

LEGISLATIVE COUNCIL BRIEF

Electronic Transactions Ordinance
(Chapter 553)

ELECTRONIC TRANSACTIONS (AMENDMENT) BILL 2023

INTRODUCTION

At the meeting of the Executive Council on 14 November 2023, the Council ADVISED and the Chief Executive ORDERED that the Government should introduce the Electronic Transactions (Amendment) Bill 2023 (“the Bill”), at Annex A, to the Legislative Council (“LegCo”) to amend the Electronic Transactions Ordinance (Cap. 553) (“ETO”) and related subsidiary legislation in order to allow –

- (a) the service of an electronic record to satisfy the requirement of service of a document by a means other than by personal service or by post; and
- (b) the service of a single electronic copy to satisfy the requirement of service of a document in more than one physical copy.

JUSTIFICATIONS

2. To meet the rising expectation and changing needs of businesses and members of the public in the digital era, the Government is committed to promoting the wider adoption of innovation and technology and improving delivery of public services through electronic means. Over the years, bureaux and departments (“B/Ds”) have been making steady progress to review their business processes and identify areas for going digital in the delivery of public

services as far as practicable. Apart from administrative measures, amendments to the ETO have also been introduced as appropriate to facilitate the provision of e-government services to benefit a wider class of beneficiaries.

3. To accelerate the pace of introducing e-government services, the Government announced in the 2022 Policy Address the targets to turn submission of all government forms and applications (save for those otherwise subject to legal requirements or international conventions/practices¹) to electronic form by mid-2024, and to enable one-stop e-government services through full adoption of “iAM Smart”² by 2025.

4. As at end-June 2023, nearly 90% of the services provided by B/Ds have already offered the e-submission option. In order to accomplish the above-mentioned target by mid-2024, B/Ds are pressing ahead with the digitalization of the submission of government forms and applications through mostly administrative means and system upgrade. At the same time, we have, together with B/Ds, identified two major areas of legal impediments which require legislative amendments to the ETO, so as to facilitate the adoption of electronic means and delivery of e-government services by these B/Ds before mid-2024. Our legislative proposal to tackle these legal impediments is set out below.

Service of Documents by Registered Post and Other Means

5. By virtue of section 5A of and Schedule 3 to the ETO, the requirement in a rule of law that requires a document to be served on a person by personal service or by post could be satisfied by the service of the document in the form of an electronic record to an information system. The current provisions of the ETO however do not cover documents to be served by registered post and other means. With this limitation, the service of an electronic record is not applicable to the News Agencies Registration Regulations (Cap. 268 sub. leg. A), Newspapers Registration and Distribution Regulations (Cap. 268 sub. leg. B), Road Traffic Ordinance (Cap. 374), Film Censorship Ordinance (Cap. 392), Film Censorship Regulations (Cap. 392 sub. leg. A) and Land Drainage Ordinance

¹ For those licensing and government services subject to legal requirements or international conventions/practices that may not be provided by electronic means, applicants will only have to visit relevant government offices once.

² Launched in end-2020, “iAM Smart” provides Hong Kong residents with a single digital identity, allowing members of the public to log in to various government and commercial online services with a reliable identity verification function, conduct online transactions and perform digital signing with legal backing in a simple and secure manner. As at early November 2023, “iAM Smart” has over 2 420 000 registered users and could enable access to about 300 public services.

(Cap. 446) concerning certain forms, notices, statements, directions, refusals, orders or requests. Relevant B/Ds see the merits of lifting the current requirement for service by registered post with the adoption of electronic submission.

6. With the advancement in digital solutions, we consider it feasible and reliable for the service of an electronic record to an information system to also perform the unique functions of registered post, viz. providing a sender proof and an acknowledgement receipt. Hence, we **propose** amending the relevant provisions of the ETO (including adding certain provisions to Schedule 3) to enable the service of an electronic copy to satisfy the requirement of service by registered post in a rule of law. We also take this opportunity to cover the other means of service of documents.

Providing Information and Serving Documents in Multiple Copies

7. There are currently provisions in a number of legislation that contain the requirement for serving documents or providing information in multiple physical copies. Such requirements do not sync with the increasing use of electronic record and may undermine the efficiency of adopting electronic submission.

