

Submission of Documents in Electronic Format

Introduction

The Electronic Transactions Ordinance (ETO) was enacted to facilitate the use of electronic transactions for commercial and other purposes. It gives electronic records and digital signatures used in electronic transactions the same legal status as that of their paper-based counterparts.

2. The ETO provides that if a rule of law requires information to be given in writing, an electronic record satisfies such requirement if the information is accessible so as to be usable for subsequent reference (s.5 of ETO). In addition if the signature of a person is required on the information, a digital signature of the person satisfies such requirement if the digital signature is supported by a recognized certificate and is generated within the validity of that certificate (s.6 of ETO).

3. These provisions of the ETO for legal recognition of electronic records and digital signatures in relation to rules of law and admissibility of electronic records as evidence in court have come into operation since 7 April 2000. Further details on the ETO are available at the web site of the Office of the Government Chief Information Officer (OGCIO) www.ogcio.gov.hk. As far as these provisions as applicable to the submissions made under the Buildings Ordinance (BO) are concerned, the Buildings Department (BD) has made the following arrangements.

Simple Submissions under the Buildings Ordinance

4. BD has set up an e-Counter to receive simple submissions in electronic format under the BO. Simple submissions are those that are not “time critical” nor “involving multiple signatures” nor “involving voluminous documents with complex layouts, elaborated text format and professional drawings”. Examples of these submissions are: -

- Application for registration as authorized person/registered structural engineer/registered geotechnical engineer (Forms BA1, BA1A & BA1B)
- Notice of technically competent person(s) appointed to supervise demolition works (Form BA20)
- Application for authorization to carry out/maintain groundwater drainage works (Form BA22)
- Notification to the Building Authority of change of business address of authorized person/registered structural engineer/registered geotechnical engineer/registered contractor (Form BA24)

/Exemptions.....

Exemptions

5. Before a suitable infrastructure is established in BD to receive and handle all submissions in electronic format, submissions that are “time critical”, “involving multiple signatures” or “involving voluminous documents with complex layouts, elaborated text format and professional drawings” are exempted from the operation of the ETO for the time being. Details of the exemptions are set out in Appendix A.

Format, Manner and Procedure

6. With the exception of those submissions under the exempted provisions, electronic submissions under other provisions of the BO (i.e. simple submissions referred to in paragraph 3 above) can be sent through electronic mail to BD’s e-Counter at *receipt@bd.gov.hk* or handed to BD in the form of 1.44 MB diskette or CD-ROM during office hours. The identity of the person making an electronic submission has to be authenticated by a digital certificate issued by the Postmaster General or other certification authorities recognized by the Government Chief Information Officer under the ETO. Detailed information on such e-certificate and its application procedures are available at the web site of Hong Kong Post *www.hongkongpost.gov.hk*.

7. The Permanent Secretary for Commerce, Industry and Technology (Communications and Technology) has published in the gazette the format, manner and procedure for the acceptance of electronic information by virtue of the ETO. Relevant extract of the gazette notice is provided at Appendix B. Failure to observe the gazetted format, manner and procedure will invalidate the submission.

8. The requirements and procedures for electronic submissions under the BO are also published at BD’s web site *www.info.gov.hk/bd*. The templates for specified forms under the BO are available for download. To facilitate understanding on the stipulated format, manner and procedure, an *explanatory note for layman* is also available at BD’s web site.

Plan for the future

9. BD will keep in view the development of an electronic submission system (ESS) to handle all types of electronic submissions. The exemptions granted under the ETO as detailed in Appendix A will be rescinded when the ESS is fully established.



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& B amended

Index under: Digital signatures
Electronic information
Electronic records
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Electronic Transactions Ordinance

**Exemptions of the Buildings Ordinance from
Operation of the Electronic Transactions Ordinance**

**1. Provisions Excluded from Application of Section 5
of the Electronic Transactions Ordinance**

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| 1.1 | Buildings Ordinance | Sections 8B(1), 8C(2), 8D(2),
17(1)(Column B), 19(1), and (4), 20(2),
21(2), 25(1) and 42(2) |
| 1.2 | Building (Administration)
Regulations | Regulations 6(1), 11, 18(1), 18A, 23(1A)
and (2), 29(1), 31(1), 33(1), 38 and 47 |
| 1.3 | Building (Planning) Regulations | Regulations 51(1), 53(1) and 64(1) and
(2) |
| 1.4 | Building (Private Streets and
Access Roads) Regulations | Regulation 28 |
| 1.5 | Building (Standards of Sanitary
Fitments, Plumbing, Drainage
Works and Latrines)
Regulations | Regulations 62(1) and 73(1) |
| 1.6 | Building (Oil Storage
Installations) Regulations | Regulations 6(1) and 10(2) |

