

## **Submission of Documents in Electronic Format**

### **Introduction**

The Electronic Transactions Ordinance (ETO) (Cap 553) 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 do not involve voluminous documents, customized program or large size professional drawings; for example, printout paper of size not larger than A3 or electronic file of size not exceeding 10 MB.

### **Exemptions**

5. Before a suitable infrastructure is established in BD to receive and handle all submissions in electronic format, submissions that involve voluminous documents, attachment of original supporting documents, or large size professional drawings are exempted from the operation of the ETO for the time being. Details of the exemptions are set out in Appendix A. Although exemption under ETO has been granted, certain specified forms such as Form BA21 can be accepted in electronic format as long as the submission complies with the Format, Manner and Procedure given in paragraph 6 and Appendix B. Acceptable specified forms for electronic submission can be downloaded from BD's web site *www.bd.gov.hk*.

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## **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 4 above) can be sent through electronic mail to BD's e-Counter at [receipt@bd.gov.hk](mailto:receipt@bd.gov.hk). Unless otherwise specified, email sent to [receipt@bd.gov.hk](mailto:receipt@bd.gov.hk) will be considered to be sent to the Buildings Department's designated information system for the purpose of receiving electronic records, as mentioned in section 19(2) of the ETO. 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 Hongkong Post [www.hongkongpost.gov.hk](http://www.hongkongpost.gov.hk).

7. The Permanent Secretary for Commerce and Economic Development (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.bd.gov.hk](http://www.bd.gov.hk). 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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Building Authority

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**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),<br>17(1)(Column B), 19(1), and (4), 20(2),<br>21(2), 25(1) and 42(2) |
| 1.2 | Building (Administration)<br>Regulations   | Regulations 6(1), 11, 18(1), 18A, 23(1A)<br>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<br>Access Roads) Regulations   | Regulation 28  |
| 1.5 | Building (Standards of Sanitary<br>Fitments, Plumbing, Drainage<br>Works and Latrines) Regulations | Regulations 62(1) and 73(1)  |
| 1.6 | Building (Oil Storage<br>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)<br>Regulations | Regulations 12(1), (2), (3) and (5), 18(2),<br>20(1), 25(2), (3) and (4), 26(2) and 28 |
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**Format, Manner and Procedure for the Acceptance of  
Electronic Information by virtue of the  
Electronic Transactions Ordinance**

**1. General Requirements for electronic records**

Pursuant to section 11(2) of the Electronic Transaction Ordinance, the Permanent Secretary for Commerce and Economic Development (Communications and Technology) may specify by notice published in the Gazette the format, manner, procedure and criteria of the electronic records acceptable for electronic submission.

The current Gazette Notice in force is G.N. 8137 dated 18 December 2009, URL is <http://www.gld.gov.hk/cgi-bin/gld/egazette/index.cgi>

**2. Electronic Submission to the Building Authority**

For submission to the Building Authority made under the Buildings Ordinance (Chapter 123) and its subsidiary legislation, the electronic records are only acceptable when they are sent as attachments in a digitally signed email and are in the manner and format as follows:

- (a) electronic records of specified forms shall be in Adobe Portable Document Format (PDF) with the digital signatures properly applied onto the specified locations of the specified forms; and
- (b) other electronic records shall either be:
  - (i) in Adobe Portable Document Format (PDF), and each separated page of the documents shall not be larger than A3 size, and each document shall be associated with a digital signature; or
  - (ii) in Tag Image File Format (TIFF) or in Joint Photographic Experts Group (JPEG), the respective lengths of the two adjacent sides of the image of each document in a resolution of 200 dpi shall not be greater than 3300 pixels x 2340 pixels, and 24-bit colour depth for document in colour, and each document shall be associated with a digital signature.