For discussion
on 25 November 2024

Legislative Council
Panel on Administration of Justice and Legal Services

Latest Developments of the Judiciary's
Use of Technology in Court Operations

PURPOSE

This paper updates Members on the latest developments of the Judiciary's use of technology in court operations.

GUIDING PRINCIPLES ON USE OF TECHNOLOGY IN COURT OPERATIONS

2. The primary role of the Judiciary is to uphold the rule of law. In order to perform its judicial role and functions more efficiently, the Judiciary has been taking forward a series of technology initiatives to facilitate the conduct of court business. While the use of new technologies helps enhance the efficiency of court operations, it is imperative that the guiding principles fundamental to the administration of justice should not be compromised. These include the principles of judicial fairness, impartiality and transparency. Specifically, in adopting new technologies in court operations, it is important to ensure that no litigants or court users would be deprived of the right of access to justice. The technology initiatives should also be designed to meet the needs of all court users and litigants, and should avoid posing obstacles for those who cannot afford to use, or are incapable of or unfamiliar with using the relevant facilities or technology. With the continued advancement in technology, it is important for the Judiciary to move with the times while staying vigilant to guard against the security risks involved in the application of technology in court operations.

MAJOR TECHNOLOGY INITIATIVES AND FACILITIES

3.　　　　On the basis of the above guiding principles, the Judiciary has been making pro-active efforts in making greater and wider use of technology with a view to enhancing the efficiency of court operations. The latest progress of the major technology initiatives and facilities is set out in the following paragraphs.

(A)　Digitalisation of the Litigation Process

(a)　integrated Court Case Management System ("iCMS")

4.　　　　The Judiciary is steaming ahead with the implementation of the iCMS, the major initiative under the Information Technology Strategy Plan aimed at enabling the handling of court-related documents and payments electronically across various court levels. The iCMS is being implemented by phases –

(i)　under the first phase, the iCMS has been implemented in the District Court ("DC") and the Magistrates' Courts ("MCs") since May and December 2022 respectively. The electronic mode can currently be used for personal injuries actions, tax claim proceedings, civil action proceedings and employees' compensation cases in the DC, as well as summons cases in the MCs; and

(ii)　under the second phase, the iCMS has been extended to cover bulk claim cases of the Small Claims Tribunal starting from 31 October 2024. It is the Judiciary's plan to extend the use of the iCMS to the Court of Final Appeal ("CFA"), the High Court ("HC") and the non-Summons Courts of the MCs incrementally from early 2025.

Utilisation

5.　　　　As at 31 October 2024, a total of 522 court users (including 417 law firms, representing about 45% of law firms registered with the Law Society of Hong Kong) have registered for accounts under the iCMS. Around 402 000 new cases have been initiated under the iCMS, representing about 60% of the total number of relevant new cases during the period.

Separately, court users have filed about 634 000 documents, conducted about 9 400 inspections of documents and made about 20 400 payment transactions via the iCMS. The take-up rate is expected to rise progressively following the continued promotion of the iCMS. For illustration, the percentage of new cases initiated under the iCMS has been increased from about 13% as at 31 January 2023 to about 60% as at 31 October 2024.

Promotion

6.   To incentivise registration under the iCMS during the initial years, court users are offered a fee concession of 20% for five years and three years for case types implemented under the first and second phases respectively (see paragraph 4 above), on fee items related to the electronic handling of court documents. Besides, the Judiciary has been implementing a series of promotion and facilitation measures to raise the awareness of the iCMS and help potential users familiarise with handling court businesses in the electronic mode, as set out below –

(i)   providing information on the e-services offered by the iCMS on a dedicated webpage, which was launched in April 2022 and updated from time to time;

(ii)   operating an iCMS Help Centre and enquiry/technical hotlines to provide law firms and litigants-in-person with advice and assistance on the registration and use of electronic litigation services under the iCMS gratis;

(iii)   conducting briefings and demonstration sessions as from 2022. A total of 59 briefing-cum-hands-on demonstration sessions for law firms were conducted from January 2023 to October 2024 with the assistance of the Law Society of Hong Kong. Around 750 representatives from some 340 law firms participated in the sessions, and all the sessions were well received;

