

# 立法會

## *Legislative Council*

LC Paper No. CB(4)1000/2023(03)

Ref : CB4/PL/AJLS

### **Panel on Administration of Justice and Legal Services**

**Meeting on 27 November 2023**

#### **Background brief on technological advancement in the judicial process**

#### **Purpose**

This paper provides background information and summarizes the past discussions of the Legislative Council (“LegCo”) Members on matters relating to technological advancement in the judicial process.

#### **Background**

##### Information Technology Strategy Plan

2. In February 2013, the Judiciary Administration (“Jud Adm”) informed members that after a new round of Information System Strategy Study, the Judiciary decided to implement the Information Technology Strategy Plan (“ITSP”) which aimed at enabling the Judiciary to achieve the following objectives:

- (i) to replenish the existing information technology (“IT”) systems with the prevailing technologies to ensure sustainable operation in the long run;
- (ii) to provide more effective and efficient services of a higher quality to all stakeholders in support of the administration of justice through process re-engineering with the use of IT;
- (iii) to facilitate active case management throughout the entire litigation/adjudication and ancillary process in improving access to justice for the benefit of all stakeholders; and

- (iv) to respond positively to the rising expectations from court users and the community.

3. In Jud Adm's paper for the Panel meeting held on 24 July 2023, members noted that the Judiciary had been making proactive efforts in implementing ITSP over the past few years, with focus on the development and launching of an integrated Court Case Management System ("iCMS") by phases across various levels of courts for handling court-related documents and payments electronically. iCMS had been implemented in the District Court ("DC") and the Magistrates' Court respectively from May 2022 and December 2022 and the Judiciary aimed to roll out iCMS for public use at other levels of courts incrementally from 2024. The ultimate aim was to make iCMS the primary litigation system for all legally represented litigants in Hong Kong.

#### The Court Proceedings (Electronic Technology) Ordinance (Cap. 638)

4. Enacted on 17 July 2020, the Court Proceedings (Electronic Technology) Ordinance (Cap. 638) provides an overall legislative framework to enable court-related documents to be handled in electronic form, eventually covering all levels of court. Six sets of subsidiary legislation in relation to Phase I, Stage 1 of ITSP were passed by LegCo in July 2021 to regulate or prescribe the practice and procedure for using electronic technology.

#### Remote hearing

5. In May 2023, members were briefed on the draft of Courts (Remote Hearing) Bill ("the draft Bill") to provide a clear legal basis for judges and judicial officers ("JJOs") to order remote hearings at various levels of courts and tribunals where appropriate, having regard to all relevant factors, as well as the dual requirements of open justice and fair hearing. According to Jud Adm, the use of remote hearings had been one of the Judiciary's major initiatives in the use of technology and part of the Judiciary's on-going efforts to enhance the efficiency of court operations and it had been conducting remote hearings for civil proceedings at different levels of courts where appropriate since April 2020. From 2020 to 2022, over 1 660 remote hearings were conducted at various levels of courts and the experience had been positive.

#### E-bundle and e-lodgement

6. The Judiciary started the use of e-bundles in the Court of First Instance and Court of Appeal in 2017 and extended the arrangement to hearings for suitable DC civil cases since December 2020, and was moving towards greater use of e-bundles, e-mails and e-lodgement platform for submission of documents

electronically upon court directions to enhance the efficiency of court hearings at various court levels.

#### Other court hearing facilitation

7. Other facilitation measures to achieve more effective and efficient conduct of the hearings at court being explored or made use of by the Judiciary includes:

- (i) video-conferencing facilities to enable more witnesses to give testimony via video-link to the court from a place outside Hong Kong for suitable cases;
- (ii) digital evidence and exhibit handling system to enable the broadcasting of digital evidence (videos or images) in a courtroom and annotation during witness testimony; and
- (iii) testing various voice recognition software products in the market, particularly in respect of accuracy of voice recognition, with a view to making use of the Artificial Intelligence technology in recording court proceedings and preparing transcripts where appropriate in the longer term.

#### **Other relevant information**

8. In the Judiciary Administrator (“JA”)’s speaking notes for the Special Financial Committee meeting held on 11 April 2023, JA advised that in 2023-24, the estimated recurrent expenditure relating to IT initiatives was around \$270 million which accounted for 11% of the total estimated operating expenditure of the Judiciary and the average annual increase in the past five years was around 20%.

9. JA also advised that another initiative the Judiciary is actively exploring was live broadcasting of selected judicial proceedings, which enhanced the transparency of court procedures and public confidence in the judicial process. The Judiciary was examining the guiding principles as well as the implementation practicalities of live broadcasting of court proceedings, with the target to introduce on pilot basis live broadcasting of at least some court proceedings or at some court levels within 2023, if practicable.

