

**Examples of Exemptions to be made by Order under  
Clause 11 of the Electronic Transactions Bill**

**A. Ground of exemption : solemnity of the matter or document involved**

| <b>Ordinance</b>                                                                                                                   | <b>Section</b>                     | <b>Provision</b>                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legislative Council Ordinance (Cap. 542)                                                                                           | 13(1) and (2)                      | Notice of non-acceptance of office of a Legislative Council Member must be in writing and signed by the person concerned                                                                                                                                                                                                                                                |
| Legislative Council Ordinance (Cap. 542)                                                                                           | 14(1) and (2)                      | Resignation from office of a Legislative Council Member must be given in writing and signed by the Member concerned                                                                                                                                                                                                                                                     |
| Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D)                                    | 10(7), (8); 11(7), (8); 12(7), (8) | Nomination must be in the specified form and signed by each candidate (10(7), 11(7) and 12(7)) and by each subscriber (10(8), 11(8) and 12(8))<br>* The solemnity of the concerned procedure apart, it is preferable to maintain the conventional practice as multiple signatures are required.                                                                         |
| Electoral Affairs Commission (Registration of Electors) (Geographical Constituencies) (Legislative Council) Regulation (Cap. 541A) | 4(1)                               | Application for registration in a provisional register must be made on the specified form, signed by the applicant and sent by post or delivered to the Electoral Registration Officer<br>* The exemption will be withdrawn when the first phase of the Electronic Service Delivery scheme, which covers voter registration, is implemented in the latter half of 2000. |

**B. Ground of exemption : the provision involves bodies which carry out a quasi-judicial function**

| <b>Ordinance</b>                                              | <b>Section</b> | <b>Provision</b>                                                                                                                                                                                                                    |
|---------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Practitioners Ordinance (Cap.159)                       | 12(2) and (2A) | A signed copy of an order of a Solicitors Disciplinary Tribunal in relation to a solicitor shall be filed with the Registrar (who is the Registrar of the Court of First Instance or a deputy registrar or an assistant registrar)  |
| Solicitors Disciplinary Tribunal Proceedings Rules (Cap.159C) | 3(1)           | Application to consider a complaint regarding the conduct of a respondent shall be in writing and signed by the applicant in Form 1 in the Schedule and sent to the Secretary together with an affidavit by the applicant in Form 2 |

| <b>Ordinance</b>                                               | <b>Section</b> | <b>Provision</b>                                                                                                                                                                                     |
|----------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Labour Relations Ordinance (Cap. 55)                           | 17(1)          | An arbitration tribunal may require any person to furnish, in writing or otherwise, such particulars in relation to such matters as it may specify                                                   |
| Minor Employment Claims Adjudication Board Ordinance (Cap.453) | 7(1)           | The parties to a claim may, by a memorandum signed by them and filed with the registrar, agree that the Board shall have jurisdiction over the claim                                                 |
| Minor Employment Claims Adjudication Board Ordinance (Cap.453) | 14(2), (3)     | Settlement of a claim shall be reduced to writing and signed by the parties to the settlement (2); the settlement reduced to writing and signed by the parties shall be filed with the registrar (3) |

### **C. Ground of exemption : operational reasons**

| <b>Ordinance</b>                                                                                            | <b>Section</b> | <b>Provision</b>                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Immigration Ordinance (Cap. 115)                                                                            | 5(4)(b)        | Persons 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 traveller                |
| Electoral Affairs Commission (Nominations Advisory Committees) (Legislative Council) Regulation (Cap. 541C) | 8(2)           | A Nominations Advisory Committee to attend a meeting to be called by the Electoral Affairs Commission at the close of the nomination period and to give advice either orally or in writing |

### **D. Ground of exemption : international practice**

| <b>Ordinance</b>                                                     | <b>Section</b>      | <b>Provision</b>                                                                                                                                                                                                    |
|----------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap.384A) | 6(1)(b) and 6(3)    | A dangerous goods transport document to be completed by the shipper shall contain a declaration signed by or on behalf of the shipper.<br>* It is an international practice for such documents to be in paper form. |
| Air Navigation (Hong Kong) Order (L.N. 561 of 1995)                  | Art.10(2) of Sch.12 | Entries in a technical log shall be signed and dated by the flight commander.<br>* The technical log is in paper form in the international civil aviation arena.                                                    |

**E. Ground of exemption : the provision involves the submission of plans**

| <b>Ordinance</b>                                     | <b>Section</b> | <b>Provision</b>                                                                             |
|------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------|
| Food Business (Regional Council) By-laws (Cap.132X)  | 32             | Application for licence in writing and accompanied by plans (as nearly as may be to scale)   |
| Offensive Trades (Urban Council) By-laws (Cap.132AY) | 6              | Application for licence in writing, accompanied by plans drawn as nearly as may be to scale. |

**F. Ground of exemption : the provision involves matter related to judicial proceedings**

| <b>Ordinance</b>                        | <b>Section</b>   | <b>Provision</b>                                                                                                                                                                                                                                  |
|-----------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Practitioners Ordinance (Cap.159) | Sch.2, para.2(4) | The person on whom a notice under para.2(3) was served, on giving not less than 48 hours' notice in writing to the Council of the Law Society, may apply to the Court of First Instance for an order directing the Council to withdraw the notice |
| Trade Descriptions Ordinance (Cap.362)  | 26               | Notice in writing to be served to the prosecutor by the defendant before the latter can rely on the defence of mistake, accident, etc                                                                                                             |