

ISSUE 2/2022 June 2022

HONG KONG CIVIL PROCEDURE NEWS

Article

Electronic Court Process and Remote Hearings in Hong Kong
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SWEET & MAXWELL

Article

■ Electronic Court Process and Remote Hearings in Hong Kong

1. Introduction

The COVID-19 pandemic has not only changed the daily life of many in unprecedented ways, but has also catalysed the embracement of technology by the courts in Hong Kong and globally in an unprecedented manner.

The impact on the caseload by the general adjournment of proceedings (“GAP”), which began on 29 January 2020 due to the pandemic and lasted around three months, has prompted discussions for court hearings to be conducted remotely and heightened debate over the Judiciary’s progress in advancing its use of technology in the administration of justice.¹

Notwithstanding that the digitization or automation of the court process started to be introduced by the judiciary worldwide 50 years ago², the Hong Kong Judiciary has only recently announced the implementation by phases of a long-awaited electronic system (e-system) for facilitating the handling of court-related documents, which would first be in use for two types of proceedings in the District Court.³ By contrast, the Judiciary has moved relatively more swiftly to adopt remote hearings in civil cases in the face of the impediment posed to the court’s operation by the pandemic.

This article first discusses in Section 2, the background and features of the e-system to be introduced by phases in the courts of Hong Kong. It then discusses in Section 3, the implementation of remote hearings for civil cases as prompted by the impact of the pandemic on the court’s business, including a number of guidance notes issued by the Judiciary. It concludes in Section 4, noting the importance

of ensuring justice and fairness between the parties in the deployment of technology in the court process.

2. Electronic Court Process

(a) *The Judiciary’s Information Technology Systems Strategy Plan*

In May 2013, the Judiciary launched the Information Technology Systems Strategy Plan (“ITSP”), which was formulated based on an Information Systems Strategy Study (“ISSS”) conducted in 2011 to 2012.⁴

Under the ITSP, an integrated case management system (“iCMS”), a web-based e-system, would be developed and rolled out in two phases, among other purposes, to streamline and standardise electronic court process across different levels of courts.⁵ Phase I would consist of two stages pursuant to a six-year action plan, for which the Judiciary received a funding of HK\$ 682.43 million.⁶ The iCMS would first be implemented in the District Court (except the Family Court) and the Summons Courts of the Magistrates’ Courts (mainly covering proceedings initiated by summons and fixed penalty proceedings) in Stage 1 (targeted to complete in June 2016); and be extended to the Court of Final Appeal, the High Court, the remaining part of the Magistrates’ Courts and the Small Claims Tribunal in Stage 2 (targeted to complete in December 2019).⁷ The iCMS would then be implemented in the remaining courts and tribunals under Phase II under a more concrete plan to be formulated.⁸ However, for various reasons the implementation of iCMS has fallen behind the initial (and revised) target dates.⁹

The Court Proceedings (Electronic Technology) Ordinance (Cap.638) (the “Ordinance”) was passed on 17 July 2020 to provide the necessary legal basis to implement the ITSP and

¹ See Enclosure 1 (Information Paper (March 2020) on General Adjourned Period) to the letter from the Judiciary to the Legislative Council Panel on Administration of Justice and Legal Services dated 25 March 2020 (“Judiciary Information Paper”), para 21; The Legislative Council, Essentials: “Electronic Filing and Proceedings in Courts”, ISE07/19-20 (“LEGCO Essentials”), at <https://www.legco.gov.hk/research-publications/english/essentials-1920ise07-electronic-filing-and-proceedings-in-courts.htm>.

² R Susskind, “The Future of Courts” (July/August 2020), 6(5) *The Practice*, available at: <https://theppractice.law.harvard.edu/article/the-future-of-courts/>.

³ The Government of the HKSAR, Press Release: Judiciary rolls out integrated Court Case Management System (6 May 2022) (“6 May Press Release”), at <https://www.info.gov.hk/gia/general/202205/06/P2022050500224.htm>.

