

## **LEGISLATIVE COUNCIL BRIEF**

### **ELECTRONIC TRANSACTIONS (EXCLUSION) ORDER ELECTRONIC TRANSACTIONS ORDINANCE (AMENDMENT OF SCHEDULE 2) ORDER 2000**

#### **INTRODUCTION**

On 1 March 2000, the Secretary for Information Technology and Broadcasting (the Secretary) made the Electronic Transactions (Exclusion) Order and the Electronic Transactions Ordinance (Amendment of Schedule 2) Order 2000 set out in Annexes A and B under sections 11 and 50 of the Electronic Transactions Ordinance (Cap. 553) respectively.

#### **BACKGROUND AND ARGUMENT**

##### **Background**

2. The Electronic Transactions Ordinance (ETO) was passed by the Legislative Council on 5 January 2000 and gazetted on 7 January 2000. Subject to certain requirements set out in sections 5-8 of the ETO (extract at Annex C), the ETO provides legal recognition to electronic records and digital signatures as that of their paper-based counterparts as follows -

- (a) section 5(1) of the ETO provides that if a rule of law requires information to be or given in writing, an electronic record satisfies the requirement;
- (b) section 5(2) of the ETO provides that if a rule of law permits information to be or given in writing, an electronic record satisfies that rule of law;

- (c) section 6 of the ETO provides that if a rule of law requires the signature of a person, a digital signature of the person satisfies the requirement;
- (d) section 7 of the ETO provides that if a rule of law requires that certain information be presented or retained in its original form, the requirement is satisfied by presenting or retaining the information in the form of electronic records; and
- (e) section 8 of the ETO provides that if a rule of law requires certain information to be retained, whether in writing or otherwise, the requirement is satisfied by retaining electronic records.

3. While it is our policy objective to promote the wider adoption of electronic transactions in Hong Kong so as to foster the development of electronic commerce, there are transactions which for the time being should preferably be conducted through conventional means because of their solemnity, complexity or other factors. In addition, some parties including Government departments may not be able to accept electronic information under a rule of law because of operational, technological or other reasons. To address these issues -

- (a) Schedule 1 of the ETO exempts a list of generic items such as wills, statutory declarations, etc. from the application of sections 5-8 of the ETO. We have, however, undertaken to review the exemptions contained in the Schedule regularly to take account of technological developments and changes in community practices;
- (b) Schedule 2 of the ETO exempts all judicial proceedings from the application of sections 5-8 of the ETO but the authorities for making court rules are empowered to apply sections 5-8 to such proceedings when the relevant courts/tribunals are ready;

- (c) section 15 of the ETO allows non-government parties to agree amongst themselves as to whether electronic records and digital signatures may be used in satisfying a requirement under a statutory provision for one party to provide information to the other party or to sign a document for presenting to the other party; and
- (d) section 16 of the ETO provides that sections 5-8 do not apply to statutory provisions which have requirements other than submission of information or provision of signature and which are incompatible with the electronic process.

### **Exclusion of Statutory Provisions**

4. Subject to the provisions set out in paragraph 3 above, Government departments stand ready to take the lead in setting a good example in adopting electronic transactions by accepting electronic submission under the bulk of the statutory provisions in the laws of Hong Kong. For illustration purposes, some examples of cases whereby electronic submission will be accepted by Government departments under law are set out in Annex D. However, for some specific statutory provisions concerning the operation of individual Government departments, there is a genuine and practical need to make exclusion for them from the electronic process. Section 11 of the ETO provides that the Secretary may by order published in the Gazette exclude individual statutory provisions from the application of sections 5-8 of the ETO.

5. After a thorough examination and consultation process within the Administration, we establish that there is a need to exclude 195 statutory provisions in respect of 39 Ordinances and one Order (out of a total of around 650 Ordinances in the laws of Hong Kong) from the application of sections 5-8 of the ETO in order to ensure that the concerned Government departments will continue to operate smoothly. The full list of these Ordinances and Order is at Annex E. The concerned statutory provisions to be excluded, as detailed in Annex F, can be

classified into the following five categories -

- (a) provisions which have to be excluded due to the solemnity of the matter or document involved, i.e. provisions concerning the electoral process;
- (b) provisions which have to be excluded on operational grounds, e.g. provisions concerning the production of documents to Government authorities on the spot;
- (c) provisions which have to be excluded due to the involvement of voluminous submissions and complex plans which would be difficult to handle electronically, e.g. provisions concerning submission of documents and plans to the works departments;
- (d) provisions which have to be excluded because of international practices, e.g. provisions concerning documents to be kept by the flight crew for air navigation purposes; and
- (e) provisions which have to be excluded to ensure that Government would be able to meet its contractual obligations, e.g. provisions on the submission of trade-related documents which concern the franchise of the Tradelink.

6. With the enactment of the exclusion order, we will regularly review the statutory provisions excluded in consultation with the concerned bureaux and departments to examine when the exclusion can be withdrawn, e.g. exclusion of the electoral provisions on voter registration can be withdrawn in October 2000 when voter registration can be carried out electronically under the Electronic Service Delivery Scheme. We will also examine whether new exclusion needs to be made in respect of new legislation enacted.

## **Exemption of Proceedings of Statutory Bodies which Exercise Quasi Judicial Functions**

7. In examining the statutory provisions in the laws of Hong Kong for the preparation of the exclusion order, we have also identified a list of 28 statutory bodies, as set out in Annex G, which exercise quasi judicial functions and which for the time being would have practical and operational difficulty in accepting electronic submission in their proceedings under their respective legislation. In order not to affect the operation of these statutory bodies, we consider it appropriate to include them in Schedule 2 of the ETO so that sections 5-8 of the ETO do not apply to their proceedings for the time being, as in the case of judicial proceedings. Section 50 of the ETO stipulates that the Secretary may amend Schedule 2 of the ETO by order published in the Gazette. With the enactment of the amendment order, we will ask these statutory bodies to review their operations and to encourage them to accept electronic submission in their proceedings as soon as possible so that they can be removed from the list in Schedule 2.

## **Electronic Transactions (Exclusion) Order and Electronic Transactions Ordinance (Amendment of Schedule 2) Order 2000**

8. The Electronic Transactions (Exclusion) Order at Annex A made by the Secretary under section 11 of the ETO sets out the specific statutory provisions to be excluded from the application of sections 5-8 of the ETO.

9. The Electronic Transactions Ordinance (Amendment of Schedule 2) Order 2000 at Annex B made by the Secretary under section 50 of the ETO sets out the 28 statutory bodies, the proceedings of which are to be exempt from the application of sections 5-8 of the ETO.

10. The two orders are intended to come into operation on 7 April 2000 when sections 5-8 of and Schedule 2 to the ETO also come into effect.

## **LEGISLATIVE TIMETABLE**

11. The two orders will be gazetted on 3 March 2000 and will be tabled in the Legislative Council on 8 March 2000.

## **BASIC LAW IMPLICATIONS**

12. The two orders do not conflict with those provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

13. The two orders are not inconsistent with the human rights provisions of the Basic Law.

## **FINANCIAL AND STAFFING IMPLICATIONS**

14. There are no additional financial or staffing implications to Government arising from the making of the two orders.

## **PUBLIC CONSULTATION**

15. We provided examples of the categories of statutory provisions which have to be excluded from the application of sections 5-8 of the ETO for illustration purposes to the Legislative Council Bills Committee on the Electronic Transactions Bill when the Bills Committee examined the Bill late last year. We have also consulted those quasi-judicial statutory bodies the proceedings of which are to be exempt. These bodies advise that they have practical and operational problems in accepting electronic submission in their proceedings for the time being.

## **PUBLICITY**

16. We will issue a press release on 3 March 2000 when the two orders are published in the Gazette. Subject to the negative vetting of the Legislative Council of the orders, we will publicise the exclusions/exemptions through the appropriate Government homepages and other relevant publicity materials relating to the concerned statutory provisions and the proceedings of the concerned statutory bodies.

## **ENQUIRIES**

17. Any enquiries on this brief should be addressed to Mr Alan Siu, Principal Assistant Secretary for Information Technology and Broadcasting, at 2189 2287 or by facsimile at 2511 1458.

**Information Technology and Broadcasting Bureau  
March 2000**

**ELECTRONIC TRANSACTIONS (EXCLUSION) ORDER**

(Made under section 11(1) of the Electronic Transactions Ordinance (1 of 2000))

**1. Commencement**

This Order shall come into operation on the commencement of sections 5, 6, 7 and 8 of the Electronic Transactions Ordinance (1 of 2000).

**2. Provisions excluded from application of section 5 of Ordinance**

The provisions specified in Schedule 1 are excluded from the application of section 5 of the Ordinance.

**3. Provisions excluded from application of section 6 of Ordinance**

The provisions specified in Schedule 2 are excluded from the application of section 6 of the Ordinance.

**4. Provisions excluded from application of section 7 of Ordinance**

The provisions specified in Schedule 3 are excluded from the application of section 7 of the Ordinance.

**5. Provisions excluded from application of section 8 of Ordinance**

The provisions specified in Schedule 4 are excluded from the application of section 8 of the Ordinance.



