

**For discussion
on 27 November 2023**

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

Greater Use of Technology in the Judiciary

PURPOSE

This paper updates Members on the Judiciary's efforts in making greater use of technology to enhance the efficiency of court operations.

BACKGROUND

Guiding Principles on Making Use of Technology in Court

2. The primary role and functions of the Judiciary are to uphold the rule of law. Technology serves to support the Judiciary in performing its judicial role and functions more effectively. The use of technology must observe the principle of judicial fairness and impartiality. Specifically, the technology initiatives must serve to make it more efficient, convenient and affordable for the public to exercise their right of access to justice. However, at the same time, they should not pose obstacles for those who cannot afford to use, or are incapable of or unfamiliar with using the relevant facilities or technology, hence depriving them of their access to justice. The needs of these people should be taken care of. Meanwhile, the use of technology must ensure public trust and confidence in the administration of justice. The court must carefully assess and address the security risks involved. The use of technology in the judicial context must also keep abreast with the times to catch up with the rapid technological advances and meet the changing public expectations.

MAJOR TECHNOLOGY INITIATIVES AND FACILITIES

3. On the basis of the above guiding principles, in recent years, the Judiciary has been developing and implementing a number of technology initiatives. The latest developments of the major initiatives are set out in the following paragraphs.

Integrated Court Case Management System

4. The Judiciary has been spearheading the Information Technology Strategy Plan (“ITSP”) which aims to provide more effective and efficient services to court users through the greater use of technology. A key component of the ITSP is the development of an integrated Court Case Management System (“iCMS”) for handling court-related documents and payments electronically across various court levels. The introduction of electronic services under the iCMS provides an additional option for court users on top of the conventional paper-based system. The iCMS provides court users with the flexibility and convenience of submitting documents to courts, searching and inspecting filed documents, and making electronic payments anytime and anywhere within or outside office hours of the court registries. To incentivise registration under the iCMS during the initial years, court users are offered a fee concession of 20% for five years, counting from the date on which the iCMS is implemented for the first case type in that court level under Stage 1 of Phase I (see paragraph 5 below), on fee items related to the electronic handling of court documents.

5. The iCMS is being implemented in two phases. The first phase is further broken down into two stages for better management. Under Stage 1 of Phase I, the iCMS has been implemented incrementally in the District Court (“DC”) and the Magistrates’ Courts (“MCs”) since May and December 2022 respectively. The electronic mode can currently be used for personal injuries action, tax claim proceedings, civil action proceedings and employees’ compensation cases in the DC, and summons cases in the MCs. In Stage 2 of Phase I, the iCMS will be extended to the Court of Final Appeal, the High Court (“HC”), the non-Summons Courts of the MCs and the Small Claims Tribunal. It is our target to roll out the external functions of the iCMS for Stage 2 of Phase I incrementally from 2024.

Usage of the iCMS

6. As at 31 October 2023, a total of 350 court users (including 283 law firms) have registered for accounts under the iCMS. 76 270 new cases have been initiated under the iCMS, representing about 24.2% of the total number of relevant new cases during the period. Separately, court users have filed 6 932 documents, conducted 4 768 inspections of documents and made 9 508 payment transactions via the iCMS. The take-up rate is expected to rise progressively following the continued promotion of the iCMS.

Promotion of the iCMS

7. The Judiciary has been implementing a series of promotion and facilitation measures to raise awareness of the iCMS and help potential users familiarise with handling court businesses in the electronic mode, as set out below:

- (a) providing information on the e-services offered by the iCMS on a dedicated webpage, which was launched in April 2022;
- (b) operating an iCMS Help Centre to provide law firms and litigants-in-person with advice and assistance on the registration and use of electronic litigation services under the iCMS gratis;
- (c) conducting briefings and demonstration sessions as from 2022. 34 briefing-cum-hands-on demonstration sessions for law firms were conducted from January to October 2023 with the assistance of the Law Society of Hong Kong (“Law Society”). Around 430 representatives from some 190 law firms participated in the sessions, and all the sessions were well received;
- (d) issuing an appeal letter to the senior management of some 820 law firms (not yet registered for the iCMS at the time) in July 2023 to appeal for their registration;
- (e) introducing Deposit Account as an additional electronic payment option for the iCMS Organisation Account users in 2024 so that a legal firm can make non-interest bearing

prepayments (and subsequent top-ups as required) at or above a specified minimum amount for settling all subsequent payments for transactions under the iCMS without the hassle of paying for each individual transactions;

- (f) arranging and promulgating video interviews with the President of the Law Society and two law firms which are relatively active in using the iCMS to share their experience. The videos have been uploaded to the Judiciary website (https://www.judiciary.hk/en/e_courts/ref_sharing.html); and
- (g) arranging to promulgate the list of registered law firms for the iCMS Organisation Accounts on the Judiciary website in early December 2023 with a view to encouraging registration from the legal profession.

