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<thead>
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<th><strong>Title</strong></th>
<th>The computer and Hong Kong legal research; 電腦與香港法律研究</th>
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<tr>
<td><strong>Author(s)</strong></td>
<td>Cottrell, J</td>
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<td>Hong Kong Lawyer, 1999, Feb, p.68-70 (English), p.71-72 (Chinese); 香港律師, 1999, Feb, p. 68-72</td>
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The Computer and Hong Kong Legal Research

Hong Kong is slowly beginning to wake-up to the electronic age in law — Jill Cottrell takes a look at the various electronic legal resources currently available to the practitioner

The electronic age in law dawned rather late in Hong Kong, and is still less advanced than in some other jurisdictions. Basically we now have available to us (assuming in some cases that we have the requisite depth of pocket) the following case and statutory material (see table below):

<table>
<thead>
<tr>
<th>Material</th>
<th>Paper version</th>
<th>CD</th>
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<tr>
<td>Reported judgments</td>
<td>Hong Kong Cases</td>
<td>Hong Kong Cases</td>
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<tr>
<td></td>
<td>Hong Kong Law Reports (and Digest)</td>
<td>Hong Kong Law Reports and Digest</td>
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<tr>
<td></td>
<td>Hong Kong Public Law Reports</td>
<td>Vols 5, 6, 7 on Hong Kong Cases CD</td>
<td>Vols 5, 6, 7 on LEXIS</td>
</tr>
<tr>
<td>Case digests</td>
<td>Hong Kong Law (Reports and) Digest</td>
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<td></td>
</tr>
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<td>Unreported judgments</td>
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<td>1996-98 Hong Kong Cases</td>
<td></td>
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<tr>
<td>Ordinances</td>
<td>Gazette Supplement No 1</td>
<td>BLIS version included in Annotated Ordinances of Hong Kong as at fixed date (revied Quarterly)</td>
<td>BLIS at <a href="http://www.justice.gov.hk/">http://www.justice.gov.hk/</a></td>
</tr>
<tr>
<td></td>
<td>Laws of Hong Kong Looseleaf Edition</td>
<td>Annotated Ordinances of Hong Kong (some only to date)</td>
<td>LEXIS</td>
</tr>
<tr>
<td></td>
<td>Annotated Ordinances of Hong Kong (some only to date)</td>
<td>Blended version included in Annotated Ordinances of Hong Kong as at fixed date (revised Quarterly)</td>
<td>BLIS at <a href="http://www.justice.gov.hk/">http://www.justice.gov.hk/</a></td>
</tr>
<tr>
<td>Subsidiary legislation</td>
<td>Gazette Supplement No 2</td>
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<td>Annotated Ordinances of Hong Kong (some only to date)</td>
<td>LEXIS</td>
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</tbody>
</table>

Using paper resources, I shall have to look up a topic in the Subject Index in Volume 2 of Consolidated Index of All Hong Kong Reported Decisions which takes me up to the end of 1997 only. Then I shall have to look at the bound volumes of Hong Kong Cases since then individually because there is no complete index for each year, and individual issues since the last bound volume. Then the volumes of the Hong Kong Law Reports and Digest, followed by the cumulative index in the most recent monthly issue of the combined HKLRLD. I am dependent upon the quality of the index compiled by someone else when using this approach (I may feel that pursuing citations of a particular case will best locate the relevant developments, in which case I am less dependent upon others’ indexing. But the ‘Table of Decisions Referred To’ in Volume 1 of Consolidated Index of All Hong Kong Reported Decisions currently covers only to the end of 1995, leaving updating to be done by reference to more bound volumes, including the separate Hong Kong Law Reports and Hong Kong Law Digest for 1996, before these two publications merged). The publishers promise that before long they will be issuing quarterly looseleaf updates of the Consolidated Index of All Hong Kong Reported Decisions, which is good news.

So how much better is the situation taking into account electronic resources? We do not have one grand all-in-one CD, but we do have the whole of Hong Kong Cases, most of the Hong Kong Public Law Reports plus, at the time of writing, 1564 unreported judgments on one CD, and all the Hong Kong Law Reports plus the whole of the Hong Kong Law Digest on another. We can if we wish use the indexing skills of others, for a search for a concept will turn up the catchwords at the top of a reported case or in a digest, but we can also use our own ingenuity to look for conjunctions of words in the full text. We can even capitalise on those half-remembered things like ‘I am sure there is a relevant case in which Hunter J said something about economic loss.’

