

立法會
Legislative Council

LC Paper No. LS6/13-14

**Paper for the House Committee Meeting
on 25 October 2013**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 18 October 2013**

Tabling in LegCo : Council meeting of 23 October 2013

Amendment to be made by : Council meeting of 20 November 2013 (or that of 11 December 2013 if extended by resolution)

Electronic Transactions (Exclusion) (Amendment) Order 2013 (L.N. 156)

L.N. 156 is made by the Permanent Secretary for Commerce and Economic Development (Communications and Technology) under section 11(1) of the Electronic Transactions Ordinance (Cap. 553) to repeal a number of exclusions currently provided under the Electronic Transactions (Exclusion) Order (Cap. 553B) from the application of sections 5, 6 and 8 of Cap. 553.

Section 5 of Cap. 553

2. Section 5 of Cap. 553 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 satisfied that rule of law. Schedule 1 to Cap. 553B lists out the statutory provisions which are excluded from the application of section 5.

3. L.N. 156 removes one currently excluded provision from Schedule 1 relating to submissions of employment contract-related documents under the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78). The effect is that the submission of such documents in electronic form will be permissible.

Section 6 of Cap. 553

4. Section 6 of Cap. 553 provides that if a rule of law requires the signature of a person on a document, an electronic or digital signature of that person satisfies that requirement if the conditions set out in section 6 are complied with. Schedule 2 to Cap. 553B lists out the statutory provisions which are excluded from the application of section 6.

5. L.N. 156 removes two currently excluded provisions from Schedule 2 to Cap. 553B, relating to submission of employment contract-related documents under Cap. 78 and submission of aircraft operation documents under the Air Navigation (Hong Kong) Order 1995 (Cap. 448C). The effect is that electronic or digital signature on such documents will be permissible.

Section 8 of Cap. 553

6. Section 8 of Cap. 553 provides that if a rule of law requires certain information to be retained, the requirement is satisfied by retaining electronic records containing the information provided that the conditions set out in the section are complied with. Schedule 4 to Cap. 553B lists out the statutory provisions which are excluded from the application of section 8.

7. L.N. 156 removes four currently excluded provisions from Schedule 4 of the Exclusion Order, relating to submission of aircraft operation documents under Cap. 448C. The effect is that retaining such documents in electronic form will be permissible.

Other amendments

8. L.N. 156 also replaces "地區" in "往香港以外地區就業合約條例" (Cap. 78) in the Chinese rendition of Schedule 1 and Schedule 2 with "地方" to bring the expression consistent with the proper Chinese rendition of Cap. 78.

9. Members may refer to the LegCo Brief (File Ref: GCIO 107/4/3 XXIV) issued by the Office of the Government Chief Information Officer and Commerce and Economic Development Bureau in October 2013 for further information.

10. L.N. 156 comes into operation on 20 December 2013.

Concluding Observations

11. No difficulties have been identified in relation to the legal or drafting aspects of the above item of subsidiary legislation.

Prepared by

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