
Courts (Remote Hearing) Bill

Contents

Clause Page

Part 1

Preliminary

1.	Short title	C2437
2.	Interpretation	C2437
3.	Application to Government	C2447
4.	Provisions not affected by this Ordinance	C2447
5.	NS proceeding not to be conducted remotely	C2447

Part 2

Remote Hearing Order

6.	Court may make remote hearing order	C2449
7.	Court may invite submissions	C2451
8.	Court may vary or revoke remote hearing order	C2451
9.	Factors to be considered	C2453

Part 3

Operation of Remote Hearing

Division 1—Judges and Judicial Officers

10.	Sitting by JJOs	C2457
11.	Location of JJOs in remote hearing	C2457

Clause	Page
12. Powers of JJOs	C2457

Division 2—Participants

13. Attendance at remote hearing	C2457
14. Consequences of failure to attend remote hearing	C2459
15. Attendance at remote hearing deemed to be physical presence	C2459
16. Law in force in Hong Kong applies to participants outside Hong Kong	C2459
17. Administration of oaths and affirmations	C2459

**Division 3—Transmission of Documents, Presentation of Objects, etc. in
Remote Hearing**

18. Interpretation and application	C2461
19. Transmission of documents	C2461
20. Presentation of objects	C2461
21. Signing or writing on documents	C2463

Part 4

Public Access to Open Proceeding

22. Meaning of <i>open proceeding</i>	C2465
23. Direction for public access	C2465
24. Broadcast of open proceeding	C2465

Clause	Page
--------	------

Part 5

Offences and Penalties

25.	Interpretation for Part 5	C2467
26.	Offences of recording and publishing protected sessions and protected subjects	C2469
27.	Offences of recording and publishing broadcast	C2473
28.	Supplementary provisions to sections 26 and 27: evidence by certificate for permission of court	C2475
29.	Defence regarding reasonable excuse	C2477

Part 6

Miscellaneous

30.	General power of Chief Justice	C2479
31.	Power to amend Schedules	C2479
32.	Chief Justice may make rules or give directions	C2479
33.	Judiciary Administrator may issue administrative instructions	C2481

Part 7

Transitional Provisions

34.	Interpretation for Part 7	C2485
35.	Transitional arrangements for existing proceedings that are NS proceedings	C2485

Clause	Page
36.	Transitional arrangements for existing proceedings that are not NS proceedings C2487

Part 8

Related Amendments

Division 1—Enactments Amended

37.	Enactments amended C2491
-----	--------------------------------

Division 2—Prohibition of Recording: Summary Offences Ordinance (Cap. 228)

38.	Section 7 substituted C2491
7.	Prohibition on recording etc. on court premises C2491
39.	Section 7A added C2497
7A.	Supplementary provisions to section 7: evidence by certificate for permission of court C2499
40.	Schedule added C2499
	Schedule Court Premises C2501

Division 3—Presence of Defendant

Subdivision 1—Criminal Procedure Ordinance (Cap. 221)

41.	Section 83U substituted C2503
83U.	Right of defendant to be present C2503

Subdivision 2—Hong Kong Court of Final Appeal Ordinance (Cap. 484)

42.	Section 36 substituted C2505
36.	Right of defendant to be present C2505

Clause	Page
--------	------

Division 4—Court Recording

Subdivision 1—The Rules of the High Court (Cap. 4 sub. leg. A)

43.	Order 48, rule 3 amended (record of judgment debtor’s evidence given at examination)	C2507
44.	Order 49B, rule 1AA amended (record of judgment debtor’s evidence given at examination)	C2507
45.	Order 68, rule 8 amended (mechanical recording)	C2507

Subdivision 2—Labour Tribunal Ordinance (Cap. 25)

46.	Section 19 amended (keeping of summary of evidence, etc.)	C2509
-----	---	-------

Subdivision 3—Labour Tribunal (General) Rules (Cap. 25 sub. leg. A)

47.	Rule 4A amended (keeping of Register of Claims, etc.)	C2509
-----	---	-------

Subdivision 4—Criminal Procedure Ordinance (Cap. 221)

48.	Section 79 amended (record of proceedings and inspection thereof)	C2509
-----	---	-------

Subdivision 5—Criminal Procedure (Record of Bail Proceedings) Rules (Cap. 221 sub. leg. I)

49.	Rule 2 amended (record of bail proceedings)	C2509
-----	---	-------

Subdivision 6—Magistrates Ordinance (Cap. 227)

50.	Section 34 amended (minute of proceedings)	C2511
51.	Section 81 amended (taking of evidence at hearing)	C2511

Clause	Page
Subdivision 7—Magistrates (Administrative) Rules (Cap. 227 sub. leg. A)	
52.	Rule 2 amended (case Register) C2511
Subdivision 8—The Rules of the District Court (Cap. 336 sub. leg. H)	
53.	Order 48, rule 3 amended (record of judgment debtor’s evidence given at examination) C2513
54.	Order 49B, rule 1AA amended (record of judgment debtor’s evidence given at examination) C2513
55.	Order 68, rule 8 amended (mechanical recording) C2513
Subdivision 9—Small Claims Tribunal Ordinance (Cap. 338)	
56.	Section 15 amended (keeping of summary of evidence, etc.) C2513
Subdivision 10—Small Claims Tribunal (General) Rules (Cap. 338 sub. leg. A)	
57.	Rule 4A amended (keeping of the Register of Claims, etc.) C2515
Subdivision 11—Coroners Rules (Cap. 504 sub. leg. B)	
58.	Rule 14 amended (coroner to take notes of evidence, etc.) C2515

Part 9

Consequential Amendments

Division 1—Enactments Amended

59.	Enactments amended C2517
-----	--------------------------------

Clause	Page
Division 2—The Rules of the High Court (Cap. 4 sub. leg. A)	
60.	Order 70, rule 4 amended (person to take and manner of taking examination) C2517
61.	Order 70, rule 5 amended (dealing with deposition) C2517
62.	Order 70, rule 6 amended (claim to privilege) C2517
63.	Order 70, rule 7 amended (minutes of examination taken by way of live television link) C2519
Division 3—Evidence Ordinance (Cap. 8)	
64.	Section 74 amended (interpretation) C2519
65.	Section 76 amended (power of a court in Hong Kong to give effect to an application for assistance) C2521
66.	Section 77 amended (privilege of witnesses) C2521
67.	Section 77E amended (issue of letter of request to obtain evidence in criminal proceedings) C2521
Division 4—Criminal Procedure Ordinance (Cap. 221)	
68.	Part IIIB repealed (taking evidence from witnesses outside Hong Kong by live television link) C2523
69.	Section 83V amended (evidence) C2523
Division 5—Live Television Link (Witnesses outside Hong Kong) Rules (Cap. 221 sub. leg. L)	
70.	Live Television Link (Witnesses outside Hong Kong) Rules repealed C2523

