



By email (itsppolicy@judiciary.gov.hk) and post

30 September 2014

Your Ref: JUD ITOO 6-15/5

Our Ref: RIF, M96605

Mr. Ng Sek-hon,
Judiciary Administrator (Acting),
The Judiciary Administration
Room LG 361A, High Court Building
38 Queensway
Hong Kong

Dear Mr. Ng,

**Policy Proposals on Implementation of
Information Technology Strategy Plan of the Judiciary (1st Round)**

Apologies for this late response, but having discussed the proposals for the implementation of the Judiciary's information technology ("IT") strategy plan at a recent meeting of our Restructuring and Insolvency Faculty executive committee, we do have one or two comments, which we hope you will still be able to take into consideration. These are explained below.

Section IV Identity Authentication Issue

In addition to solicitors firms, a significant number of certified public accountants ("CPAs") will be court appointed office holders (e.g., liquidators, provisional liquidators, special managers, receivers, trustees in bankruptcy) for insolvency cases and will have frequent interactions with the Judiciary. This will include CPAs whose firms are on the Official Receiver's Office ("ORO") Administrative Panel of Insolvency Practitioners for Court Winding Up, also known as the "Panel A" Scheme, or which are allocated cases by the ORO under the tender scheme. These CPAs and their firms may need to make applications to the court, collect court orders, conduct court searches, etc., and may have staff going to the court frequently, if not every day. Some of these firms, we understand, have been allocated firm box files for collection of court documents, similar to solicitor firms.

For the above reason, we would hope that Type A accounts will not be confined to firms of solicitors, associations, such as the Bar Association, user departments or organisations, as suggested in the policy proposals, but will also be made available to



member firms of the Hong Kong Institute of CPAs and other firms of insolvency professionals, as appropriate.

Section III Time Sensitivity Issue

We note the proposal that the time of receipt of an electronic message (plus attachments) will be the time of its completion. We also note that there is no universal practice adopted in all jurisdictions. Our concern is that persons submitting a document electronically have no way of knowing, when they send the document, whether it will be received in full on the day that it is sent. At times of heavy traffic on the network, there could be long delays and there may even be system failures. Given that it is proposed that the cut-off time for electronic transactions should be aligned with the operating hours of the court registries, which are quite limited, the likelihood that there will be frequent periods of heavy traffic will be increased. Should the risk attaching to this arrangement be imposed entirely on the sender?

The sender will have no idea of the volume of traffic going into the relevant server at any particular time and it is possible, even if a document is submitted on a timely basis, that it still may not be fully received before the cut-off time for that day.

We would suggest, therefore, that further consideration be given to this issue and, in particular, as to whether, for certain documents at least, instead of the time of completion, the time of receipt could be deemed to be the point of first receipt of a document by the court's IT system, regardless of how long it takes for the whole of the document to go through. This could be subject to further conditions, such as, that the complete document must have been sent in one transaction, or in accordance with whatever rules the Judiciary may prescribe for splitting up very large files.

Once again our apologies for this delayed submission.

If you have any questions on the above, please contact me at the Institute on 22877084 or at <peter@hki CPA.org.hk>

Yours sincerely,

Peter Tisman
Director, Advocacy & Practice Development
PMT/EC/sc