⁴ Legislation Council Panel on Administration of Justice and Legal Services, “Implementation of Projects under the Information Technology Strategy Plan of the Judiciary” (for discussion on 26 February 2013), LC Paper No. CB(4)430/12-13(03) (“LEGCO February 2013 Discussion Paper”), para. 3; LEGCO Essentials (note 1 above). LEGCO February 2013 Discussion Paper stated in its para 1 that the first ISSS was conducted in the 1990s, following which certain information technology infrastructure and application systems were set up and implemented to support the Judiciary’s operations.

⁵ LEGCO February 2013 Discussion Paper (note 4 above), paras.14-16; Legislation Council Panel on Administration of Justice and Legal Services, “Legislative Proposals for the Implementation of the Information Technology Strategy Plan of the Judiciary” (for discussion on 29 April 2019), LC Paper No. CB(4)782/18-19(04) (“LEGO April 2019 Discussion Paper”), para.3.

⁶ LEGCO February 2013 Discussion Paper (note 4 above), para 18; Legislative Council Brief, “Court Proceedings (Electronic Technology) Bill”, AW-275-005-010-009 (24 December 2019) (“LEGCO December 2019 Brief”), paras.4 and 33.

⁷ LEGCO February 2013 Discussion Paper (note 4 above), para 18; LEGCO December 2019 Brief (note 6 above), para.4; Audit Commission, “Judiciary Administration’s Work in Implementing Projects Under Information Technology Strategy Plan” (28 October 2019) (“Audit Commission Report”), para 1.8, available at <https://www.aud.gov.hk/pdf/e/e73ch06.pdf>.

⁸ LEGO April 2019 Discussion Paper (note 5 above), paras.5-6; Audit Commission Report (note 7 above), para.1.8.

⁹ LEGCO Essentials (note 1 above); See also Audit Commission Report (note 7 above), para.2, which suggests that the target dates for completion of Stage 1 and Stage 2 of Phase I were revised (from June 2016) to March 2021 and (from December 2019) to September 2022 respectively.

to facilitate the handling of court-related documents in electronic form.¹⁰ Since then, various subsidiary legislation relating to Stage 1 of Phase I of the ITSP has been made, including the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules (Cap.638C, Sub.Leg.) (the “Rules”),¹¹ and the Court Proceedings (Electronic Technology) (Specification of e-Courts) Rules (Cap.638A, Sub.Leg.) which specified the District Court and Magistrates’ Court as the “e-Courts” under the Ordinance.

(b) The Integrated Case Management System

Since 6 May 2022 (and following an announcement made on 14 April 2022), the iCMS has been implemented in respect of two types of proceedings, personal injuries action and tax claims, in the District Court to facilitate the handling of court-related documents and payments through electronic means.¹² The iCMS would be implemented in other proceedings in the District Court and other levels of courts in phases, but no specific dates have been announced (at the time of writing this article).¹³

E-Practice Direction 1 (“E-PD 1”) (issued on 6 April 2022) has become effective on 6 May 2022 to govern the practice and procedure relating to the use of electronic technology under the Ordinance. With a view to providing guidance and aiding access to the iCMS, the Judiciary has also published various reference materials including a number of leaflets, user guides, demonstration video clips and frequently asked questions on various subject matters relating to the use of the iCMS.¹⁴

Access to and major services of the iCMS

Use of the iCMS is voluntary and serves as an optional alternative to existing channels for the handling of documents between the court and its users.¹⁵ The iCMS is accessible via the Judiciary Web Portal, although there may be cases

involving direct system interfaces with the Judiciary, in which case the relevant parties would be informed of the relevant web addresses.¹⁶