8. We **propose** amending section 5A of the ETO to the effect that service of a document, or provision of information, in a single electronic copy could satisfy the requirement of serving the document, or provision of information, in more than one copy as required by a specified rule of law. To this end, relevant provisions under the Commercial Bathhouses Regulation (Cap. 132 sub. leg. I), Food Business Regulation (Cap. 132 sub. leg. X), Frozen Confections Regulation (Cap. 132 sub. leg. AC), Milk Regulation (Cap. 132 sub. leg. AQ), Offensive Trades Regulation (Cap. 132 sub. leg. AX), and Aerial Ropeways (Safety) Ordinance (Cap. 211) are proposed to be added to Schedule 3 to the ETO to allow service of a single electronic record to satisfy the requirement of submission of a document in multiple copies.

9. On review of the current requirements in relevant provisions for serving documents by a means other than by personal service or by post, or service of documents in multiple copies, other B/Ds could seek to add the new provisions to Schedule 3 to the ETO through an Order published in the Gazette which is

subject to negative vetting.

OTHER OPTIONS

10. Amending the law is the only way to give effect to the proposal. Instead of amending the ETO, we have considered the option of leaving relevant B/Ds to introduce necessary amendments to the laws under their respective purview which contain requirements for service of documents by registered post or other means, or in multiple copies. As some B/Ds do not have plan yet to amend the laws under their purview in the near future, we consider it more effective by modifying the relevant laws through the Bill for facilitating these B/Ds to achieve the Government's targets to turn all Government services online by mid-2024 and providing one-stop digital services by 2025.

THE BILL

11. The main provisions of the Bill are as follows –

- (a) Clause 4 adds a new section 3A to the ETO to specify how a provision of the ETO for serving documents is to be applicable;
- (b) Clause 6 amends section 5A of the ETO to extend the scope of application of that section so as to allow service of a document in the form of an electronic record where the document is required or permitted to be served on a person under a statutory provision set out in Schedule 3 to the ETO. In case the provision requires or permits more than one copy of the document to be served on the person, service of a single copy of the document in such form would suffice;
- (c) Clauses 3(2) and 7 amend sections 3 and 15 of the ETO respectively to provide for related amendments, whereas clauses 3(1), 5 and 8 respectively provide for technical amendments to sections 3(a), 5 and 16 of the ETO;
- (d) Clause 9 amends Schedule 3 to the ETO by adding certain statutory provisions to which section 5A of the ETO is to apply;

- (e) Clause 10 amends Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) so that certain statutory provisions are no longer excluded from the application of section 5 of the ETO; and
- (f) Clause 11 contains related amendments to the Building (Administration) Regulation (Cap. 123 sub. leg. A).

Annex B

The existing provisions being amended are at **Annex B**

LEGISLATIVE TIMETABLE

12. The legislative timetable of the Bill is as follows –

Publication in the Gazette	17 November 2023
First Reading and commencement of Second Reading debate	29 November 2023
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

13. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the existing provisions in the ETO. There are no financial, civil service, productivity, environmental, family or gender implications, nor any sustainability implications other than the economic implication as set out at **Annex C**.

Annex C

PUBLIC CONSULTATION

14. We consulted the Panel on Information Technology and Broadcasting of the LegCo in June 2022 on the proposal. Members generally supported the

proposed amendments³.

PUBLICITY

15. We will issue a press release upon gazettal of the Bill, and arrange a spokesperson to answer media enquiries.

ENQUIRIES

16. For enquiries related to this brief, please contact Ms Daisy LO, Principal Assistant Secretary for Innovation, Technology and Industry (Tel: 2810 2394).

Innovation, Technology and Industry Bureau
Office of the Government Chief Information Officer
15 November 2023

³ We also consulted the LegCo on the other proposed amendments to the ETO to remove Postmaster General (“PMG”) as a recognized certification authority in the ETO. We are working on the detailed arrangements to phase out the role of PMG in the ETO and those amendments are not covered in this legislative exercise.

