

PRACTICE DIRECTION 29

USE OF THE TECHNOLOGY COURT

This practice direction will be reviewed after 18 months in the light of the Technology Court's operations during that period.

General

1. The Technology Court is located in Court No. 7 on the 5th Floor of the High Court Building. The facilities presently offered are outlined in **Appendix A**.

Who may use the Technology Court

2. Subject to the direction of the court or tribunal concerned, the Technology Court is available for use, where appropriate, upon the application of one or more of the parties in relation to proceedings or particular parts of proceedings, both civil and criminal, in the Court of Final Appeal, the Court of Appeal, the Court of First Instance, the District Court, the Lands Tribunal, the Magistrates' Courts, the Coroner's Court, the Labour Tribunal and the Small Claims Tribunal.
3. Depending on the level of demand for use of the Technology Court and subject always to cases being conducted in the court system having priority, consideration may also be given to use of the Technology Court for the purposes of foreign proceedings and arbitrations upon application made to the Chief Judge of the High Court.

When the Technology Court should be used

4. It is a case management question within the discretion of the court or tribunal concerned whether any proceedings or parts of any proceedings should be conducted in the Technology Court.

5. In making its decision, the court or tribunal will take into account the views of all the parties, the availability of the Technology Court, the subject-matter of the proceedings or the relevant part of the proceedings and all other material circumstances, including in particular, whether the proposed use of the Technology Court is likely :-
 - (a) to promote the fair and efficient disposal of the proceedings;
 - (b) to save costs; and/or
 - (c) materially to delay disposal of the proceedings.

Applications for use of the Technology Court

6. Before applying for use of the Technology Court, the party or parties wishing to apply should :-
 - (a) Consult the Judiciary's website (see Appendix A) to obtain all relevant, up to date information;
 - (b) Make preliminary inquiries with the Clerk of Court in the High Court (contacting the Court Suite Manager at 2825 4610) as to the availability of the Technology Court over the period broadly covering the likely hearing date or dates in question; and,
 - (c) Consult all other parties involved in such hearings.
7. Applications for use of the Technology Court should be made to the court or tribunal in question as follows :-

<i>Court or tribunal</i>	<i>Apply to</i>
Court of Final Appeal	A single judge of the Court of Final Appeal.
Court of Appeal	A Vice-President of the Court of Appeal. If unavailable, the Chief Judge of the High Court.

Court of First Instance	The judge in charge of the case; or if no judge is allocated, the listing judge. If unavailable, the Chief Judge of the High Court.
District Court	The judge in charge of the case; or if no judge is allocated, the listing judge. If unavailable, the Chief District Judge.
Lands Tribunal	The presiding officer in charge of the case; or if none is allocated, the President. If unavailable, the Chief District Judge.
Magistrates Courts	The magistrate in charge of the case; or if none is allocated, the Principal Magistrate. If unavailable, the Chief Magistrate.
Coroner's Courts	The Coroner in charge of the inquest. If unavailable, the Chief Magistrate.
Labour Tribunal	The presiding officer in charge of the case; or if none is allocated, the Principal Presiding Officer. If unavailable, the Chief Magistrate.
Small Claims Tribunal	The adjudicator in charge of the case; or if none is allocated, the Principal Adjudicator. If unavailable, the Chief Magistrate.

8. Applications for use of the Technology Court for any particular hearing or hearings should be made as early as practicable, bearing in mind :-
 - (a) the possible need to fix a hearing to consider any opposition to the application; and,
 - (b) in the event of the application succeeding, the need to ensure that all necessary and proper technical and other arrangements are in place to ensure that the hearing is effective.
9. When applying for use of the Technology Court, the applicant should, *inter alia*, be prepared to :-
 - (a) identify the features of the proceedings or the particular issues or items of evidence making use of the Technology Court desirable;

- (b) identify the particular facilities and equipment which it would wish to utilise in the Technology Court; and,
- (c) provide an estimate of the court time needed.

Where the court or tribunal directs use of the Technology Court

10. Where a court or tribunal (other than the Court of Final Appeal or the Court of Appeal) directs that the Technology Court is to be used, if no judge has yet been allocated to deal with the case in question, the court or tribunal should order that the case be allocated to a named judge or officer (not necessarily the judge or officer giving the direction), as far as such allocation may be practicable, so that the trial will in the normal course be fixed before such judge or officer and, pending trial, any further interlocutory applications, including applications concerning use of the Technology Court, should be made to the same.
11. Where use of the Technology Court is directed for proceedings before the Court of Final Appeal or the Court of Appeal, any further applications relating to use of the Technology Court should, in so far as practicable, be made respectively to the single judge of the Court of Final Appeal and to the Vice-President in the Court of Appeal who gave the direction in question.
12. The day-to-day administration of the Technology Court is in the charge of the Clerk of Court in the High Court (COC) who is responsible for:-
 - (a) coordinating use of the Technology Court with the listing officers of the various courts or tribunals which may direct such use; and
 - (b) maintaining and providing technical support for the facilities and equipment installed in the Technology Court.