(iv)   inviting key external stakeholders (including government departments, public organisations, legal professional bodies and law firms) to take part in pilot runs so as to familiarise with the electronic workflow and the iCMS functions before rolling out the iCMS external functions of relevant case types of different court levels;

(v)   introducing Deposit Account as an additional electronic payment option for the iCMS Organisation Account users in early 2025 so that a legal firm can make non-interest bearing prepayments (and subsequent top-ups as required) at or above a specified minimum amount for settling all subsequent payments for transactions under the iCMS without the hassle of paying for each individual transaction; and

(vi)   organising in conjunction with the Law Society of Hong Kong a Continuing Professional Development ("CPD") briefing session for members of the legal professional body on 3 October 2024 for a walkthrough on key iCMS external functions (including registration, electronic filing, electronic inspection and electronic payment functions). CPD points are awarded to a total of about 500 attendees joining the face-to-face briefing session or via webinar.

<u>Mandatory use</u>

7.   The Judiciary intends to start mandating the use of the iCMS starting from 2026 for all legally represented litigants in respect of case types where the electronic mode has been made available. To this end, we issued a consultation paper to key stakeholders on our proposals and implementation details in January 2024. The replies received were generally supportive of the initiative and its phased implementation approach. We will consider and take them into account where appropriate in finalising the way forward.

8.   We have been adopting the following measures with a view to incentivising migration to the use of the iCMS –

(i)   Since mid-August 2023, the Judiciary has been piloting a new mode of operation in the court registry (starting with the HC) which seeks to streamline paper filing procedures over the counter, and encourage court users to make greater use of electronic filing and related services. The new measures include mandating the use of drop boxes by law firms for specified types of documents which do not require immediate processing or payment, and promoting the use of e-mail

communications for certain registry business. With positive feedback from operational experience in the HC, we have extended the measures to the DC since December 2023. This operational mode of court registry business can help induce a cultural change in the filing practice of the legal profession from conventional over-the-counter services to contactless transactions, and eventually to electronic transactions via the iCMS; and

(ii)   When the iCMS external functions are extended to selected case types of the HC, the Judiciary will stipulate in the practice direction that a party who files or submits a document in the conventional mode is required to provide to the Court at the same time of making the filing or submission an electronic copy of the document in USB mass storage device or portable hard disk with USB interface.

(b)   E-appointments for Specific Court Services

9.   To minimise the need for court users to queue up for registry services, the Judiciary introduced the e-appointment system, providing online booking service for court users to make appointments for specific services of the court registries. It was launched in the Probate Registry, the Family Court Registry and the Lands Tribunal Registry in March 2021; and in the Apostille Service Office of the HC Registry, the Appeals Registry of the Clerk of Court's Office and the Integrated Mediation Office in January 2022. They are largely for unrepresented litigants.

10.   We are planning to further extend the system to cover the filing of self-bankruptcy petitions at the HC Registry and of applications for grant with a will at the Probate Registry by the fourth quarter of 2024, and are exploring the possibility of further covering distraint cases in the DC in the first quarter of 2025.

(B)   Enhancing Efficiency of Court Hearings

(a)   __Remote Hearings__

11.   Remote hearings are one of the Judiciary's key initiatives in the use of technology. They are also part of the Judiciary's on-going efforts in enhancing the efficiency of court operations. Remote hearings would also enable the courts to better tackle unforeseen and complicated situations such as pandemics. The Judiciary has been promoting the wider use of remote hearings for civil proceedings since 2020. So far, over 2 000 remote hearings (including video-conferencing or phone hearings) have been conducted and the experience has been positive.

12.   The Judiciary is working on the Courts (Remote Hearing) Bill ("the Bill") which seeks to provide a clear legal basis for judges and judicial officers ("JJOs") to order remote hearings at various levels of courts and tribunals where appropriate, having regard to all relevant factors, as well as the dual requirements of open justice and fair hearing. Specifically, the Bill seeks to remove legal impediments to the general application of remote hearings to criminal proceedings and provide express provisions setting out how matters should be handled when a hearing is conducted remotely. We launched a three-month public consultation on the draft Bill in June 2022 and consulted this Panel in May 2023. The Judiciary is finalising the Bill in the light of extensive comments received and targets to introduce it into the Legislative Council ("LegCo") by end 2024.