ELECTRONIC TRANSACTIONS (AMENDMENT) BILL 2023

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A BILL

To

Amend the Electronic Transactions Ordinance and its subsidiary legislation to facilitate various government bureaux and departments in implementing e-services; and to make related and technical amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Electronic Transactions (Amendment) Ordinance 2023.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Electronic Transactions Ordinance (Cap. 553)

3. Section 3 amended (matters to which sections 5, 5A, 6, 7, 8 and 17 are not applicable)

(1) Section 3(a), English text—

Repeal

“or given”

Substitute

“, or to be given,”.

(2) Section 3(aa)—

Repeal

“by personal service or by post”

Substitute

“on a person”.

4. Section 3A added

After section 3—

Add

“3A. Application of provisions for serving documents

(1) This section applies if a provision of this Ordinance applies in relation to a rule of law that requires or permits a document to be served on a person.

(2) A reference to “serve” in the provision is to be construed as including a reference in the rule of law to, as the case requires, any of the following—

- (a) “file”, “lodge”, “send”, “give”, “notify”, “serve”, “deliver”, “submit” and “furnish” (including their grammatical variations and cognate expressions);
- (b) any other expression that signifies or suggests serving a document on a person.”.

5. Section 5 amended (requirement for writing)

Section 5(1) and (2), English text—

Repeal

“or given”

Substitute

“, or to be given,”.

6. Section 5A amended (service of documents)**(1) Section 5A(1)—****Repeal**

everything before “be construed”

Substitute

“(1) Without limiting section 5, if a provision set out in Schedule 3 requires a document to be served on a person, the provision is to”.

(2) Section 5A(2)—**Repeal**

everything before “be construed”

Substitute

“(2) Without limiting section 5, if a provision set out in Schedule 3 permits a document to be served on a person, the provision is to”.

(3) After section 5A(2)—**Add**

“(3) Subsections (1) and (2) apply regardless of whether there is any specification as to the mode of service of a document in the provision.

(4) For the purposes of subsections (1) and (2), even if the provision requires, or permits, more than one copy of the document to be served on the person, the provision is to be construed as also providing that service of a single copy of the document in such form satisfies the requirement, or is permitted, under the provision.”.

7. Section 15 amended (consent required for sections 5, 5A and 7 to apply to transactions between persons who are not government entities)

Section 15(2A) and (2B)—

Repeal

“by personal service or by post”.

8. Section 16 amended (sections 5, 6, 7 and 8 not to have effect if their operation affects other statutory requirements)

Section 16(1), English text—

Repeal

“or given”

Substitute

“, or to be given,”.

9. Schedule 3 amended (service of documents)

Schedule 3—

Add

- | | |
|---|--|
| “16. Commercial Bathhouses Regulation (Cap. 132 sub. leg. I) | Section 5(1) |
| 17. Food Business Regulation (Cap. 132 sub. leg. X) | Section 32(1) |
| 18. Frozen Confections Regulation (Cap. 132 sub. leg. AC) | Section 18(1) |
| 19. Milk Regulation (Cap. 132 sub. leg. AQ) | Section 15(1) |
| 20. Offensive Trades Regulation (Cap. 132 sub. leg. AX) | Section 9(2) |
| 21. Aerial Ropeways (Safety) Ordinance (Cap. 211) | Section 7 |
| 22. News Agencies Registration Regulations (Cap. 268 sub. leg. A) | Regulation 12 |
| 23. Newspapers Registration and Distribution Regulations (Cap. 268 sub. leg. B) | Regulation 11 |
| 24. Road Traffic Ordinance (Cap. 374) | Sections 79, 84(1)(d) and 85(1)(c) |
| 25. Film Censorship Ordinance (Cap. 392) | Sections 8A(3), 9(4), 14A(2), 15B(9), 15I(1), 15K(12), 17(2)(c) and (4), |

- | | |
|--|---|
| | 18(2), (3)(c) and (5) and 19(3), (4)(c) and (6) |
| 26. Film Censorship Regulations (Cap. 392 sub. leg. A) | Regulation 8(a) |
| 27. Land Drainage Ordinance (Cap. 446) | Section 45(1)”.
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Part 3**Amendment to Electronic Transactions (Exclusion)
Order (Cap. 553 sub. leg. B)**

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

Schedule 1—

Repeal items 19, 20, 21, 22, 23 and 33.