## SCHEDULE 1

[s. 2]

PROVISIONS EXCLUDED FROM APPLICATION  
OF SECTION 5 OF ORDINANCE

Item	Enactment	Provision
1.	Landlord and Tenant (Consolidation) Ordinance (Cap. 7)	Section 116(4A)
2.	Employment Ordinance (Cap. 57)	Section 72(1)(b) and (e)
3.	Import and Export Ordinance (Cap. 60)	Sections 15(1) and 19(1)
4.	Import and Export (Registration) Regulations (Cap. 60 sub. leg.)	Regulations 11(1) and 12(1)
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap. 78)	Sections 5(1), 6 and 8(a) and (b)
6.	Dutiable Commodities Regulations (Cap. 109 sub. leg.)	Regulation 22(1) and (4)

7. Dutiable Commodities Regulations 15 and 26  
(Liquor) Regulations (Cap. 109 sub. leg.)
8. Immigration Ordinance (Cap. 115) Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7), 6(1) and (2), 17L(1)(a) and (b) and 17LA(1)
9. Buildings Ordinance (Cap. 123) Sections 8B(1), 8C(2), 8D(2), 17(1)(Column B), 19(1) and (4), 20(2), 21(2), 25(1) and 42(2)
10. Building (Administration) Regulations (Cap. 123 sub. leg.) Regulations 6(1), 11, 18(1), 18A, 23(1A) and (2), 29(1), 31(1), 33(1), 38 and 47
11. Building (Planning) Regulations (Cap. 123 sub. leg.) Regulations 51(1), 53(1) and 64(1) and (2)
12. Building (Private Streets and Regulation 28

- Access Roads) Regulations  
(Cap. 123 sub. leg.)
13. Building (Standards of Regulations 62(1) and  
Sanitary Fitments, Plumbing, 73(1)  
Drainage Works and Latrines)  
Regulations (Cap. 123 sub.  
leg.)
14. Building (Oil Storage Regulations 6(1) and  
Installations) Regulations 10(2)  
(Cap. 123 sub. leg.)
15. Lands Resumption Ordinance Sections 6(2) and 8(1)  
(Cap. 124)
16. Foreshore and Sea-bed Sections 6(1) and 12(1)  
(Reclamations) Ordinance  
(Cap. 127)
17. Land Acquisition (Possessory Section 6(1)  
Title) Ordinance (Cap. 130)
18. Town Planning Ordinance (Cap. Sections 16(2), 17(1)  
131) and 24(1)

19. Commercial Bathhouses Section 5(1)  
Regulation (Cap. 132 sub.  
leg.)
20. Food Business Regulation Section 32(1)  
(Cap. 132 sub. leg.)
21. Frozen Confections Regulation Section 18(1)  
(Cap. 132 sub. leg.)
22. Milk Regulation (Cap. 132 sub. Section 15(1)  
leg.)
23. Offensive Trades Regulation Section 9(2)  
(Cap. 132 sub. leg.)
24. Places of Amusement Section 5(1)  
Regulation (Cap. 132 sub.  
leg.)
25. Public Cemeteries Regulation Section 5(a)  
(Cap. 132 sub. leg.)
26. Slaughterhouses Regulation Section 10(1)  
(Cap. 132 sub. leg.)

27. Swimming Pools Regulation Section 5(1)  
(Cap. 132 sub. leg.)
28. Places of Public Regulations 3(1), 5(1)  
Entertainment Regulations and (2) and 162(1),  
(Cap. 172 sub. leg.) (3), (4) and (5)
29. Births and Deaths Sections 8(1),  
Registration Ordinance (Cap. 12(2)(b)(i) and (c)(i)  
174) and 12A(b)(i) and  
(c)(i)
30. Registration of Persons Regulation 4(1) and  
Regulations (Cap. 177 sub. (1B)(a)  
leg.)
31. Marriage Reform Ordinance Section 9(4)(a)  
(Cap. 178)
32. Marriage Ordinance (Cap. 181) Section 14(1)
33. Aerial Ropeways (Safety) Section 7  
Ordinance (Cap. 211)
34. Aerial Ropeways (Operation Regulations 6(1) and  
and Maintenance) Regulations 20(5)

(Cap. 211 sub. leg.)

35. Peak Tramway (Safety) Regulation 30  
Regulations (Cap. 265 sub.  
leg.)
36. Mass Transit Railway (Land Section 21(1)  
Resumption and Related  
Provisions) Ordinance (Cap.  
276)
37. Employees' Compensation Sections 45(1)(b) and  
Ordinance (Cap. 282) (c), 45A(b) and 45C(1)  
and (3)
38. Reserved Commodities (Control Regulations 11(2) and  
of Imports, Exports and 12(2)  
Reserve Stocks) Regulations  
(Cap. 296 sub. leg.)
39. Reserved Commodities (Control Regulation 3(2)  
of Sales by Wholesale)  
Regulations (Cap. 296 sub.  
leg.)
40. Lifts and Escalators (Safety) Section 6(1)

## Ordinance (Cap. 327)

41. Hotel and Guesthouse Accommodation Ordinance (Cap. 349) Sections 6(1) and (4), 7(2), 8(1), 9(2) and 12(2)
42. Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) Sections 14(1) and 16(1)
43. Roads (Works, Use and Compensation) Ordinance (Cap. 370) Sections 10(1) and (3) and 29(1) and (4)
44. Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg.) Regulations 5(1), 17(2) and 20(1) and (3)
45. Dangerous Goods (Consignment by Air)(Safety) Regulations (Cap. 384 sub. leg.) Regulation 6(1)(b)
46. Land Drainage (Consent and Approval) Regulation (Cap. 446 sub. leg.) Sections 3(1) and (2) and 4

47. Amusement Rides (Safety) Sections 5 and 39  
Ordinance (Cap. 449)
48. Amusement Rides (Safety) Section 6(1)  
(Operation and Maintenance)  
Regulation (Cap. 449 sub.  
leg.)
49. Builders' Lifts and Tower Sections 12(3) and  
Working Platforms (Safety) 15(a)  
Ordinance (Cap. 470)
50. Land Survey Ordinance (Cap. Section 30(4) and (6)  
473)
51. New Territories Land Exchange Section 5(1), (2), (4)  
Entitlements (Redemption) and (5)  
Ordinance (Cap. 495)
52. Environmental Impact Sections 4(5), 5(1),  
Assessment Ordinance (Cap. (2) and (4), 6(2),  
499) 7(1)(a), 8(1),  
10(1)(a), 12(1) and (2)  
and 13(1)



53. Railways Ordinance (Cap. 519) Sections 10(1) and (4)  
and 34(1)
54. Electoral Affairs Commission Sections 5(2), 11(1)  
(Registration of and 17(1)  
Electors)(Legislative  
Council Geographical  
Constituencies)(District  
Council Constituencies)  
Regulation (Cap. 541 sub.  
leg.)
55. Electoral Affairs Commission Sections 21(2), 26(1)  
(Registration)(Electors for and 33(1)  
Functional Constituencies)  
(Voters for Subsectors)  
(Members of Election  
Committee)(Legislative  
Council) Regulation (Cap. 541  
sub. leg.)
56. Electoral Affairs Commission Sections 5(13) and 8(2)  
(Nominations Advisory  
Committees (Legislative  
Council)) Regulation (Cap.  
541 sub. leg.)

57. Electoral Affairs Commission Sections 23(8) and  
(Electoral Procedure) (12), 25(6) and (15),  
(Legislative Council) 42(11) and (13) and  
Regulation (Cap. 541 sub. 66(7) and (10) and  
leg.) Schedule 1, sections  
19(5) and (9), 21(3),  
(9) and (12), 38(8) and  
(10) and 59(7) and (10)
58. Electoral Affairs Commission Sections 5(8) and 8(2)  
(Nominations Advisory  
Committees (District  
Councils)) Regulation (Cap.  
541 sub. leg.)
59. Electoral Affairs Commission Sections 26(5) and (9),  
(Electoral Procedure) 28(3), (9) and (12),  
(District Councils) 45(8) and (10), 66(6)  
Regulation (Cap. 541 sub. and (9) and 102(4)  
leg.)
60. Legislative Council Ordinance Sections 13(1), 14(1),  
(Cap. 542) 26(6), 38(3), 40(1)(b)  
and 42(2) and Schedule  
2, sections 9(6) and

		17(2)
61.	Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg.)	Section 2(1) and (2)(c)
62.	Legislative Council (Formation of Election Committee)(Appeals) Regulation (Cap. 542 sub. leg.)	Sections 2(1) and (2), 3(1), 4(1) and 5(1) and (2)(c)
63.	District Councils Ordinance (Cap. 547)	Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2

## SCHEDULE 2

[s. 3]

PROVISIONS EXCLUDED FROM APPLICATION OF  
SECTION 6 OF ORDINANCE

Item	Enactment	Provision
1.	Contracts for Employment Outside Hong Kong Ordinance (Cap. 78)	Sections 5(1) and 8(a) and (b)
2.	Dutiable Commodities	Regulation 22(1) and

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|    | Regulations (Cap. 109 sub.<br>leg.)  | (6)   |
| 3. | Immigration Ordinance (Cap.<br>115)  | Section 5(4)(b) and<br>(5)(a)(ii) and (b)(ii)   |
| 4. | Buildings Ordinance (Cap.<br>123)  | Section 8B(4)   |
| 5. | Building (Administration)<br>Regulations (Cap. 123 sub.<br>leg.)                       | Regulations 12(1), (2)<br>and (3), 18(2), 20(1),<br>25(2), (3) and (4),<br>26(2) and 28 |
| 6. | Registration of Persons<br>Regulations (Cap. 177 sub.<br>leg.)                         | Regulation 4(1)   |
| 7. | Marriage Ordinance (Cap. 181)  | Section 6   |
| 8. | Legitimacy Ordinance (Cap.<br>184)   | Schedule, paragraph 1   |
| 9. | Road Traffic (Registration<br>and Licensing of Vehicles)<br>Regulations (Cap. 374 sub. | Regulations 5(3),<br>17(2) and 20(3)  |

leg.)

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| 10. | Dangerous Goods (Consignment<br>by Air)(Safety) Regulations<br>(Cap. 384 sub. leg.)  | Regulation 6(3)  |
| 11. | Land Drainage (Consent and<br>Approval) Regulation (Cap.<br>446 sub. leg.)   | Section 6  |
| 12. | Land Survey Ordinance (Cap.<br>473)  | Section 30(4)  |
| 13. | Electoral Affairs Commission<br>(Registration of<br>Electors)(Legislative<br>Council Geographical<br>Constituencies)(District<br>Council Constituencies)<br>Regulation (Cap. 541 sub.<br>leg.) | Sections 4(1), 14(2)<br>and 15(6)  |
| 14. | Electoral Affairs Commission<br>(Registration)(Electors for<br>Functional Constituencies)<br>(Voters for Subsectors)   | Sections 19(1), 20(2),<br>(3), (5), (7) and (8),<br>26(6), 30(2), 31(7) and<br>33(9) |

(Members of Election  
Committee)(Legislative  
Council) Regulation (Cap. 541  
sub. leg.)