(b)   __E-bundles at Court Hearings__

13.   The Judiciary started using e-bundles in the Court of First Instance ("CFI") of the HC and the Court of Appeal in 2017 and has extended the arrangement to hearings for suitable DC civil cases since December 2020. From December 2020 to October 2024, a total of 132 e-bundle hearings were conducted and most of these hearings are related to CFI civil trials (e.g. hearings related to companies, winding-up and bankruptcy matters). A new practice direction was issued to mandate the use of e-bundles for cases of the commercial list at the CFI starting from May 2022. Another new practice direction for the companies and bankruptcy list came into effect in July 2023. The feedback from users has generally been positive. Taking into account operational experience, the

Judiciary will encourage more use of e-bundles at court hearings in the near future.

(c) *Use of Voice-to-Text Technology*

14.　　　　Separately, the Judiciary is actively exploring the use of voice-to-text ("VTT") technology (an artificial intelligence ("AI") technology) for recording court proceedings. We have been testing and developing our own VTT system using VTT software products in the market with a view to enhancing the efficiency in recording court proceedings and production of transcripts where appropriate in the longer run. Following rounds of model training for over ten months using the audio recordings of court hearings and pieces of legislation/ordinances as well as pilot runs in real court cases with the participation of JJOs, the accuracy rates of our VTT system have gradually been improved from approximately 60% at the onset to around 80%. Since December 2023, the Judiciary has been using the VTT system for JJOs' real-time note-taking in hearings to facilitate judgment writing. The VTT system has been enabled in 37 courtrooms of the HC Building and four courtrooms of the Wanchai Law Courts Building thus far. Setup work to enable the use of VTT in more courtrooms at different levels of court is in progress[1].

15.　　　　Meanwhile, the Judiciary is planning to adopt an incremental approach in deploying the use of VTT-generated texts to facilitate transcript production. Given that the Judiciary's VTT system will be fully set up in the CFA Building and HC Building by the third quarter of 2025, we are planning to launch a pilot arrangement of producing transcripts using texts generated by the Judiciary's VTT system for selected court hearings in the CFA Building and HC Building by including the relevant requirements in the new contracts for Digital Audio Recording and Transcription Services ("DARTS") from late 2025. We will continue to keep abreast of latest developments of the VTT technology (including different AI engines behind such technology) and explore new modes of operation with a view to enhancing the overall efficiency of transcription work.

---

[1]　It is our plan to complete the VTT setup in all 54 courtrooms of the CFA Building and HC Building by the third quarter of 2025. Similar setup work for courtrooms of other law courts buildings will subsequently be arranged.

(C) Enhancing Transparency of Court Proceedings

Live Broadcasting of Court Proceedings outside Court Premises

16.   Another initiative the Judiciary is actively pursuing is live broadcasting of selected judicial proceedings outside court premises. Live broadcasting of court proceedings enhances the transparency of court procedures and public confidence in the judicial process. Four trial runs of live broadcasting of court proceedings on four selected cases of the CFA from January to May 2024 for testing the technical feasibility of the arrangements (including the information technology ("IT") and audio-visual ("AV") setup), as well as the logistical and operational details, were carried out. The trial runs were conducted in a reasonably smooth and effective manner. Upon the cessation of each live webcast, the videos of the court proceedings were kept on the CFA website for a short period after the hearing date to allow easy access and flexible viewing. For the four trial runs, there were altogether around 17 000 viewers during the live broadcasting and around 9 900 viewers watched the webcast playback. Feedback from the legal profession, media and members of the public has generally been positive. The Judiciary is conducting a review with a view to deciding the way forward for live broadcasting of court proceedings outside court premises in the longer term. These include procuring our own in-house platform for conducting live broadcasting of selected hearings, and drawing up the major operational details for future live broadcasting.