Clause	Page
Division 6—Magistrates Ordinance (Cap. 227)	
71.	Section 81 amended (taking of evidence at hearing) C2523
72.	Section 118 amended (procedure on hearing appeal) C2525
Division 7—Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)	
73.	Section 9 amended (requests by Hong Kong for taking of evidence, etc.) C2525
74.	Section 10 amended (requests to Hong Kong for taking of evidence, etc.) C2527
Schedule 1	Excluded Proceedings C2529
Schedule 2	Court Premises C2531

A BILL

To

Provide for the application for, and the operation and effect of, remote hearings; to provide for fair disposal of, and public access to, remote hearings; to provide for offences to protect the integrity of proceedings; to provide for offences relating to the prohibition of recording on court premises; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Courts (Remote Hearing) Ordinance.

2. Interpretation

In this Ordinance—

Cap. 221 (《第221章》) means the Criminal Procedure Ordinance (Cap. 221);

court (法院)—

(a) means—

- (i) the Court of Final Appeal;
- (ii) the Court of Appeal;
- (iii) the Court of First Instance;
- (iv) the Competition Tribunal;
- (v) the District Court;
- (vi) a Magistrates' Court (including the Juvenile Court);
- (vii) the court of committal as defined by section 2(1) of the Fugitive Offenders Ordinance (Cap. 503);
- (viii) the Lands Tribunal;
- (ix) the Labour Tribunal;
- (x) the Small Claims Tribunal;
- (xi) the Obscene Articles Tribunal; or
- (xii) the Coroner's Court; and

(b) includes a JJO;

excluded proceeding (獲豁免法律程序) means a proceeding set out in Schedule 1;

JJO (法官或司法人員)—

- (a) means a judicial officer as defined by section 2 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92); and

- (b) includes—
- (i) a person who is appointed as a deputy or temporary judicial officer—
 - (A) to perform the duties of a judicial office as defined by that section; or
 - (B) to act otherwise in the office of a judicial office so defined; and
 - (ii) a person who is appointed to a specified Tribunal to perform adjudicating functions;

legal representative (法律代表) includes—

- (a) a legal officer as defined by section 2 of the Legal Officers Ordinance (Cap. 87);
- (b) a solicitor or a barrister as defined by section 2(1) of the Legal Practitioners Ordinance (Cap. 159);
- (c) an official prosecutor who is appointed under section 13 of the Magistrates Ordinance (Cap. 227); and
- (d) any other person who has a right of audience before the court under—
 - (i) an Ordinance; or
 - (ii) a practice direction issued by the court;

live audio link (語音直播聯繫), in relation to a proceeding, means facilities that enable real time audio communication among the JJOs and the participants during the proceeding;

live audio-visual link (音視直播聯繫), in relation to a proceeding, means facilities that enable real time audio and visual communication among the JJOs and the participants during the proceeding;

NS proceeding (國安法律程序) means a proceeding of a case concerning national security (within the meaning of section 3(2) of the Safeguarding National Security Ordinance (6 of 2024));

participant (參與者), in relation to a proceeding—

- (a) means a person who, in that proceeding, is—
 - (i) a party;
 - (ii) an authorized representative of a party;
 - (iii) a legal representative of a party;
 - (iv) a witness (other than a vulnerable witness); or
 - (v) an officer or individual who—
 - (A) is appointed to advise, or is involved in advising, on any matter in relation to the proceeding;
 - (B) is appointed to assist, or is involved in assisting, the JJO presiding at the proceeding; or
 - (C) is appointed to assist, or is involved in otherwise facilitating, the conduct of the proceeding; and
- (b) includes any other person who is allowed by the court to be involved in that proceeding;

party (訴訟方), in relation to a proceeding, means—

- (a) the person who initiates the proceeding;
- (b) the person against whom the proceeding is initiated; or
- (c) any other person who is entitled to be heard in the proceeding;

physical hearing (實體聆訊) means a proceeding that is not subject to a remote hearing order;

proceeding (法律程序) means a proceeding before a court, and includes part of such a proceeding;

remote hearing (遙距聆訊) means a proceeding that is subject to a remote hearing order;

remote hearing order (遙距聆訊令) means an order made under section 6(1) or (4) and (if applicable) varied under section 8(1);

remote medium (遙距媒介) includes—

- (a) a live audio link;
- (b) a live audio-visual link; and
- (c) any other real time communication facility as the Chief Justice may designate by rules made, or in a direction given, under section 32;

specified Tribunal (指明審裁處) means—

- (a) the Competition Tribunal;
- (b) the Lands Tribunal;
- (c) the Labour Tribunal;
- (d) the Small Claims Tribunal; or
- (e) the Obscene Articles Tribunal;

vulnerable witness (易受傷害證人) means a person who—

- (a) would be permitted under section 79B(2) or (3) of Cap. 221 to give evidence or be examined by way of a live television link; or
- (b) would be permitted under section 79B(4) or (4A) of Cap. 221 to give evidence by way of a live television link.

3. Application to Government

This Ordinance applies to the Government.

4. Provisions not affected by this Ordinance

Nothing in this Ordinance affects the operation of—

- (a) Part IIIA of Cap. 221; or
- (b) section 23 of the Fugitive Offenders Ordinance (Cap. 503).

5. NS proceeding not to be conducted remotely

No NS proceeding may be conducted through a remote medium under this Ordinance, under the law or otherwise.

Part 2

Remote Hearing Order

6. Court may make remote hearing order

- (1) The court may, on its own motion or on application by any party to a proceeding, make an order for the proceeding to be conducted through a remote medium.
- (2) Subsection (1) does not apply to an excluded proceeding.
- (3) The court may, in an order under subsection (1), specify—
 - (a) in relation to the proceeding—
 - (i) the remote medium to be used for the proceeding;
 - (ii) the date and time for the hearing of the proceeding; and
 - (iii) the place or virtual space, or both, for the hearing of the proceeding;
 - (b) in relation to the participants of the proceeding—
 - (i) the participants who are to attend the proceeding through a remote medium (*remote participants*); and
 - (ii) the place (whether in or outside Hong Kong) from which the remote participants are to attend the proceeding; and
 - (c) any other conditions that the court considers expedient for the conduct of the proceeding.
- (4) The court may, on its own motion or on application by any party to an excluded proceeding, make an order for those parts of the excluded proceedings as specified in subsection (5) to be conducted through a remote medium.