15. Electoral Affairs Commission Section 5(4)  
(Nominations Advisory  
Committees (Legislative  
Council)) Regulation (Cap.  
541 sub. leg.)
16. Electoral Affairs Commission Sections 10(7) and (8),  
(Electoral Procedure) 11(7) and (8), 12(7) and  
(Legislative Council) (8), 20(2)(b), 23(9)  
Regulation (Cap. 541 sub. and (12), 25(8) and  
leg.) (15), 42(11) and (13),  
66(7) and (10) and  
102(4) and Schedule 1,  
sections 6(4), 7(6) and  
(7), 16(2), 19(6) and  
(9), 21(5) and (12),  
38(8) and (10), 59(7)  
and (10) and 92(4)
17. Electoral Affairs Commission Section 5(2)  
(Nominations Advisory

Committees (District  
Councils)) Regulation (Cap.  
541 sub. leg.)

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|-----|--|---|
| 18. | Electoral Affairs Commission<br>(Electoral Procedure)<br>(District Councils)<br>Regulation (Cap. 541 sub.<br>leg.) | Sections 12(7) and (8),<br>20(2), 26(6) and (9),<br>28(5) and (12), 45(8),<br>66(6) and (9), 102(4)<br>and 103(4) |
| 19. | Legislative Council Ordinance<br>(Cap. 542)  | Sections 13(2), 14(2),<br>40(2) and 42(2) and<br>Schedule 2, section<br>17(2)                                     |
| 20. | District Councils Ordinance<br>(Cap. 547)  | Sections 15(2), 23(2),<br>25(2), 35(2) and 63(2)  |
| 21. | Air Navigation (Hong Kong)<br>Order 1995 (L.N. 561 of 1995)  | Articles 10(2) and<br>28(4) and Schedule 15,<br>Regulation 1(1)   |

## SCHEDULE 3

[s. 4]

PROVISIONS EXCLUDED FROM APPLICATION  
OF SECTION 7 OF ORDINANCE

Item	Enactment	Provision
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## SCHEDULE 4

[s. 5]

PROVISIONS EXCLUDED FROM APPLICATION  
OF SECTION 8 OF ORDINANCE

Item	Enactment	Provision
1.	Immigration Ordinance (Cap. 115)	Section 17K(3)
2.	Air Navigation (Hong Kong) Order 1995 (L.N. 561 of 1995)	Articles 22(1), 25(2)(a)(iii) and 57 and Schedule 12 and Schedule 16, Regulation 4

K C Kwong  
Secretary for Information Technology  
and Broadcasting

1 March 2000



Explanatory Note

This Order sets out the specific provisions which are respectively excluded from the application of electronic records and digital signatures under sections 5, 6, 7 and 8 of the Electronic Transactions Ordinance (1 of 2000).

**ELECTRONIC TRANSACTIONS ORDINANCE (AMENDMENT  
OF SCHEDULE 2) ORDER 2000**

(Made under section 50 of the Electronic  
Transactions Ordinance (1 of 2000))

**1. Commencement**

This Order shall come into operation on the commencement of  
Schedule 2 to the Electronic Transactions Ordinance (1 of 2000).

**2. Proceedings in relation to which sections  
5, 6, 7 and 8 of this Ordinance do not  
apply under section 13(1)  
of this Ordinance**

Schedule 2 to the Electronic Transactions Ordinance (1 of  
2000) is amended -

- (a) in paragraph (j) by repealing "或";
- (b) in paragraph (k) by repealing the full stop and  
substituting a semicolon;
- (c) by adding -
  - "(l) the Municipal Services Appeals Board  
established under the Municipal Services  
Appeals Board Ordinance (Cap. 220);
  - (m) the Insider Dealing Tribunal established  
under the Securities (Insider Dealing)  
Ordinance (Cap. 395);

- (n) the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442);
- (o) the Appeal Tribunal established under the Buildings Ordinance (Cap. 123);
- (p) an Appeal Board established under the Town Planning Ordinance (Cap. 131);
- (q) a Drainage Appeal Board established under the Land Drainage Ordinance (Cap. 446);
- (r) the Minor Employment Claims Adjudication Board established under the Minor Employment Claims Adjudication Board Ordinance (Cap. 453);
- (s) the panel and a tribunal established under the Housing Ordinance (Cap. 283);
- (t) the Appeal Board established under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349);
- (u) the Appeal Board established under the Clubs (Safety of Premises) Ordinance (Cap. 376);
- (v) the Appeal Board established under the Bedspace Apartments Ordinance (Cap. 447);
- (w) the Appeal Board established under the Amusement Game Centres Ordinance (Cap. 435);

- (x) an appeal board established under the Amusement Rides (Safety) Ordinance (Cap. 449);
- (y) an Appeal Board established under the Air Pollution Control Ordinance (Cap. 311);
- (z) the Appeal Board established under the Noise Control Ordinance (Cap. 400);
- (za) an Appeal Board established under the Dumping at Sea Ordinance (Cap. 466);
- (zb) an Appeal Board established under the Environmental Impact Assessment Ordinance (Cap. 499);
- (zc) an Appeal Board established under the Waste Disposal Ordinance (Cap. 354);
- (zd) an Appeal Board established under the Water Pollution Control Ordinance (Cap. 358);
- (ze) the Immigration Tribunal established under the Immigration Ordinance (Cap. 115);
- (zf) the Registration of Persons Tribunal established under the Registration of Persons Ordinance (Cap. 177);
- (zg) the Hong Kong Special Administrative Region Passports Appeal Board established under the Hong Kong Special

- Administrative Region Passports (Appeal Board) Regulation (Cap. 539 sub. leg.);
- (zh) the Copyright Tribunal established under the Copyright Ordinance (Cap. 528);
- (zi) an arbitration tribunal established under the Labour Relations Ordinance (Cap. 55);
- (zj) a board of inquiry established under the Labour Relations Ordinance (Cap. 55);
- (zk) the Securities and Futures Appeals Panel and a tribunal established under the Securities and Futures Commission Ordinance (Cap. 24);
- (zl) the Arbitration Panel established under the Leveraged Foreign Exchange Trading (Arbitration) Rules (Cap. 451 sub. leg.);
- (zm) a Solicitors Disciplinary Tribunal established under the Legal Practitioners Ordinance (Cap. 159).".

K C Kwong  
Secretary for Information Technology  
and Broadcasting

1 March 2000

Explanatory Note

This Order amends Schedule 2 to the Electronic Transactions Ordinance (1 of 2000) by adding to it 28 statutory bodies which exercise quasi-judicial functions.

**Extracts from the Electronic Transactions Ordinance**

**5. Requirement for writing**

(1) If a rule of law requires information to be or given in writing or provides for certain consequences if it is not, an electronic record satisfies the requirement if the information contained in the electronic record is accessible so as to be usable for subsequent reference.

(2) If a rule of law permits information to be or given in writing, an electronic record satisfies that rule of law if the information contained in the electronic record is accessible so as to be usable for subsequent reference.

**6. Digital signatures**

(1) If a rule of law requires the signature of a person or provides for certain consequences if a document is not signed by a person, a digital signature of the person satisfies the requirement but only if the digital signature is supported by a recognized certificate and is generated within the validity of that certificate.

(2) In subsection (1), "within the validity of that certificate" (在該證書的有效期內) means that at the time the digital signature is generated –

- (a) the recognition of the recognized certificate is not revoked or suspended;
- (b) if the Director has specified a period of validity for the recognition of the recognized certificate, the certificate is within that period; and
- (c) if the recognized certification authority has specified a period of validity for the recognized certificate, the certificate is within that period.

**7. Presentation or retention of information in its original form**

(1) Where a rule of law requires that certain information be presented or retained in its original form, the requirement is satisfied by presenting or retaining the information in the form of electronic records if –

- (a) there exists a reliable assurance as to the integrity of the information from the time when it was first generated in its final form; and
  - (b) where it is required that information be presented, the information is capable of being displayed in a legible form to the person to whom it is to be presented.
- (2) For the purposes of subsection (1)(a) –
- (a) the criterion for assessing the integrity of the information is whether the information has remained complete and unaltered, apart from the addition of any endorsement or any change which arises in the normal course of communication, storage or display; and
  - (b) the standard for reliability of the assurance is to be assessed having regard to the purpose for which the information was generated and all the other relevant circumstances.
- (3) This section applies whether the requirement in subsection (1) is in the form of an obligation or whether the rule of law merely provides consequences for the information not being presented or retained in its original form.

## **8. Retention of information in electronic records**

- (1) Where a rule of law requires certain information to be retained, whether in writing or otherwise, the requirement is satisfied by retaining electronic records, if –
- (a) the information contained in the electronic record remains accessible so as to be usable for subsequent reference;
  - (b) the relevant electronic record is retained in the format in which it was originally generated, sent or received, or in a format which can be demonstrated to represent accurately the information originally generated, sent or received; and
  - (c) the information which enables the identification of the origin and destination of the electronic record and the date and time when it was sent or received, is retained.
- (2) This section applies whether the requirement in subsection (1) is in the form of an obligation or whether the rule of law merely provides consequences for the information not being retained.