(D) Responsible and Prudent Use of Generative AI

17.   In July 2024, the Judiciary has promulgated its first set of guidelines on the use of generative AI for the JJOs and support staff, which has also been uploaded onto the Judiciary website. The guidelines have been drawn up with reference to similar guidelines issued by courts in other jurisdictions, including England, New Zealand, Canada and the Mainland. The full set is at **Annex**.

18.   In gist, JJOs and support staff may make prudent and responsible use of generative AI in the course of their work where appropriate. The guidelines cover the following key points –

(i)   any use of AI (including generative AI) must be consistent with the Judiciary's over-arching obligation to protect the integrity of the administration of justice;

(ii)   all judicial decisions should continue to be independently and personally made by JJOs. In no circumstances should AI be allowed to take over performance of JJOs' judicial functions;

(iii)   JJOs are personally responsible for any materials produced in their names even where information derived from generative AI has been used;

(iv)   before using any generative AI, it is important to understand and assess the AI's capabilities and limitations, as well as address the potential risks involved;

(v)   generative AI should not be used in any way that may result in contravention of any laws, regulations, court orders or practice directions;

(vi)   it is important to check and verify any information obtained from generative AI to ensure its accuracy and reliability before using or relying upon it in any judicial work; and

(vii)   JJOs should not enter any information which is private, confidential or sensitive into open or public generative AI chatbots as such information may go into the public domain. Input must be adequately generalised and anonymised.

19.   As set out in the guidelines, until and unless there is a generative AI model with proven ability to protect confidential, restricted and private information and adequate built-in checking and verification mechanism to ensure accuracy and reliability, the Judiciary does not recommend the use of generative AI for legal analysis (including judgment writing). On the other hand, generative AI may potentially be useful in tasks such as summarising information, speech/presentation writing, legal translation and administrative tasks (e.g. drafting e-mails/memoranda/letters) where necessary and appropriate.

20. The guidelines are subject to further review and revision to keep abreast of development in generative AI technology and experience in other courts.

(E) Upgrading Technology Facilities and Infrastructure

(a) *Technology Facilities in Courtrooms*

21. With a view to enhancing the efficiency and effectiveness of court support services, the Judiciary introduced the first Technology Court in 2003. To respond to the changing needs of court services, technology-related facilities have incrementally been provided in more courtrooms. At present, around 180 out of a total of some 220 courtrooms (around 80%) are equipped with user-friendly features and up-to-date facilities that support the conduct of proceedings, including video-conferencing, e-bundles, digital evidence and exhibits handling, and courtroom extension broadcasting – all fully integrated into a centrally controlled network.

22. To facilitate hearing cases with large number of defendants, two mega courtrooms have been established in the West Kowloon Law Courts Building and the Wanchai Law Courts Building. These two mega courtrooms are capable of accommodating approximately 50 defendants and 100 advocates each. In addition to the above facilities, they have been equipped with more advanced facilities including multi-language simultaneous interpretation systems, 8-channel audio recording capabilities, and VTT system integration.

(b) *IT Infrastructure Systems in the Judiciary*

23. The Judiciary is proceeding with the detailed implementation arrangements for the provision of IT infrastructure in the new DC Building at Caroline Hill Road and upgrading of IT infrastructure of the Judiciary following the LegCo Finance Committee's approval of the funding commitment of around $781 million on 31 May 2024. These include the design and planning, procurement and installation work for the systems and equipment which incorporate the latest IT and AV technologies; building a new primary data centre in the new DC Building (to replace the existing aged data centre at the HC Building) for supporting all court premises; as well as upgrading the IT infrastructure systems in the West Kowloon Law

Courts Building data centre as the backup data centre for all premises in the Judiciary with a view to providing a highly reliable active-active production environment for the delivery of IT services to the Judiciary as a whole. The implementation arrangements are targeted to be completed by end 2027 to tie in with the commissioning of the new DC Building.