Full use of the iCMS is available only to registered users. Registration is free and is available only to eligible users, including parties of ongoing or new proceedings in the e-Courts where the iCMS has been implemented, their legal representatives, the Hong Kong Bar Association, the Law Society of Hong Kong, law firms and government departments etc.¹⁷ Among other electronic services, registered users may use the iCMS for commencing a new action, filing, sending to and receiving from courts case-specific court documents, inspecting and searching filed documents and other case-related information held by the courts, searching cause books and making electronic payments.¹⁸ Unregistered members of the public may use certain services of the iCMS, mainly in searching electronic documents that are open to public inspection and inspecting cause books, and making associated payments electronically.¹⁹ To encourage use of the iCMS, the Judiciary offers a 20 per cent concession, which will be available for five years, on certain fee items of the District Court related to electronic handling of documents.²⁰

Sending documents to the court

Documents that may be sent to the court via the iCMS in place of submission in paper form are specified in the Schedule to the Rules.²¹ Generally speaking, with the exception of certain categories of documents specified in the E-PD 1 and subject to file size limitations, all documents may be sent electronically to the court via the iCMS. Documents that cannot be sent via iCMS include certain documents relating to the suitor’s fund (notice of sanctioned payment and notice of payment into court).²² Any applicable authentication requirements should be complied with as failure to do so may lead to rejection of the submission.²³

¹⁰ The Legislative Council, Court Proceedings (Electronic Technology) Bill, at <https://www.legco.gov.hk/vr19-20/english/bc/b201912271/general/b201912271.htm>; The Legislative Council, Report of the Panel on Administration of Justice and Legal Services for submission to the Legislative Council (8 July 2020), LC Paper No. CB(4)787/19-20 (“LEGCO Panel on Administration of Justice and Legal Services Report”), para.10.

¹¹ The Government of the HKSAR, Press Release: Subsidiary legislation related to Information Technology Strategy Plan gazetted (4 June 2021), at <https://www.info.gov.hk/gia/general/202106/04/P2021060400316.htm>.

¹² 6 May Press Release (note 3 above).

¹³ Ibid.

¹⁴ See The Judiciary, e-Courts Reference Materials, at https://www.judiciary.hk/en/e_courts/refmat_index.html.

¹⁵ The Judiciary, Use of electronic technology in e-Courts (“Judiciary’s Webpage on E-Courts”), at https://www.judiciary.hk/en/e_courts/uoetie_index.html.

¹⁶ E-PD 1, para.3.

¹⁷ 6 May Press Release (note 3 above).

¹⁸ Judiciary’s Webpage on E-Courts (note 15 above).

¹⁹ 6 May Press Release (note 3 above); The Judiciary, Frequently Asked Questions on “Inspection of Document”, paras.A12, A15 and A16, at https://www.judiciary.hk/en/e_courts/faq_einspection.html.

²⁰ 6 May Press Release (note 3 above).

²¹ The Rules, r.13(4)(a).

²² E-PD 1, paras.8-11.

²³ E-PD 1, para.15.

The sender will receive an acknowledgement and be notified of the submission time upon successful transmission of a document on the iCMS.²⁴ Documents shall not be delivered in hard-copy to the court after successful submission on the iCMS.²⁵ Where a document is submitted during a time when the Registry is closed, it will be deemed to have been received by the court at the time when the Registry is next open to the public or for the proceedings to which the document relates, whichever is earlier.²⁶

Hard-copy documents filed with the courts will normally be scanned and kept under the respective electronic case files alongside documents that are filed electronically via the iCMS.²⁷

Issuing documents out of the Court via the e-system

Documents requiring processing by the court will be handled in a similar manner as those submitted manually.²⁸ For time-critical documents, the Registry will under normal circumstances aim at issuing them on the same working day.²⁹ Upon issuance, a document will be electronically sealed by the court and fixed with a hearing date as appropriate, and will be sent to the submitting party via the iCMS.³⁰ Each document issued by the e-courts via the iCMS will bear a unique Document Reference Number (“DRN”) for verification purposes.³¹

