Committee Stage Amendments
Explanatory Notes

1. Clause 2

To revise the definitions of "certification authority disclosure record", "code of practice", "information system", "issue", "recognised certificate", "recognised certification authority", "rule of law", and "trustworthy system" in response to comments made by Members and other bodies and on drafting grounds.

2. Clause 3

To simplify the provision.

3. Clause 5

To simplify the provision.

4. Clause 6

To make a minor drafting change.

5. Clause 7

To provide flexibility to the effect that the information referred to in the Clause can be generated in its final form as a paper or electronic record; and to make a minor drafting change.

6. Clause 8

To simplify the provision and to make minor drafting changes.

7. Clause 11

To replace “rule of law” by “Ordinance” to reflect the legislative intent and to make minor drafting changes.

8. Clause 12

To replace “rule of law” by “Ordinance” as in Clause 11 and to make minor drafting changes.

9. New Clause 14A

To provide flexibility for non-Government entities to agree amongst themselves as to whether electronic record/digital signature should be used in satisfying a requirement under a rule of law for one party to provide information or to sign a document for presenting to the other party.

10. Clause 15

To simplify the provision.

11. Clause 16

To preserve the common law principle that the offeror may specify the means of acceptance of an offer in contract formation and to provide greater flexibility for the use of electronic records in contract formation.

12. Clause 18

To replace “comes to the attention of” by “comes to the knowledge of”

in response to comments made by Members.

13. Clause 19

To make drafting changes and to limit the application of Clause 19(4) to the facilitation of cross-recognition of certification authorities in response to comments made by Members.

14. Clause 20

To provide that the Director of Information Technology Services (DITS) has to give reasons for refusing an application for recognition as a recognised certification authority and to clarify the provision in response to comments made by Members.

15. Clause 21

To provide that the DITS has to give reasons for refusing an application for recognition of certificates.

16. Clause 22

To simplify the provision and to make various drafting changes.

17. Clause 23

To simplify the provision and to make various drafting changes.

18. Clause 24

To make a minor drafting change.

19. Clause 25

We are working on proposed amendments to clarify the effect of the provision in response to comments made by Members.

20. Clause 26

To make the provision clearer in response to comments made by Members and to make other drafting changes.

21. Clause 27

To provide that the Secretary for Information Technology and Broadcasting shall give reasons for the decision on appeal and a certification authority which appeals has to give notice to the DITS; and to make other drafting changes.

22. New Clause 27A

To provide for postal delivery of notice.

23. New Clause 27B

To provide that the DITS must maintain certification authority disclosure record.

24. New Clause 27C

To provide that the DITS must give notice to the public on the suspension, revocation or non-renewal of recognition of certification authorities.

25. New Clause 27D

To make drafting changes.

26. Clause 29

To make a minor drafting change.

27. Clause 30

To make minor drafting changes.

28. Clause 32

To delete unnecessary wording.

29. Clause 34

To delete unnecessary wording.

30. Clause 37

To delete the reference to “audit” and to make other drafting changes in response to comments made by Members.

31. New Clause 38A

To stipulate that a recognised certification authority must maintain an online and publicly accessible repository in response to comments made by Members.

32. Clause 41

To tighten the exceptions to the secrecy provision in response to comments made by Members.

33. Clause 44

To make consequential amendments.

34. Clause 45

To make a minor drafting change.

35. Clause 46

To update the immunity clause for protection of public officers.

36. Schedule 1

To amend the items in Schedule 1 in response to comments made by various bodies.