(c) **_IT Security Enhancement in the Judiciary_**

24. To meet the new challenges brought about by the advancement of technologies and recent development of IT in the work environment, the Judiciary is updating the IT security policy and strengthening the IT security measures on different areas in accordance with the relevant IT security standards and requirements stipulated by the Government, including –

(i) protection of work related data: all work related data shall not be stored or processed by non-Judiciary designated systems or services, in particular, for those systems or services provided over the internet;

(ii) adoption of more stringent security controls when using mobile devices and remote access for office work outside Hong Kong: to prevent unauthorised remote access to the Judiciary information systems and data; and

(iii) adoption of stringent communication security controls: all members of the Judiciary shall not use personal webmail, public cloud storage, social media, web-based instant messaging services on any computer devices or equipment which is/are connected to the Judiciary's or the government internal network, unless it is explicitly approved. Besides, automatic or manual forwarding or routing of any official e-mails from the Judiciary's e-mail accounts to non-Judiciary e-mail accounts or external parties is prohibited.

25. Besides, the IT infrastructure facilities of the new DC Building have been designed on the basis of the highest level of IT security stipulated by the Government. The core technologies and technical services adopted generally conform with the highest government standards in data management and protection, service stability and sustainable development, covering three aspects of information/data security protection, namely

confidentiality, integrity and availability. For this purpose, the network infrastructure of the new DC Building will adopt a multi-layer design such that network systems serving the internal and external users of the Judiciary will be physically separated. Also, enterprise grade 5G services will be provided so that wireless data transmission within the new DC Building will be completely controlled by the Judiciary and both a secure, private network for use by internal users as well as an open, public network for guests and other court users will be made available. Multi-layered firewalls, network access control, intrusion detection, and automated intelligent security monitoring and alert systems, including Endpoint Detection and Response system, Network Detection and Response system, and Security Information and Event Management tools, will be implemented to ensure early detection of abnormalities for appropriate follow-ups.

WAY FORWARD

26. The Judiciary will continue to explore and enhance the efficiency of court operations through the use of technology.

Judiciary Administration
November 2024

**Guidelines on the Use of Generative Artificial Intelligence
for Judges and Judicial Officers and Support Staff
of the Hong Kong Judiciary**

PURPOSE

These guidelines seek to set out general rules and guiding principles for Judges and Judicial Officers ("JJOs") and support staff of the Judiciary on the use of generative artificial intelligence ("AI") in performing judicial and administrative duties.

GENERAL PRINCIPLES ON MAKING USE OF TECHNOLOGY IN COURT

2. The primary role of the Judiciary is to administer justice and adjudicate cases in accordance with the law, upholding the rule of law and safeguarding the rights of the individual. Any use of AI (including generative AI) should follow the principles on the use of technology in court operations. Specifically, technology serves to support the Judiciary in performing its role and functions more effectively and efficiently, without compromising the principles of judicial independence, impartiality, and accountability. The use of technology must not be allowed to undermine the dignity and standing of the judicial office or the public trust and confidence in the administration of justice. Before using any AI, it is important for the Court to understand and assess the AI's capabilities and limitations, as well as address the potential risks involved. In short, any use of AI by JJOs and staff must be consistent with the Judiciary's overarching obligation to protect the integrity of the administration of justice.

GENERATIVE AI

3. AI generally refers to computer systems which can perform tasks normally requiring human intelligence. Generative AI is a form of AI that generates new content, such as texts, images, or other media, based on pre-training datasets. Generative AI chatbot is a computer programme that simulates an online human conversation using generative AI. Some of the other common terms relating to AI is set out in the ***Appendix*** to these Guidelines.

4.　　　　While generative AI has the potential to be a powerful tool for creativity and innovation, we should take note of the potential concerns and challenges when adopting the technology. In particular, generative AI should not be used in any way that may result in a contravention of prevailing laws, regulations or court orders.

GUIDING PRINCIPLES ON RESPONSIBLE USE OF GENERATIVE AI

5.　　　　Subject to the general rules and guiding principles set out in these guidelines, JJOs and the Judiciary's support staff may make prudent and responsible use of generative AI in the course of their work where appropriate.

(A) No Delegation of Judicial Functions

6.　　　　JJOs should ensure that all judicial decisions continue to be independently and personally made by themselves, and should not under any circumstances allow generative AI to take over performance of their judicial functions. In other words, the Court must ensure that any use of generative AI does not usurp or encroach upon its judicial functions but merely supports and facilitates their performance.