This is not the place to give detailed suggestions for searching. It is worth spending a little time understanding the possibilities which each tool offers. You will probably able to do most of the following:

- Use boolean searching, specifying that you want items where certain words OR others appear, or certain words AND others. Sometimes you can specify how near.
- Use a ‘wild card’ search where a symbol such as * or ! substitutes for one or more letters in the middle of or at the end of words. For example — of both these — I have tried libel or slander or defam* and ridicul* which meant I wanted every case in which there occurred either libel or slander or some variant of defamation (so defame or defamatory as well as defamation) and ridicule (or ridiculing or ridiculous).
• Specify a precise phrase rather than separate words.
• Indicate that you want to be ‘case specific’ — you want Hunter and not hunter.

Different databases and software approach these things in different ways. The Hong Kong Cases software (Folio Views) allows you to put a specific phrase in quotation marks. The Hong Kong Law Reports and Digest allows you to choose ‘exact entry’. Often (for example Hong Kong Cases on CD or BLIS) there may be different ways of searching the same database, some which permit a search of the whole text and some which involve effectively completing a form searching specific elements, such as case names, judge’s names, catchwords etc. Sometimes you may narrow your search in terms of time (as in the Hong Kong Law Reports and Digest).

Each CD seems to have its own idiosyncrasies, not to mention irritations. I find it an irritant that Hong Kong Cases tells me it has found a number of hits, when this means not cases but word occurrences (far more). Apparently an updated version of the underlying software will soon improve this situation (if you now perform your search from the ‘Contents’ page you will more quickly see how many actual cases are involved, especially if you click on ‘3’ as the level of expansion of the database). The HKLRD is clearer in this respect, but the three stage process required to get to the full text of a reported case is a little tedious (enter your search words, click ‘Search’, see a series of brief summaries, click on one that seems relevant, get the headnote, click on ‘Full’ button for the full report). Neither of the CDs of Hong Kong case law is as satisfactory as some of the others now being produced, such as the Electronic Law Reports (the Incorporated Council of Law Reporting reports since 1865) or the new English Reports on CD. But they are an invaluable tool for research. Not for reading the cases: the ideal is definitely to have both the paper and the CD versions so that you can identify cases using the CD, but actually read them in paper format.

The Annotated Ordinances on CD is basically identical with the printed version. This means that the quality of the annotations, and of the indexes, is that with which you may already be familiar, and in terms of being up to date the product is inferior to BLIS (BLIS is constantly updated whereas the CD is only issued three times a year). It might be sensible to think in term of the CD version rather than the paper version. It is divided into two ‘infobases’. One contains the text of the statutes and the annotations, and the other is called the Finder Index. The latter includes the various indexes you will find in the paper version.

I imagine that few people in Hong Kong will want to make much use of Hong Kong material on LEXIS. LEXIS searching is sophisticated, but it is expensive. There is a one-off search facility under which the search is done for you rather than the usual do-it-yourself approach, but for us in Hong Kong it would mean midnight searching since the service works US Eastern Standard time (though there is a voice mail service, too) — see <http://www.lexis-nexis.com/expres/>.  

Unlike the CDs and LEXIS, BLIS is free — and long may it remain so. It is the main item under the Department of Justice Website at <http://www.info.gov.hk/justice/>. A useful guide is provided, but in case you would like a quick start here are a few tips. If you know the number of the Ordinance you want you may simply fill in its number in the Chapter row box (click on the O next to Ordinances and Subsidiary Legislation if you want both) and click the ‘View Now’ button. You will see a list of Ordinances beginning approximately with the one you want. This works especially badly towards the end of the list. I wanted a list of all ‘national laws’ but was quite unable to produce anything by typing 1553 (the Basic Law) in the box. Even typing 1000 did not work. When I (in desperation) typed 545 the list of laws began with one over 1000! Eventually, by clicking repeatedly on ‘Next List’, I got to the national laws.

Click on the blue arrow pointing to the Ordinance you want. If you have clicked Ordinances and Subsidiary Legislation you will now see a list of titles of that Ordinance and its Subsidiary Legislation. Click on the blue arrow next to the one you want, and you will see a list of sections/regulations.

If you want to search for a phrase in enactments, decide first whether you want ‘ordinances, subsidiary legislation or both — and don’t forget to click on ‘View Now’. Then you may click on ‘Simple Search’ or ‘Advanced Search’. There are various different kinds of the latter: Search for section(s) or enactment(s) is flexible and useful for finding the text of a specific section in a specific enactment if you know what you are looking for. Search for word(s) provides a form for boolean searches. Search for word(s) in definition(s) is a good way to find out whether a particular term has been defined in another Ordinance — the first time Hong Kong has had words and phrases statutorily defined! Note that it finds not only words actually defined but all words used in definitions.