**Examples of Cases Whereby Electronic Submission  
will be Accepted by Government Departments under Law**

- The submission of tax returns, notification of change of correspondence address and correspondence on application for hold-over of provisional tax, objection, etc. to the Inland Revenue Department under the Inland Revenue Ordinance (Cap. 112).
- The making of proposals and objections against rates and Government rent assessment by ratepayers and rentpayers to the Rating and Valuation Department under the Rating Ordinance (Cap. 116) and the Government Rent (Assessment and Collection) Ordinance (Cap. 515).
- Notification of change of personal particulars submitted in an application for a Hong Kong identity card to the Immigration Department under the Registration of Persons Regulations (Cap. 177 sub. leg.).
- Notification to the Commissioner for Labour of any work accidents for the purpose of claiming employees' compensation under the Employees' Compensation Ordinance (Cap. 282).
- Notification to the Commissioner for Labour in respect of industrial process and operation and construction work under the Factories and Industrial Undertakings Ordinance (Cap. 59).
- Notification of change in business registration particulars and cessation of business to the Inland Revenue Department under the Business Registration Ordinance (Cap. 310).
- Serving of various types of notices by authorised institutions to the Hong Kong Monetary Authority under the Banking Ordinance (Cap. 155).

- Applications for the issue of licence/certificate of exemption in respect of a residential care home for the elderly to the Social Welfare Department under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459).
- Application for licence for manufacture or storage of dangerous goods to the Fire Services Department under the Dangerous Goods Ordinance (Cap. 295).
- Notification of claim for goods seized by the Customs and Excise Department under the Import and Export Ordinance (Cap. 60), the Dutiable Commodities Ordinance (Cap. 109) and the Copyright Ordinance (Cap. 528).
- Application for permit/licence for the importation, exportation or transshipment of chemicals used for the manufacturing of narcotic drugs or psychotropic substances to the Customs and Excise Department under the Control of Chemicals Ordinance (Cap. 145).
- Submission of an account of receipts and payments by a liquidator of a company which is being wound up by the court to the Official Receiver under the Companies Ordinance (Cap. 32).

**Ordinances and Order under which  
Specific Statutory Provisions  
are to be Excluded from  
the Application of Sections 5-8 of  
the Electronic Transactions Ordinance (ETO)**

<b>Chapter</b>	<b>Ordinance</b>	<b>Number of provisions to be excluded</b>
7	Landlord and Tenant (Consolidation) Ordinance	1
57	Employment Ordinance	1
60	Import and Export Ordinance	2
	Import and Export (Registration) Regulations	2
78	Contracts for Employment Outside Hong Kong Ordinance	3
109	Dutiable Commodities Ordinance	
	Dutiable Commodities Regulations	1
	Dutiable Commodities (Liquor) Regulations	2
115	Immigration Ordinance	7
123	Buildings Ordinance	10
	Building (Administration) Regulations	15
	Building (Planning) Regulations	3
	Building (Private Streets and Access Roads) Regulations	1
	Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations	2
	Building (Oil Storage Installations) Regulations	2
124	Lands Resumption Ordinance	2
127	Foreshore and Sea-bed (Reclamations) Ordinance	2
130	Land Acquisition (Possessory Title) Ordinance	1
131	Town Planning Ordinance	3
132	Public Health and Municipal Services Ordinance	
	Commercial Bathhouses Regulation	1
	Food Business Regulation	1
	Frozen Confections Regulation	1
	Milk Regulation	1
	Offensive Trades Regulation	1
	Places of Amusement Regulation	1
	Public Cemeteries Regulation	1
	Slaughterhouses Regulation	1
Swimming Pools Regulation	1	
172	Places of Public Entertainment Ordinance	
	Places of Public Entertainment Regulations	3
174	Births and Deaths Registration Ordinance	3

<b>Chapter</b>	<b>Ordinance</b>	<b>Number of provisions to be excluded</b>
177	Registration of Persons Ordinance	
	Registration of Persons Regulations	1
178	Marriage Reform Ordinance	1
181	Marriage Ordinance	2
184	Legitimacy Ordinance	1
211	Aerial Ropeways (Safety) Ordinance	1
	Aerial Ropeways (Operation and Maintenance) Regulations	2
265	Peak Tramway Ordinance	
	Peak Tramway (Safety) Regulations	1
276	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance	1
282	Employees' Compensation Ordinance	3
296	Reserved Commodities Ordinance	
	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations	2
	Reserved Commodities (Control of Sales by Wholesale) Regulations	1
327	Lifts and Escalators (Safety) Ordinance	1
349	Hotel and Guesthouse Accommodation Ordinance	5
358	Water Pollution Control Ordinance	
	Water Pollution Control (Sewerage) Regulation	2
370	Roads (Works, Use and Compensation) Ordinance	2
374	Road Traffic Ordinance	
	Road Traffic (Registration and Licensing of Vehicles) Regulations	3
384	Dangerous Goods Ordinance	
	Dangerous Goods (Consignment by Air) (Safety) Regulations	1
446	Land Drainage Ordinance	
	Land Drainage (Consent and Approval) Regulation	3
449	Amusement Rides (Safety) Ordinance	2
	Amusement Rides (Safety) (Operation and Maintenance) Regulation	1
470	Builders' Lifts and Tower Working Platforms (Safety) Ordinance	2
473	Land Survey Ordinance	1
495	New Territories Land Exchange Entitlements (Redemption) Ordinance	1
499	Environmental Impact Assessment Ordinance	8
519	Railways Ordinance	2

<b>Chapter</b>	<b>Ordinance</b>	<b>Number of provisions to be excluded</b>
541	Electoral Affairs Commission Ordinance	
	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	6
	Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation	7
	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation	2
	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	17
	Electoral Affairs Commission (Nominations Advisory Committees (District Councils) ) Regulation	2
	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	8
	542	Legislative Council Ordinance
542	Registration of Electors (Appeals) Regulation	1
	Legislative Council (Formation of Election Committee) (Appeals) Regulation	4
547	District Councils Ordinance	7
	Air Navigation (Hong Kong) Order (L.N. 561 of 1995)	8
<b>Total</b>	<b>39 Ordinances + 1 Order</b>	<b>195</b>

**Specific Statutory Provisions to be Excluded from the  
Application of Sections 5-8 of the Electronic Transactions Ordinance**

**A. Provisions which have to be excluded due to the solemnity of the matter or document involved**

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
541	Electoral Affairs Commission Ordinance			
	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	14(2)	A person who objects to the registration of a registered person or to the registration of a registered person's particulars in a provisional register must sign the notice of objection.	6

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
		15(6)	A person who makes a claim that he should be entitled to be registered as a voter, or that he should be entitled to be registered in the final register, or that he should be entitled to have his particulars recorded in a different section of that register, or that he should be entitled to have his particulars altered, must sign the notice of claim.	6
	Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation	30(2)	If a person lodges an objection, he must sign the notice.	6
		31(7)	A person who makes a claim that he is entitled to be registered as an elector or voter must sign the claim.	6
	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	10(7) & (8)	The nomination form for a geographical constituency must be signed by each candidate and each subscriber.	6
		11(7) & (8)	The nomination form of a candidate for a functional constituency must be signed by the candidate and each subscriber.	6
		12(7) & (8)	The nomination form of a candidate for the Election Committee election must be signed by the candidate and each subscriber.	6

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from	
		20(2)(b)	The signature of the candidate on the notice of withdrawal of candidature must be attested by a witness.	6	
		Schedule 1, section 6(4)	The nomination form of the religious subsector of the Election Committee must be signed by each nominee and, if the nominee is a designated body, a person authorised by the designated body for that purpose.	6	
		Schedule 1, section 7(6) & (7)	The subsector nomination form must be signed by the person being nominated as the subsector candidate and by each subscriber.	6	
		Schedule 1, section 16(2)	The signature of the subsector candidate on the withdrawal notice of candidature must be attested by a witness.	6	
	Electoral Commission Procedure (District Regulation)	Affairs (Electoral Councils)	12(7) & (8)	The nomination form of a candidate for a constituency must be signed by the candidate and each subscriber.	6
		20(2)	The signature of the candidate on the notice of withdrawal of candidature must be attested by a witness.	6	
542	Legislative Ordinance	Council	13(1) & (2)	A person who is elected as a Member of the Legislative Council may give written notice of non-acceptance of office. The notice must be signed by the person concerned.	5 for section 13(1) and 6 for section 13(2)



<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
		14(1) & (2)	A Member of the Legislative Council may resign from office as a Member by giving written notice of resignation. The notice must be signed by the Member concerned.	5 for section 14(1) and 6 for section 14(2)
		38(3)	A nomination list for a geographical constituency must be submitted on a nomination form and be accompanied by the written consent of each nominee.	5
		40(1)(b) & (2)	A nomination as a candidate for an election for a constituency, or by the Election Committee, must be accompanied by a declaration which must be signed by the nominated candidate.	5 for section 40(1)(b) 6 for section 40(2)
		42(2)	The withdrawal of a candidate's nomination for election has effect only if it is in writing signed by the candidate.	5 and 6
		Schedule 2, section 17(2)	The withdrawal of a subsector candidate's nomination has effect only if it is in writing signed by the candidate.	5 and 6
	Legislative Council (Registration of Electors) (Appeals) Regulation	2(1) & (2)(c)	When the Revising Officer receives a copy of a notice of appeal from a corporate elector or corporate voter, he shall fix a date, time and place for holding a hearing and send by post a notice to the appellant concerned. The appellant may make representations in writing regarding his claim or objection or appeal to the Revising Officer.	5
	Legislative Council (Formation of Election Committee) (Appeals) Regulation	2(1) & (2)	A person claiming to be a candidate at an Election Committee subsector election may appeal to a Revising Officer against the result of the Election Committee subsector election by lodging an appeal notice. The appeal notice must be signed.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
		3(1)	A registered elector for a functional constituency may submit a written representation to the Revising Officer to object to his registration as an ex-officio member of the Election Committee.	5
		4(1)	A person may object to the registration of a declared member as a member of the Election Committee by submitting a written representation to the Revising Officer.	5
		5(1) & (2)(c)	When the Revising Officer receives the appeal notice, he shall fix a date, time and place for holding a hearing and send by post a notice to the appellant concerned. The appellant may make representations in writing to the Revising Officer.	5
547	District Councils Ordinance	15(1) & (2)	An appointed member may resign from office by giving written notice of resignation to the Designated Officer. The notice must be signed by the member concerned.	5 for section 15(1) and 6 for section 15(2)
		23(1) & (2)	A person who is elected to be a member is to be regarded as having accepted office unless the person gives written notice of non-acceptance signed by him to the Designated Officer.	5 for section 23(1) and 6 for section 23(2)
		25(1) & (2)	An elected member may resign from office by giving written notice of resignation signed by him to the Designated Officer.	5 for section 25(1) and 6 for section 25(2)
		34(1)(b)	The nomination form of a candidate for election shall include or be accompanied by a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
		35(2)	The withdrawal of a candidate's nomination for election has effect only if it is in writing signed by the candidate.	5 and 6
		63(1) & (2)	The Chairman or Vice Chairman may resign from office by giving written notice of resignation signed by him to the District Officer.	5 for section 63(1) and 6 for section 63(2)
		Schedule 5, section 2	Nominations for the election of Chairman and Vice Chairman of a District Council must be in writing.	5

