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) that is produced for an application under section 3A(1) of that Ordinance.
4. A document specified in section 15(a) or (b) of the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C) that is produced for an application under section 11(2) of that Bylaw.
5. A document specified in section 46(a) or (b) of the Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D) that is produced for an application under section 42(2) of that Bylaw.
6. A document specified in section 9(1)(a) or (b) of the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) that is produced for an application under section 8(1) of that Ordinance.

7. A document specified in section 9(1)(a) or (b) of the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) that is produced for an application under section 8(1) of that Ordinance.
8. A document specified in section 28G(5)(a), (b) or (c) of the Product Eco-responsibility Ordinance (Cap. 603) that is produced for an application under section 28G(2) of that Ordinance.
9. A document specified in section 13(3)(a), (b) or (c) of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611) that is produced for an application under section 13(2) of that Ordinance.

Chief Justice

2019

---

### Explanatory Note

Under section 28 of the Court Proceedings (Electronic Technology) Ordinance ( of 2019) (**Ordinance**), the Chief Justice is empowered to make rules to, among other purposes—

- (a) prescribe the practice and procedure for using electronic technology for the matters set out in Part 5 of the Ordinance; and
  - (b) authorize the use of an e-system for a specified type or description of proceeding that is within the jurisdiction of an e-Court.
2. Under the Court Proceedings (Electronic Technology) (Specification of e-Courts and Tribunals) Rules, the Magistrates' Court (**Court**) is specified as an e-Court.
3. These Rules authorize the use of an e-system for certain proceedings in the Court (Part 2).
4. These Rules also prescribe the practice and procedure for using electronic technology for the following matters—
  - (a) documents that are sent to the Court in electronic form by means of an e-system (Part 3);
  - (b) conversion of documents by the Court from paper form into electronic form or vice versa (Part 4);
  - (c) electronic service of documents (Part 5);
  - (d) electronic authentication of documents (Part 6); and
  - (e) electronic payment of fees, fines, etc. (Part 7).



**Judiciary’s Information Technology Strategy Plan : Summary of the Proposed Simplified Forms of e-Signatures for Documents sent to Court**

Types of e-signatures		Existing Types of e-signature under the ETO		Proposed Types of e-signatures under ITSP		
		<i>Digital signature</i>	<i>Electronic signature</i>	<i>“Scanned” manuscript signature<sup>1</sup></i>	<i>Typing signature</i>	<i>Any other ways that CJ may prescribe</i>
Types of documents						
Special Types of Documents <sup>2</sup>				√		N/A yet
Any other documents	Signer is the submitter <sup>3</sup>	√	√	√	√	N/A yet
	Signer is <b>not</b> the submitter	√	√	√		N/A yet

<sup>1</sup> “Scanned” manuscript signatures may be regarded as one particular form of “electronic signatures” permitted under the Electronic Transactions Ordinance (“ETO”).

<sup>2</sup> These include :  
 (a) Civil proceedings at the District Court : affidavits (excluding affidavits of service), statutory declaration, notarial instrument and depositions; 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.

<sup>3</sup> The signer has to be a registered user or an Organization User account holder for using the Judiciary’s integrated Court Case Management System.