As to the issuance time, the following documents (provided they are in order) are deemed to have been issued at the time of the acknowledgement given by the e-system: originating documents, inter-partes summons and documents specified in the E-PD 1, which include Writ of Summons except concurrent writ, Originating Summons, Originating Motion, counterclaim, Third Party notice, and interlocutory summons.³² All other documents are considered to have been

issued out of the court at the time when they are sent via the iCMS by the court to the registered users.³³

(c) Service of documents by Electronic Means

The iCMS does not support service between parties. However, with the written consent of a party has been implemented can be served through an information system (outside iCMS) designated by such party.³⁴ A notice of consent needs not to be filed, and may be given in any manner, except orally, that the receiving party considers appropriate.³⁵ For example, it can be given by serving a notice in the form specified in the E-PD 1, or by publishing a general consent on the receiving party’s website. However, no condition shall be attached to the consent to accept service by electronic means.³⁶ Any withdrawal of consent or change of designated information system must be made by filing and serving a notice in the form specified in the E-PD 1.³⁷

(d) Other electronic means for submitting documents to the courts

In addition to the iCMS, which is currently only applicable to two types of proceedings in the District Court, the Judiciary has introduced administrative measures to enable handling of certain documents by electronic means.³⁸ These include the one-way “no-reply” email accounts created for lodging documents to the courts electronically for paper disposal, and an electronic submission platform called “e-Lodgement Platform” for parties and their legal representatives to lodge with the High Court, District Court, Family Court and the Lands Tribunal documents including submissions, authorities, hearing bundles and other documents as directed by the court.³⁹ An arrangement has also been in place since 7 July 2021 for submission of documents relating to civil appeals to the Court of Appeal, under which, legal practitioners may without court’s directions lodge specified documents including

²⁴ E-PD 1, para.27.

²⁵ E-PD 1, para.20.

²⁶ The Rules, r.9(3).

²⁷ E-PD 1, paras.51-52.

²⁸ E-PD 1, para.27.

²⁹ E-PD 1, para.28.

³⁰ E-PD 1, para.29.

³¹ The Judiciary, Frequently Asked Questions on “Conduct Document Reference Number Checking”, para A1, at https://www.judiciary.hk/en/e_courts/faq_DRNchecking.html.

³² The Rules, r.10.

³³ The Rules, r.11.

³⁴ The Ordinance, s.16; The Rules, rr.18-19; Judiciary’s Webpage on E-Courts (note 15 above).

³⁵ The Rules, r.19; E-PD 1, para.44.

³⁶ E-PD 1, paras.41-43.

³⁷ The Rules, rr.20-21; E-PD 1, paras.47-50.

³⁸ LEGCO Panel on Administration of Justice and Legal Services Report (note 10 above), para.10.

³⁹ The Judiciary, Hong Kong Judiciary Annual Report 2020, “Review of 2020” (1 October 2021) (“Judiciary 2020 Annual Report”), available at https://www.judiciary.hk/en/publications/annu_rept_2020/eng/review.html; The Judiciary, Lodging Documents by Electronic Means, at https://www.judiciary.hk/en/court_services_facilities/lodging_doc.html.

submissions (including a chronology of events), authorities and hearing bundles through the e-Lodgement Platform or a designed two-way email account.⁴⁰

3. Remote Hearings

(a) Background and Guidance Notes Issued

Further to the establishment and use from 2003 of the Technology Court, equipped with integrated courtroom technologies including, among others, video conferencing facilities (“VCF”),⁴¹ a greater use of technology to conduct court hearing by alternative means such as video or telephone conference without requiring physical attendance of all parties was implemented by the Judiciary in around early 2020 during the first GAP,⁴² which lasted between 29 January and 25 May 2020.⁴³

On 25 February 2020, a directions hearing was conducted in *Cyberworks Audio Video Technology Ltd v Mei Ah (HK) Co Ltd* [2020] HKCFI 347 by telephone conferencing as directed by the Hon Coleman J of his own motion.