- (5) For the purposes of subsection (4), the court may make an order for a witness (other than a vulnerable witness) to the excluded proceeding to give evidence or be examined through a remote medium.
- (6) An order may only be made under subsection (1) or (4) if the court, after considering the factors under section 9, is satisfied that, in the circumstances of the case, it is in the interests of justice to make the order.

7. Court may invite submissions

- (1) The court may, before making a remote hearing order for a proceeding under section 6, invite the parties to the proceeding to make submissions.
- (2) If the court does not invite the parties to make submissions under subsection (1) before making a remote hearing order, any party to the proceeding who is dissatisfied with the order may apply to the court within a period as specified by the court to vary or revoke the order.
- (3) After hearing an application under subsection (2), the court may affirm, vary or revoke the order, and may impose any condition that the court considers appropriate.
- (4) The court must inform the parties to the proceeding of a decision under subsection (3).

8. Court may vary or revoke remote hearing order

- (1) The court may, on its own motion or on application by any party to a proceeding, vary or revoke a remote hearing order for the proceeding.
- (2) An order may only be varied or revoked under subsection (1) if the court, after considering the factors under section

9, is satisfied that, in the circumstances of the case, it is in the interests of justice to vary or revoke the order.

- (3) This section applies if there has been a material change of circumstances since—
- (a) the making of a remote hearing order under section 6 and (if applicable) the variation of the order under section 7; or
 - (b) the variation of a remote hearing order under this section.

9. **Factors to be considered**

In deciding whether to make, affirm, vary or revoke a remote hearing order for a proceeding under section 6, 7 or 8, the court must consider the following factors (if applicable)—

- (a) the nature, complexity and urgency of the proceeding;
- (b) the nature of the evidence intended to be adduced;
- (c) the views of the parties;
- (d) the ability of the parties to engage with and follow the proceeding (if conducted through a remote medium);
- (e) the personal or special circumstances of the parties, including any physical, visual or auditory impairment, cognitive difference and mental or psychological health issue;
- (f) the maintenance of the rights of the parties;
- (g) whether the parties are legally represented;
- (h) whether the privileged communication between the parties and their respective legal representatives may be affected;

-
- (i) whether the parties and the parties' legal representatives can conduct their case effectively;
 - (j) the measures to be taken to ensure that evidence is given freely without coercion or other influence;
 - (k) the potential impact of the order on the assessment of the credibility of witnesses and the reliability of the evidence presented;
 - (l) whether the use of the remote medium is likely to promote fair and efficient disposal of the proceeding;
 - (m) whether the right to a fair trial can be effectively maintained;
 - (n) the quality and security of the remote hearing facilities and their availability to the parties;
 - (o) whether there is any public order, security, public health or emergency concern that makes it undesirable or impracticable for the parties to attend the proceeding in person;
 - (p) any other relevant considerations.
-

Part 3

Operation of Remote Hearing

Division 1—Judges and Judicial Officers

10. Sitting by JJOs

Where a JJO conducts a remote hearing under this Ordinance, the JJO is deemed, for all effects and purposes, to have satisfied the requirement under any law to be physically present at the proceeding.

11. Location of JJOs in remote hearing

A JJO may conduct a remote hearing in—

- (a) a court premises specified in Schedule 2; or
- (b) any other place as directed by the Chief Justice.

12. Powers of JJOs

A JJO conducting a remote hearing under this Ordinance has all the powers that the JJO would have if the remote hearing were a physical hearing, and the participants attended the proceeding in person.

Division 2—Participants

13. Attendance at remote hearing

Unless otherwise required by law, or an order or direction of the court, a participant may attend a remote hearing at a place within or outside Hong Kong.

14. Consequences of failure to attend remote hearing

A participant who fails to attend a remote hearing on the date and time, and at the place or virtual space, in compliance with a remote hearing order is subject to the same consequences as if the remote hearing were a physical hearing.

15. Attendance at remote hearing deemed to be physical presence

A participant who attends a remote hearing through a remote medium in compliance with a remote hearing order is deemed, for all effects and purposes, to have satisfied the requirement under any law, or an order or direction of the court, to be physically present at the proceeding.

16. Law in force in Hong Kong applies to participants outside Hong Kong

The law in force in Hong Kong relating to evidence, procedure, contempt of court and perjury applies to a participant who attends a remote hearing in compliance with a remote hearing order at a place outside Hong Kong.

17. Administration of oaths and affirmations

An oath to be sworn or an affirmation to be made by a participant in a remote hearing may be administered—

- (a) by way of a live audio-visual link, as nearly as practicable in the same way as oaths or affirmations are physically administered in a court; or
- (b) by a person authorized by the court, acting at the direction of and on behalf of the court, at the place where the participant is to attend the proceeding.

Division 3—Transmission of Documents, Presentation of Objects, etc. in Remote Hearing

18. Interpretation and application

(1) In this Division—

document (文件) means anything in and on which information of any description is recorded;

object (物品) means anything other than a document, which may be in tangible or intangible form;

send (送交), in relation to a document, includes file, lodge, produce, give, notify, serve, deliver, submit, furnish and any other expression that signifies or suggests conveying the document.

(2) Nothing in this Division affects the operation of—

- (a) the Electronic Transactions Ordinance (Cap. 553); or
- (b) the Court Proceedings (Electronic Technology) Ordinance (Cap. 638).

19. Transmission of documents

(1) A document in relation to a remote hearing may be transmitted electronically as directed by the court.

(2) Where a document is transmitted in compliance with a direction under subsection (1), the transmission is deemed, for all effects and purposes, to have satisfied the requirement under any law to send such a document for the purposes of a physical hearing.

20. Presentation of objects

An object in relation to a remote hearing may be presented electronically as directed by the court.

21. Signing or writing on documents

- (1) If a participant to a remote hearing is required to sign or write on a document under any law, or an order or direction of the court, the court may, for the purposes of the requirement, request that the participant sign or write on the document in a way as directed by the court.
 - (2) Where a document is signed or written on in compliance with a request under subsection (1), the signature or writing is deemed, for all effects and purposes, to have satisfied the requirement to sign or write on the document for the purposes of a physical hearing.
 - (3) In this section—
write (填寫), in relation to a document, includes draw, shade, colour, circle, cross out, underline, highlight, annotate and any other expression that signifies or suggests marking on the document.
-

Part 4

Public Access to Open Proceeding

22. Meaning of *open proceeding*

In this Part—

open proceeding (公開法律程序) means a remote hearing that is not to be held in private.

23. Direction for public access

The court must, in relation to an open proceeding, give direction to allow access to the proceeding by the public unless the court, for any of the reasons stated in Article 10 of the Hong Kong Bill of Rights set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383), otherwise directs.