8. In addition, since mid-August 2023, the Judiciary has been piloting a new mode of operation in the court registry (starting with the HC) which seeks to streamline paper filing procedures over the counter, and encourage court users to make greater use of electronic filing and related services. The new measures include mandating the use of drop boxes by law firms for specified types of documents which do not require immediate processing or payment, and promoting the use of email communications for certain registry business. With positive feedback from the operational experience in the HC, we are planning to extend the measures to the DC level within 2023. This operational mode of court registry business can help induce a cultural change in the filing practice of the legal profession from conventional over-the-counter services to contactless transactions, and eventually to electronic transactions.

Mandatory Use of the iCMS

9. As indicated in the Chief Justice (“CJ”)’s speech at the Ceremonial Opening of Legal Year 2023, it is the ultimate aim of the Judiciary to make the electronic platform the primary litigation system. To prepare for the mandatory use of the iCMS for all legally represented litigants within a specified target timeframe, the Judiciary will be consulting the legal profession and other stakeholders on the implementation arrangements towards the end of 2023. We will mainly be inviting their views on the implementation approach and timetable, legislative

amendments required, exemptions and exceptions to be put in place to ensure right of access to justice, and support measures and training sessions provided for the legal profession.

Remote Hearings

10. The Judiciary has been promoting the wider use of remote hearings for civil proceedings since February 2020. So far, over 1 700 remote hearings (including video-conferencing or phone hearings) have been conducted and the experience has been positive.

11. The Judiciary is working on a draft Courts (Remote Hearing) Bill (“the Bill”) to provide the court with the flexibility to order remote hearings as it sees fit, having regard to all relevant circumstances, as well as the dual requirements of open justice and fairness. This flexibility is particularly important when it is undesirable, if not impossible, to conduct a physical hearing, either because of the peculiar features of a case, or because of special circumstances like public health concern or other emergency situations. The Bill seeks to remove legal obstacles to the general application of remote hearings to criminal proceedings and provide express provisions setting out how matters should be handled when a hearing is conducted remotely. We launched a three-month public consultation on the draft Bill in June 2022 and consulted this Panel in May 2023. The Judiciary is finalising the Bill in light of extensive comments received and will then introduce the Bill into the Legislative Council.

Live Broadcasting

12. As indicated in CJ’s speech at the Ceremonial Opening of Legal Year 2023, the Judiciary is actively exploring live broadcasting of selected judicial proceedings outside court premises. Open justice is the fundamental principle of maintaining public confidence in our judicial system and upholding the rule of law. Live broadcasting of court proceedings outside court premises enhances the transparency of court procedures and public confidence in the judicial process. The Judiciary is mindful that not all proceedings are suitable for live broadcasting. The Judiciary is examining the guiding principles as well as the implementation practicalities of live broadcasting of court proceedings. We are planning to

take forward a trial run on selected cases for this initiative in early 2024 and will announce the details when ready.

E-bundles at Court Hearings

13. The Judiciary started using e-bundles in the Court of First Instance (“CFI”) of the HC and the Court of Appeal in 2017 and has extended the arrangement to hearings for suitable DC civil cases since December 2020. A new Practice Direction was issued to mandate the use of e-bundles for cases of the commercial list at the CFI starting May 2022. Another new Practice Direction for the Companies and Bankruptcy List came into effect in July 2023. The feedback from users has generally been positive. Taking into account operational experience, the Judiciary will see how best to encourage more usage of e-bundles at court hearings in the near future.

E-appointments for Specific Court Services

14. The e-appointment system provides online booking service for court users to make appointments for specific services of the court registries. It was launched in the Probate Registry, the Family Court Registry and the Lands Tribunal Registry in March 2021; and in the Apostille Service Office of the HC Registry, the Appeals Registry of the Clerk of Court’s Office and the Integrated Mediation Office in January 2022. They are largely for unrepresented litigants.