Subsequently, in light of the pandemic, the Judiciary has issued a series of guidance notes to govern the conduct of remote hearings of civil cases. These guidance notes recognize the court’s case management power pursuant to O.1A rr.4(2)(j) and (k) to order a remote hearing of its own motion:⁴⁴

- Guidance Note for Remote Hearings for Civil Business in the High Court (Phase 1: Video Conferencing Facilities) (“Phase 1 Guidance Note”), which has been effective since 3 April 2020;
- Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 2: Expanded Video-Conferencing Facilities and Telephone) (“Phase 2 Guidance Note”), which has been effective since 15 June 2020;
- Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 3: Wider Video-Conferencing

Facilities and Telephone) (“Phase 3 Guidance Note”), which has been effective since 2 January 2021.

The Judiciary has adopted an incremental approach in terms of the types of cases that are considered suitable for remote hearings, and the technological facilities that may be used for remote hearings.

In Phase 1 (starting from 3 April 2020), cases considered suitable for remote hearings by VCF were limited to those in the High Court and were mainly interlocutory applications and appeals, including applications for leave to appeal, for which oral submissions could be concluded within two hours. Trials were explicitly excluded from being considered for remote hearings. Remote hearings by VCF in this Phase were to be initiated by the court, which did not entertain any application for the same.⁴⁵

Remote hearings by VCF or telephone have been extended through Phase 2 (starting from 15 June 2020) and Phase 3 (starting from 2 January 2021) to cover all principal civil courts, including the Court of Appeal, the Court of First Instance (Judges and Masters), the Competition Tribunal, the District Court (Judges and Masters) inclusive of the Family Court, the Labour Tribunal and the Small Claims Tribunal.⁴⁶ The scope of cases considered suitable for remote hearings by VCF or telephone have been expanded. In particular, starting from Phase 2, some trials or parts of trials may also be considered for remote hearings by VCF.⁴⁷ There is currently no explicit limit on the length of the hearing of cases considered suitable for remote hearings VCF,⁴⁸ although hearings suitable for conduct by telephone conferencing should either be in the three-minute list before the Master or short directions hearings.⁴⁹ Whilst any initiative for remote hearings remains to be led by the court, the court can consider applications for conducting hearings remotely by VCF.⁵⁰

In terms of technological facilities, Phase 1 Guidance Note only covers remote hearings conducted by the court’s VCF and necessitated that parties would need to connect to the

⁴⁰ The Law Society of Hong Kong, “E-Submissions to the Court of Appeal for Civil Appeals (Effective 7 July 2021)”, Circular 21-3115 (PA).

⁴¹ LEGCO February 2013 Discussion Paper (note 4 above), para.6.

⁴² Judiciary Information Paper (note 1 above), para 21. The Judiciary’s view based on an earlier advice as expressed in the Judiciary Information Paper was that using VC for conducting the entire court hearing may not be permissible under the existing law.

⁴³ The Government of the HKSAR, Press Release: Announcement by Judiciary (29 January 2020), available at <https://www.info.gov.hk/gia/general/202001/28/P2020012800638.htm>; The Government of the HKSAR, Press Release: Announcement by Judiciary (22 May 2020) <https://www.info.gov.hk/gia/general/202005/22/P2020052100760.htm>.

⁴⁴ Phase 1 Guidance Note, para.17; Phase 2 Guidance Note, para.14; Phase 3 Guidance Note, para.14.

⁴⁵ Phase 1 Guidance Note, paras.16, 22-23.

⁴⁶ Phase 2 Guidance Note, paras.7, 22-24; Phase 3 Guidance Note, paras.1, 24-27.

⁴⁷ Phase 3 Guidance Note, paras.24-26.

⁴⁸ Phase 3 Guidance Note, paras.24-25.

⁴⁹ Phase 2 Guidance Note, paras.37-38; Phase 3 Guidance Note, paras.45-56.

