

Administrative Instructions on Matters relating to Registration as a User of the integrated Court Case Management System

(I) INTRODUCTION

Unless otherwise specified, court users are required to register with the Judiciary before they can send and receive documents, and/or make payments relating to a proceeding electronically with the e-Court¹ through the e-system designated in the Court Proceedings (Electronic Technology) Ordinance (Cap. 638) (“the Ordinance”). The Chief Justice has designated the integrated Court Case Management System (“iCMS”) as the e-system to facilitate the use of electronic technology in the Court.

2. Under Section 32 of the Ordinance, the Chief Justice may specify, by implementation notices published in Gazette, the date from which electronic technology may be used in relation to a particular e-Court or a type or description of proceedings, thereby implementing the use of electronic technology in relation to court proceedings in phases. Please refer to the implementation notice(s) issued by the Chief Justice currently in force [https://www.judiciary.hk/en/e_courts/Ann_IN.html].

3. In the exercise of the power under Section 33 of the Ordinance, the Judiciary Administrator has specified in this Administrative Instructions the requirements in respect of registration as a user of the iCMS and other arrangements to use it for certain purposes relating to a proceeding.

4. This Administrative Instructions can be downloaded from the Judiciary’s website [https://www.judiciary.hk/doc/en/e_courts/AI_RegUser_iCMS_e.pdf].

¹ e-Court means a court and/or a tribunal specified by the rules made by the Chief Justice under Section 6 of the Ordinance as a court/tribunal in which electronic documents may be used. For example, the Court Proceedings (Electronic Technology) (Specifications of e-Courts) Rules (Cap. 638A) specify the District Court, the Magistrates’ Court and the Small Claims Tribunal as e-Courts. Please also see paragraph 2 below.

5. The requirements and arrangements set out below are primarily those applicable to registered users accessing the iCMS through the Judiciary Web Portal [<https://www.judwebportal.judiciary.hk>] and will be updated from time to time.

(II) ELECTRONIC SERVICES FOR REGISTERED AND NON-REGISTERED USERS

6. No fees are required for registration under the iCMS.

7. A registered user will be provided with a login name and an activation code to log in the iCMS for using electronic services of the iCMS.

8. Generally speaking, subject to any prevailing leave and/or payment requirements applicable to both electronic and manual users, the key types of the iCMS electronic services that may be used by registered users with the e-Court include the following:

- (a) sending and receiving case-specific court documents to and from the e-Court;
- (b) inspecting or searching as appropriate filed documents and other case-related information held by the e-Court;
- (c) searching Cause Books/Register of Claims where applicable; and
- (d) making electronic payments².

9. Electronic services that are available for non-registered users will be more limited. Apart from those electronic services already available on the Judiciary's website, key additional services open to non-registered users are as follows:

² For details, please refer to the **Administrative Instructions on Electronic Payments to the Judiciary** [https://www.judiciary.hk/doc/en/e_courts/AI_epayment_e.pdf].

- (a) electronic search of electronic documents which may be inspected by the public³ subject to any prevailing leave and/or payment requirements applicable to both manual and electronic users;
- (b) electronic payments not requiring identity authentication, e.g. searching fee for item 9(a) above; and
- (c) checking of Document Reference Number (“DRN”)⁴ (the checking function can also be made via a phone system) to enable court users who have received a printed copy of an electronic court document/order to ascertain as to whether it has in fact been issued by the e-Court within the defined time period.

(III) WHO CAN BE A REGISTERED USER OF THE iCMS

10. The following court users may register as registered users of the iCMS:

- (a) any party to an on-going or a new e-proceeding⁵ ; or
- (b) the Hong Kong Bar Association (“HKBA”), the Law Society of Hong Kong (“LSHK”), law firms registered with LSHK as law firms, government departments, law enforcement agencies and statutory bodies; or
- (c) any person, or his/her legal representative(s) other than categories 10(a) and (b) above, who has provided good and sufficient reasons to the satisfaction of the Judiciary

³ For the avoidance of doubt, the provision of temporary access code to support court users to inspect or search filed documents and/or Cause Books/Register of Claims electronically is by no means to take the relevant court users as registered users.