**B. Provisions which have to be excluded on operational grounds**

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
7	Landlord and Tenant (Consolidation) Ordinance	116(4A)	The Commissioner of Rating and Valuation may endorse a stamped tenancy agreement entered in writing for a term not exceeding one year.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
57	Employment Ordinance	72(1)(b) & (e)	The Commissioner for Labour may require the production of any register, record, form or other document required to be kept under the Ordinance; and require any person who employs or has employed any woman, young person or child in an industrial undertaking to give to him all information in the possession of such person with reference to such woman, young person or child, etc.	5
60	Import and Export Ordinance	15(1)	The master or agent of a vessel, the commander of an aircraft, the person in charge of a vehicle, etc. shall furnish to any member of the Customs and Excise Service of or above the rank of Inspector a manifest in respect of the cargo being imported or exported.	5
		19(1)	The owner of a vessel shall furnish to the Commissioner of Customs and Excise a written list showing every port or place at which the vessel has called during the 3 months immediately preceding the date of the vessel's arrival in Hong Kong.	5
78	Contracts for Employment Outside Hong Kong Ordinance	5(1)	Contracts for employment outside Hong Kong shall be in writing and signed by the employer and the employee.	5 and 6
		6	Every contract for employment outside Hong Kong shall be presented to the Commissioner for Labour for attestation before the departure of the employee from Hong Kong.	5
		8(a) & (b)	The Commissioner for Labour may require, as a condition precedent to his attestation of a contract for employment outside Hong Kong, that a person approved by him and permanently resident in Hong Kong to furnish a bond or a guarantee.	5 and 6

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
115	Immigration Ordinance	2AB(2)(a)	An application for a Certificate of Entitlement shall be made in writing.	5
		2AC(2)(a)	An application for a certified duplicate of a Certificate of Entitlement shall be made in writing.	5
		5(4)(b)	A person arriving in or departing from Hong Kong shall furnish an arrival or departure card in the prescribed form, duly completed. The card shall be signed by the person.	6
		5(5)(a)(ii)	An adult accompanying a child over the age of 7 years and under 16 years shall furnish an arrival or departure card in respect of the child in the prescribed form, duly completed. The card shall be signed by the adult.	6
		5(5)(b)(ii)	The owner of a ship or aircraft shall in respect of a child over the age of 7 years and under 16 years (not accompanied by an adult) furnish an arrival or departure card in the prescribed form, duly completed. The card shall be signed by the owner of the ship or aircraft.	6
		5(6)	An immigration officer may require the person being examined to declare whether or not he is in possession of documents specified by that officer and to produce to that officer any such documents which are in his possession.	5
		5(7)	An immigration officer may require the person being examined to furnish to him such information as the officer may require for the purposes of the Ordinance.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
		6(1) & (2)	The captain of a ship shall furnish to an immigration officer or a chief immigration assistant notices containing the prescribed particulars of the crew and passengers and, if required, the ship's papers.	5
		17K(3)	Every employer shall keep the record of each employee required under the Ordinance in a form which is capable of being produced on demand to a person authorised to inspect it.	8
		17L(1)(a) & (b)	A labour inspector has the authority to require an employer to produce on demand for inspection any record or list which an employer is required to keep under the Ordinance and to require an employee to produce on demand for inspection any document which the employee is required to have with him under the Ordinance.	5
		17LA(1)	A labour inspector may require the employer to produce to him for inspection any record or list which an employer is required to keep under the Ordinance.	5
123	Buildings Ordinance	8B(1) & (4)	An applicant for registration as a general building contractor or a specialist contractor is required to apply to the Building Authority in the specified form. The application must include an endorsement in the specified form.	5 for section 8B(1) and 6 for section 8B(4)
		8C(2)	An application for renewal of registration of a contractor must be in the specified form and be accompanied by a declaration in the specified form and the information and documentary proof that the Building Authority may reasonably require.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		8D(2)	An application for restoring the name of a contractor to the register must be accompanied by a declaration in the specified form and the information and documentary proof that the Building Authority may reasonably require.	5
		19(1)	A notice in the specified form of urgent work rendered necessary by accident or emergency has to be given to the Building Authority by the responsible owner or party.	5
	Building (Administration) Regulations	18(1) & (2)	The authorized person shall send to the Building Authority a certificate in the specified form either signed by the authorized person or signed by the registered structural engineer and countersigned by the authorized person as prescribed therein.	5 for section 18(1) and 6 for section 18(2)
		18A	The authorized person or the registered structural engineer shall submit a certificate for preparation of plans in the specified form to the Building Authority.	5
		20(1)	The authorized person appointed in respect of the building or street works shall before the commencement of the works, in the specified form, furnish to the Building Authority a notification signed by him of the appointment of the registered general building contractor or the registered specialist contractor, etc. and the acceptance of the appointment signed by the registered general building contractor or the registered specialist contractor.	6

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		23(1A) & (2)	Where an authorized person or registered structural engineer is appointed in respect of building or street works, the person for whom the works are to be carried out shall furnish to the Building Authority in the specified form, a notice of the appointment and the confirmation by the authorized person or registered structural engineer of his acceptance of the appointment. Where an authorized person or registered structural engineer so appointed has nominated another authorized person or registered structural engineer to act in his stead, he shall notify the Building Authority in the specified form of such nomination and shall include in the notice the confirmation of the acceptance of the nomination.	5



Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		25(2), (3) & (4)	<p>The authorized person shall in the specified form delivered to him by the registered general building contractor and the registered specialist contractor appointed certify that the new building has been erected or the building works have been carried out in accordance with the approved plans.</p> <p>The registered structural engineer shall in the form delivered to him by the registered general building contractor and the registered specialist contractor certify that the new building has been erected or the building works have been carried out in accordance with the approved plans and that the building or such building works, as the case may be, are in his opinion structurally safe.</p> <p>The authorized person and the registered structural engineer shall certify to the Building Authority in the specified form that the demolition works have been completed in accordance with the approved plans, etc.</p>	6
		26(2)	<p>The authorized person shall in the specified form delivered to him certify that the street works have been carried out in accordance with the approved plans.</p>	6
		28	<p>The authorized person and the registered structural engineer engaged to supervise, and the registered general building contractor and registered specialist contractor engaged to carry out, any work of emergency, shall certify on the form specified that they have been so engaged.</p>	6

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		38	The authorized person appointed in respect of any building or street works shall submit to the Building Authority, within 7 days of his receipt thereof, any notice to the Building Authority delivered to him under regulation 24.	5
132	Public Health and Municipal Services Ordinance			
	Public Cemeteries Regulation	5(a)	A person in charge of the disposal in a public cemetery of the human remains of any person shall produce to the officer in charge of the cemetery at the time when the interment takes place the prescribed permit, certificate/declaration/order and permission.	5
174	Births and Deaths Registration Ordinance	8(1)	The person having charge of the institution in which a child is born, or any new-born child is admitted to, shall ascertain the particulars of such child and cause such information to be given to a registrar.	5
		12(2)(b) (i) & (c)(i)	The production of a declaration to be made by the mother or the father of an illegitimate child for the registration of the father of the child.	5
		12A(b)(i) & (c)(i)	The production of a declaration to be made by the mother or the father of an illegitimate child for the re-registration of the father of the illegitimate child.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
177	Registration of Persons Ordinance			
	Registration of Persons Regulations	4(1)	Every person who applies for registration under regulation 3 or for an identity card under any of the regulations shall furnish particulars in such form as the registration officer may require and acknowledge the correctness of the contents of the particulars by signing in such place in the form as may be indicated together with the taking of photographs and the taking and recording of thumb print or such other single fingerprint.	5 and 6
		4(1B)(a)	A married woman may apply in writing for her identity card to be issued or renewed in her married name and a divorced woman or a woman whose marriage has been declared null and void may apply in writing for her identity card to be issued or renewed in her maiden name.	5
178	Marriage Reform Ordinance	9(4)(a)	One party to a customary marriage or a validated marriage celebrated in Hong Kong before 7 October 1971 may apply to the Registrar for the registration of a marriage with the written consent of the other party to the marriage.	5
181	Marriage Ordinance	6	The notice of intended marriage in the prescribed form shall be signed by the party giving the notice.	6
		14(1)	If either party to the intended marriage, not being a widower or a widow, is of or over 16 and under 21 years of age, the written consent of the relevant person specified must be produced to the Registrar.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
184	Legitimacy Ordinance	Schedule, paragraph 1	The Registrar of Births and Deaths may, on production of evidence to him, authorize the re-registration of the birth of a legitimated person in such manner and at such place as the Registrar directs.	6
282	Employees' Compensation Ordinance	45(1)(b) & (c)	The Commissioner for Labour may require the production of, inspect, examine or take copies of any record or other document on the premises relating to the compliance by the employer with the requirements relating to compulsory insurance under the Ordinance and require the person who manages or appears to be in charge of the premises to furnish information or particulars as specified.	5
		45A(b)	Authorized by a warrant issued by a magistrate, the Commissioner for Labour can require the production of, inspect, examine or take copies of any insurance policy, cover note, etc. in respect of any employee employed in domestic premises.	5
		45C(1) & (3)	The Commissioner for Labour may require the employer to produce for inspection a policy of insurance and any other document. The Commissioner may inspect, examine or take copies of any such article, record or document produced.	5
296	Reserved Commodities Ordinance			
	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations	11(2)	An application for a licence shall be made in writing to the Director-General of Trade.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		12(2)	An application for registration as a stockholder of a reserved commodity shall be in writing in a form approved by the Director-General of Trade.	5
	Reserved Commodities (Control of Sales by Wholesale) Regulations	3(2)	An application for registration as a registered wholesaler shall be in writing in a form approved by the Director-General of Trade.	5
374	Road Traffic Ordinance			
	Road Traffic (Registration and Licensing of Vehicles) Regulations	5 (1) & (3)	A person who wishes to apply for registration of a vehicle of which he is the owner shall deliver to the Commissioner for Transport an application for registration in a form specified by the Commissioner together with such documents as may be specified. The application shall be signed.	5 for section 5(1) and 6 for section 5 (3)
		17 (2)	The registered owner shall deliver to the Commissioner for Transport a duly completed and signed form of notice of transfer of ownership in a form specified. The new owner of the vehicle shall deliver to the Commissioner the registration document, etc.	5 and 6
		20(1) & (3)	When a motor vehicle is broken up, destroyed or despatched permanently out of Hong Kong, the registered owner shall notify the Commissioner for Transport in writing and deliver to him the registration document and vehicle licence. The Commissioner may require the registered owner to produce a certificate signed by the person by whom the vehicle was broken up or destroyed.	5 for section 20 (1) & (3) and 6 for section 20(3)