(B) Understand the Limitations of Generative AI; Check to Ensure Accuracy and Accountability

7.　　　　Generative AI is a fast developing technology. There will be an increasing range of products available. It is important for a user to understand the features and limitations of the particular model being used. For example, currently many generative AI chatbots are based on large language models and generate new texts (and images or other media) using complex algorithms based on the prompts they receive and the data they have been trained upon. The output generated is what the model predicts to be the most likely combination of words and data, based on the documents and data held as source information, although there can be an element of randomness in the way a model responds. The quality of the output depends on how the generative AI chatbots have been trained, the reliability of the training data and the quality of the prompts entered. They may not necessarily provide answers from authoritative databases. Beware that even with the best prompts, the output can be inaccurate, incomplete, misleading or biased. For illustration, some AI tools may (the following is not exhaustive) –

(a)   make up fictitious cases, citations or quotes, or refer to legislation, articles or legal texts that do not exist – a risk stemming from the fact that large language models can "hallucinate";

(b)   provide incorrect or misleading information regarding the law or how it might apply;

(c)   make factual errors; and

(d)   confirm that the information is accurate if asked, even when it is not.

8.   JJOs and support staff must be mindful of the capabilities and limitations of the generative AI used and check and verify any information obtained to ensure its accuracy and reliability before using or relying upon it in their work. Using information generated without appropriate checking and verification risks causing injustice and damaging public confidence in the Judiciary.

(C) Maintain Information Security; Uphold Confidentiality and Privacy

9.   In order to maintain information security, JJOs and support staff should only use information technology ("IT") devices provided by the Judiciary (rather than personal devices which may not have proper safeguard on information security) to access the generative AI tools. Do not connect IT devices provided by the Judiciary to untrusted networks (including WiFi), particularly those available at public places. Auto-connection or log-in to unknown WiFi should not be enabled. Use your Judiciary e-mail address in your work to maintain information security.

10.   Some generative AI chatbots retain the information you input and use it to respond to queries from other users. Unless you are using closed-end generative AI, it should be assumed anything you input can become publicly known. JJOs and support staff should not enter any information which is private, confidential or sensitive into open or public generative AI chatbots. Make sure that your input is adequately generalised and anonymised. Disable the chat history function in the chatbots if this option is available. Take note that some AI platforms may request various permissions which give them access to information on the IT devices used to access the platforms. All such permissions should be refused.

11.   JJOs and support staff should ensure compliance with the requirements under the Personal Data (Privacy) Ordinance (Cap. 486), including the six Data Protection Principles ("DPPs")[1] in Schedule 1 thereto, when handling personal data in the course of using generative AI. In the event of any suspected breach of information security or privacy following the use of generative AI for judicial or administrative duties, the JJO concerned should report the incident to his/her Court Leader as soon as possible, and support staff concerned should report the incident to his/her supervisor as soon as possible, who will then report to the relevant Division Head. For suspected breach of personal data privacy, the Judiciary Data Protection Officer (currently Assistant Judiciary Administrator (Quality and Information Technology)) should also be informed.

(D) Guard against Infringement of Copyright and Intellectual Property Laws

12.   JJOs and support staff should avoid using generative AI in any way which may infringe copyright and contravene intellectual property law. For instance, uploading any published materials covered by intellectual property to a generative AI chatbot to obtain a summary or analysis could breach the author's copyright. Copyright issues may also arise from outputs that are extracted from an original work. It is the user's responsibility to ensure compliance with copyright and other intellectual property laws[2] when using generative AI.

(E) Be Aware of Bias

13.   We should be aware that generative AI chatbots generate responses based on the dataset they are trained on. The responses generated

---

[1]   The six DPPs cover the entire life cycle of the handling of personal data from collection to destruction, including: (1) purpose and manner of collection; (2) accuracy and duration of retention; (3) use of data; (4) data security; (5) openness and transparency; and (6) access and correction. For details of these DPPs, please refer to Appendix A of "AI: Model Personal Data Protection Framework" recently published by the Office of the Privacy Commissioner for Personal Data (the website link is provided in footnote 3(a) below).

