

Use of Generative Artificial Intelligence by the Hong Kong Judiciary

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INTRODUCTION

The revolutionary impact of artificial intelligence (“AI”) has permeated almost every aspect of our society. The legal sector is no exception. In July 2024, the Hong Kong Judiciary (“Judiciary”) issued, for the first time, the Guidelines on the Use of Generative AI for Judges and Judicial Officers and Support Staff of the Judiciary (the “Guidelines”) to provide guidance on the use of generative AI by members of the Judiciary in their discharge of duties.

BACKGROUND

For the past few years, the Judiciary has been increasingly deploying technology to increase the accessibility and efficiency of court operations

- Since 2020, video-conferencing facilities have been used for remote hearings for select civil cases in phases in different level of courts.
- In 2022, the Judiciary launched an integrated court case management system to facilitate paperless filing of court documents and making e-payments.
- In 2023, the Judiciary tested a pilot scheme for JJOs to use real-time Cantonese voice-to-text transcription involving AI.
- In January 2024, the Judiciary live streamed for the first time a court hearing in the Court of Final Appeal as part of a test run to boost the public’s access to courts (see our earlier update [here](#)).

The issue of the Guidelines is part of the Judiciary’s on-going efforts to make use of technology to enhance the efficiency of the court system.

THE GUIDELINES

The Guidelines outline the following guiding principles which the JJOs and the support staff of the Judiciary should adhere to when using generative AI in their work.

First, there must be no delegation of judicial functions to AI, and JJOs remain responsible for making all judicial decisions personally and independently.

Second, users take full responsibility for using generative AI. This includes understanding its capabilities and limitations, and verifying the accuracy and reliability of any information obtained from the use of generative AI.

Third, the Guidelines highlight the importance of maintaining information security, confidentiality and privacy, and safeguarding copyright and intellectual property rights. JJOs and support staff of the Judiciary are required to, among others, only use devices provided by the Judiciary when accessing the generative AI tools, avoid entering private, confidential or sensitive information into generative AI chatbots, and comply with local requirements concerning privacy of personal data. In addition, JJOs have a duty to make enquiry with court users (including lawyers and litigants-in-person) on the accuracy of any work done with the use of generative AI in the preparation of litigation documents.

The Guidelines further provide illustrative examples of tasks where generative AI may be potentially useful. These include summarizing information, planning speech for presentations, preparing legal translation and performing other administrative tasks such as drafting emails, memoranda and letters. However, given the various limitations and reliability issues concerning generative AI, the Judiciary does not recommend using generative AI for conducting analysis.

CONCLUSION

The use of the generative AI in the performance of certain work of the Judiciary in accordance with the Guidelines is a welcome and significant development. This will benefit the Judiciary and the society as it enables JJOs and support staff to be more effective and efficient in performing their work. This also brings Hong Kong in line with other jurisdictions (such as the United Kingdom, Australia and New Zealand) which have formulated similar guidelines for allowing the use of AI to enhance the efficient function of the judiciary in their jurisdictions. Whilst the role of generative AI is becoming increasingly important in our daily lives, it is vital for JJOs and lawyers to maintain their roles as gatekeepers in the administration of justice, and to use generative AI in their work with care and caution.

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Please do not hesitate to contact us with any questions.



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