⁴ The system will respond automatically if a matching entry can be found, thus allowing the court users to have an initial verification. Should the recipients prefer to view and/or verify the content of the documents, they should approach the relevant Registry of the e-Court for document inspection in accordance with the applicable legislation.

⁵ An e-proceeding means a proceeding that electronic technology has been implemented for that proceeding in an e-Court. For details, please refer to Section 11(2) of the Ordinance.

Administrator for registration in connection with an on-going e-proceeding. For example, any other person having the right of audience under a statutory provision, or with the leave of the Court to appear and address the Court instead of a party to the e-proceeding.

11. A registered user's right to send documents to the court electronically is subject to:

- (a) any restrictive order(s) granted by the Court of Appeal, a Judge of the Court of First Instance and a District Court Judge, empowered by legislation, practice direction and the inherent jurisdiction of the court, in respect of applications before the Court of Appeal, proceedings in the Court of First Instance and/or the District Court respectively and, if appropriate, proceedings involving the same subject-matter in the e-Court concerning measures in response to persistent abuse of process by litigants; and/or
- (b) any restrictive or disallowance order(s) granted by the e-Court.

12. In addition to paragraph 11 above, to ensure the proper use of the iCMS, the Judiciary Administrator may at his/her discretion terminate any party's right of access to and use of the iCMS as a registered user if the user concerned is found to have failed to comply with the terms and conditions for using the iCMS, or otherwise to have misused the iCMS.

(IV) TYPES OF ACCOUNTS

13. There are two types of accounts for registration: (a) Individual User Account and (b) Organization Account.

14. For the avoidance of doubt, in different sets of Administrative Instructions, unless the context otherwise requires, "registered user" means a person who is registered as a user of the iCMS,

- (a) in relation to an Individual User Account, means the individual litigant who is registered as the account holder; or
- (b) in relation to an Organization Account, means the organization concerned and the individual who is registered

as Primary Administrator (“PA”), Secondary Administrator (“SA”) or Organization User (“OU”) account holder of the organization concerned.

Individual User Accounts

15. Individual User Accounts are intended for individual litigants acting in person for their own cases. In general, Individual User Account will only be allowed if the litigant has an on-going or a new e-proceeding. However, a prospective litigant may apply for an account but any approval will be subject to his/her filing of a new e-proceeding within the period specified in the notification email for activating the account (see paragraph 36 below). The account will be terminated without prior notice if it is not linked to any e-proceeding upon expiry of the specified period.

16. Unless otherwise stated, an Individual User Account will generally be de-activated three months after the final disposal of the last e-proceeding(s) relating to that account holder with prior notice to be sent to the Message Box on the iCMS for the account holder concerned. Individual litigants need to register again when they have new e-proceedings.

Organization Accounts

17. Organization Accounts will be created for organizations as defined in paragraph 10(b) above regardless of whether they have any new or on-going court proceeding(s) at the time of registration, given their frequency of filing and payments as essential court users. For other organizations, they can register for Organization Accounts if they are parties to on-going or new e-proceedings as set out in paragraph 10(a) above.

18. Within an Organization Account, there will be three categories of sub-accounts for individuals of that organization as follows:

- (a) PA Account;
- (b) SA Account; and
- (c) OU Account.

19. The PA Account is firstly created by the Judiciary Administrator for the registrant who will then be able to create SA and OU Accounts.

PA and SA Account holders shall be responsible for the administration of the accounts within the organization, while OU Account holders will carry out actual electronic transactions with the e-Court.

20. The PA Account holder is authorized by the organization to administer the accounts within the organization. He/she is the representative of the organization in the use of the iCMS. Assisted by SA Account holder(s) on a day-to-day basis, the PA Account holder will have full responsibilities in account management matters for the organization. It is the responsibility of the PA and/or SA Account holders to ensure that the identity of SA and OU Account holders will be checked and verified before creating the accounts. Any activity and/or transaction conducted through the iCMS by any holder of SA or OU Account created directly or indirectly under the purview of the PA Account holder shall be regarded as activity and/or transaction allowed by the PA Account holder within the limits of any policies or instructions that are imposed by the organization concerned, save and except for special circumstances such as the OU Account holders under HKBA.

21. As OU Accounts may be grouped into different clusters to facilitate the handling of e-proceedings of different types/locations etc., the iCMS will support the use of “branch codes” to facilitate the grouping of OU Accounts for management under different SA Account holders.