[2]   These include, in Hong Kong, the Copyright Ordinance (Cap. 528), Prevention of Copyright Piracy Ordinance (Cap. 544), Trade Marks Ordinance (Cap. 559), Trade Descriptions Ordinance (Cap. 362), Patents Ordinance (Cap. 514) and Registered Designs Ordinance (Cap. 522).

will inevitably reflect any biases (including cultural or ethical biases) or geographical focus or misinformation in the training data. JJOs and support staff should take note of this and make necessary corrections before using or relying upon the information generated.

(F) Take Responsibility

14.   JJOs and support staff should bear in mind that ultimately they are personally responsible for any materials produced in their name even where information derived from generative AI has been used.

(G) Be Aware of the Use of Generative AI by Court Users

15.   We should be aware of the possibility that court users have used generative AI in the preparation of litigation documents or materials. While lawyers have a professional obligation to ensure that any material they present to the Court (however generated) is accurate and appropriate, JJOs should, in appropriate cases, remind individual lawyers of their obligations and confirm that they have verified the accuracy of any research done or case citations produced with the assistance of generative AI.

16.   For litigants-in-person, many of them may not have the ability to verify the legal information provided by generative AI and may not be aware that such information is prone to error. If it appears that generative AI may have been used to prepare submissions or other litigation documents, JJOs should make enquiry with the litigant, and ask what checks for accuracy have been undertaken.

TWO GUIDING RULES

17.   The above guiding principles can be succinctly summarised into the following two guiding rules –

Rule #1 **(on Input)**	:	Do not delegate judicial functions to AI. Be mindful of what you enter/input into generative AI chatbots with respect to data security, confidentiality and privacy. Be aware of the risk that anything entered/input will become information in the public domain; and

Rule #2 **(on Output)**	:	Be vigilant about the output generated by the AI chatbots, in particular factual accuracy, potential bias, infringement of intellectual property right, and use it at your own risk. You take responsibility for using AI and for the end product.

POTENTIAL USES

18.   Generative AI may potentially be useful in the following tasks –

(a)   **Summarising information**: while AI tools are capable of summarising large bodies of text, care needs to be taken to ensure the summary is accurate and carries the same meaning as the original content;

(b)   **Speech/presentation writing**: AI tools can be used in planning a speech, producing an outline of potential speaking points and providing suggestions for topics to cover in a presentation;

(c)   **Legal translation**; and

(d)   **Administrative tasks**: while AI tools are useful in drafting e-mails/memoranda/letters, we need to be cautious that they can retain any data put to them (including names, e-mail addresses and so on), and could potentially disclose such information to a subsequent user.

19.   As generative AI chatbots are limited by the date range, jurisdictional reach, and types of legal materials they can access, using them for research requires extra caution. Depending on the features of the AI model used and the underlying database, they may not be reliable as a complete substitute for conducting legal research using other means.

20.   So long as the generative AI used generates text based on probability rather than an understanding of the nuances and context of any text, and does not have the ability to critically examine the patterns it identifies in data, it can result in drawing inaccurate or biased conclusions and is therefore ill-suited to legal analysis. Unless there is a generative AI model with proven ability to protect confidential, restricted and private information

and adequate built-in checking and verification mechanism to ensure accuracy and reliability, **using generative AI for legal analysis is not recommended**.

FURTHER UPDATES OF GUIDELINES

21.   This is the first set of guidelines on the use of generative AI for judicial and administrative duties issued by the Judiciary, having referred to guidelines recently issued by courts in other jurisdictions as well as the Office of the Government Chief Information Officer and the Office of the Privacy Commissioner for Personal Data in Hong Kong.[3] We will keep abreast of the latest developments of generative AI around the world and any new guidelines

---

[3]   These guidelines include (listed according to issue dates, starting from the most recent one):

(a) AI: Model Personal Data Protection Framework published by the Office of the Privacy Commissioner for Personal Data on 11 June 2024 (https://www.pcpd.org.hk/english/resources_centre/publications/files/ai_protection_framework.pdf);