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
541	Electoral Affairs Commission Ordinance			
	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	4(1)	An application for registration in a provisional register must be signed by the applicant.	6
		5(2)	The Electoral Registration Officer may require the applicant to furnish further particulars relating to the application or proof of his eligibility in writing.	5
		11(1)	A person whose name or other personal particulars are recorded in the existing final register may make a written request of the Electoral Registration Officer to alter the entry relating to him and supply information as to how it should be altered.	5
		17(1)	A person whose name is recorded in a provisional register may make a written request of the Electoral Registration Officer to alter his particulars recorded or to be recorded and may supply information regarding the requested alteration.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
	Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) Regulation	19(1)	An application by a person for registration in a functional constituencies provisional register or a subsector provisional register as an elector or voter must be signed by the person in the case of a natural person seeking registration or by a responsible person in the case of a body seeking registration.	6
		20(2), (3), (5), (7) & (8)	A corporate elector or corporate voter must sign the notice of appointment of an authorized representative in the specified form. The authorised representative of the corporate elector or corporate voter appointed must also sign on the specified form. If the corporate elector or corporate voter replaces or appoints a substitute for its authorized representative, notice of the replacement or the appointment of the substitute of its authorized representative in the specified form signed by the corporate elector or corporate voter must be given to the Electoral Registration Officer. An authorised representative appointed as a replacement or as a substitute must sign the specified form.	6
		21(2)	The Electoral Registration Officer, in determining an application for registration in a functional constituencies provisional register or a subsector provisional register, may require the applicant to furnish further particulars relating to the application or proof of the eligibility of the applicant in writing.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		26(1) & (6)	A person whose particulars are recorded in the existing final register may make a written request of the Electoral Registration Officer to alter the entry relating to him and supply information as to how it should be altered. If the person is a body, the request must be signed on its behalf by the responsible person.	5 for section 26(1) and 6 for section 26(6)
		33(1) &(9)	A natural person whose name or identity document number or a body whose name is or is to be recorded in a functional constituencies provisional register or the subsector provisional register may make a written request of the Electoral Registration Officer to alter his particulars recorded or to be recorded and supply information regarding the requested alteration. If the person is a body, the request may be signed on his behalf by a responsible person.	5 for section 33(1) and 6 for section 33(9)
	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation	5(4) & (13)	An application for advice of a Nominations Advisory Committee must be signed by the applicant. An applicant may authorize a person in writing to make representations to a Nominations Advisory Committee.	5 for section 5(13) and 6 for section 5(4)
		8(2)	An advice given by a Nominations Advisory Committee to the Returning Officer at a meeting called by the Electoral Affairs Commission may be either oral or in writing.	5



Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation	23(8), (9) & (12)	A notice of appointment or revocation of appointment of an election agent must be in writing and be signed by the candidate.	5 for section 23(8) & (12)  6 for section 23(9) & (12)
		25(6), (8) & (15)	An authorization or a notice of revocation of the authorization for a person to incur election expenses on behalf of a candidate must be in writing and be signed by the candidate.	5 for section 25(6) & (15)  6 for section 25(8) & (15)
		42(11) & (13)	A notice of appointment or revocation of appointment of a polling agent must be in writing and be signed by the candidate.	5 and 6
		66(7) & (10)	A notice of appointment or revocation of appointment of a counting agent must be in writing and be signed by the candidate.	5 and 6
		102(4)	A candidate must sign the declaration in respect of the election advertisements he proposes to display, distribute or otherwise use for the election.	6
		Schedule 1, section 19(5), (6) & (9)	A notice of appointment or revocation of appointment of an election agent must be in writing and be signed by the candidate.	5 for section 19(5) & (9)  6 for section 19(6) & (9)

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		Schedule 1, section 21(3), (5), (9) & (12)	An authorization for a person to incur election expenses on behalf of a candidate must be in writing and be signed by the candidate and the person authorized. The candidate must inform the Returning Officer in writing of the name, identity document number and residential address of the person authorized, the amount the authorized person was authorized to incur as election expenses, etc. A notice of revocation of the authorization must be in writing and be signed by the candidate.	5 for section 21(3), (9) & (12)  6 for section 21(5) & (12)
		Schedule 1, section 38(8) &(10)	A notice of appointment or revocation of appointment of a polling agent must be in writing and be signed by the candidate.	5 and 6
		Schedule1, section 59(7) & (10)	A notice of appointment or revocation of appointment of a counting agent must be in writing and be signed by the candidate.	5 and 6
		Schedule 1, section 92(4)	A subsector candidate must sign the declaration in respect of the election advertisement he proposes to display, distribute or otherwise use for the subsector election.	6
	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation	5(2) & (8)	An application for advice of a Nominations Advisory Committee must be signed by the applicant. An applicant may authorize a person in writing to make representations to a Nominations Advisory Committee.	5 for section 5(8) and 6 for section 5(2)

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		8(2)	The advice given by a Nominations Advisory Committee to the Returning Officer at a meeting called by the Electoral Affairs Commission may be either oral or in writing.	5
	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation	26(5), (6) & (9)	The notice of appointment or the revocation of appointment of an election agent must be in writing and be signed by the candidate.	5 for section 26(5) & (9) 6 for section 26(6) & (9)
		28(3), (5), (9) & (12)	An authorization for a person to incur election expenses for a candidate must be in writing and be signed by the candidate and the person authorized. The candidate must inform the Returning Officer or Chief Electoral Officer of the name, identity document number and residential address of the person authorized in writing. A notice of revocation of the authorization must be in writing and be signed by the candidate.	5 for section 28(3), (9) & section (12) 6 for section 28(5) & (12)
		45(8) & (10)	A notice of appointment of a polling agent must be in writing and be signed by the candidate. A notice of revocation of the appointment must be in writing.	5 for section 45(8) & (10) and 6 for section 45(8)
		66(6) & (9)	A notice of appointment or revocation of appointment of a counting agent must be in writing and be signed by the candidate.	5 and 6
		102(4)	The declaration submitted by the candidate or the person authorized by the candidate to the Postmaster General must be signed.	5 and 6

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
		103(4)	A candidate must sign the declaration in respect of an election advertisement he uses at an election.	6
542	Legislative Council Ordinance	26(6)	An application for appointment or replacement of the authorized representative of a corporate elector must be in writing.	5
		Schedule 2, section 9(6)	An application for appointment or replacement of authorized representative of a corporate voter must be in writing.	5