24. Broadcast of open proceeding

- (1) The court may cause an open proceeding to be broadcast.
 - (2) A broadcast of an open proceeding must be accessible by the public—
 - (a) in a place, and in a manner, as specified by the Judiciary Administrator; or
 - (b) through such other means as the court considers appropriate.
-

Part 5

Offences and Penalties

25. Interpretation for Part 5

In this Part—

image (影像) means—

- (a) a portrait, drawing or sketch;
- (b) a photograph, video recording or film; or
- (c) a static or moving visual record;

publish (發布) includes send, transmit, distribute, circulate, upload, reproduce, make available and disseminate;

record (記錄)—

- (a) means—
 - (i) any act of creating or generating an image; or
 - (ii) any act of creating or generating an audio record; and
- (b) includes any act of making an audio record, a visual record or an audio-visual record, that is transmitted in real time with or without retention or storage in—
 - (i) a physical form; or
 - (ii) an electronic form from which the record is capable of being reproduced with or without the aid of any device.

26. Offences of recording and publishing protected sessions and protected subjects

- (1) A person commits an offence if the person, without permission of the court, intentionally records either or both of the following—
 - (a) a protected session of a proceeding;
 - (b) a protected subject in relation to a proceeding.
- (2) A person commits an offence if—
 - (a) the person, without permission of the court, intentionally publishes an unauthorized proceeding recording or a reproduction of an unauthorized proceeding recording; and
 - (b) the person knows that, or is reckless as to whether, the recording concerned is an unauthorized proceeding recording.
- (3) A person commits an offence if—
 - (a) the person, without permission of the court, intentionally publishes an authorized proceeding recording or a reproduction of an authorized proceeding recording; and
 - (b) the person knows that the person has no permission of the court to publish the recording or reproduction (as the case may be), or is reckless as to whether the person has the permission of the court to publish the recording or reproduction (as the case may be).
- (4) A person who commits an offence under this section is liable—
 - (a) on summary conviction—to a fine at level 5 and to imprisonment for 2 years; or

(b) on conviction on indictment—to a fine at level 6 and to imprisonment for 5 years.

(5) In this section—

authorized proceeding recording (獲授權法律程序紀錄) means a proceeding recording made with permission of the court;

courtroom (法庭) means a place in a court building where a proceeding is being conducted, regardless of the mode of hearing for the proceeding;

proceeding recording (法律程序紀錄) means a recording of either or both of the following—

- (a) a protected session of a proceeding;
- (b) a protected subject in relation to a proceeding;

protected session (受保護時段)—

- (a) in relation to a proceeding that is conducted through a remote medium specified for the proceeding, means the proceeding and includes the following periods—
 - (i) the period before the start of the proceeding when any of the specified persons is already connected to the remote medium;
 - (ii) any breaks during the proceeding as ordered by the court; and
 - (iii) the period after the end of the proceeding when any of the specified persons is still connected to the remote medium; and
- (b) in relation to a proceeding that is conducted in a courtroom, means the proceeding and includes the following periods—
 - (i) the period before the start of the proceeding when any of the specified persons is present in the courtroom;

- (ii) any breaks during the proceeding as ordered by the court; and
- (iii) the period after the end of the proceeding when any of the specified persons is still present in the courtroom;

protected subject (保護對象), in relation to a proceeding, means—

- (a) the courtroom in which the proceeding is conducted; or
- (b) any person appearing in the courtroom;

specified person (指明人士), in relation to a proceeding, means a JJO, a juror or a participant in respect of that proceeding;

unauthorized proceeding recording (未經授權法律程序紀錄) means a proceeding recording made without permission of the court.

27. Offences of recording and publishing broadcast

- (1) A person commits an offence if the person, without permission of the court, intentionally records a broadcast under section 24 or a broadcast of a physical hearing.
- (2) A person commits an offence if—
 - (a) the person, without permission of the court, intentionally publishes an unauthorized broadcast recording or a reproduction of an unauthorized broadcast recording; and
 - (b) the person knows that, or is reckless as to whether, the recording concerned is an unauthorized broadcast recording.
- (3) A person commits an offence if—

- (a) the person, without permission of the court, intentionally publishes an authorized broadcast recording or a reproduction of an authorized broadcast recording; and
 - (b) the person knows that the person has no permission of the court to publish the recording or reproduction (as the case may be), or is reckless as to whether the person has the permission of the court to publish the recording or reproduction (as the case may be).
- (4) A person who commits an offence under this section is liable—
- (a) on summary conviction—to a fine at level 5 and to imprisonment for 2 years; or
 - (b) on conviction on indictment—to a fine at level 6 and to imprisonment for 5 years.
- (5) In this section—

authorized broadcast recording (獲授權廣播紀錄) means a broadcast recording made with permission of the court;

broadcast recording (廣播紀錄) means a recording of—

- (a) a broadcast under section 24; or
- (b) a broadcast of a physical hearing;

unauthorized broadcast recording (未經授權廣播紀錄) means a broadcast recording made without permission of the court.

28. Supplementary provisions to sections 26 and 27: evidence by certificate for permission of court

- (1) In a proceeding brought under section 26 or 27, a certificate stating that a specified permission is not given by the court to a person, and purporting to be signed by

or on behalf of the Judiciary Administrator, is admissible in evidence on its production without further proof.

- (2) Unless the contrary is proved, a certificate admitted in evidence under subsection (1)—
 - (a) is presumed to be signed by or on behalf of the Judiciary Administrator (as the case may be); and
 - (b) is evidence of the facts stated in the certificate.
- (3) In this section—

specified permission (指明批准) means a permission to do an act that would otherwise constitute an offence under section 26 or 27.

29. Defence regarding reasonable excuse

- (1) It is a defence for a person charged with an offence under section 26 or 27 to establish that, at the time of the alleged offence, the person had reasonable excuse for the contravention.
- (2) A person is taken to have established the reasonable excuse for the contravention if—
 - (a) there is sufficient evidence to raise an issue with respect to the reasonable excuse; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

Part 6

Miscellaneous

30. General power of Chief Justice

- (1) The Chief Justice may designate certain types of proceedings (except for excluded proceedings) as the type of proceeding to be conducted through a remote medium (*designated type of proceeding*).
- (2) In making a designation under subsection (1), the Chief Justice may also—
 - (a) provide that the court may order a different mode of hearing for a proceeding even if it falls within the designated type of proceeding; and
 - (b) specify the factors that have to be considered by the court before making an order under paragraph (a).

31. Power to amend Schedules

The Chief Justice may, by notice published in the Gazette, amend the Schedules.