(b) Interim principles and guidelines on the court's use of AI published by the Federal Court of Canada on 20 December 2023 (https://www.fct-cf.gc.ca/en/pages/law-and-practice/artificial-intelligence);

(c) AI – Guidance for judicial office holders issued by the Courts and Tribunals Judiciary of England on 12 December 2023 (https://www.judiciary.uk/wp-content/uploads/2023/12/AI-Judicial-Guidance.pdf);

(d) Guidelines for use of generative AI in courts and tribunals issued by the Courts of New Zealand on 7 December 2023 (https://www.courtsofnz.govt.nz/going-to-court/practice-directions/practice-guidelines/all-benches/guidelines-for-use-of-generative-artificial-intelligence-in-courts-and-tribunals/);

(e) Guidelines on ethical AI framework (Version 1.3) issued by the Office of the Government Chief Information Officer in August 2023 (https://www.digitalpolicy.gov.hk/en/our_work/data_governance/policies_standards/ethical_ai_framework/doc/Ethical_AI_Framework.pdf) [Note: As the Office of the Government Chief Information Officer has been re-organised as the Digital Policy Office in July 2024, the latest version of the Guidelines can be viewed via the above link]; and

(f) The opinions on regulating and strengthening the applications of AI in the judicial fields published by the Supreme People's Court on 8 December 2022 (https://www.court.gov.cn/fabu/xiangqing/382461.html).

published by courts in other jurisdictions with a view to updating the guidelines as and when required.

ENQUIRIES

22.   For enquiries on the above guidelines, please contact Mr Brian Chiu, Chief Judiciary Executive (Information Technology Office) at 2867 2669 or Mr Alex Lee, Senior Systems Manager (Information Technology Office (Technical)) at 2886 6895.

Judiciary Administration
July 2024

Some Common Terms Relating to Artificial Intelligence ("AI")

Large Language Model ("LLM"):
LLMs are AI models which learn to predict the next best word or part of a word in a sentence having been trained on enormous quantities of text. Generative AI chatbots generally use LLMs to generate responses to "prompts". Examples are ChatGPT and Bing Chat.

Generative Pre-trained Transformer ("GPT"):
A LLM based on the transformer architecture that generates text. It is first pre-trained to predict the next token in texts. After pre-training, GPT models can generate human-like text by repeatedly predicting the token that they would expect to follow. GPT models are usually fine-tuned to reduce hallucinations or harmful behaviour, or to format the output in a conversational format.

Token:
In natural language processing, a token is a unit of text that is processed by the AI, typically representing a word or a part of a word. However, a token does not have a fixed length in terms of characters or words. Instead, a token can vary based on the complexity of the language and the content.

Machine Learning:
A branch of AI that uses data and algorithms to imitate the way that humans learn, gradually improving accuracy. Through the use of statistical methods, algorithms are trained to make classifications or predictions, and to uncover key insights in data mining projects.

Deep Learning:
A function of AI that imitates the human brain by learning from how it structures and processes information to make decisions. Instead of relying on an algorithm that can only perform one specific task, this subset of machine learning can learn from unstructured data with supervision.

Data Mining:
The process of sorting through large data sets to identify patterns that can improve models or solve problems.

Natural Language Processing ("NLP"):
A type of AI that enables computers to understand spoken and written human language. NLP enables features like text and speech recognition on devices.

Technology Assisted Review ("TAR"):
AI tools used as part of the disclosure process to identify potentially relevant documents. In TAR a machine learning system is trained on data created by lawyers identifying relevant documents manually, then the tool uses the learned criteria to identify other similar documents from very large disclosure data sets.

Prompt:
Short instructions entered to a generative AI chatbot to obtain the desired answer/output.

Retrieval Augmented Generation ("RAG"):
RAG is a technique used in AI and natural language processing that aims to improve the quality of generated text by incorporating external information from various sources.

Hallucination:
An AI hallucination is when an AI system presents false information framed as the truth.

OpenAI:
OpenAI is an American AI company. It conducts AI research and has developed several AI models and services in the last decade, including GPT-3, ChatGPT and Dall-E.