**C. Provisions which have to be excluded as voluminous submissions and complex plans are involved**

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
109	Dutiable Commodities Ordinance			
	Dutiable Commodities (Liquor) Regulations	15	A person seeking a liquor licence, or any renewal, transfer or amendment thereof, shall make an application in writing. The applicant shall also furnish the necessary particulars and references.	5
		26	The secretary of a club may apply for the club to be licensed for supply of liquor to members in accordance with the form determined.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
123	Buildings Ordinance	17(1), Column B	Where an application is made to the Building Authority in respect of any of the building or street works under Column A, the Building Authority may require plans and documents to be submitted as prescribed under Column B.	5
		19(4)	The authorized person is required to give the Building Authority as soon as practicable after the urgent work arises notice of any material deviation from the supervision plan; the urgent work; a revised supervision plan; and any further amendments to any supervision plan arising out of the urgent work.	5
		20(2)	The Building Authority, may upon application in the specified form, renew his consent to building or street works.	5
		21(2)	On receiving an application in the appropriate specified form, the Building Authority may issue an occupation permit/a temporary occupation permit.	5
		25(1)	One month's notice in the specified form shall be given to the Building Authority of intended material change in the use of a building.	5
		42(2)	Every application for an exemption to be granted by the Building Authority shall be in the specified form.	5
	Building (Administration) Regulations	6(1)	Every notice, form, certificate, plan or other document required by the Buildings Ordinance or regulations made thereunder to be sent to the Building Authority shall be sent to him by post or by delivering the same to his office during office hours.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		11	Every plan to be submitted to the Building Authority for his approval and every report of site investigation and all details of ground treatment work proposed in connection with plans submitted to the Building Authority, shall be submitted in duplicate. The Building Authority may also require additional copies of the plans as he considers necessary.	5
		12(1), (2) & (3)	All plans, structural details and calculations submitted to the Building Authority for approval shall be prepared and signed by an authorised person or a registered structural engineer as prescribed therein.	6
		29(1)	An application for approval of plans of building or street works shall be made in the specified form and be accompanied by such documents as are required under the regulations.	5
		31(1)	An application for the consent of the Building Authority for the commencement of any building or street works shown on any approved plans shall be made in the specified form.	5
		33(1)	An application to alter or add to any building or street works for the commencement of which consent has been given shall be made in writing to the Building Authority and be accompanied by plans showing the alterations or additions and the notice of consent given by the Building Authority.	5
		47	Every notice under section 25 of the Buildings Ordinance shall be accompanied by a block plan showing the size and position of the building, the number of the lot in which it is erected and its relationship to adjoining buildings.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
	Building (Planning) Regulations	51(1)	An application to the Building Authority for his permission to erect a temporary building shall be made in the specified form together with such plans as the Building Authority may require.	5
		53(1)	A contractor shall submit an application in the specified form to the Building Authority for permission to erect contractor's sheds.	5
		64(1) & (2)	Every building owner who intends to erect, alter, or demolish any building, or carry out any excavations shall submit to the Building Authority plans of such hoardings, covered walkways and gantries as may be necessary for the safety or convenience of passers-by in the street, occupiers of adjoining premises, or any workmen employed on the work. Such plans shall be accompanied by an application in the specified form.	5
	Building (Private Streets and Access Roads) Regulations	28	Where adequate tests have been carried out to determine the bearing capacity of the ground forming the foundation of any carriage way and the results thereof may be submitted to the Building Authority.	5
	Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations	62(1)	The owner of any building who is about to install a septic tank shall submit to the Building Authority for his approval the methods by which it is intended to dispose of the effluent and sludge from the septic tank.	5
		73(1)	The registered general building contractor or the registered specialist contractor appointed shall apply to the Building Authority in writing for drainage works to be tested.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
	Building (Oil Storage Installations) Regulations	6(1)	An application for a licence in respect of any oil storage installation shall be made to the Building Authority in the specified form and be accompanied by one copy of the operation instructions for the installation and its associated works.	5
		10(2)	An application for authorization to carry out repairs, alterations or additions to an oil storage installation shall be made in writing to the Building Authority who may require the applicant to submit plans showing the proposed alterations or additions.	5
124	Lands Resumption Ordinance	6(2)	A person having an estate or interest in the land shall submit his claim in a form specified by the Building Authority and shall furnish to the Building Authority such accounts, documents and particulars as the Building Authority may reasonably require in support of such claim.	5
		8(1)	A person claiming compensation may submit a claim in writing to the Building Authority stating the nature of his estate or interest in the land and the amount which he seeks to recover.	5
127	Foreshore and Sea-bed (Reclamations) Ordinance	6(1)	A person objecting a proposed reclamation shall object by notice in writing delivered to the Director of Lands.	5
		12(1)	A person claiming compensation shall furnish to the Director of Lands such accounts, documents and further particulars as the Director may request him to furnish, in support of the claim.	5
130	Land Acquisition (Possessory Title) Ordinance	6(1)	A notice of claim of ownership or claim to have any interest, right or easement in respect of land shall be submitted to the Director of Lands in writing together with such evidence to substantiate the claim.	5



<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
131	Town Planning Ordinance	16(2)	An application for the grant of permission to be made to the Town Planning Board shall be addressed in writing to the secretary to the Board and shall be in such form and include such particulars as the Board thinks fit.	5
		17(1)	Where an applicant is aggrieved by a decision of the Town Planning Board under section 16 of the Ordinance, the applicant may apply in writing to the secretary to the Board for a review of the Board's decision.	5
		24(1)	A person aggrieved by the decision of the Authority (Director of Planning) may apply in writing to the Secretary for Planning and Lands for a review of the Authority's decision.	5
132	Public Health and Municipal Services Ordinance			
	Commercial Bathhouses Regulation	5(1)	An application for a licence shall be made in writing and be accompanied by plans (as nearly as may be to scale)	5
	Food Business Regulation	32 (1)	An application for a licence shall be made in writing and be accompanied by plans (as nearly as may be to scale)	5
	Frozen Confections Regulation	18(1)	An application for a licence shall be made in writing and be accompanied by plans (as nearly as may be to scale)	5
	Milk Regulation	15(1)	An application for a licence shall be made in writing and be accompanied by plans (as nearly as may be to scale)	5
	Offensive Trades Regulation	9(2)	An application for licence shall be made in writing and be accompanied by plans (as nearly as may be to scale)	5
	Places of Amusement Regulation	5(1)	An application for licence or transfer of licence shall be made in writing and be accompanied by plans.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
	Slaughterhouses Regulation	10 (1)	An application for a licence shall be made in writing and be accompanied by plans (as nearly as may be to scale)	5
	Swimming Pools Regulation	5(1)	An application for a licence shall be made in writing and be accompanied by plans (drawn to scale)	5
172	Places of Public Entertainment Ordinance			
	Places of Public Entertainment Regulations	3(1)	An application for a licence to keep or use premises specially designed as a theatre or cinema shall be made in the specified form.	5
		5(1) & (2)	Where an application for the grant of a licence is made, the applicant shall submit plan, drawing, etc.	5
		162(1), (3), (4) & (5)	An application for a licence to keep or use any place of public entertainment shall be made in the specified form and be accompanied by plans, drawings, diagrams, etc. Except in the case of a vessel, the applicant shall supply a plan showing the layout of the place to which the application relates. The licensing authority may require the applicant to furnish to it such further scale or other plans, elevations and sections as it thinks fit. The licensing authority may request the applicant to amend any plans, elevations or sections furnished to it by the applicant.	5
211	Aerial Ropeways (Safety) Ordinance	7	A person wishing to install an aerial ropeway shall submit to the Director of Electrical and Mechanical Services a plan in duplicate, the designs and specifications of the machinery, equipment and plant relating to the ropeway, together with such other information, plans, specifications or calculations as may be required by the Director.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
	Aerial Ropeways (Operation and Maintenance) Regulations	6(1)	The owner of an aerial ropeway shall, within the period specified, supply to the Director of Electrical and Mechanical Services an operation manual and a maintenance manual.	5
		20(5)	The owner of an aerial ropeway shall ensure that a report of every examination is sent to the Director of Electrical and Mechanical Services as soon as reasonably possible after such examination is completed.	5
265	Peak Tramway Ordinance			
	Peak Tramway (Safety) Regulations	30	The Peak Tramway Company shall furnish to the Director of Electrical and Mechanical Services the prescribed written reports, the maintenance programme, and the operation and maintenance manuals and notify the Director of amendments.	5
276	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance	21(1)	A claim for compensation, containing the prescribed particulars, shall be served upon the Director of Lands in writing.	5
327	Lifts and Escalators (Safety) Ordinance	6(1)	An application for inclusion in the register of lift engineers or the register of escalator engineers shall be made to the Director of Electrical and Mechanical Services in the specified form.	5
349	Hotel and Guesthouse Accommodation Ordinance	6(1) & (4)	An application by a person for a certificate of exemption, or for the renewal of such a certificate, in respect of a hotel or a guesthouse shall be made to the Hotel and Guesthouse Accommodation Authority in the specified form.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
		7(2)	An application for the permission of the Hotel and Guesthouse Accommodation Authority for the holder of a certificate of exemption in respect of a hotel or a guesthouse to transfer the certificate to another person shall be made in the specified form.	5
		8(1)	An application by a person for a licence in respect of a hotel or a guesthouse shall be made to the Hotel and Guesthouse Accommodation Authority in the specified form.	5
		9(2)	An application for the renewal of a licence in respect of a hotel or guesthouse shall be made to the Hotel and Guesthouse Accommodation Authority in the specified form.	5
		12(2)	An application for the permission of the Hotel and Guesthouse Accommodation Authority for the holder of a licence in respect of a hotel or guesthouse to transfer the licence to another person shall be made in the specified form.	5
358	<b>Water Pollution Control Ordinance</b>			
	Water Pollution Control (Sewerage) Regulation	14(1)	A person who claims to be entitled to compensation shall serve on the Secretary for the Environment and Food a written claim setting out the particulars of his claim.	5
		16(1)	The Secretary for the Environment and Food may request the claimant to give further particulars of and in support of his claim or in respect of any aspect of his claim.	5

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
370	Roads (Works, Use and Compensation) Ordinance	10(1) & (3)	Any person may by notice in writing delivered to the Secretary for Transport object to the road works that the Secretary proposes to execute or the use to which the Secretary intends the road will be put. An objection may be amended or withdrawn in writing.	5
		29(1) & (4)	A person who claims to be entitled to compensation shall serve upon the Secretary for Transport a written claim setting out the particulars of his claims. The Secretary for Transport may request the claimant to provide further particulars of or in support of his claim.	5
446	Land Drainage Ordinance			
	Land Drainage (Consent and Approval) Regulation	3(1) & (2)	An application for consent or consent and approval of the Drainage Authority for the erection of any obstruction or structure shall be submitted to the Drainage Authority in writing. An application shall be accompanied by a key plan showing the location of the proposed work and a layout plan of the proposed work.	5
		4	The Drainage Authority may require the applicant or his authorized representative to supply such further plans, details, specifications and other information as the Drainage Authority may consider necessary to enable him to give proper consideration to the application.	5
		6	The application and all plans, explanatory guide, reports, analyses, calculations, specifications, details, supporting documentation and other information submitted to the Drainage Authority shall be signed by the applicant or his authorized representative.	6