It is perhaps worth mentioning that as well as Bills, which are readily available in paper form, you might find it useful to locate the LegCo discussion of a Bill, especially since Hansard is rather slow appearing these days. You can find LegCo at <http://www.legco.gov.hk/>. And you may be lucky enough to find not

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only Hansard, in its final or a preliminary version, but even the minutes of a Bills Committee.

If you deal regularly with a particular government department you may already be familiar with its website. As a sample I have found the following which might be useful to a practitioner:


<http://www.info.gov.hk/cr/> — Companies Registry: you may have access to (and pay for) a commercial service for searching the registry.

At the Lands Registry, you will find, *inter alia*, The Direct Access Service (DAS), described as an ‘online search facility which enables subscribers to use computer terminals at their own office, to make direct online searches of computerized land registers; to place order for copies of land records; to place orders for certified copies of land records; and to collect imaged copies of land records by fax’ (go to <http://www.info.gov.hk/landreg/service.htm#dir>).

The Securities and Futures Commission at <http://www.hksfc.org.hk/eng/index.htm> has lists of licensed schemes and persons under various ordinances, and copies of its Codes and Guidelines.

There is a good way to go before legal practice in Hong Kong is really revolutionised by electronic means. In other jurisdictions you may find all or most decisions available on the Internet; we have only the Court of Final Appeal. On the other hand, the searching facilities for BLIS are better than on many Internet legislation services, and it is amazingly up to date (to the day before I am writing this). The size of the Hong Kong market may dictate that we shall never have available some of the facilities one finds elsewhere: e-mail current awareness services, electronic newsletters and the like.

I have concentrated on Hong Kong resources, though it is arguable that (BLIS aside) the main value of electronic resources, especially of the Internet, is likely to be the facility to find things out from outside Hong Kong.

Jill Cottrell
Senior Lecturer
University of Hong Kong

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電腦與香港法律研究

Jill Cottrell 介紹現時在香港可供使用的各類電子法律資源

香港法律檔案紀元的誕生稍遜，其先進程度亦差於一些其他的司法管轄區。基本上，現時香港有下跌的案例及法例資料可供使用（繚使當中某些產品只可供有足夠財政實力的人士使用）。

<table>
<thead>
<tr>
<th>資料項目</th>
<th>印刷品</th>
<th>光片</th>
<th>網站或網址</th>
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<td>《香港法律報告及法律摘要》</td>
<td>《香港法律報告及法律摘要》</td>
<td>《香港法律報告及法律摘要》</td>
<td>LEXIS</td>
</tr>
<tr>
<td>判決摘要</td>
<td>《香港法律摘要》</td>
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<td>未經彙編的判決</td>
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<td>適用於香港的國際性法律</td>
<td>雙語法例資料系統</td>
<td>雙語法例資料系統</td>
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</tr>
<tr>
<td>條例</td>
<td>《條例第 1 章法律條文》</td>
<td>《條例第 1 章法律條文》</td>
<td></td>
</tr>
<tr>
<td>《香港條例注解》</td>
<td>《香港條例注解》</td>
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</tr>
<tr>
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<td>《附屬條例法規注解》</td>
<td>《附屬條例法規注解》</td>
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</tr>
<tr>
<td>條例草案</td>
<td>《條例第 3 章法律條文》</td>
<td>《條例第 3 章法律條文》</td>
<td></td>
</tr>
</tbody>
</table>

就印刷品而言，若我想尋找某個題目，我就須翻查《香港法律報告及法律摘要》一書第二冊內的題目索引，但該索引只包括截至 1997 年年底的資料。要尋找 1997 年年底以後的案例，我便要逐一翻閱《香港案例》精裝本，因為並沒有年度索引，繼而再逐一翻閱最近期精裝本以後的定期平裝書冊。接著我便要逐本翻查《香港法律報告及法律摘要》和《香港法律報告及法律摘要》。近期期月度平裝本內的累積索引。我運用這方法時，只得偏賴其他人士編纂的索引的素質。我以往翻查任何案由，包括《香港法律報告及法律摘要》和《香港法律報告及法律摘要》合併前的1996年書目。有關出版商已答應每季有活頁形式出版《香港法律報告及法律摘要》的更新資料，這確是好消息。

電子資源出現後，情況是否有所改善呢？當然我們並沒有一張把所有有圖書館內容集中進入的光片，但我們確實可使用一張包含整個《香港案例》內容的《香港公共法律報告》大部分内容及 1,564 份法律彙編的判決書（數字截至撰寫本文為止）的光片。我們亦可使用另一張包含整個