Part 4**Related Amendments to Building (Administration)
Regulations (Cap. 123 sub. leg. A)**

11. **Regulation 6A amended (documents excluded from application of sections 5, 5A and 6 of Electronic Transactions Ordinance)**

- (1) Regulation 6A, English text, notes without legislative effect, paragraph 2—

Repeal

“or given in writing”

Substitute

“, or to be given, in writing”.

- (2) Regulation 6A, notes without legislative effect, paragraph 2—

Repeal

“or given in the”

Substitute

“, or may not be given, in the”.

- (3) Regulation 6A, notes without legislative effect, paragraph 3—

Repeal

“by personal service or by post”

Substitute

“on a person”.

Explanatory Memorandum

The main object of this Bill is to amend the Electronic Transactions Ordinance (Cap. 553) (*principal Ordinance*) and the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) (*Order*) to facilitate various government bureaux and departments in implementing e-services.

Part 1—Preliminary

2. Clause 1 sets out the short title.
3. Clause 2 introduces the enactments that are amended by the Bill.

Part 2—Amendments to principal Ordinance

4. Clause 4 adds a new section 3A to the principal Ordinance to specify how a provision of the principal Ordinance for serving documents is to be applicable.
5. Clause 6 amends section 5A of the principal Ordinance to extend the scope of application of that section so as to allow service of a document in the form of an electronic record where the document is required or permitted to be served on a person under a statutory provision set out in Schedule 3 to the principal Ordinance. In case such a statutory provision requires or permits more than one copy of the document to be served on the person, service of a single copy of the document in such form would suffice.
6. Clause 9 amends Schedule 3 to the principal Ordinance by adding certain statutory provisions to which section 5A of the principal Ordinance is to apply.
7. Clauses 3(2) and 7 respectively amend sections 3(aa) and 15 of the principal Ordinance to provide for related amendments, whereas clauses 3(1), 5 and 8 respectively provide for technical amendments to sections 3(a), 5 and 16 of the principal Ordinance.

Part 3—Amendment to Order

8. Clause 10 amends Schedule 1 to the Order so that certain statutory provisions are no longer excluded from the application of section 5 of the principal Ordinance.

Part 4—Related Amendments to Building (Administration) Regulations (Cap. 123 sub. leg. A)

9. Clause 11 contains technical and related amendments to the Building (Administration) Regulations (Cap. 123 sub. leg. A).

3. Matters to which sections 5, 5A, 6, 7, 8 and 17 are not applicable

Sections 5, 5A, 6, 7, 8 and 17 do not apply to any— (*Amended 14 of 2004 s. 3*)

- (a) requirement or permission for information to be or given in writing;
- (aa) requirement or permission for a document to be served by personal service or by post; (*Added 14 of 2004 s. 3*)
- (b) requirement for the signature of a person;
- (c) requirement for information to be presented or retained in its original form;
- (d) requirement for information to be retained,

under a rule of law in a matter or for an act set out in Schedule 1, unless that rule of law expressly provides otherwise.

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.

5A. Service of documents

- (1) Without limiting the generality of section 5, if a rule of law under a provision set out in Schedule 3 requires a document to be served on a person by personal service or by post (whether or not there is any further specification as to the address or place at which such service is to be effected), the provision shall be construed as also providing that service of the document in the form of an electronic record to an information system designated by the person satisfies the requirement under the provision if the information contained in the electronic record is accessible so as to be usable for subsequent reference.

- (2) Without limiting the generality of section 5, if a rule of law under a provision set out in Schedule 3 permits a document to be served on a person by personal service or by post (whether or not there is any further specification as to the address or place at which such service is to be effected), the provision shall be construed as also providing that service of the document in the form of an electronic record to an information system designated by the person is permitted under the provision if the information contained in the electronic record is accessible so as to be usable for subsequent reference.