15. We are exploring to further extend the system to cover filing of self-bankruptcy petitions at the HC Registry, application for grant with a will at the Probate Registry and commencement of distraint cases in the DC.

Use of Voice-to-Text Technologies

16. The Judiciary has been testing various voice recognition software products in the market from 2022, particularly on the accuracy of voice recognition, with a view to making use of this technology to facilitate judges and judicial officers (“JJOs”) in making notes, and in recording court proceedings where appropriate in the longer term. We have been placing

particular emphasis on the accuracy of voice recognition of Cantonese language and legal terms, given the substantial share of court proceedings conducted in Chinese. However, the accuracy of the earlier versions of the voice-to-text (“VTT”) software in the market, achieving approximately 60%, was found to be unsatisfactory. Following rounds of model training for over 10 months using the audio recordings of pieces of legislation/ordinances and pilot runs in real court cases with the participation of JJOs, the accuracy rates have gradually been improved to a more acceptable level of around 80%. According to the experience of the pilot users in actual hearings, the technology is generally useful but there is room for further improvement in such aspects as accuracy, diarisation and automatic language detection. We have also liaised with other organisations adopting VTT in their daily business (e.g. the Independent Commission Against Corruption, Police, etc.) for advice and experience sharing. Improvements by assigning different microphone inputs to achieve speaker differentiation are being made to address some of the issues encountered. We plan to promulgate the use of the enhanced VTT software for JJOs’ real-time note-taking in hearings to facilitate judgment writing by the end of 2023. Further model training will be carried out with a view to deploying the technology for preparing transcripts of court proceedings in the longer run.

Technology Facilities in Courtrooms

17. To enhance the efficiency and effectiveness of court support services, the Judiciary introduced the first Technology Court in 2003. In recent years, technology-related facilities have incrementally been provided in more courtrooms. At present, around 150 out of a total of some 220 courtrooms (around 70%) are equipped with user-friendly features and facilities, including video conferencing, multimedia presentation of evidence, e-bundles, and enhanced interpretation facilities – all integrated into a centrally controlled network. Moreover, display systems have also been installed at court lobbies so that proceedings may be broadcast to interested parties who cannot be accommodated in the hearing court.

18. With the aid of video conferencing facilities, not all witnesses are required to be in court to give evidence. Display monitors are installed in the courtrooms to allow broadcast of documents and video image of far end simultaneously. The facilities provide court users with a convenient and less expensive option for taking evidence from overseas witnesses. The

technology-related facilities in the courtrooms enable the presentation of evidence by way of a multimedia platform, incorporating audio, video, digital signals with graphics, text, film, and computer animation. The courtrooms are wired to facilitate real-time court reporting and transcription services. Some of the courtrooms also allow the examination of vulnerable witnesses via closed circuit television, and have facilities to cater for multilingual or multi-dialect consecutive interpretation through dedicated channels, enabling a defendant to select the preferred language in the hearing.

Information Technology Infrastructure Systems in the Judiciary

19. The Finance Committee approved the funding proposal to construct a new DC Building on Caroline Hill Road in Causeway Bay at an estimated cost of \$5,800 million on 20 May 2022. Construction works subsequently commenced in July 2022. We are planning to put in place a modern and robust information technology (“IT”) and audio-visual (“AV”) infrastructure by the end of 2027, which will provide sufficient flexibility and capacity to incorporate the latest IT and AV technologies for meeting the evolving operational needs of the courts and registries, as well as delivering new and enhanced services as and when appropriate in future. We are also planning to build a new data centre in the new DC Building to replace the existing aged data centre at the HC Building as the central network hub and internet access point for the entire Judiciary network supporting all court premises. At the same time, we intend to upgrade the IT infrastructure systems in the West Kowloon Law Courts Building data centre (backup data centre for all premises in the Judiciary) in tandem with the implementation of the new DC Building data centre in order to pair up the two data centres with a view to providing a highly reliable active-active production environment for the delivery of IT services to the Judiciary as a whole.

20. We will separately consult this Panel on the relevant proposals in details and then seek funding approval from the Finance Committee for the capital expenditure required during the first quarter of 2024.

WAY FORWARD

21. The Judiciary will continue to explore and enhance the efficiency of court operations through the use of technology.

Judiciary Administration
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