32. Chief Justice may make rules or give directions

The Chief Justice may make rules or give directions regarding any or all of the following—

- (a) the designation for the purposes of the definition of *remote medium* in section 2;
- (b) the application for a remote hearing order under section 6;
- (c) the application for variation or revocation of a remote hearing order under section 7 or 8;

- (d) the procedures and practice to be followed by a court in conducting a remote hearing;
- (e) the giving of evidence through a remote medium;
- (f) the administration of oaths and affirmations under section 17;
- (g) the transmission of documents for the purposes of a remote hearing under section 19;
- (h) the presentation of objects for the purposes of a remote hearing under section 20;
- (i) the signing of or the writing on documents for the purposes of a remote hearing under section 21;
- (j) the broadcast of an open proceeding under section 24;
- (k) the designation under section 30;
- (l) the better carrying into effect of the provisions and purposes of this Ordinance.

33. Judiciary Administrator may issue administrative instructions

The Judiciary Administrator may issue instructions of an administrative nature relating to any or all of the following—

- (a) the technical details and standards of a remote medium;
- (b) the hardware, software, equipment and other technical requirements for participating in a remote hearing;
- (c) the details of pretesting requirements and contingency measures;
- (d) the details for the broadcast of an open proceeding under Part 4;

- (e) any other arrangements for facilitating the conduct of a remote hearing.
-

Part 7

Transitional Provisions

34. Interpretation for Part 7

(1) In this Part—

commencement date (生效日期) means the day on which this Ordinance comes into operation;

existing proceeding (現有法律程序) means a proceeding that has not yet been disposed of on the commencement date;

subject provision (標的條文) means section 79I of Cap. 221 as in force immediately before the commencement date.

(2) In this Part, a reference to a proceeding to be conducted remotely is a reference to a proceeding to be conducted through a live television link or any other facility for remote communication.

35. Transitional arrangements for existing proceedings that are NS proceedings

(1) For an existing proceeding that is an NS proceeding—

(a) every application made before the commencement date under the subject provision in the proceeding is to be regarded as having been withdrawn;

(b) every application otherwise made before the commencement date for the proceeding to be conducted remotely is to be regarded as having been withdrawn;

(c) as long as a verdict has not yet been delivered in the proceeding, every permission given under the pre-amended subject provision in the proceeding is to be regarded as having never been given; and

- (d) as long as a final judgment has not yet been rendered in the proceeding, every order otherwise made before the commencement date for the proceeding to be conducted remotely is to be regarded as having never been made.

(2) In this section—

pre-amended subject provision (修訂前的標的條文) means section 79I of Cap. 221 as in force immediately before 23 March 2024.

36. Transitional arrangements for existing proceedings that are not NS proceedings

- (1) For an existing proceeding that is not an NS proceeding—
 - (a) every application made before the commencement date under the subject provision in the proceeding is to be determined as if this Ordinance had not been enacted;
 - (b) every application otherwise made before the commencement date for the proceeding to be conducted remotely is to be determined as if this Ordinance had not been enacted;
 - (c) if permission has been given before the commencement date under the subject provision in the proceeding—the old law continues to apply in relation to the taking of evidence from a witness outside Hong Kong; and
 - (d) every order otherwise made before the commencement date for the proceeding to be conducted remotely continues to have effect until the disposal of the proceeding.

(2) In this section—

old law (舊有法律) means—

- (a) Part IIIB of Cap. 221 as in force immediately before the commencement date; and
 - (b) the Live Television Link (Witnesses outside Hong Kong) Rules (Cap. 221 sub. leg. L) as in force immediately before the commencement date.
-

Part 8

Related Amendments

Division 1—Enactments Amended

37. Enactments amended

The enactments specified in Divisions 2, 3 and 4 are amended as set out in those Divisions.

Division 2—Prohibition of Recording: Summary Offences Ordinance (Cap. 228)

38. Section 7 substituted

Section 7—

Repeal the section

Substitute

“7. Prohibition on recording etc. on court premises

- (1) A person commits an offence if the person, without lawful authority, intentionally records either or both of the following—
 - (a) any court premises;
 - (b) any person on court premises.
- (2) A person commits an offence if—
 - (a) the person, without lawful authority, intentionally publishes an unauthorized court recording or a reproduction of an unauthorized court recording; and

- (b) the person knows that, or is reckless as to whether, the recording concerned is an unauthorized court recording.
- (3) A person commits an offence if—
- (a) the person, without lawful authority, intentionally publishes an authorized court recording or a reproduction of an authorized court recording; and
- (b) the person knows that the person has no lawful authority to publish the recording or reproduction (as the case may be), or is reckless as to whether the person has the lawful authority to publish the recording or reproduction (as the case may be).
- (4) A person who commits an offence under this section is liable on summary conviction to a fine at level 5 and to imprisonment for 1 year.
- (5) It is a defence for a person charged with an offence under subsection (1), (2) or (3) to establish that, at the time of the alleged offence, the person had reasonable excuse for the contravention.
- (6) For the purposes of subsection (5), a person is taken to have established the reasonable excuse for the contravention if—
- (a) there is sufficient evidence to raise an issue that the person had a reasonable excuse; and
- (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (7) In this section—

authorized court recording (獲授權法院紀錄) means a court recording made with lawful authority;

court (法院) means a court of competent jurisdiction of Hong Kong Special Administrative Region and includes a magistrate;

court recording (法院紀錄) means a recording of either or both of the following—

- (a) any court premises;
- (b) any person on court premises;

image (影像) means—

- (a) a portrait, drawing or sketch;
- (b) a photograph, video recording or film; or
- (c) a static or moving visual record;

proceeding (法律程序) means a proceeding before a court, and includes part of such a proceeding, regardless of the mode of hearing for the proceeding;

publish (發布) includes send, transmit, distribute, circulate, upload, reproduce, make available and disseminate;

record (記錄)—

- (a) means—
 - (i) any act of creating or generating an image; or
 - (ii) any act of creating or generating an audio record; and
- (b) includes any act of making an audio record, a visual record or an audio-visual record, that is transmitted in real time with or without retention or storage in—
 - (i) a physical form; or

- (ii) an electronic form from which the record is capable of being reproduced with or without the aid of any device;

unauthorized court recording (未經授權法院紀錄) means a court recording made without lawful authority.

- (8) In this section, a reference to recording any court premises is a reference to recording—
 - (a) any place in—
 - (i) a building specified in Part 1 of the Schedule; or
 - (ii) a part of a building specified in Part 2 of the Schedule; or
 - (b) any other place that is used as a courtroom on the date on which the recording is made, and a reference to recording any person on court premises, and a reference to a recording of court premises or any person on court premises, are to be construed accordingly.
- (9) For the purposes of subsection (8)(b), a place is used as a courtroom on a particular day if a proceeding is being conducted, or scheduled to be conducted, in that place on that day.
- (10) The Chief Justice may, by notice published in the Gazette, amend the Schedule.