(Added 14 of 2004 s. 4)

15. Consent required for sections 5, 5A and 7 to apply to transactions between persons who are not government entities

- (1) If an Ordinance requires information to be given by a person to another and neither person is or is acting on behalf of a government entity, section 5(1) applies only if the person to whom the information is to be given consents to it being given in the form of an electronic record.
- (2) If an Ordinance permits information to be given by a person to another and neither person is or is acting on behalf of a government entity, section 5(2) applies only if the person to whom the information is to be given consents to it being given in the form of an electronic record.
- (2A) If an Ordinance requires a document to be served by a person on another by personal service or by post and neither person is or is acting on behalf of a government entity, section 5A(1) applies only if the person on whom the document is to be served consents to it being served in the form of an electronic record. *(Added 14 of 2004 s. 10)*
- (2B) If an Ordinance permits a document to be served by a person on another by personal service or by post and neither person is or is acting on behalf of a government entity, section 5A(2) applies only if the person on whom the document is to be served consents to it being served in the form of an electronic record. *(Added 14 of 2004 s. 10)*
- (3) *(Repealed 14 of 2004 s. 10)*
- (4) If an Ordinance requires information to be presented in its original form and neither the person presenting it nor the person to whom it is to be presented (***the second mentioned person***) is or is acting on behalf of a government entity, section 7(1) applies only if the second mentioned person consents to it being presented in the form of an electronic record.

(5) *(Repealed 14 of 2004 s. 10)*

16. Sections 5, 6, 7 and 8 not to have effect if their operation affects other statutory requirements

- (1) If the effect of section 5 on a requirement or permission in an Ordinance for information to be or given in writing (*requirement for writing*) is such that any other requirement in that Ordinance or a related Ordinance (that is a requirement other than the requirement for writing) cannot be complied with due to the operation of that section, section 5 does not apply to the requirement for writing.
- (2) If the effect of section 6 on a requirement in an Ordinance for the signature of a person is such that any other requirement in that Ordinance or a related Ordinance (that is a requirement other than the requirement for the signature of a person) cannot be complied with due to the operation of that section, section 6 does not apply to the requirement for the signature of a person.
- (3) If the effect of section 7 on a requirement in an Ordinance for information to be presented or retained in its original form (*requirement for original form*) is such that any other requirement in that Ordinance or a related Ordinance (that is a requirement other than the requirement for original form) cannot be complied with due to the operation of that section, section 7 does not apply to the requirement for original form.
- (4) If the effect of section 8 on a requirement in an Ordinance for information to be retained (*requirement for retention*) is such that any other requirement in that Ordinance or a related Ordinance (that is a requirement other than the requirement for retention) cannot be complied with due to the operation of that section, section 8 does not apply to the requirement for retention.

Schedule 3

[ss. 5A & 50]

Service of Documents

(Format changes—E.R. 1 of 2013)

Item	Enactment	Provision
1.	Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (<i>Amended 36 of 2021 s. 17</i>)	Sections 119Y(1)(a) and (b) and 120AAZZH(1)(a) and (b)
2.	Rating Ordinance (Cap. 116)	Section 50(1)
3.	Government Rent (Assessment and Collection) Ordinance (Cap. 515)	Section 45(1)
4.	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276) (<i>Added L.N. 151 of 2006</i>)	Section 21(1)
5.	Roads (Works, Use and Compensation) Ordinance (Cap. 370) (<i>Added L.N. 151 of 2006. Amended 25 of 2023 s. 121</i>)	Section 29(1)
6.	Railways Ordinance (Cap. 519) (<i>Added L.N. 151 of 2006. Amended 25 of 2023 s. 121</i>)	Sections 27(6) and (7) and 34(1)
7.	Electricity Ordinance (Cap. 406) (<i>Added L.N. 214 of 2007</i>)	Section 52
8.	Inland Revenue Ordinance (Cap. 112) (<i>Added L.N. 214 of 2007</i>)	Section 58(2)
9.	Waterworks Regulations (Cap. 102 sub. leg. A) (<i>Added L.N. 249 of 2008</i>)	Regulation 49(1)(a) and (b)
10.	Census and Statistics Ordinance (Cap. 316) (<i>Added L.N. 83 of 2009</i>)	Section 12(3)(a) and (b)
11.	Business Registration Ordinance (Cap. 310) (<i>Added 13 of 2010 s. 30</i>)	Section 20
12.	Ferry Services Ordinance (Cap. 104) (<i>Added L.N. 213 of 2021</i>)	Section 28(3)
13.	Buildings Ordinance (Cap. 123) (<i>Added L.N. 225 of 2021</i>)	Sections 3(11), (11A) (b) and (11C), 8C(6) (b) and 35(1)(a) and (b)

