

## Leaflet 3

# How to issue documents out of the District Court by electronic means?

This leaflet is designed to provide you with a brief outline on how you may issue documents out of the District Court (“Court”) by electronic means under the Court Proceedings (Electronic Technology) Ordinance (Cap.638) (“the Ordinance”).

You should read the Ordinance as well as the Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules (Cap.638C) (“e-Rules”) and e-Practice Direction 1 made thereunder for full details. They are available at [https://www.judiciary.hk/en/e\\_courts/refmat\\_index.html](https://www.judiciary.hk/en/e_courts/refmat_index.html).



This publication is for general reference only and should not be treated as a complete or authoritative statement of law or court practice. Whilst every effort has been made to ensure that the information provided in this leaflet is accurate, it does not constitute legal or other professional advice. The Judiciary cannot be held responsible for the contents of this publication.

This leaflet does not touch upon any law on civil right, claim or liability.

1. Under the Ordinance, you may issue documents out of the Court by electronic means if:

- (a) you are a registered user or an Organization User account holder. Please refer to the leaflet on “Integrated Court Case Management System” at [https://www.judiciary.hk/doc/en/e\\_courts/L\\_iCMSgeneral\\_e.pdf](https://www.judiciary.hk/doc/en/e_courts/L_iCMSgeneral_e.pdf); and



- (b) your case or the proceeding to be commenced by you fall(s) within the type of proceedings for which the use of electronic technology has been implemented. Please refer to the e-Rules and e-Practice Direction 1 at [https://www.judiciary.hk/en/e\\_courts/ref\\_practice.html](https://www.judiciary.hk/en/e_courts/ref_practice.html) for the type(s) of proceedings in the Court in which you may use the electronic mode.



2. Please refer to Leaflet 2 “How to send and receive documents to/from the District Court by electronic means?” at [https://www.judiciary.hk/doc/en/e\\_courts/L\\_legalaspects2\\_e.pdf](https://www.judiciary.hk/doc/en/e_courts/L_legalaspects2_e.pdf) on how you may send documents in electronic form to the Court for the purpose of issuance of proceedings.



3. If a document is required to be signed, it must be authenticated in accordance with the e-Rules and e-Practice Direction 1. Please refer to Leaflet 4 “How to authenticate documents in electronic form?” at [https://www.judiciary.hk/doc/en/e\\_courts/L\\_legalaspects4\\_e.pdf](https://www.judiciary.hk/doc/en/e_courts/L_legalaspects4_e.pdf) on how you may authenticate a document in electronic form.



## Issuing time-critical documents such as originating process or inter-parte summons

4. If the document submitted for issuance is submitted when the Registry is open, the Registry would aim at:

- (a) issuing the document (for example, the sealed writ of summons or the sealed inter-parte summons as the case may be), by means of the e-system on the same working day if the document submitted is found to be in order; or

- (b) informing the sender on the same working day if the document submitted is found not to be in order.

Upon successful transmission of a document, the sender will receive an acknowledgement and be notified of the submission time. The document is taken to have been issued at the submission time.

### Example

If the transmission to the Court of a writ of summons to be issued is completed at 10:00 am on a day when the Registry is open, the submission time will be 10:00 am. If the Court completes processing the document and issues the sealed writ of summons at 10:30 am, the writ of summons is taken to have been issued at 10:00 am.

5. If the document submitted for issuance is submitted when the Registry is not open, the Registry would aim at:
  - (a) issuing the document (for example, the sealed writ of summons or the sealed inter-partes summons as the case may be) by means of the e-system on the next working day if the document submitted is found to be in order; or
  - (b) informing the sender on the next working day if the document submitted is found not to be in order.

Upon successful transmission of a document, the sender will receive an acknowledgement and be notified of the submission time. The document is taken to have been issued at the time when the Registry is next open.

### Example

If the transmission to the Court of a writ of summons to be issued is completed at 7:00 pm on a Monday (when the Registry is not open), the submission time will be 7:00 pm. Assuming Tuesday is a business day, if the Court completes processing the document and issues the sealed writ of summons at 9:15 am, the issuing time of the writ of summons is taken to be 8:45 am on Tuesday.

6. Litigants are reminded that if leave for service of proceedings out of the jurisdiction is required, leave must first be obtained under Order 11 of the Rules of the District Court.

## Issuing other documents

7. For other documents, the Court will need time to process. The document is taken to have been issued at the time it was sent by the Court to the registered user or the Organization User account holder as the case may be by means of the e-system.

## Printouts of documents issued out of the Court

8. A printout produced from a document in electronic form issued by the Court (eg a sealed writ of summons) may be used for any purpose for which the document may be used (eg service) and has the same legal effect as the original of the document provided that:
  - (a) if the document bears the seal of the Court, the seal must be printed in red;
  - (b) the document must be printed on paper of durable quality in A4-size unless the nature of the document renders it impracticable (for example, a plan in A3-size is attached to the writ);
  - (c) the layout and colour of the printed copy must be the same as the document in electronic form; and
  - (d) for consistency and apart from the back sheet, the whole document must either be printed on one side or on both sides of the paper.