

How to authenticate documents in electronic form?

This leaflet is designed to provide you with a brief outline on how you may authenticate a document in electronic form under the Court Proceedings (Electronic Technology) Ordinance (Cap.638) (“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.



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

1. Under the Ordinance, litigants may send documents in electronic form to the Court, issuing proceedings by means of the e-system out of the Court and/or send documents in electronic form to another party in the proceedings. Please refer to Leaflet 1 “Use of electronic technology in the District Court under the Court Proceedings (Electronic Technology) Ordinance (Cap.638)” at https://www.judiciary.hk/doc/en/e_courts/L_legalaspects1_e.pdf for an overview.



2. If a document in electronic form is required to be signed, it must be authenticated as follows:
 - (a) Affidavits (except affidavits proving due service of documents), statutory declarations, depositions under Order 39 of the Rules of the District Court and notarial instruments within the meaning of section 35A(2) of the Evidence Ordinance (Cap. 8) must be authenticated by scanned electronic signature in accordance with rule 32 of the e-Rules, that is:
 - (i) the signer manually signs the original paper document; and
 - (ii) 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.
 - (b) Other documents may be authenticated by:
 - (i) scanned electronic signature in accordance with rule 32 of the e-Rules (see above);

- (ii) ordinary electronic signature in accordance with rule 33 of the e-Rules, that is:
 - (1) 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 identifying the signer as the person who signed the document; and indicating that the information contained in the document is authenticated or approved by the signer; and
 - (2) the method is reliable, and is appropriate, for the purpose for which the information contained in the document is communicated; or
- (iii) digital signature in accordance with rule 34 of the e-Rules. In short, the digital signature must be supported by a recognized certificate under the Electronic Transactions Ordinance (Cap. 553); or
- (iv) if the signer is also the submitter of the document by means of the e-system, the document may be authenticated by inputting the signer’s name (and the post title if the submitter is an Organization User account holder) at the place where his/her signature would otherwise appear on the document.