Item	Enactment	Provision
14.	Building (Administration) Regulations (Cap. 123 sub. leg. A) (<i>Added L.N. 225 of 2021</i>)	Regulation 6(1) (to the extent to which it relates to a document that is not one specified under regulation 6A(1)(a))
15.	Building (Minor Works) Regulation (Cap. 123 sub. leg. N) (<i>Added L.N. 225 of 2021</i>) <i>(Schedule 3 added 14 of 2004 s. 28)</i>	Section 46(2)(a)

Schedule 1

[s. 2]

Provisions Excluded from Application of Section 5 of Ordinance

Item	Enactment	Provision
1.	<i>(Repealed 16 of 2004 s. 16)</i>	
2-4.	<i>(Repealed L.N. 36 of 2003)</i>	
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap. 78)	Sections 5(1) and 6 <i>(L.N. 156 of 2013)</i>
6.	<i>(Repealed L.N. 36 of 2003)</i>	
7.	<i>(Repealed L.N. 54 of 2010)</i>	
8.	Immigration Ordinance (Cap. 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) <i>(L.N. 36 of 2003)</i>
9.	Buildings Ordinance (Cap. 123)	Column B in the table to section 17(1) (to the extent to which the conditions and requirements set out in that Column relate to a document specified under regulation 6A(1)(b) of the Building (Administration) Regulations (Cap. 123 sub. leg. A)), sections 20(2) and 21(2) <i>(L.N. 226 of 2021)</i>
10.	Building (Administration) Regulations (Cap. 123 sub. leg. A)	Regulation 6(1) (to the extent to which it relates to a document specified under regulation 6A(1)(b)) <i>(L.N. 226 of 2021)</i>

Item	Enactment	Provision
11.	Building (Planning) Regulations (Cap. 123 sub. leg. F)	Regulation 51(1) (<i>L.N. 226 of 2021</i>)
12-14.	<i>(Repealed L.N. 90 of 2012)</i>	
15-17.	<i>(Repealed L.N. 152 of 2006)</i>	
18.	<i>(Repealed L.N. 194 of 2015)</i>	
19.	Commercial Bathhouses Regulation (Cap. 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap. 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap. 132 sub. leg. AC)	Section 18(1)
22.	Milk Regulation (Cap. 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap. 132 sub. leg. AX)	Section 9(2)
24.	<i>(Repealed L.N. 152 of 2006)</i>	
25.	Public Cemeteries Regulation (Cap. 132 sub. leg. BI)	Section 5(a)
26.	Slaughterhouses Regulation (Cap. 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap. 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap. 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)
29.	Births and Deaths Registration Ordinance (Cap. 174)	Sections 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i) (<i>8 of 2006 s. 50</i>)
30.	Registration of Persons Regulations (Cap. 177 sub. leg. A)	Regulation 4(1) and (1B)(a)
31.	Marriage Reform Ordinance (Cap. 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap. 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap. 211)	Section 7
34-36.	<i>(Repealed L.N. 152 of 2006)</i>	
37.	<i>(Repealed L.N. 36 of 2003)</i>	
38.	<i>(Repealed L.N. 214 of 2021)</i>	
39.	<i>(Repealed L.N. 152 of 2006)</i>	
40.	<i>(Repealed L.N. 215 of 2007)</i>	
41-43.	<i>(Repealed L.N. 152 of 2006)</i>	

