

**L.N. 156 of 2013**

**Electronic Transactions (Exclusion) (Amendment)  
Order 2013**

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

**1. Commencement**

This Order comes into operation on 20 December 2013.

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

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

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

(1) Schedule 1, Chinese text, item 5—

**Repeal**

“地區”

**Substitute**

“地方”.

(2) Schedule 1, item 5—

**Repeal**

“, 6 and 8(a) and (b)”

**Substitute**

“and 6”.

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

- (1) Schedule 2, Chinese text, item 1—

**Repeal**

“地區”

**Substitute**

“地方”.

- (2) Schedule 2, item 1—

**Repeal**

“Sections 5(1) and 8(a) and (b)”

**Substitute**

“Section 5(1)”.

- (3) Schedule 2—

**Repeal item 21.**

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

- Schedule 4, item 2—

**Repeal**

“Articles 22(1), 25(2)(a)(iii) and 57 and Schedule 12”

**Substitute**

“Article 57 and Schedule 12 (only insofar as they relate to Document K referred to in Schedule 12)”.

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Susie S. Y. HO  
Permanent Secretary for Commerce  
and Economic Development  
(Communications and Technology)

13 September 2013

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## Explanatory Note

Section 5 of the Electronic Transactions Ordinance (Cap. 553) (*the principal Ordinance*) provides that if a rule of law requires or permits information to be or given in writing, the use of electronic records containing the information satisfies that rule of law. The statutory provisions excluded from the application of section 5 of the principal Ordinance are specified in Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) (*the principal Order*).

2. Section 3 of this Order mainly removes section 8(a) and (b) of the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) from Schedule 1 to the principal Order, so that that section 8(a) and (b) is no longer excluded and electronic records may be used for the purposes of section 5 of the principal Ordinance.
3. Section 6 of the principal Ordinance provides that if a rule of law requires the signature of a person on a document, an electronic signature or a digital signature of that person satisfies that requirement. The statutory provisions excluded from the application of section 6 of the principal Ordinance are specified in Schedule 2 to the principal Order.
4. Section 4 of this Order mainly removes the following provisions from Schedule 2 to the principal Order, so that they are no longer excluded and electronic signatures and digital signatures may be used for the purposes of section 6 of the principal Ordinance—
  - (a) section 8(a) and (b) of the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78); and
  - (b) Article 28(4) of the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C).

5. Section 8 of the principal Ordinance provides that if a rule of law requires information to be retained, whether in writing or otherwise, the requirement is satisfied by retaining electronic records containing the information. The statutory provisions excluded from the application of section 8 of the principal Ordinance are specified in Schedule 4 to the principal Order.
6. Section 5 of this Order removes the following provisions from Schedule 4 to the principal Order, so that they are no longer excluded and electronic records may be retained for the purposes of section 8 of the principal Ordinance—
  - (a) Articles 22(1) and 25(2)(a)(iii) of the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C); and
  - (b) Article 57 of and Schedule 12 to that Order (except where those provisions relate to Document K referred to in that Schedule 12).