Hong Kong Law Reports 及 Hong Kong Law Digest 內容的光片。我們可選擇使用其他人士的編纂索引工具，若揀某一個概念，便可得到某個經彙編的判決或判決摘要的關鍵詞句。但我們亦可運用自己的智慧，在判決原文中找尋字句的不同配搭。我們甚至可利用那些我們不能完全記起的東西（例如「我肯定在某個案例中 Hunter」就經濟損失這些說了一些話」）作尋找資料的起點。

本文目的並非就找尋資料方式提供詳細意見。然而，花點時間了解每項找尋工具提供的可能性，亦是值得的。我相信大家已懂得使用至少大部分下列工具：

（一）使用布爾邏輯體系的找尋工具，即是指你希望尋找某些字眼及其他字眼一併出現或某些字眼或其它字眼出現的項目。有些時候你亦可指明近似項目的範圍。

（二）使用「百搭」方式的找尋工具，即是指一個字眼的中間或完結部分被例如 '或！等符號取代。舉例說，我曾試圖找尋「libel or slander or defamation」及 'ridiculou'，即是說我想尋找曾經出現「永久形式訴訟」或「短期形式訴訟」或某種「訴訟」（'defamation'）的變體（包括 'defame' 或 'defamatory' 及 'defamation' 本身）以及 'ridicle'、'ridiculing' 或 'ridiculous' 的案例。

（三）指明一句而非某些個別的字句。

（四）指明你想在某程度上非常說確，例如你想找尋 'Hunter' 而非 'hunter'。

不同的電子資料庫與資源對上述項目有不同的處理方式。《香港案例》的軟件 (Folio Views) 容許你輸入放在引號內的確實字句，而 Hong Kong Law Reports and Digest 則容許你選擇「準確的輸入項目」。很多時候（例如在《香港案例》光片版或雙語法例資料系統而言）我們可以使用各種不同方法去搜尋同一資料庫，當中有些容許我們找尋整個原文，有些則要求我們像填寫表格一般輸入某些指定的項目，例如案例名稱、法官名稱、關鍵詞等等。有些時候（例如在 Hong Kong Law Reports and Digest 而言）你可把所尋找的

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項目限制至某個特定時間。

每張光片既於本身的特性，亦有令人煩惱的地方。比方說，香港案例分會告訴我「命中」了若干數目，但這並不是指案例數目，而是指所找尋字眼出現的次數，這使我感到非常困難。若有關的光片得到更新，情況理應可望得到改善。

（現時若你在「目錄」頁上進行尋找工作，特別是把資料庫的擴展水平定為「三」時，你便可更迅速地知道有關案例的數目。）在這方面，<em>Hong Kong Law Reports and Digest</em> 較為清晰，但該資料要
求使用者經過三個階段才能得到一個案例的整個文本（輸入所找尋的字眼，啟動「找尋」功能、看見一系列的摘要、選擇並按
動看似有關的摘要，取得提要，按動「全文」功能以取得案例全文），這便稍嫌冗
長了。上述兩種香港案例的光片，與現時在香港生產的一些光片（例如《電子
法律彙編》自 1865 年的法律彙編立案理事會的彙編）及新的英國彙編光片版比較起來，還未臻完善。縱然是如此，這些光片是有助於進行法律研究（並非閱讀案例）的寶貴工具。最理想的做法，便是同時擁有印刷版及光片，你便可以先透過光片
識別所需找尋的案例，繼而翻閱相關的印刷
版。

香港條例注解的光片版，基本上與該書的印刷版相同。這即是說，注解及索
引的素質與印刷版可能已相當認識的沒有分
別。論到法例的更新程度，此產品不及雙語
法律資料系統（該系統經常被更新，但光片每年只出版三次）。以光片版而非
印刷版為參考點可能較為明智。《香港條
例注解》光片版為兩個「資料彙編」，一個
包含了法例的原文及注解，另一個為
「尋求索引」，包括了我們在印刷版中見
到的各類索引。

我想在香港經常使用 LEXIS 資料的人為數不多。LEXIS 的找尋工具毋庸置
疑相當精簡及完善，但同時使用該工具是頗為昂貴的。這系統備有可多次重覆的找尋工具（找尋工作由專人負責，你不用親自進
行），亦備有留言信箱服務；但從香港角
度去看，我們便可能在深夜時分進行找
尋才可，原因是你這找尋工具是按美國東岸
標準時間操作的。詳情可參閱以下網址：
http://www.lexis-nexis.com/express/*。