22. Taking into consideration the business nature and key characteristics of the profession of barristers, a specific type of Organization Account will be set up for HKBA which regulates barristers in Hong Kong. HKBA will hold a PA Account and the holder will take care of administration of the OU Accounts for individual barristers and their secretaries/assistants and pupils in limited practice. The OUs of HKBA’s Organization Account are allowed to lodge certain types of documents (please refer to paragraph 18 of **Annex A**) with the e-Court but will be exempted from case-based link-up requirements. Furthermore, the users should be responsible for their own act, instead of being regarded as their undertaking of any activity and/or transaction on behalf of HKBA.

23. Details of the roles, responsibilities and further features of PA, SA and OU Accounts, as well as more information about “branch codes”, are set out at **Annex A**.

24. Similar to an individual litigant acting in person, PA, SA and OU Accounts of an organization will generally be de-activated three months after the final disposal of the last e-proceeding(s) relating to that Organization Account with prior notice be sent to the respective Message Box(es) on the iCMS.

Registration for Organization Account on the basis of posts

25. In general, registration of various sub-accounts within an Organization Account (as per paragraph 18 above) is carried out on the basis of **natural persons** (i.e. registration on the basis of names).

26. To meet the operational needs of government departments/agencies and in view of the fact that duties are performed in the capacity of official positions, the Judiciary Administrator may, at his/her discretion, allow eligible parties to register SA and/or OU Accounts on the basis of posts rather than names provided that there are justified reasons in support of the application. The following considerations will normally be taken into account:

- (a) whether there is a well-established mechanism for creation or deletion of specified posts within the organization (for example, the Departmental Establishment Committee in government departments);
- (b) whether there is a well-established mechanism for designating individual persons as specified post-holders (for example, posting orders or authorization letters issued by the organization);
- (c) whether officers are empowered to perform their duties by post; and
- (d) whether there are a lot of holders of the relevant accounts within an Organization Account, with genuine difficulties in maintaining the accounts to be held by natural persons and the association with cases for individual account holders.

27. However, the registration of PA Accounts shall remain to be made on person-based because of the important roles played by PA Account holders and the limited number of PA Account holders (normally one to two PA Account holders for each Organization Account). Authentication

of the identity of PA Account holders is essential and registration by name shall provide better safeguards against abuse in view of the importance of the roles of PA Account holders.

28. For organizations that are allowed to register their SA and/or OU Accounts on the basis of post titles, they have to register all account holders under the specific sub-account(s) by posts. Registration by name will not normally be applicable.

(V) RESPONSIBILITY OF REGISTERED USERS

29. All account holders must comply with the terms and conditions for using the iCMS published by the Judiciary Administrator. The terms and conditions for using the iCMS will be updated from time to time. It can be downloaded from the Judiciary's website [https://www.judiciary.hk/en/e_courts/terms_index.html].

30. All registered users should protect their login names and passwords well. Any activity and/or transaction conducted by a PA Account, an SA Account, an OU Account or an Individual User Account with the e-Court using the password of the person concerned will be deemed to have been conducted by that person. Furthermore, any activity and/or transaction conducted by an SA Account or an OU Account via the iCMS under the purview of the PA Account holder shall be regarded as activity and/or transaction allowed by the PA Account holder within the limits of any policies or instructions that are imposed by the organization concerned, save and except for special circumstances such as the OU Account holders under HKBA.

31. Messages/documents from an e-Court and/or the iCMS administrator will be sent to the Message Box on the iCMS of the relevant registered user(s). To help alert the registered user, a reminder notification on all unread messages will be sent to the email address given by him/her at day-end each day as a default arrangement. In addition, a registered user can opt to receive individual email notification at his/her email address whenever there is message/document from an e-Court and/or the iCMS administrator to his/her Message Box on the iCMS. The registered user has to login to the iCMS to check the messages/documents.

(VI) PROCEDURES FOR ACCOUNTS APPLICATIONS

32. Application for registration for an Individual User Account or a PA Account may be submitted online via the iCMS. An applicant may also choose to complete the prescribed application form at **Annex B** (for Individual User Account) or **Annex C** (for a PA Account) [https://www.judiciary.hk/en/e_courts/forms_index.html] and submit it to the Judiciary through the following means:

- (a) by fax;
- (b) by post; or
- (c) by hand during office hours.