Item	Enactment	Provision
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)	Regulations 12R(1), 17(2) and 20(1) (<i>25 of 2005 s. 41; L.N. 152 of 2006</i>)
45.	<i>(Repealed L.N. 90 of 2012)</i>	
46.	Land Drainage (Consent and Approval) Regulation (Cap. 446 sub. leg. A)	Sections 3(1) and (2) and 4
47-48.	<i>(Repealed L.N. 215 of 2007)</i>	
49-50.	<i>(Repealed L.N. 152 of 2006)</i>	
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap. 495)	Section 5(1) and (2) (<i>L.N. 152 of 2006</i>)
52.	Environmental Impact Assessment Ordinance (Cap. 499)	Sections 5(1) and (2), 6(2) and 7(1)(a) (<i>L.N. 84 of 2009; L.N. 90 of 2012</i>)
53.	<i>(Repealed L.N. 152 of 2006)</i>	
54-55.	<i>(Repealed 12 of 2014 s. 51)</i>	
56.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541 sub. leg. C)	Sections 5(13) and 8(2)
57.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)	Section 42(11) and (13) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 66(7) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer or the Presiding Officer, as may be appropriate, on polling day) (<i>12 of 2014 s. 51</i>)

Item	Enactment	Provision
58.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E)	Sections 5(8) and 8(2)
59.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)	Section 45(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day), section 66(6) and (9) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 102(4) (<i>12 of 2014 s. 51</i>)
59A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap. 541 sub. leg. H)	Sections 6(13) and 9(2) (<i>L.N. 268 of 2001</i>)

Item	Enactment	Provision
59B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)	Section 42(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on polling day) and section 64(8) and (10) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on polling day) (<i>L.N. 268 of 2001; 15 of 2016 s. 48</i>)
59C.	Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J)	Section 4(1), section 9(2), section 25(5) and (7) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Presiding Officer on the polling date), section 44(4) and (6) (to the extent to which it relates to a notice of appointment, or a notice of revocation, delivered to the Returning Officer on the polling date) and section 80(2) (<i>L.N. 282 of 2001; 11 of 2012 s. 23; 15 of 2016 s. 48</i>)

Item	Enactment	Provision
60.	Legislative Council Ordinance (Cap. 542)	Sections 13(1), 14(1), 40(1)(b) and 42(2) <i>(21 of 2001 s. 75; 12 of 2014 s. 51; 14 of 2021 s. 474)</i>
61.	Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)	Section 2(1) and (2) (c)
62.	<i>(Repealed L.N. 268 of 2001)</i>	
63.	District Councils Ordinance (Cap. 547)	Sections 15(1), 17A(1), 23(1), 25(1), 34(1) and (1A)(c) and 35(2) <i>(3 of 2013 s. 17; 19 of 2023 s. 193)</i>
64.	Election (Corrupt and Illegal Conduct) Ordinance (Cap. 554)	Sections 37(1) and (2) and 37A(4) and (6) <i>(L.N. 167 of 2000; 18 of 2011 s. 50)</i>
65.	Chief Executive Election Ordinance (Cap. 569)	Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3) and 21(2) <i>(21 of 2001 s. 75; 12 of 2014 s. 51)</i>
66.	Election Committee (Appeals) Regulation (Cap. 569 sub. leg. A)	Sections 4(1) and 5(1) and (2)(c) <i>(L.N. 268 of 2001)</i>
67.	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569 sub. leg. B)	Section 3(1) and (2) (c) <i>(L.N. 268 of 2001)</i>
68.	Rural Representative Election Ordinance (Cap. 576)	Sections 8(1), 10(1), 24 and 26(2) <i>(2 of 2003 s. 68; 5 of 2014 s. 2)</i>
69-70.	<i>(Repealed L.N. 152 of 2006)</i>	
71.	<i>(Repealed L.N. 215 of 2007)</i>	
72.	Arbitration Ordinance (Cap. 609)	Sections 26(1), 31(7), 32(1)(a) and (3), 33(1), 50, 52, 54(1), 66(2), 67(1), 74(2) and 102(a) <i>(17 of 2010 s. 112)</i>