Note—

Please also see Part 5 of the Courts (Remote Hearing) Ordinance (of 2024).”.

39. Section 7A added

After section 7—

Add

“7A. Supplementary provisions to section 7: evidence by certificate for permission of court

- (1) In a proceeding brought under section 7, a certificate stating that a specified permission is not given by the court to a person, and purporting to be signed by or on behalf of the Judiciary Administrator, is admissible in evidence on its production without further proof.
- (2) Unless the contrary is proved, a certificate admitted in evidence under subsection (1)—
 - (a) is presumed to be signed by or on behalf of the Judiciary Administrator (as the case may be); and
 - (b) is evidence of the facts stated in the certificate.
- (3) In this section—

specified permission (指明批准) means a permission to do an act that would otherwise constitute an offence under section 7.”.

40. Schedule added

At the end of the Ordinance—

Add

“Schedule

[s. 7]

Court Premises

Part 1

1. Court of Final Appeal Building, 8 Jackson Road, Central, Hong Kong.
2. High Court Building, 38 Queensway, Admiralty, Hong Kong.
3. Lands Tribunal Building, 38 Gascoigne Road, Yau Ma Tei, Kowloon, Hong Kong.
4. Labour Tribunal Building, 36 Gascoigne Road, Yau Ma Tei, Kowloon, Hong Kong.
5. Fanling Law Courts Building, 1 Pik Fung Road, Fanling, New Territories, Hong Kong.
6. Kowloon City Law Courts Building, 147M Argyle Street, Kowloon City, Kowloon, Hong Kong.
7. Kwun Tong Law Courts Building, 10 Lei Yue Mun Road, Kwun Tong, Kowloon, Hong Kong.
8. Shatin Law Courts Building, 1 Yi Ching Lane, Shatin, New Territories, Hong Kong.

9. Tuen Mun Law Courts Building, 1 Tuen Hi Road, Tuen Mun, New Territories, Hong Kong.
10. West Kowloon Law Courts Building, 501 Tung Chau Street, Sham Shui Po, Kowloon, Hong Kong.
11. Tsuen Wan Law Courts Building, 70 Tai Ho Road, Tsuen Wan, New Territories, Hong Kong.

Part 2

12. 3/F to 10/F, Eastern Law Courts Building, 29 Tai On Street, Sai Wan Ho, Hong Kong.
13. 10/F to 12/F, Revenue Tower, 5 Gloucester Road, Wanchai, Hong Kong.
14. M1/F to 12/F, 15/F, 16/F, 25/F and 26/F, Wanchai Tower, 12 Harbour Road, Wanchai, Hong Kong.”.

Division 3—Presence of Defendant

Subdivision 1—Criminal Procedure Ordinance (Cap. 221)

41. Section 83U substituted

Section 83U—

Repeal the section

Substitute

“83U. Right of defendant to be present

- (1) Subject to subsection (2), a defendant is entitled to be present at the hearing of an appeal.

- (2) Unless with the leave of the Court of Appeal, a defendant is not entitled to be present—
 - (a) at the hearing of an application for leave to appeal;
 - (b) at the hearing of an appeal which is made on the ground of question of law alone; or
 - (c) in any proceedings (other than a bail application) preliminary or incidental to an appeal.
- (3) The Court of Appeal may exercise its power to pass sentence on a person although that person is for any reason not present.”.

Subdivision 2—Hong Kong Court of Final Appeal Ordinance (Cap. 484)

42. Section 36 substituted

Section 36—

Repeal the section

Substitute

“36. Right of defendant to be present

- (1) Subject to subsection (2), a defendant is entitled to be present at the hearing of an appeal.
- (2) Unless with the leave of the Court, a defendant is not entitled to be present—
 - (a) at the hearing of an application for leave to appeal;
 - (b) at the hearing of an appeal which is made on the ground of question of law alone; or

- (c) in any proceedings (other than a bail application) preliminary or incidental to an appeal.”.

Division 4—Court Recording

Subdivision 1—The Rules of the High Court (Cap. 4 sub. leg. A)

- 43. Order 48, rule 3 amended (record of judgment debtor’s evidence given at examination)**

Order 48, rule 3, after “mechanical,”—

Add

“digital,”.

- 44. Order 49B, rule 1AA amended (record of judgment debtor’s evidence given at examination)**

Order 49B, rule 1AA, after “mechanical,”—

Add

“digital,”.

- 45. Order 68, rule 8 amended (mechanical recording)**

(1) Order 68, rule 8, heading—

Repeal

“recording”

Substitute

“, digital, electronic or optical recording”.

(2) Order 68, rule 8, after “mechanical”—

Add

“, digital, electronic or optical”.

Subdivision 2—Labour Tribunal Ordinance (Cap. 25)

46. Section 19 amended (keeping of summary of evidence, etc.)

Section 19, after “mechanical,”—

Add

“digital”.

Subdivision 3—Labour Tribunal (General) Rules (Cap. 25 sub. leg. A)

47. Rule 4A amended (keeping of Register of Claims, etc.)

Rule 4A(b), after “mechanical,”—

Add

“digital”.

Subdivision 4—Criminal Procedure Ordinance (Cap. 221)

48. Section 79 amended (record of proceedings and inspection thereof)

Section 79(1), after “mechanical”—

Add

“, digital, electronic or optical”.

Subdivision 5—Criminal Procedure (Record of Bail Proceedings) Rules (Cap. 221 sub. leg. I)

49. Rule 2 amended (record of bail proceedings)

Rule 2(2)(b), after “mechanical,”—

Add

“digital”.

Subdivision 6—Magistrates Ordinance (Cap. 227)

50. Section 34 amended (minute of proceedings)

Section 34(1), after “mechanical”—

Add

“, digital, electronic or optical”.

51. Section 81 amended (taking of evidence at hearing)

Section 81(3)—

Repeal

“or electrical”

Substitute

“, digital, electronic or optical”.

**Subdivision 7—Magistrates (Administrative) Rules (Cap. 227 sub.
leg. A)**

52. Rule 2 amended (case Register)

Rule 2(2)(b), after “mechanical,”—

Add

“digital”.

Subdivision 8—The Rules of the District Court (Cap. 336 sub. leg. H)

53. Order 48, rule 3 amended (record of judgment debtor’s evidence given at examination)

Order 48, rule 3, after “mechanical,”—

Add

“digital,”.