⁵⁰ Phase 2 Guidance, paras.13 and 34; Phase 3 Guidance Note, paras.15 and 41.

court's VCF by hardware video conferencing units.⁵¹ In addition to VCF, Phase 2 Guidance Note envisages the use of telephone conference for remote hearings.⁵² Further, starting from Phase 2, connection to the court's VCF may be through a more cost-effective technical option involving VCF software.⁵³ In Phase 3, a "browser-based" VCF option is made available to parties such that they may connect to the court's VCF by using common web browsers on a computer that meets the relevant technical requirements.⁵⁴ The Judiciary anticipates that this low-cost option would facilitate the use of VCF by litigants-in-person, and that the number of hearings conducted remotely would increase.⁵⁵

In addition to expanding the scope of cases and technological options for remote hearings, the Judiciary also issued the Guidance Note for Remote Hearings for Civil Business in the High Court (Judges sitting outside court rooms) ("OC Hearings Guidance Note") (effective from 28 March 2022) to cater for the potential conduct of remote hearings by the High Court or its Judges outside court rooms and in furtherance of the Chief Justice's direction on 3 March 2022 appointing a Judge's residence as a place where he/she may sit for exercising civil jurisdiction of the High Court.⁵⁶

(b) Implementation and experience

Shortly after the First Guidance Note was issued, the first remote hearing by VCF in Hong Kong took place on 6 April 2020 before the Court of Appeal in the case of *CSFK v HWH* [2020] HKCA 207, where the court observed that the use of technology by the courts to ensure prompt and safe conduct of proceedings was necessary given the impediment to the usual mode of court hearing occasioned by the pandemic, and is in line with the underlying objective to ensure a case is dealt with as expeditiously as is reasonably practicable (O.1A r.1(b) of the Rules of the High Court (Cap.4A, Sub.Leg.)

("RHC")) and the court's duty to further the underlying objectives by active case management that includes the use of technology (O.1A r.4(2)(k), RHC).⁵⁷ The Court of Appeal was also satisfied that the conduct of remote hearings through VCF is permissible and lawful under the existing legislative framework.⁵⁸ The second remote hearing by VCF was held on the following day (7 April 2020) before the Hon Yeung J sitting in the Court of First Instance in *Lui Chi Hang Hendrick v Independent Police Complaints Council* [2020] 2 HKLRD 911.⁵⁹

Subsequently (and as of October 2021), over 1,000 remote hearings have been conducted.⁶⁰ The use of technology has proved to be effective in remote hearings, which is envisaged to remain as a "permanent feature" of the legal system of Hong Kong particularly in respect of civil cases.⁶¹ In view of the positive experience with remote hearings in civil court business, the Judiciary is looking to introduce legislative amendments to facilitate the use of remote hearing in criminal proceedings.⁶²

4. Concluding Remarks

Hong Kong courts' relatively rapid adoption of remote hearings has helped to maintain the administration of justice amid the pandemic. The positive experience with the deployment of technology in conducting court hearings in civil cases has underpinned the anticipation that remote hearings would remain post-pandemic, and motivated the Judiciary to seek to facilitate remote hearings in criminal proceedings. Mindful of the increasing use of remote hearings, in addition to acquiring additional VCF,⁶³ the Judiciary would also probably need to consider enhancing its technical support capability in each court building.⁶⁴

⁵¹ Phase 1 Guidance Note, paras.14-15.

⁵² Phase 2 Guidance Note, paras.9-10, 33.

⁵³ Judiciary 2020 Annual Report (note 39 above).

⁵⁴ The Judiciary, Remote Hearings for Civil Business in Civil Courts, at https://www.judiciary.hk/en/court_services_facilities/gap_remote_hearing.html; See also the Technical Specifications of the Judiciary's Video Conferencing Facilities for Remote Hearings for Civil Business issued by the Judiciary.

⁵⁵ Judiciary 2020 Annual Report (note 39 above); Phase 3 Guidance Note, para.36.

⁵⁶ The OC Hearings Guidance Note, paras.1 and 4.

