

高等法院首席法官
潘兆初



The Hon Mr Justice Jeremy Poon
Chief Judge of the High Court

BY POST AND E-MAIL

19 May 2020

Mr Philip J Dykes, SC
Chairman
Hong Kong Bar Association
LG2 Floor, High Court
38 Queensway
Hong Kong

Dear *Mr Dykes,*

**Remote Hearings for Civil Court Business Upon the Resumption of
Court Proceedings during the Current Public Health Situation**

During the General Adjourned Period (“GAP”), the Judiciary issued the Guidance Note for Remote Hearings for Civil Business in the High Court (Phase 1 : Video-Conferencing Facilities) in early April to facilitate the conduct of remote hearings in suitable cases amid the prevailing public health situation. Since then, quite a number of remote hearing using video-conferencing facilities (“VCF”) have been held. The response so far has been positive.

Use of VCF in Remote Hearings after GAP

2. As the public health situation remains fluid and may change any time, the courts will continue to exercise flexibility to cater for any exigency. It is of paramount importance that justice is duly administered continuously and effectively without compromising public health and safety. Accordingly, remote hearings using VCF will continue to be used in suitable civil cases in the High Court, although GAP has already come to an end on 3 May 2020.

3. In the longer term, the Judiciary is also taking a look into whether, and if so, to what extent and how, remote hearings may be used in specific circumstances to support the proper and effective administration of justice when the pandemic is over and the courts resumes to its normal mode of operation whereby, in light of the local circumstances, physical face to face hearings will continue to be the standing mode of court hearings under normal circumstances. The Judiciary will keep all the stakeholders posted and consult all concerned when it has come up with its views and proposals.

Expansion of the Scope of Remote Hearings

4. Amid the prevailing public health situation, the Judiciary considers it desirable to continue to pursue the use of VCF in conducting remote hearings for suitable civil cases in the interim. To this end, as I have foreshadowed in my earlier letter of 16 April 2020, we will soon be expanding the use of remote hearings to more types of civil proceedings at the High Court. Some trials or parts of trials may also be considered for remote hearings. We will also extend such hearings to other civil courts, namely the District Court and the Family Court. We will soon issue a guidance note on this, to be referred to as the "Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 2 : Expanded Video-Conferencing Facilities and Telephone)".

Technical Options of VCF

5. At present, the Judiciary's VCF can be connected to any video conferencing hardware or software solution which is compatible¹. It is however noted that the authentication process for parties or legal representatives to gain access to the court's VCF server currently requires connection through hardware only. This hardware-based approach requires the parties to have enterprise level equipment.

¹ Any equipment which is capable of making H.323 or SIP connections through either Internet broadband links or ISDN would be compatible with the court's VCF.

6. To keep abreast with changing technologies and to respond to some stakeholders' suggestion about the possible use of more cost-effective equipment, the Judiciary has been exploring other possible technical options. We are pleased to announce that, from mid-June 2020 onwards, the court will be able to allow an alternative technical option which is a software-server solution with authentication by means of account password. This option will enable court users to use personal computer devices, with installation of an appropriate software, to connect to the Judiciary's VCF. Technical details of this software-based option will be provided soon.

7. The Judiciary understands that the cost for the software-based option will be significantly lower than procurement of enterprise level hardware. Besides, this option should be more user-friendly and conducive to facilitating a wider use of remote hearings.

8. Both the hardware and software approaches above would be compatible with the court's VCF. Court users may decide which one to use.

9. The Judiciary has also received suggestions from some stakeholders for the use of commercial online real-time communication applications that may involve the use of (public) cloud services. Whilst the Judiciary keeps an open mind to continue to proactively explore the use of these commercial applications, as indicated before, the Judiciary will not adopt such applications unless and until the security and other concerns have been resolved.