54. Order 49B, rule 1AA amended (record of judgment debtor’s evidence given at examination)

Order 49B, rule 1AA, after “mechanical,”—

Add

“digital,”.

55. Order 68, rule 8 amended (mechanical recording)

(1) Order 68, rule 8, heading—

Repeal

“recording”

Substitute

“, digital, electronic or optical recording”.

(2) Order 68, rule 8, after “mechanical”—

Add

“, digital, electronic or optical”.

Subdivision 9—Small Claims Tribunal Ordinance (Cap. 338)

56. Section 15 amended (keeping of summary of evidence, etc.)

Section 15, after “mechanical,”—

Add

“digital,”.

Subdivision 10—Small Claims Tribunal (General) Rules (Cap. 338 sub. leg. A)

57. Rule 4A amended (keeping of the Register of Claims, etc.)

Rule 4A(b), after “mechanical,”—

Add

“digital,”.

Subdivision 11—Coroners Rules (Cap. 504 sub. leg. B)

58. Rule 14 amended (coroner to take notes of evidence, etc.)

Rule 14(1)(b)—

Repeal

“electronic or mechanical”

Substitute

“mechanical, digital, electronic or optical”.

Part 9

Consequential Amendments

Division 1—Enactments Amended

59. Enactments amended

The enactments specified in Divisions 2 to 7 are amended as set out in those Divisions.

Division 2—The Rules of the High Court (Cap. 4 sub. leg. A)

60. Order 70, rule 4 amended (person to take and manner of taking examination)

Order 70, rule 4(2), (2A) and (3)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

61. Order 70, rule 5 amended (dealing with deposition)

Order 70, rule 5(2)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

62. Order 70, rule 6 amended (claim to privilege)

Order 70, rule 6(1)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

63. Order 70, rule 7 amended (minutes of examination taken by way of live television link)

- (1) Order 70, rule 7, heading—

Repeal

“live television link”

Substitute

“live audio-visual link”.

- (2) Order 70, rule 7(1)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

Division 3—Evidence Ordinance (Cap. 8)

64. Section 74 amended (interpretation)

- (1) Section 74—

Repeal the definition of *live television link*.

- (2) Section 74—

Add in alphabetical order

“*live audio-visual link* (音視直播聯繫) has the meaning given by section 2 of the Courts (Remote Hearing) Ordinance (of 2024);”.

65. Section 76 amended (power of a court in Hong Kong to give effect to an application for assistance)

Section 76(2)(a)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

66. Section 77 amended (privilege of witnesses)

Section 77(2) and (2A)—

Repeal

“live television link” (wherever appearing)

Substitute

“live audio-visual link”.

67. Section 77E amended (issue of letter of request to obtain evidence in criminal proceedings)

(1) Section 77E(2)(a)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

(2) Section 77E—

Repeal subsection (6A)

Substitute

“(6A) In subsection (2)—

live audio-visual link (音視直播聯繫) has the meaning given by section 2 of the Courts (Remote Hearing) Ordinance (of 2024).”.

Division 4—Criminal Procedure Ordinance (Cap. 221)

68. Part IIIB repealed (taking evidence from witnesses outside Hong Kong by live television link)

Part IIIB—

Repeal the Part.

69. Section 83V amended (evidence)

Section 83V—

Repeal subsections (14) and (16).

Division 5—Live Television Link (Witnesses outside Hong Kong) Rules (Cap. 221 sub. leg. L)

70. Live Television Link (Witnesses outside Hong Kong) Rules repealed

The Live Television Link (Witnesses outside Hong Kong) Rules—

Repeal the Rules.

Division 6—Magistrates Ordinance (Cap. 227)

71. Section 81 amended (taking of evidence at hearing)

(1) Section 81(4)—

Repeal

“live television link under Part IIIB of the Criminal Procedure Ordinance (Cap. 221)”

Substitute

“live audio-visual link under the Courts (Remote Hearing) Ordinance (of 2024)”.

- (2) Section 81(4)(a) and (b)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

- (3) Section 81—

Repeal subsection (5)

Substitute

“(5) In subsection (4)—

live audio-visual link (音視直播聯繫) has the meaning given by section 2 of the Courts (Remote Hearing) Ordinance (of 2024).”.

72. Section 118 amended (procedure on hearing appeal)

Section 118(1)(b)—

Repeal

“and (6) to”

Substitute

“, (6) to (13A), (15) and”.

**Division 7—Mutual Legal Assistance in Criminal Matters
Ordinance (Cap. 525)**

73. Section 9 amended (requests by Hong Kong for taking of evidence, etc.)

- (1) Section 9(1)(aa)—

Repeal

“live television link”

Substitute

“live audio-visual link”.

(2) Section 9—

Repeal subsection (4)

Substitute

“(4) In subsection (1)—

live audio-visual link (音視直播聯繫) has the meaning given by section 2 of the Courts (Remote Hearing) Ordinance (of 2024).”.

74. Section 10 amended (requests to Hong Kong for taking of evidence, etc.)

(1) Section 10(1)—

Repeal

“live television link” (wherever appearing)

Substitute

“live audio-visual link”.

(2) Section 10—

Repeal subsection (15)

Substitute

“(15) In this section—

live audio-visual link (音視直播聯繫) has the meaning given by section 2 of the Courts (Remote Hearing) Ordinance (of 2024).”.

Schedule 1

[ss. 2 & 31]

Excluded Proceedings

1. A criminal trial
 2. A hearing before the Juvenile Court
-

Schedule 2

[ss. 11 & 31]

Court Premises

1. Court of Final Appeal Building, 8 Jackson Road, Central, Hong Kong.
2. High Court Building, 38 Queensway, Admiralty, Hong Kong.
3. Lands Tribunal Building, 38 Gascoigne Road, Yau Ma Tei, Kowloon, Hong Kong.
4. Labour Tribunal Building, 36 Gascoigne Road, Yau Ma Tei, Kowloon, Hong Kong.
5. Fanling Law Courts Building, 1 Pik Fung Road, Fanling, New Territories, Hong Kong.
6. Kowloon City Law Courts Building, 147M Argyle Street, Kowloon City, Kowloon, Hong Kong.
7. Kwun Tong Law Courts Building, 10 Lei Yue Mun Road, Kwun Tong, Kowloon, Hong Kong.
8. Shatin Law Courts Building, 1 Yi Ching Lane, Shatin, New Territories, Hong Kong.
9. Tuen Mun Law Courts Building, 1 Tuen Hi Road, Tuen Mun, New Territories, Hong Kong.

