

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

### **(Cap. 638 sub. leg. C)**

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

(Cap. 638, section 26)

*(Enacting provision omitted—E.R. 1 of 2022)*

[1 October 2021]

### Part 1

#### Preliminary

1. *(Omitted as spent—E.R. 1 of 2022)*

2. **Interpretation**

In these Rules—

***administrative instructions*** (行政指示) means instructions issued under section 33(1) of the Ordinance;

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

- (a) any time on a weekday (other than a Saturday) during which the office is normally closed to the public;
- (b) any time on a Saturday or general holiday; *(L.N. 185 of 2022)*
- (c) 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

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(ii) a black rainstorm warning as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or (*L.N. 185 of 2022*)

(d) any time during which the office is directed under Order 64, rule 1 or 2 of RDC to be closed; (*L.N. 185 of 2022*)

**Court** (法院) means the District Court, a judge, a 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) the Registrar of the District Court;

(b) a deputy registrar of the District Court;

(c) an assistant registrar of the District Court;

(d) a temporary registrar of the District Court;

(e) a temporary deputy registrar of the District Court; or

(f) a temporary assistant registrar of the District Court;  
(*L.N. 185 of 2022*)

**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

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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.

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## Part 2

### Authorization for Use of e-system and Application

#### 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

- (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

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

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- (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.
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## 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

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

#### 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) (*specified time*), 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 specified 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 before 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) is 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) (*specified time*), 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 specified 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 before 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) is 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 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.

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- (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.
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## Part 5

### Conversion of Form of Documents by Court

#### 14. Court may convert 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 (other than an e-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 excluded by e-practice directions from the application 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 documents 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) However, service of a document on a receiving person who is not within the jurisdiction may only be effected under subrule (1) if—
  - (a) it is effected also in compliance with Order 11 of the RDC; or
  - (b) it is effected on the solicitor representing the receiving person in the proceeding concerned.
- (3) Subrule (1) does not affect the operation of Order 65, rule 4 of the RDC.

- (4) 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.

**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 subrule (2)—  
*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



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- (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) of the RDC to paragraph (3)(a) were a reference to subrule (2)(a);
- (b) a reference in Order 13, rule 7(5) of the RDC to paragraph (3)(b) were a reference to subrule (2)(b); and
- (c) a reference in Order 13, rule 7(5)(b) of the RDC 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 within the meaning of section 2(1) of the ETO 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 on or by Parties in Electronic Form**

### **31. Authentication of documents served on or by 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 purposes 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 the definition of *digital signature* are that—
  - (a) the digital signature is supported by a recognized certificate;
  - (b) the digital signature is generated within the validity of the certificate; and
  - (c) the digital signature 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—

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- (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.
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## Part 8

### Transfer of Proceedings

#### 35. Interpretation of Part 8

In this Part—

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

*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;

*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

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- 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.
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## Part 9

### Electronic Payments

#### 39. 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) (*specified time*), 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 specified 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.

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### **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

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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)(a) 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

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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)