

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 Information Technology and Broadcasting Bureau www.info.gov.hk/itbb and in the Interactive Government Services Directory web site www.igsd.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 (Forms BA 1, BA 1A & BA 1B)
- Notice of technically competent person(s) appointed to supervise demolition works (Form BA 20)
- Application for authorization to carry out/maintain groundwater drainage works (Form BA 22)
- Notification to the Building Authority of change of business address of authorized person/registered structural engineer/registered contractor (Form BA 24)

/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.gcn.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 Director of Information Technology Services 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 Secretary for Information Technology and Broadcasting 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 carry out a feasibility study later this year on implementing 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.



(C M LEUNG)
Building Authority

Ref.: BD GR/OA/173

First issue May 2000 (AD/LM)

Index under: Digital signatures
Electronic information
Electronic records
Electronic submissions
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

- | | | |
|-----|---|--|
| 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

- | | | |
|-----|--|---|
| 2.1 | Buildings Ordinance | Section 8B(4) |
| 2.2 | Building (Administration)
Regulations | Regulations 12(1), (2) and (3), 18(2),
20(1), 25(2), (3) and (4), 26(2) and 28 |

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

1. Language

- (a) Electronic records in English shall be encoded in American Standard Code for Information Interchange (ASCII);
- (b) Electronic records in Chinese shall be encoded in Big-5 or ISO10646 standards;
- (c) When electronic records are encoded in Big-5 standard, the set of characters are restricted to those coded in the Big-5 standard or included in the Hong Kong Supplementary Character Set (HKSCS) published by the Government; and
- (d) When electronic records are encoded in ISO10646 standard, the set of characters are restricted to those Chinese-Japanese-Korean (CJK) Unified Ideographs characters coded in ISO10646 standard.

2. Manner of Delivery of Electronic Records

Electronic records can be sent in the following manner –

- (a) through electronic mail conforming to Simple Mail Transfer Protocol (SMTP) and Secure Multipurpose Internet Mail Extension (S/MIME) format and with size not exceeding 5 MB; or
- (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;

3. File Format

Electronic records shall follow the following file format standards –

- (a) Plain text (TXT);
- (b) Microsoft Rich Text Format (RTF version 1.3 or 1.5)
- (c) Hypertext Mark Up Language Format (HTML, version 3.2 or 4); or
- (d) Adobe Portable Document Format (Acrobat version 3 or 4).

4. Graphic File Format

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

/ (a)....

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

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

- (a) Autodesk Drawing Exchange Format (DXF)

5. Digital Signature

An electronic record given or presented 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 Director of Information Technology Services 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).

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

6. Others

Electronic records given or presented shall not contain computer instructions, including but not limited to, computer viruses, macros, scripts, fields (for example automatic updating of date) that depend on the execution environment, 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.