10. West Kowloon Law Courts Building, 501 Tung Chau Street, Sham Shui Po, Kowloon, Hong Kong.
 11. Tsuen Wan Law Courts Building, 70 Tai Ho Road, Tsuen Wan, New Territories, Hong Kong.
 12. 3/F to 10/F, Eastern Law Courts Building, 29 Tai On Street, Sai Wan Ho, Hong Kong.
 13. 10/F to 12/F, Revenue Tower, 5 Gloucester Road, Wanchai, Hong Kong.
 14. M1/F to 12/F, 15/F, 16/F, 25/F and 26/F, Wanchai Tower, 12 Harbour Road, Wanchai, Hong Kong.
-

Explanatory Memorandum

The main purpose of this Bill is to provide for the operation of remote hearings for court proceedings.

2. The Bill contains 9 Parts and 2 Schedules.

Part 1—Preliminary

3. Clause 1 sets out the short title.
4. Clause 2 contains the definitions for the interpretation of the Bill. Some key definitions are *court* (which includes certain Tribunals), *participant*, *proceeding* (which includes part of such a proceeding) and *remote medium*.
5. Clause 3 provides that the Bill applies to the Government.
6. Clause 4 provides that the Bill does not affect the operation of Part IIIA of the Criminal Procedure Ordinance (Cap. 221) (*Cap. 221*) and section 23 of the Fugitive Offenders Ordinance (Cap. 503).
7. Clause 5 expressly states that proceedings of cases concerning national security (*NS proceedings*) cannot be conducted remotely.

Part 2—Remote Hearing Order

8. Clause 6 provides that the court may make a remote hearing order on its own motion or on application.

9. Clause 7 provides that the court may, before making a remote hearing order, invite the parties to a proceeding to make submissions. If the court does not invite submissions before making the order, any party to the proceeding who is dissatisfied with the order may apply to the court to vary or revoke the order.
10. Clause 8 provides that the court may, on its own motion or on application, vary or revoke a remote hearing order if, after considering the factors under clause 9, the court is satisfied that it is in the interests of justice to do so.
11. Clause 9 sets out the factors to be considered by the court in deciding whether to make, affirm, vary or revoke a remote hearing order for a proceeding.

Part 3—Operation of Remote Hearing

Division 1—Judges and Judicial Officers

12. Clause 10 deems the conduct of a remote hearing by a judge or judicial officer (**JJO**) to have satisfied the requirement under any law to be physically present at the proceeding.
13. Clause 11 sets out the location where a JJO may conduct a remote hearing.
14. Clause 12 provides that a JJO conducting a remote hearing has all the powers that the JJO would have if the remote hearing were a physical hearing, and the participants attended the proceeding in person.

Division 2—Participants

15. Clause 13 provides that a participant may attend a remote hearing at a place within or outside Hong Kong unless otherwise required by law, or an order or direction of the court.
16. Clause 14 aligns the consequences of failure to attend a remote hearing with those of a physical hearing.
17. Clause 15 deems the attendance at a remote hearing to have satisfied the requirement under any law, or any order or direction of the court, to be physically present at the proceeding.
18. Clause 16 stipulates that the law in force in Hong Kong relating to evidence, procedure, contempt of court and perjury applies to a participant who attends a remote hearing at a place outside Hong Kong.
19. Clause 17 provides for the administration of oaths and affirmations in a remote hearing.

Division 3—Transmission of Documents, Presentation of Objects, etc. in Remote Hearing

20. Clause 18 contains the definitions for the interpretation of Division 3 and provides that the operation of the Electronic Transactions Ordinance (Cap. 553) and the Court Proceedings (Electronic Technology) Ordinance (Cap. 638) would not be affected by that Division.
21. Clause 19 provides for the transmission of documents in a remote hearing.

22. Clause 20 provides for the presentation of objects in a remote hearing.
23. Clause 21 provides for the signing of and writing on documents in a remote hearing.

Part 4—Public Access to Open Proceeding

24. Clause 22 provides for the meaning of *open proceeding*.
25. Clause 23 stipulates that the court must give direction to allow public access to an open proceeding unless it is excepted by the Hong Kong Bill of Rights Ordinance (Cap. 383).
26. Clause 24 provides for the broadcast of an open proceeding that must be accessible by the public.

Part 5—Offences and Penalties

27. Clause 25 contains the definitions for the interpretation of Part 5. Some key definitions are *publish* and *record*.
28. Clause 26 provides for the offences of recording and publishing protected sessions and protected subjects.
29. Clause 27 sets out the offences of recording and publishing a broadcast under clause 24 or a broadcast of a physical hearing.
30. Clause 28 supplements that a certificate signed by or on behalf of the Judiciary Administrator is admissible in evidence as to the facts stated in the certificate.

31. Clause 29 provides that it is a defence for a person charged with an offence under clause 26 or 27 to establish that, at the time of the alleged offence, the person had reasonable excuse for the contravention concerned.

Part 6—Miscellaneous

32. Clause 30 empowers the Chief Justice to designate certain types of proceedings (except for excluded proceedings) as the type of proceeding to be conducted through a remote medium.
33. Clause 31 empowers the Chief Justice to amend the Schedules to revise the list of excluded proceedings and the list of court premises.
34. Clause 32 confers power on the Chief Justice to make rules or issue practice directions regarding the application for a remote hearing order, the procedures and practice to be followed by different courts in conducting a remote hearing, the giving of evidence through a remote medium, etc.
35. Clause 33 empowers the Judiciary Administrator to issue administrative instructions relating to the technical details and standards of a remote medium, the details for the broadcast of an open proceeding, etc.

Part 7—Transitional Provisions

36. Clause 34 contains the definitions for the interpretation of Part 7.
37. Clause 35 provides for the transitional arrangement for existing proceedings that are NS proceedings.

38. Clause 36 provides for the transitional arrangement for existing proceedings that are not NS proceedings.

Part 8—Related Amendments

39. Clauses 38, 39 and 40 amend the Summary Offences Ordinance (Cap. 228) to prohibit recording etc. on court premises.
40. Clauses 41 and 42 amend Cap. 221 and the Hong Kong Court of Final Appeal Ordinance (Cap. 484) in relation to the right of the defendant to be present at the hearing of an appeal.
41. Clauses 43 to 58 standardize the means (i.e. mechanical, digital, electronic or optical) of recording to be used in different courts.

Part 9—Consequential Amendments

42. Clauses 60 to 74 make consequential amendments to various Ordinances to replace the references of live television link with live audio-visual link as defined under the Bill.

Schedule 1—Excluded Proceedings

43. Schedule 1 contains the list of proceedings to be excluded from a remote hearing order under clause 6 and the designation under clause 30.

Schedule 2—Court Premises

44. Schedule 2 lists the court premises for the purposes of clause 11(a).