

**L.N. 90 of 2012**

**Electronic Transactions (Exclusion) (Amendment)  
Order 2012**

(Made by the Permanent Secretary for Commerce and Economic Development (Communications and Technology) under section 11(1) of the Electronic Transactions Ordinance (Cap. 553))

**1. Commencement**

This Order comes into operation on 1 August 2012.

**2. Electronic Transactions (Exclusion) Order amended**

The Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) is amended as set out in sections 3, 4 and 5.

**3. Schedule 1 amended (provisions excluded from application of section 5 of Ordinance)**

(1) Schedule 1, item 9—

**Repeal**

“8B(1), 8C(2), 8D(2), 17(1) (Column B), 19(1) and (4), 20(2), 21(2), 25(1) and 42(2)”

**Substitute**

“17(1) (Column B), 20(2) and 21(2)”.

(2) Schedule 1, item 10—

**Repeal**

“, 11, 18(1), 18A, 23(1A) and (2), 29(1), 31(1), 33(1), 38 and 47”

**Substitute**

“and 11”.

- (3) Schedule 1, item 11—

**Repeal**

“, 53(1)”.

- (4) Schedule 1—

**Repeal items 12, 13, 14 and 45.**

- (5) Schedule 1, item 52—

**Repeal**

“4(5), 5(1), (2) and (4), 6(2), 7(1)(a), 8(1) and 13(1)”

**Substitute**

“5(1) and (2), 6(2) and 7(1)(a)”.

- (6) Schedule 1, item 59—

**Repeal**

“28(3), (9)”

**Substitute**

“28(3)”.

**4. Schedule 2 amended (provisions excluded from application of section 6 of Ordinance)**

- (1) Schedule 2, item 5—

**Repeal**

“Regulations 12(1), (2), (3) and (5), 18(2), 20(1), 25(2), (3) and (4), 26(2) and 28”

**Substitute**

“Regulation 12(1), (2), (3) and (5)”.

- (2) Schedule 2—

**Repeal item 10.**

**5. Schedule 4 amended (provisions excluded from application of section 8 of Ordinance)**

Schedule 4, item 2—

**Repeal**

“and Schedule 16, Regulation 4”.

Elizabeth TSE  
Permanent Secretary for Commerce  
and Economic Development  
(Communications and Technology)

3 May 2012

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### Explanatory Note

Section 5 of the Electronic Transactions Ordinance (Cap. 553) (*the principal Ordinance*) provides that if a rule of law requires or permits information to be or given in writing, the use of electronic records containing the information satisfies that rule of law. The statutory provisions excluded from the application of section 5 of the principal Ordinance are specified in Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) (*the principal Order*). Section 3 of this Order removes the following provisions from Schedule 1 to the principal Order, so that they are no longer so excluded and electronic records may be used for the purposes of section 5 of the principal Ordinance—

- (a) sections 8B(1), 8C(2), 8D(2), 19(1) and (4), 25(1) and 42(2) of the Buildings Ordinance (Cap. 123);
- (b) regulations 18(1), 18A, 23(1A) and (2), 29(1), 31(1), 33(1), 38 and 47 of the Building (Administration) Regulations (Cap. 123 sub. leg. A);
- (c) regulation 53(1) of the Building (Planning) Regulations (Cap. 123 sub. leg. F);
- (d) regulation 28 of the Building (Private Streets and Access Roads) Regulations (Cap. 123 sub. leg. G);
- (e) regulations 62(1) and 73(1) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123 sub. leg. I);
- (f) regulations 6(1) and 10(2) of the Building (Oil Storage Installations) Regulations (Cap. 123 sub. leg. K);
- (g) regulation 6(1)(b) of the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A);
- (h) sections 4(5), 5(4), 8(1) and 13(1) of the Environmental Impact Assessment Ordinance (Cap. 499); and

- (i) section 28(9) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F).
2. Section 6 of the principal Ordinance provides that if a rule of law requires the signature of a person on a document, an electronic signature or a digital signature of that person satisfies that requirement. The statutory provisions excluded from the application of section 6 of the principal Ordinance are specified in Schedule 2 to the principal Order. Section 4 of this Order removes the following provisions from Schedule 2 to the principal Order, so that they are no longer so excluded and electronic signatures and digital signatures may be used for the purposes of section 6 of the principal Ordinance—
- (a) regulations 18(2), 20(1), 25(2), (3) and (4), 26(2) and 28 of the Building (Administration) Regulations (Cap. 123 sub. leg. A); and
  - (b) regulation 6(3) of the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A).
3. Section 8 of the principal Ordinance provides that if a rule of law requires information to be retained, whether in writing or otherwise, the requirement is satisfied by retaining electronic records containing the information. The statutory provisions excluded from the application of section 8 of the principal Ordinance are specified in Schedule 4 to the principal Order. Section 5 of this Order removes Regulation 4 in Schedule 16 to the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) from Schedule 4 to the principal Order, so that that Regulation 4 is no longer so excluded and electronic records may be retained for the purposes of section 8 of the principal Ordinance.