**2. Provisions Excluded from Application of Section 6
of the Electronic Transactions Ordinance**

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| 2.1 | Building (Administration)
Regulations | Regulations 12(1), (2), (3) and (5)*,
18(2), 20(1), 25(2), (3) and (4), 26(2) and
28 |
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* - Exclusion of B(A)R 12(5) will come into operation on 31 December 2005.

(Rev. 3/2005)

**Format, Manner and Procedure for the Acceptance of
Electronic Information by virtue of the
Electronic Transactions Ordinance**

1. Language

- (a) Electronic records which contain English characters only shall be coded in American Standard Code for Information Interchange (ASCII) or ISO 10646-1:2000.;
- (b) Electronic records which contain Chinese characters shall be coded as follows:
 - (i) Chinese characters shall be coded in Big-5 and English characters shall be coded in ASCII, and the set of Chinese characters is restricted to the characters defined in Big-5 or the characters included in the Hong Kong Supplementary Character Set (HKSCS) published by the Government in 2001; or
 - (ii) Chinese and English characters shall be coded in ISO 10646-1:2000, and the set of Chinese characters is restricted to the Chinese characters within the Chinese-Japanese-Korean (CJK) Unified Ideographs defined in ISO 10646-1:2000 or the characters included in the HKSCS published by the Government in 2001..

2. Manner of Delivery of Electronic Records

Electronic records shall be sent in the following manner –

- (a) through electronic mail conforming to the Simple Mail Transfer Protocol (SMTP), and either Multipurpose Internet Mail Extension (MIME) or the Secure Multipurpose Internet Mail Extension (S/MIME) standard and with size not exceeding 5 MB;
- (b) in the form of 1.44MB diskette with size of 3.5 inches in MS-DOS format for files not exceeding one diskette's storage capacity; or
- (c) in the form of CD-ROM in ISO 9660 format;

Where electronic records are compressed, the following compression standards shall be followed:-

- (i) Zip file (.zip); or
- (ii) GNU zip file (.gz)

/3.

3. File Format

Electronic records shall follow the following file format standards –

- (a) Plain text (TXT);
- (b) Microsoft Rich Text Format (RTF)
- (c) Hypertext Mark Up Language (HTML) Format; or
- (d) Adobe Portable Document Format (PDF) (compatible to Acrobat version 3, 4, 5 or 6).

4. Graphic File Format

Graphics in electronic records shall follow the following graphic file formats –

- (a) Encapsulated PostScript Files (EPSF);
- (b) Tag Image File Format (TIFF);
- (c) Portable Network Graphics (PNG);
- (d) Graphic Interchange File Format (GIF); or
- (e) Joint Photographic Experts Group (JPEG).

Computer Aided Design (CAD) drawings in electronic records shall follow the following CAD file format –

- (a) Autodesk Drawing Exchange Format (DXF)

5. Digital Signature

An electronic record given, presented or served under a statutory provision must be signed with a digital signature if –

- (a) the provision expressly requires the signature of a person; or
- (b) the provision requires the submission to be made in a specified form and the specified form has a signature requirement.

Only a digital signature supported by a recognized certificate issued by a certification authority recognized by the Government Chief Information Officer under the Electronic Transactions Ordinance and the digital signature is generated within the validity of that recognized certificate is acceptable (section 6 of the Electronic Transactions Ordinance). A digital signature shall be attached to an electronic record in accordance with the Secure Multipurpose Internet Mail Extension (S/MIME) standard and the Public-Key Cryptography Standards (PKCS#7).

For an electronic record which comprises multiple electronic files and which has to be signed, each individual file shall be separately signed digitally.

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6. Others

Electronic records given, presented or served shall not contain any computer instructions, including but not limited to:-

- (a) computer viruses; and
- (b) macros, scripts and fields that depend on the execution environment and the execution of which will cause changes to the electronic record itself or the information system displaying the electronic record.

7. Additional Requirement in respect of the Buildings Ordinance

For submission of forms specified by the Building Authority under section 22(4) of the Buildings Ordinance (Cap. 123), the electronic records of the forms involved shall follow the Microsoft Rich Text Format only.

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