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
449	Amusement Rides (Safety) Ordinance	5	A person wishing to install an amusement ride shall submit to the Director of Electrical and Mechanical Services the designs and specifications of the machinery, equipment and plant connected with the ride, the proposed method and programme of installation of the ride, and such other information, plans or calculations connected with the ride as may be required by the Director of Electrical and Mechanical Services.	5
		39	The owner of an amusement ride shall, if required by the Director of Electrical and Mechanical Services furnish him with such information as to the operation or maintenance of the ride or any building, structure, machinery, equipment and plant connected with the ride as the Director of Electrical and Mechanical Services may require.	5
	Amusement Rides (Safety) (Operation and Maintenance) Regulation	6(1)	The owner of an amusement ride shall supply to the Director of Electrical and Mechanical Services an emergency manual, an operation manual and a maintenance manual.	5
470	Builders' Lifts and Tower Working Platforms (Safety) Ordinance	12(3)	A registered examiner or registered contractor who intends to carry out lift work not in accordance with the relevant portions of codes of practice shall, before carrying out such lift work, submit details of the proposed lift work to the Director of Electrical and Mechanical Services.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		15(a)	Before a builder's lift or a tower working platform is installed for the first time in Hong Kong, the registered contractor responsible for the installation shall submit to the Director of Electrical and Mechanical Services the basic design details and technical data specified by the Director, a copy of the maintenance manual, and test certificates in respect of the driving machine brake, overspeed governor, etc issued by an institution which is acceptable to the Director.	5
473	Land Survey Ordinance	30(4) & (6)	An authorized land surveyor who certified a land boundary plan effecting a division of land shall deposit with the Authority (the Director of Lands) a duplicate of the land boundary plan and the survey record plan of the relevant land boundary survey both signed and certified in the specified form. The Authority may require the authorized land surveyor who had undertaken a land boundary survey or any part of the survey to deliver to the Authority for his inspection the report of calibration of survey instruments, the survey instruments, field notes and the report in relation to the land boundary definition.	5 for section 30(4) & (6) and 6 for section 30(4)

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
495	New Territories Land Exchange Entitlements (Redemption) Ordinance	5(1), (2), (4) & (5)	A person who claims payment of any of the redemption money payable in respect of the land exchange entitlement may lodge his claim by serving on the Director of Lands a notice in the specified form. The claimant shall furnish to the Director of Lands evidence in support of his claim, including the entitlement document and any other deeds, instruments and records relating to the land exchange entitlement. The claimant shall furnish to the Director of Lands by notice in writing particulars of any change in the particulars previously furnished to the Director, with such evidence in support of the change. The Director of Lands may request the claimant to furnish to him further particulars or evidence in support of the claim.	5
499	Environmental Impact Assessment Ordinance	4(5)	A person or associated persons may apply to the Director of Environmental Protection for confirmation as to whether contiguous projects proposed by him or them are to be treated as designated projects.	5
		5(1), (2) & (4)	A person who is planning a designated project shall apply to the Director of Environmental Protection for an environmental impact assessment brief to proceed with an environmental impact assessment study for the project or for approval to apply directly for an environmental permit. The applicant shall submit the application in the form approved by the Director and a project profile that complies with the technical memorandum. The Director may request the applicant to give further information concerning the project profile.	5



Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		6(2)	The applicant shall deliver an environmental impact assessment report to the Director of Environmental Protection.	5
		7(1)(a)	The applicant shall after he has been notified that the environmental impact assessment report meets the requirement of the environmental impact assessment study brief make the report available in such numbers as the Director of Environmental Protection may reasonably require at locations approved by the Director for public inspection.	5
		8(1)	The Director of Environmental Protection may ask an applicant to give him the information he requires to decide whether to approve an environmental impact assessment report.	5
		10(1)(a)	A person who wishes to have constructed, construct or operate a designated project or to decommission a designated project shall apply to the Director of Environmental Protection for an environmental permit in the form approved by the Director.	5
		12(1) & (2)	The person who assumes responsibility of a designated project shall before he assumes the responsibility apply for and obtain an environmental permit for the whole or a part of the project. A person applying for a further environmental permit is not required to submit an environmental impact assessment report if he can satisfy the Director of Environmental Protection that there has been no material change to the designated project since the previous environmental permit was issued.	5

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		13(1)	The person holding an environmental permit or a person who assumes responsibility for a designated project the subject of an environmental permit may apply for a variation of the conditions of the environmental permit.	5
519	Railways Ordinance	10(1) & (4)	A person may object to a scheme, a part of a scheme or an amendment of a scheme to construct, modify, improve or extend a railway by delivering an objection in writing to the Secretary for Transport. The objector may amend or withdraw the objection in whole or in part by writing to the Secretary for Transport.	5
		34(1)	A person who claims to be entitled to compensation must serve on the Secretary for Transport a written claim setting out the particulars of his claim.	5

**D. Provisions which have to be excluded because of international practices**

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
384	Dangerous Goods Ordinance			
	Dangerous Goods (Consignment by Air) (Safety) Regulations	6(1)(b) & (3)	A dangerous goods transport document must be completed in respect of dangerous goods consigned for transport by air. The dangerous goods document shall be completed by the shipper and shall contain a declaration signed by or on behalf of the shipper.	5 for section 6(1)(b) and 6 for section 6(3)
L.N.561 of 1995	Air Navigation (Hong Kong) Order	Article 10(2)	At the end of every flight the commander of the aircraft shall enter the times when the aircraft took off and landed and particulars of any defect which affects the airworthiness or safe operation of the aircraft in the technical log. Such entries in the technical log shall be signed by the commander of the aircraft.	6
		Article 22(1)	Every member of the flight crew of an aircraft registered in Hong Kong and every person who engages in flying for the purpose of qualifying for the grant or renewal of a license shall keep a personal flying log book.	8
		Article 25(2) (a)(iii)	The operator of an aircraft shall ensure that on each flight each member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.	8
		Article 28(4)	The person supervising the loading of an aircraft shall prepare and sign a load sheet in duplicate and submit it for examination by the commander of the aircraft.	6

Chapter	Ordinance	Section	Provision	Section of the Electronic Transactions Ordinance to be exempt from
		Article 57 and Schedule 12	An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered. The documents to be carried by an aircraft registered in Hong Kong include the certificate of airworthiness of the aircraft, licences of the members of the flight crew, the technical log, the certificate of registration of the aircraft, etc.	8
		Regulation 1(1) of Schedule 15	The person supervising the loading of an aircraft shall sign a certificate certifying that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft.	6
		Regulation 4 of Schedule 16	The operator of an aircraft shall preserve for not less than six months any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him under the Regulation.	8

**E. Provisions which have to be excluded to ensure that Government would be able to meet its contractual obligations**

<b>Chapter</b>	<b>Ordinance</b>	<b>Section</b>	<b>Provision</b>	<b>Section of the Electronic Transactions Ordinance to be exempt from</b>
60	<b>Import and Export Ordinance</b>			
	Import and Export (Registration) Regulations	11(1)	The manifest of cargo imported in every vessel, aircraft or vehicle which arrives within Hong Kong shall be lodged with the Commissioner of Customs and Excise.	5
		12(1)	The manifest of cargo exported in every vessel, aircraft or vehicle which leaves Hong Kong shall be lodged with the Commissioner of Customs and Excise.	5
109	<b>Dutiable Commodities Ordinance</b>			
	Dutiable Commodities Regulations	22(1)	Every person applying for a licence in respect of any premises must furnish to the Commissioner of Customs and Excise the particulars specified in the application form and plans of the premises to be used in connection with the proposed business signed by the applicant.	5 and 6
		22(4)	Every application for a permit to export goods as ship's or aircraft's stores shall be accompanied by such declaration by the master of the ship as the Commissioner of Customs and Excise may require.	5
		22(6)	Every written application for a licence or permit shall be signed by the applicant.	6

**Proceedings of Quasi Judicial  
Statutory Bodies to be Exempt from  
the Application of Sections 5-8  
of the Electronic Transactions Ordinance**

- (a) the Securities and Futures Appeals Panel and a tribunal established under the Securities and Futures Commission Ordinance (Cap. 24);
- (b) an arbitration tribunal established under the Labour Relations Ordinance (Cap. 55);
- (c) a board of inquiry established under the Labour Relations Ordinance (Cap. 55);
- (d) the Immigration Tribunal established under the Immigration Ordinance (Cap. 115);
- (e) the Appeal Tribunal established under the Buildings Ordinance (Cap. 123);
- (f) an Appeal Board established under the Town Planning Ordinance (Cap. 131);
- (g) a Solicitors Disciplinary Tribunal established under the Legal Practitioners Ordinance (Cap. 159).
- (h) the Registration of Persons Tribunal established under the Registration of Persons Ordinance (Cap. 177);
- (i) the Municipal Services Appeals Board established under the Municipal Services Appeals Board Ordinance (Cap. 220);
- (j) the panel and a tribunal established under the Housing Ordinance (Cap. 283);

- (k) an Appeal Board established under the Air Pollution Control Ordinance (Cap. 311);
- (l) the Appeal Board established under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349);
- (m) an Appeal Board established under the Waste Disposal Ordinance (Cap. 354);
- (n) an Appeal Board established under the Water Pollution Control Ordinance (Cap. 358);
- (o) the Appeal Board established under the Clubs (Safety of Premises) Ordinance (Cap. 376);
- (p) the Insider Dealing Tribunal established under the Securities (Insider Dealing) Ordinance (Cap. 395);
- (q) the Appeal Board established under the Noise Control Ordinance (Cap. 400);
- (r) the Appeal Board established under the Amusement Game Centres Ordinance (Cap. 435);
- (s) the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442);
- (t) a Drainage Appeal Board established under the Land Drainage Ordinance (Cap. 446);
- (u) the Appeal Board established under the Bedspace Apartments Ordinance (Cap. 447);
- (v) an appeal board established under the Amusement Rides (Safety) Ordinance (Cap. 449);

- (w) the Arbitration Panel established under the Leveraged Foreign Exchange Trading (Arbitration) Rules (Cap. 451 sub. leg.);
- (x) the Minor Employment Claims Adjudication Board established under the Minor Employment Claims Adjudication Board Ordinance (Cap. 453);
- (y) an Appeal Board established under the Dumping at Sea Ordinance (Cap. 466);
- (z) an Appeal Board established under the Environmental Impact Assessment Ordinance (Cap. 499);
- (aa) the Copyright Tribunal established under the Copyright Ordinance (Cap. 528); and
- (bb) the Hong Kong Special Administrative Region Passports Appeal Board established under the Hong Kong Special Administrative Region Passports (Appeal Board) Regulation (Cap. 539 sub. leg.).