

Speech by Ms Teresa Cheng, SC

Secretary for Justice

Access to Justice InnoTech Law Hackathon 2018

7 April 2018 (Saturday)

Good morning Ladies and Gentlemen,

Access to justice is one of the important elements of the rule of law. It strives to provide affordable and efficient system that allows justice to be accessed and to be administered. It is very important that we have this system that would allow the rule of law to be upheld and for all of us to be able to resolve our disputes in a fair and impartial manner.

2. In recent two decades, with the rapid development and popularization of technology, IT has been an integral part of our social economic and legal life. I believe when I was still in private practice, I have been already using the real-time transcript computers and using the iPad to do cross-examination and maybe two or three

screens with the documentation that are provided. I hope this would become more and more of practice in the legal sector in Hong Kong very soon. I think with the participation and enthusiasm that is shown around the room, I see that would be coming very shortly.

3. In 2015, the International Telecommunication Union predicted that 3.2 billion people, that is about half of the global population, will be online by the end of that year. Obviously, IT offers great potential for innovative ways to enhance access to justice. In this regard, I would like to share with you a few major activities taken by Hong Kong to facilitate access to justice through the use of information technology.

4. The Department of Justice (DoJ) is committed to providing an updated, reliable and searchable online consolidated legislation database with legal status. In the past, the only source of consolidated legislation is the hard copy loose-leaf edition of the Laws of Hong Kong. Whilst we have made the legislation available electronically on the Bilingual Laws Information System,

which I am sure you all have access to, it is more for information only and does not have any legal effect. Last year, we launched a new electronic legislation database, namely, the Hong Kong e-Legislation (HKeL), to provide a convenient and free public access to the bilingual versions of the Laws of Hong Kong with legal status.

5. Hong Kong e-Legislation has provided improved functionality for users to advance viewing and searching functions. In addition to the desktop model, there's also a mobile version available to reflect the trend of users for viewing and for searching. I am sure you would all appreciate that no one really sits so much at the desktop, but perhaps to actually use the mobile device.

6. Under the Legislation Publication Ordinance, verified legislation on HKeL, given legal status, it would transform access to legislation by replacing the bilingual information system that we have.

7. I would like to look over and over to see Hong Kong and look beyond. At the international level, Hong Kong has tried also to participate in InnoTech Law in this way. We have been actively participating in the discussion and promotion of a Work Plan endorsed by the APEC Economic Committee for developing a framework for online dispute resolution of cross border business to business (B2B) disputes involving Micro, Small and Medium Enterprises (MSMEs). Expansion into international markets is crucial for MSMEs, as they have called, and one of the biggest hurdles for them is the access to justice in cross border transactions. A recent APEC study found that dispute resolution was one of the greatest challenges for MSMEs when trading across borders where 83% reporting that efficient and consistent dispute resolution was a problem¹, and hence the need for looking at online dispute resolution. In this regard, the Work Plan includes building a pilot scheme that would, no doubt, be partnering with various hosts that will put the system into use.

¹ ABAC, USC Marshall, Driving Economic Growth Through Cross-Border E-Commerce in APEC: Empowering MSMEs and Eliminating Barriers at 35, 69 , 81 (APEC interviews with 506 business executives plus 244 survey responses).

8. In the meantime, I am very happy also to say, that the private sector domestically in Hong Kong has also been striving to set up an online resolution platform called “eBRAM.hk”. This is to provide a full eArbitration and eMediation services cloud technology and the information technology that is being adopted. Through the particular platform, services will be provided for users, arbitrators and mediators from Belt and Road jurisdictions and beyond to resolve disputes.

9. Hong Kong, we hope, through the launching of online resolution system, will put ourselves to the next level in the provision of international legal service as well as dispute resolution service. The Judiciary also, as you may know, is embarking on a very important project called the e-submission, which also looks at how to use IT to enhance and provide affordable and efficient access to justice in the courts. That system under the e-submission project is being undertaken right now. No doubt we will be able to take on board to use and develop something that will be very useful for the legal system in Hong Kong.

10. Ladies and Gentlemen, utilization of legal technology is still, we may say, rather a nascent stage in some places but it has full potential. And it's important that we explore those potential to meet the access to justice. Some may even say that AI very soon will be replacing lawyers. Some AI technology I know is being used in the development of certain video recording system, to allow efficient provision of justice in courts in some places or in arbitration. I think needless to say, the issue that could arise will be important but no doubt also very important that we must not allow problems to stop us from developing in this particular area. With heightened awareness and engagement from the public and with the participation of the competitors here, I am confident and I believe that technology will very soon become an inevitable and indispensable tool that will advance the legal and dispute resolution services in providing affordable and efficient access to justice in Hong Kong.

11. If I may again, thank you very much for all of you, for your attention and in particular to thank all the supporters and organisers in putting this event together.

12. Thank you very much.