Way Forward

10. The public health situation has posed unprecedented challenges to the Judiciary. Under the motto of conducting business as safely as circumstances permit, the Judiciary has to substantially reduce its capacity to handle court business in order to minimize public health risks as far as possible. We are very grateful for the suggestions raised and information provided by stakeholders on the use of technology in court proceedings, which have greatly assisted our study in exploring different feasible options to conduct remote hearings.

11. The Judiciary will continue to maintain a close dialogue with all stakeholders on these matters and count on your continuous support.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Jeremy Poon', with a stylized, flowing script.

(Jeremy Poon)
Chief Judge of the High Court

c.c. Judiciary Administrator

The Judiciary's Enhanced Video Conferencing facilities for remote hearings for civil business in the High Court

The Judiciary has been actively working on enhancing the existing video conferencing facilities ("VCF") by implementing its own software-server video conferencing solution. It is our target to enable the use of personal computer device, with installation of an appropriate software, to connect to the Judiciary's enhanced VCF, starting from mid-June 2020.

With the enhanced VCF solution, participant(s) will be informed of unique meeting ID and passcode for identity authentication. Only those connection requests associated with a valid meeting ID and passcode pair will be accepted by the Judiciary for the conduct of remote hearings.

The technical specifications of the enhanced VCF of the Judiciary are as follows:

(a) Video Conferencing Server System

Protocol	ITU H.323, SIP and H.320 compliant
Connection	Internet; or Integrated Services Digital Network ("ISDN")
Speed	Up to 6 Mbps for Internet connection; or Up to 512 kbps for ISDN connection
MCU compatibility	H.241 and H.231
Video resolution	from 352x240 up to 1920x1080
Security	embedded encryption ^[1]
Multi-site conference	up to nine (9) remote sites

^[1] VC connection may not be encrypted, depending on the compatibility with the remote VC unit(s)

(b) Camera, Speakers and Microphone

Technical Requirements for connecting to the Judiciary’s enhanced VCF

(a) Video Conferencing Unit

(i) Hardware unit

Protocol	ITU H.323, SIP and H.320 compliant
Connection	Internet; or Integrated Services Digital Network (“ISDN”)
Speed	Up to 6 Mbps for Internet connection; or Up to 512 kbps for ISDN connection
Video resolution	from 352x240 up to 1920x1080
Security	embedded encryption to support <ul style="list-style-type: none"> ➤ direct end-to-end encryption with the Judiciary’s enhanced VCF ^[2] ➤ encryption strength of at least 128-bit AES ➤ encryption protocol: <ul style="list-style-type: none"> – H.235 for H.323 connections or – TLS/SRTP for SIP connections

(ii) Software unit

Protocol	SIP compliant ^[3]
Connection	Internet
Speed	at least 2 Mbps
Video resolution	from 352x240 up to 1920x1080
Security	embedded encryption to support <ul style="list-style-type: none"> ➤ direct end-to-end encryption with the Judiciary’s enhanced VCF ^[2] ➤ encryption strength of at least 128-bit AES ➤ encryption protocols of SSL/TLS

^[2] end-to-end encryption is a mandatory requirement unless directed otherwise by the presiding JJO

- [3] the Judiciary is actively considering to enable the support of WebRTC so that participants may connect to the Judiciary's enhanced VCF using a simple web browser in the near future. More information will be provided in due course.

(b) Laptop Computer

As a secondary channel transmission, receipt and display of document view, to be set up side-by-side the camera view as an additional function of the VC unit.

(c) Display unit

Appropriately sized display unit supporting high definition screen display to facilitate the conduct of remote hearings.

(d) Camera

For capturing the participant's facial and other views to facilitate the conduct of remote hearings. The camera shall be compatible with the VC unit of the participant, both in terms of connectivity and video resolution, and supports at least panning and zoom views.

(e) Speaker system

The speaker shall be connected to the VC unit of the participant for the participant to hear the voices of the other participants audibly to facilitate the conduct of remote hearings. The system shall be equipped with feedback control feature.

(f) Microphone

The microphone shall be connected to the VC unit of the participant for capturing his/her voice to facilitate the conduct of remote hearings.