## **Members' views and concerns**

10. Members had expressed their views and concerns on the application of technology in court proceedings at various meetings of the Panel. At the meeting on 9 February 2022, members were briefed on the progress of implementation of the policy initiatives of the Chief Secretary for Administration's Office in relation to the Judiciary and legal aid in the Chief Executive's 2021 Policy Address. Some members expressed grave concerns that the Judiciary was lagging far behind its counterparts in the Mainland as well as certain jurisdictions, such as Dubai and Singapore, in the application of technology. There was a view that application of technology to court proceedings would improve not only their efficiency but also cut down the high legal costs borne by the litigants as the number of court hearings might be reduced.

11. In response, Jud Adm explained that the Judiciary was committed to enhancing the efficiency of court operations through the use of technology and remote court hearings had already been adopted in many civil court cases. However, there were legal obstacles to the general application of remote hearings to criminal proceedings and that amendments to the existing law and careful deliberation of the operational arrangements would be required to ensure the fairness and integrity of court proceedings when they were held remotely.

12. At the Panel meeting on 28 March 2022, Jud Adm briefed members on the Judiciary's proposed capital works project on the construction of a District Court Building on Caroline Hill Road ("DCB") to re-provision and co-locate the District Court, the Family Court and the Lands Tribunal ("the construction project").

13. Members noted the respective views of the Hong Kong Bar Association ("HKBA") and The Law Society of Hong Kong ("the Law Society") that the construction project should take into account the pressing need for remote hearings, and that DCB should enable the full-fledged deployment of remote hearings and be provided with updated technology to support court operations. They also noted from Jud Adm's response to the Law Society that all courtrooms, chambers for JJOs and various other meeting rooms in DCB would be equipped to support the conduct of remote hearings, especially for civil cases.

14. When the Panel was briefed on the draft Bill on 3 May 2023, members in general supported the draft Bill in providing a comprehensive legal framework for JJOs to order remote hearings at various levels of courts and tribunals where appropriate. Apart from the benefits of remote hearings which had been clearly observed during the COVID-19 epidemic, some members had pointed out the general benefit of possible reduction in legal costs incurred as remote hearings

could have the effect of reducing travelling and waiting time for parties to a proceeding.

15. At that meeting, some members expressed the concern that the use of electronic filing had not been that popular among legal practitioners. While Jud Adm acknowledged the low usage rate of the electronic filing system for the conduct of civil proceedings in DC, upon enactment of the draft Bill and with more civil or criminal proceedings conducted through remote hearing(s), the use of e-filing was expected to increase. Jud Adm would continue its work on promoting the use of technologies in court in collaboration with HKBA and the Law Society. Legal practitioners would also be welcomed to visit various courts to obtain more information and guidance on the use of court technologies.

16. Other concerns about the implementation of remote hearings expressed by members included how the general public could take part in remote hearings as witnesses or litigants. In response, Jud Adm advised that before making a remote hearing order, the court would take into account whether the witnesses or litigants had access to the necessary equipment. Suitable tests would also be arranged to ensure a smooth connection before a remote hearing was conducted. If necessary, the court might order these participants to appear remotely from multi-purpose rooms of the Judiciary which would be equipped with the requisite equipment. Jud Adm was also urged to tackle or reduce technical issues (such as signal disruptions) experienced in some remote hearings conducted in the past three years.

17. When the Panel was briefed on the latest position of court waiting times at its meeting on 24 July 2023, Jud Adm was urged to speed up the process through utilization of innovation and technology, e.g. instantaneous transcription of verbal communications in court into written transcripts. Jud Adm advised that it was currently testing some tools in the market for live transcription for proceedings and the performance was found to be improving.

18. Jud Adm was also urged to promote the use of iCMS in law firms. In reply, Jud Adm advised that it had been stepping up efforts in appealing to the legal profession to register with the iCMS early and make use of the electronic filing and related services where available before it became mandatory in the future. A support centre was also set up in District Court in Wanchai to answer public enquiries about iCMS.

### **Latest position**

19. The Administration will brief the Panel on the technological advancement in the judicial process at the meeting to be held on 27 November 2023.

**Relevant papers**

20. A list of relevant papers is in **Appendix**.

Council Business Division 4  
Legislative Council Secretariat  
21 November 2023

## Background brief on technological advancement in the judicial process

## List of relevant papers

Meeting	Date	References
Panel on Administration of Justice and Legal Services	9 February 2022	<a href="#">Agenda</a> Item I: Briefing by the Secretary for Justice and the Director of Administration on the Chief Executive's 2021 Policy Address <a href="#">Paper from the Administration Minutes</a>
	28 March 2022	<a href="#">Agenda</a> Item V: Construction of a District Court Building at Caroline Hill Road <a href="#">Paper from the Administration Minutes</a>
	2 August 2022	<a href="#">Information paper from the Judiciary Administration</a>
	3 May 2023	<a href="#">Agenda</a> Item IV: The Courts (Remote Hearing) Bill <a href="#">Paper from the Judiciary Administration Minutes</a>
	24 July 2023	<a href="#">Agenda</a> Item IV: Issues related to court waiting time <a href="#">Paper from the Judiciary Administration</a>
Finance Committee	11 April 2023	<a href="#">The Judiciary Administrator's Speaking Notes at the Special Meeting of Finance Committee on 11 April 2023</a>