Please refer to the guidance notes of the application form for details of how to submit an application.

33. The documents normally required for registration are at **Annex D**.

34. Subject to the provision of all essential information in the application form and the required supporting documents, it normally takes three working days for the Judiciary Administration to complete the vetting process and issue the notification of results. An applicant will be notified by email to go to the Help Centre, Small Claims Tribunal Information Centre or general offices of Magistrates' Courts (collectively referred to as "the designated offices") for identity authentication process. The applicant may authorize a personal representative to come to any one of the designated offices to complete the identity authentication process. If the application form or the supporting documents provided are found not in order, the applicant concerned will be asked to provide supplementary information before the application can be further processed.

35. Applicants or their appointed personal representatives will be required to provide relevant documents at the designated offices for completing the identity authentication process. If the applicants or their personal representatives fail to attend the designated offices for identity authentication by the specified deadline (i.e. 30 calendar days from the date of notification), the application will be regarded as rejected. If the applicants wish to pursue the registration again, they need to submit fresh applications.

36. After completing the identity authentication process and the registration application is approved, the applicant will be provided with an assigned login name by means of a notification email. The applicant has to complete the account activation process following the instructions given before using the iCMS's services. If the applicant fails to activate the account by the specified deadline (i.e. 30 calendar days from the date of the notification email), the account will be suspended. The applicant has to call the General Enquiry Hotline for re-activation of the account.

37. If an applicant has not received any response after submitting the application for seven working days, he/she can make an enquiry to the Judiciary Administration via the enquiry means provided under the guidance notes of the application form.

38. PA Account holders may then create SA and OU Accounts under the iCMS for their organizations. SA and OU Account holders will receive their login names through email sent by the Judiciary Administration after creation of their accounts by their PAs. SA and OU account holders have to complete the account activation process following the instructions given before using the iCMS's services.

39. The Judiciary Administrator reserves the right to approve or reject any application for registration at his/her sole discretion.

(VII) COMMUNICATING WITH THE e-COURT FOR INDIVIDUAL COURT CASES

40. Registration with the Judiciary for the use of the iCMS only signifies that a person/organization is generally prepared to transact with the e-Court electronically. A registered user may choose to communicate electronically with the e-Court for some e-proceedings, but not the others. To provide for such flexibility, the Judiciary will enable the electronic "linking" of an e-proceeding with a registered user. A registered user should lodge a "Notice of Consent to transact with the e-Court by means of the integrated Court Case Management System ("iCMS")" at

Annex E⁶; on receipt of the Notice, the court support staff will link up the case concerned with the registered user accordingly.

41. After the “linking” process, it signifies that the registered user concerned will communicate with the e-Court via the iCMS for the relevant e-proceeding in general. The e-Court will normally send documents to the registered users for such “linked” e-proceedings using the iCMS as appropriate.

42. Moreover, in general, where a case party appoints a solicitor to act on his/her behalf and when the e-Court has been notified of such, the relevant legal representative will take charge of all legal matters relating to the e-proceeding as well as access to the specified Electronic Case File as appropriate, subject to any prevailing leave requirement. All case-related correspondence will be directed by the Judiciary to the legal representative. Hence, except the function previously enabled for inspecting the documents filed by the case parties, any other access rights to this specified e-proceeding previously granted to any user account(s) other than that of the prevailing legal representative’s will be revoked.

(VIII) OTHER APPLICABLE REQUIREMENTS

43. This document should be read in conjunction with the relevant provisions of the Ordinance and its subsidiary legislation, the e-Practice Directions, other sets of Administrative Instructions, and the terms and conditions for using the iCMS as appropriate.

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⁶ Apart from lodging Annex E, upon application to be a registered user, the applicant may list out the e-proceeding(s) in which the applicant opts to transact with the e-Court by means of the iCMS. In addition, when a registered user files an originating document through the iCMS to commence a new court case, or the relevant types of documents with the e-Court such as Acknowledgement of Service or Notice to Act in Person, the iCMS will automatically link up the registered Individual User Account or the registered Organization Account with the court case.