說到雙語法例資料系統，它與上述光
片和 LEXIS 不同的地方，在於它是免費的
（希望情況一直如此）。雙語法例資料系
統是律政司的電腦網址 (<http://www.
info.gov.hk/justice/>）內的項目之一；它
備有完善的使用指南，但若你已習慣於
試的話，不妨參考以下的簡單提示：假如
你知道所找尋的標題及章節，你便只須在
章號方格內輸入有關的標題（若你要同時
找尋主體條例及附屬法例，你便須按動
‘Ord & Sub Leg’ 隔離的「Or」按鈕），然後
按動「即時觀看」（'View Now'）擊。你會
看見一件列表的首個法例標題為首的條
例。（情況在列表未部更詳細。）我曾試
尋某一個包括所有「全國性法律」的列表
，而我在方格內輸入 1553（《基本
法》）後並不能找到任何東西。我甚至輸
入 1000，亦不成功。在情況之下，我輸
入 545，而結果是竟然出現了一個由第
1001 章開始的法例列表；最後，我要不
斷地按動「接下來」，才找到有關的全國
性法律。

找到了所需的條例後，你應按動指向
該條例的鍵位。若你已按動主體條例及附
屬法例，你現在仍可看見載有該法例及附
屬法例標題的表列。你接著按動指向所選
項標題之鍵位後，便會看見有關條文／規則
的表列。

若你所找尋的成文法例內的某個段落，
你應先決定所需的是哪個條例，附屬法例是
兩者兼備；你亦不要忘記按動「即時觀
看」按鈕。接著你便可以按動「簡單尋找」或
「逐段尋找」按鈕。後者分為三種：

（一）「尋找條文或成文法例」頗具靈活性，若
你已尋找指明條例，該功能可助你尋找某
特定成文法例內特定條文的原文。

（二）「尋找字詞」乃布爾階級體系找尋
工具的一種。（三）「尋找定義內字詞」
可在你找尋某字詞有否在另一條例內被定
義（這在香港法律當中首次出現的！）。此工
具不但能找尋被定義的字詞，亦能找尋定
義內出現所有字詞。

值得一提的是，除了條例草案本身
（它們已透過《憲制副刊》出版）外，你
也可找尋立法會對草案作出的討論。立法
會的會議過程正式紀錄（Hansard）近來公
布速度頗慢，因此你可從立法會的網址著
手：<http://www.legco.gov.hk/>。運
氣好的話，你不但可找到與會紀錄的案
或最終版本，更可能找到某草案委員會的
會議紀錄呢！

若你經常與某個政府部門合作，你可
能已相當熟悉該部門的網址。不論如何，
我找到了下列的版本，希望對這些律師們
有幫助：

（1）<http://www.lab.wpbegov.hk/
circular/>：這是香港藝術發展局的網址。
我在該網址內找到的文件之一，是「發展項目及建議的環境影響評估
程序」。

（2）<http://www.info.gov.hk/cr/>：這是
公司註冊處的網址。你可付款得到
查察的商業服務。

（3）<http://www.info.gov.hk/landreg/
 service.htm#dir>：在土地註冊處的網址
內，你可找到其中的一項服務，名
為「直接取索取服務」（Direct Access
 Service）。根據網上介紹，這是一個
「電腦網上尋找設備，讓使用者可透
過本身辦公室內的電腦終端機直接尋
找土地註冊處的電腦化土地紀錄，訂
取土地紀錄的副本，訂取土地紀錄的
核證副本，及以傳真方式收取土地記
影的副本。」

（4）<http://www.hksorc.hk/eng/
 index.html>：這個屬於證券及期貨事
務監察委員會的英文網址，內容包括了
在各有關條例下列出的計劃及人士的
列表，以及委員會各類守則及指引。

總括來說，香港法律實務在遠至電子
化前，還要走一段漫長的道路。在其他司
法管轄區，我們可從電腦網際網取得大
部分（若非所有）案件判決，但在香港我們
只可取得終審法院的判決。然而，另一方
面，雙語法例資料系統的尋找設備比很多
網際網上的類似服務都要優勝，而且資料亦
更新至撰寫本文前一日，新近程度相當驚
人。鑑於香港市場有限，我們可能永遠沒
有機會使用其他地方具備的一些設施，例
如電子郵件時常傳送服務及電子新聞通訊
等等。

在本文中，我集中討論了香港境內的
資源。但我們可以說，除了雙語法例資料
系統外，電子資源（特別是電腦互聯網）
最寶貴的地方，是我們尋找香港境內的
資料。

Jill Cottrell
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一九九九年二月 香港律師