⁵⁷ *CSFK v HWH* [2020] HKCA 207, para.24; The Standing International Forum of Commercial Courts, Delivering Justice During the Covid-19 Pandemic and the Future Use of Technology, Annex A (29 May 2020) ("SIFCC Annex A"), p.18, available at <https://sifccc.org/app/uploads/2020/05/SIFoCC-Covid-19-Annex-A-29-May-2020.pdf>.

⁵⁸ *CSFK v HWH* [2020] HKCA 207, para.7.

⁵⁹ SIFCC Annex A (note 57 above), p.19.

⁶⁰ Legislation Council Panel on Administration of Justice and Legal Services, "2021 Policy Address: Policy Initiatives of the Chief Secretary for Administration's Office" (for discussion on 11 October 2021) ("LEGCO October 2021 Discussion Paper"), LC Paper No. CB(4)1621/20-21(02), para.4.

⁶¹ The Government of the HKSAR, Press Release: CJ's speech at Ceremonial Opening of the Legal Year 2021 (11 January 2021), at <https://www.info.gov.hk/gia/general/202101/11/P2021011100559.htm>.

⁶² LEGCO October 2021 Discussion Paper (note 60 above), para.4.

⁶³ Judiciary Information Paper (note 1 above), para.22(c).

⁶⁴ It is noted in the case *DC v AZF* [2020] HKFC 181 that the set up of a VC hearing in the District Court would require advance notice of two to four weeks because no technician for the set-up is housed in the court building.

By contrast, Hong Kong courts' pursuit of technological transformation in relation to handling of court-related documents is lagging behind many jurisdictions, including, for example, Austria (which has supported electronic filing of court documents since 1986 and has it as mandatory for legal professionals),⁶⁵ Singapore (which introduced electronic filing in civil courts in 1997 and, with the modernization of the judicial system starting in the 1990s, has been widely recognised as "world-class"),⁶⁶ and the United Kingdom (which piloted a new electronic filing system in 2014 and made it mandatory for legal professionals at various courts since 2019).⁶⁷

The rolling out of the iCMS, currently applicable to only two types of proceedings in the District Court, is behind its original (and revised) schedule. Nonetheless, it is a welcoming initiative which should mark an important step to improve the efficiency of litigation by use of technology. It is hoped that it will be implemented in respect of other proceedings in the District Court and other levels of courts in the not-too-distant future.

Whilst the use of technology in remote hearings and handling of court-related documents should not be regarded as the endpoint of leveraging technology in the pursuit of justice,⁶⁸ it is important to remember that the deployment of technology in our legal system is not an end itself, but a means to achieving an end – the administration of justice. Accordingly, the court is expected to (as it has been doing) ensure that justice and fairness between the parties are not compromised by the use of technology in the court process.

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This Newsletter is intended to give general information only. It is not a complete statement of the law nor is it a substitute for legal advice in relation to particular circumstances. The authors were not involved with the cases referred to. Written as at June 2022.

Disclaimer: Case reviews presented here are only summaries and users are advised to refer to the full case transcripts.

⁶⁵ Lord Justice Jackson, Review of Civil Litigation Costs: Final Report (1 December 2009), Chapter 43, para.2.1, available at <https://www.judiciary.uk/wp-content/uploads/2013/05/jackson-final-report-14010.pdf>.

⁶⁶ LEGCO Essentials (note 1 above); V Dadwal and M Beer, "What we can learn from Asia's courts of the future" (2 November 2018), World Economic Forum, at <https://www.weforum.org/agenda/2018/11/what-we-can-learn-from-asia-s-courts-of-the-future/>.

⁶⁷ See, Practical Law Dispute Resolution, Electronic Working and the Courts Electronic Filing System: Tracker.

⁶⁸ The Standing International Forum of Commercial Courts, Report of the Third Full Meeting Hosted by Singapore (March 2021), p.29, available at https://s3-eu-west-2.amazonaws.com/sifocc-prod-storage-7f6qtvj7wir/uploads/2021/12/Report-of-the-3rd-SIFoCC-Meeting-web.pdf?sm_au=isVD65q03kMjpsDFFcVTvKQkck8MG.