13. Where use of the Technology Court has been directed, the party having carriage of that order should at the same time be directed :-
 - (a) to apply within a stated period to the COC to fix the date or dates for the hearing or hearings in the Technology Court in consultation with the listing officer of the court or tribunal which gave the aforesaid direction;
 - (b) to contact and maintain such liaison with the Technology Court's technical and other staff as may be required, with a view to ensuring that any equipment and materials provided by the parties or by commercial service providers engaged by the parties may compatibly and effectively be used together with the equipment installed in the Technology Court; and,
 - (c) at a specified time prior to the hearing, to report back to the relevant court or tribunal as to the readiness of the parties to proceed with the hearing or hearings in the Technology Court.
14. In the event that competing claims for use of the Technology Court arise among parties to different sets of proceedings, such claims will be referred by the COC to be dealt with by the Chief Judge of the High Court. The Chief Judge may, in his discretion, call for written or oral submissions regarding use of the Technology Court from the relevant parties. In resolving any such disputes, flexible arrangements for use of the Technology Court will be adopted with a view to accommodating as many users as possible and maximising the beneficial use of the Court. Thus, for example, it may be appropriate for the COC or the Chief Judge to interpose brief use of the Technology Court by parties in one set of proceedings, in the midst of a longer period of the Court's use by parties involved in another case.

At the hearing

15. The court or tribunal in question will, in the usual course, give such directions as it deems necessary in relation to the conduct of the hearing. It will generally be the responsibility of the party concerned to make all arrangements necessary for or incidental to ensuring that use of the Technology Court proceeds smoothly and effectively. For example, a party calling a witness who is to be examined on a Video Conferencing link will be responsible for ensuring that such witness

will be at the remote site in good time for such examination to take place, having duly been supplied with copies of any documents or exhibits relevant to such examination and for the witness to be provided with an interpreter, if necessary, and so forth.

Cost of using the Technology Court

16. Where facilities provided in the Technology Court are to be used in conjunction with services and/or materials provided by commercial entities (such as telecommunications carriers providing Video Conferencing services or providers of real time court reporting and transcription services), it shall be the responsibility of each party wishing to avail himself of such services and/or materials to make appropriate contractual arrangements directly with such commercial entities and directly to meet their charges.
17. Consideration will be given to charging such fees or other charges as may be prescribed for use of the Technology Court. However, no fees or charges will be levied during the period of 18 months commencing on the date of issue of this practice direction, such period being regarded as a trial period for the Technology Court's operation.
18. This practice direction shall take effect on the 7th day of April 2003.

Dated this 14th day of January 2003

Andrew Li
Chief Justice

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Appendix A

1. This Appendix outlines the facilities presently available in the Technology Court.
2. Details, including the technical specifications and capabilities of the equipment installed in the Technology Court can be found on the Judiciary website at <http://www.info.gov.hk/jud>.
3. As changes may be made from time to time, parties considering use of the Technology Court should consult the website for the latest information prior to making an application for such use. Inquiries should be directed to the Clerk of Court in the High Court (contacting the Court Suite Manager at 2825 4610).
4. The Technology Court currently offers the following facilities :-
 - (a) A video conferencing system (VCF), to be used in conjunction with services provided by a commercial service provider, permitting evidence to be taken from witnesses outside the court room, including witnesses abroad.
 - (b) Facilities for multi-media presentations, enabling evidence to be presented in audio, video, graphics, text, film and computer animation form, generated by various types of equipment and displayed on screens and broadcast on a sound system installed in court.
 - (c) An electronic Documentation and Exhibits Handling System (DEHS), which is an information retrieval system, enabling large volumes of documents to be indexed and stored on the court's computer, with common documents retrieved and displayed simultaneously on computer monitors for use in the

course of a hearing. The system also allows the judge and each of the parties to make private notes relating to particular documents, excluding other users of the system from access to such notes.

- (d) Closed-circuit television facilities (CCTV) for taking evidence from vulnerable witnesses.
- (e) Installed wiring and connections ready for instantaneous court reporting and transcription services to be provided by commercial service providers.
- (f) Personal computers and internet broadband connectivity for computers used by the parties.
- (g) Enhanced digital audio recording and transcription services (DARTS), providing an audio record of proceedings and offering the parties the option of purchasing a CD-ROM containing such record at the end of each days' proceedings.
- (h) Enhanced interpretation facilities.
- (i) Enhanced public address and CCTV systems enabling persons outside the confines of the courtroom to follow the proceedings.