

**For consideration on
23 April 2004**

**Bills Committee on the
Electronic Transactions (Amendment) Bill 2003**

**Committee Stage Amendments to be Moved by
the Secretary for Commerce, Industry and Technology**

This paper proposes the Committee Stage Amendments to be moved by the Secretary for Commerce, Industry and Technology.

2. A copy of the proposed Committee Stage Amendments is at Annex. The purposes of the proposed amendments are set out below:

Clause No.	Purposes of Proposed Amendments
1	To appoint 30 June 2004 as the commencement date of the Amendment Ordinance.
2	To amend the definition of “code of practice” in the light of the amendments to the proposed section 33.
New 2A	To amend section 3 to provide for exclusion of the matters in Schedule 1 from the application of the new section 5A.
6	To make section 11(2)(a) consistent with the new section 3(aa) proposed in new clause 2A.
7	To make section 12 consistent with the new section 3(aa) proposed in new clause 2A.

New 7A	To amend section 13 to provide for exclusion of the proceedings in Schedule 2 from the application of the new section 5A.
16	To provide that the Director of Information Technology Services may publish in the Gazette a code of practice and that any code of practice published in the Gazette is not subsidiary legislation.
19 and 20	To improve the drafting of section 43 and new section 43A.
New 20A	To provide that any list of repositories published in the Gazette under section 45(2) is not subsidiary legislation.
21	To delete paragraph (b) of clause 21 which, if enacted, would widen the scope of information disclosure allowed under section 46.
New 22A and 22B	To amend the headings of Schedules 1 and 2 in the light of the amendments to sections 3 and 13 as proposed in new clauses 2A and 7A respectively.

**Communications and Technology Branch
Commerce, Industry and Technology Bureau
April 2004**

ELECTRONIC TRANSACTIONS (AMENDMENT) BILL 2003

COMMITTEE STAGE

Amendments to be moved by the Secretary
for Commerce, Industry and Technology

<u>Clause</u>	<u>Amendment Proposed</u>
1	By deleting subclause (2) and substituting - "(2) This Ordinance shall come into operation on 30 June 2004."
2	By adding - "(ba) in the definition of "code of practice", by repealing "issued" and substituting "published";".
New	By adding - "2A. Matters to which sections 5, 5A, 6, 7, 8 and 17 are not applicable Section 3 is amended - (a) by adding "5A," after "5,"; (b) by adding -

"(aa) requirement or permission
for a document to be served
by personal service or by
post;".

6 In paragraph (b), by adding -

"(iii) in paragraph (a), by adding "or a document in
the form of an electronic record is to be served"
after "or retained";".

7 By deleting "by repealing "Secretary" and substituting
"Permanent Secretary"." and substituting -

"-

- (a) by repealing "Secretary" and
substituting "Permanent Secretary";
- (b) by adding ", the document served"
after "or retained";
- (c) by adding "、文件" after "該等資訊";".

New By adding -

**"7A. Rules of court or procedure only to
apply where relevant authority
provides for application**

Section 13 is amended -

(a) in subsection (1)-

(i) by adding "5A," after "5,";

(ii) by adding ", documents
served" after "or
retained";

(b) in subsection (3)(a), by adding "5A,"
after "5, ".".

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In the proposed section 33 -

(a) in the heading, by deleting "**issue**" and
substituting "**publish**";

(b) in subsection (1), by deleting "issue" and
substituting "publish in the Gazette";

(c) in subsection (2), by deleting "issued" and
substituting "published";

(d) in subsection (3) -

(i) by deleting "issued" and substituting
"published";

(ii) by adding "in a manner consistent with
the power to publish the code under
subsection (1)" after "(1)";

(e) by adding -

"(4) Any code of practice published
under subsection (1) is not subsidiary
legislation.".

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(a) In paragraph (a), in the proposed section 43(2), by
adding "有關" before "核".

(b) In paragraph (c) -

(i) in the proposed section 43(3A)(a), by
adding "有關" before "核";

(ii) in the proposed section 43(3B)(a), by
adding "有關" before "核".

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In the proposed section 43A -

(a) in subsection (2), by adding "有關" before
"核";

(b) in subsection (4)(a), by adding "有關" before
"核";

(c) in subsection (5)(a), by adding "有關" before
"核".

New

By adding -

**"20A. Recognized certification authority
to maintain repository**

Section 45 is amended by adding -

"(3) Any list of repositories published
under subsection (2) is not subsidiary
legislation."."

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By deleting paragraph (b).

New

By adding -

"22A. Schedule heading amended

The heading to Schedule 1 is amended by adding

"5A," after "5,".

22B. Schedule heading amended

The heading to Schedule 2 is amended by adding

"5A," after "5, ".".