Item	Enactment	Provision
73.	Private Columbaria Ordinance (Cap. 630)	Sections 21(2)(b)(ii), 23(1)(a) and (3), 39(3)(a), (7) and (8), 40(4), 41(2)(a) and (3), 42(4), 43(2)(a) and (4), 44(1), (3)(b) (i) and (5), 49(3)(b) and (g), 50(1) and (2), 53(1) and (4), 56(2) (b), 57(10), 63(2)(b), 71(b) and (c), 75(1), (4)(a) and (8), 80(4), 84(2), 86(3)(b) and (13), 87(1)(b), 93(1), (3) and (4)(b), 98(1), 107(1)(b)(i), (ii)(A), (iii) and (iv) and 110(4)(b), section 6(1) of Schedule 1, sections 2(2)(b) and (c) and 5 of Schedule 3 and sections 4(3)(a), 13, 15(2) and 18(3) and (4) of Schedule 5 (<i>8 of 2017 s. 133; E.R. 4 of 2017</i>)

Editorial Note:

See section 1 of the District Councils (Amendment) Ordinance 2023 (19 of 2023) for details of the commencement arrangement for the amendment by 19 of 2023 to this Schedule.

6A. Documents excluded from application of sections 5, 5A and 6 of Electronic Transactions Ordinance

- (1) A document prescribed in paragraph (2) is specified for the purposes of—
 - (a) item 14 of Schedule 3 to the Electronic Transactions Ordinance (Cap. 553);
 - (b) items 9 and 10 of Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B); and
 - (c) item 5 of Schedule 2 to that Order.
- (2) The following documents are prescribed for the purposes of paragraph (1)—
 - (a) a document prescribed by regulation 8(1)(a), (b), (ba), (c), (f), (g), (h), (j), (k) or (m) or 9;
 - (b) a document prescribed by regulation 8(1)(bb), (bc), (d), (e), (i) or (l), (3) or (4) (only if the document is submitted to the Building Authority for approval of any building works consisting of repairs, alterations or additions to a building);
 - (c) a document by which an application under regulation 33(1) is made (only if the application relates to a document mentioned in subparagraph (a) or (b)). (*L.N. 222 of 2021*)

Notes without legislative effect—

1. This regulation specifies certain documents in relation to which the application of sections 5, 5A and 6 of the Electronic Transactions Ordinance (Cap. 553) (*ETO*) are excluded (*excluded documents*).
2. Section 5 of ETO allows the use of an electronic record to satisfy a rule of law that requires or permits any information to be or given in writing. Because of items 9 and 10 of Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) (*Exclusion Order*), section 5 of ETO does not apply in relation to regulation 6(1) and Column B in the table to section 17(1) of the Ordinance (*the provisions*) in so far as an excluded document is concerned. Accordingly, an excluded document may not be or given in the form of an electronic record for the purposes of the provisions.

3. Section 5A of ETO allows a rule of law that requires or permits a document to be served by personal service or by post to be satisfied by service of the document in the form of an electronic record. Because of item 14 of Schedule 3 to ETO, section 5A of ETO applies in relation to regulation 6(1) only in so far as a document that is not an excluded document is concerned. Accordingly, an excluded document may not be sent in the form of an electronic record for the purposes of regulation 6(1).
4. Section 6 of ETO allows the use of an electronic signature or digital signature to satisfy a requirement for signature under a rule of law. Because of item 5 of Schedule 2 to the Exclusion Order, section 6 of ETO does not apply in relation to regulation 12(1), (2), (3) and (5) in so far as an excluded document is concerned. Accordingly, an electronic signature or digital signature may not be used in relation to an excluded document for the purposes of regulation 12(1), (2), (3) and (5).

(L.N. 222 of 2021)

IMPLICATION OF THE PROPOSAL

Economic Implication

The proposal which enables wider adoption of electronic means of serving documents or giving of information in public services would bring multi-faceted benefits and convenience to both the Government and the public, while accelerating the digitalisation of government services and development of a smart government. From the Government's perspective, delivering public services through electronic means saves manual efforts in processing physical copies, streamlines work procedures and reduces human error, thereby enhancing overall performance and efficiency. From the perspective of the members of the public, they could access government services in a more digital, user-friendly and efficient manner to save time and transport costs, obviating the need to conduct business with the Government in person or present physical copies of document to the Government. The facilitation of e-government services would be particularly beneficial to those residing outside Hong Kong including the Mainland especially the Greater Bay Area.