

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 website 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.

Submissions in Electronic Format

4. BD has set up an e-Counter at receipt@bd.gov.hk to receive submissions in electronic format under the BO. Such submissions are those that do not involve voluminous documents, customized program or large size drawings; for example, printout paper of size not larger than A3 or electronic file of size not exceeding 25 MB. An Electronic Forms Submission System (EFSS) has also been set up to facilitate online submission of some specified forms via the BD website (www.bd.gov.hk).

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 drawings are exempted from the operation of the ETO for the time being. Details of the exemptions are set out in Appendix A.

/Format,

Format, Manner and Procedure

6. With the exception of those submissions under the exempted provisions, electronic submissions under the BO (i.e. submissions referred to in paragraph 4 above) will be considered to be sent to the designated information system of BD 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 digital certificate and its application procedures are available via a quick link from BD website.

7. The format, manner and procedure for the acceptance of electronic information has been published in a gazette 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. While some specified forms may be submitted online via the EFSS, the templates for specified forms are available for download for submission as an attachment to an email, by hand or by post. Users are encouraged to type in the required information using a computer so that the information can be automatically stored in the two-dimensional barcode (i.e. QR code) on the form, for subsequent processing by BD.

Plan for the future

9. BD will keep in view the development of an electronic submission system to handle all types of electronic submissions. The exemptions granted under the ETO as detailed in Appendix A will be rescinded when such a system 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
 - 1.1 Buildings Ordinance Sections 17(1)(Column B), 20(2) and 21(2)
 - 1.2 Building (Administration) Regulations Regulations 6(1) and 11
 - 1.3 Building (Planning) Regulations Regulations 51(1) and 64(1) and (2)

2. Provisions Excluded from Application of Section 6 of the Electronic Transactions Ordinance
 - 2.1 Building (Administration) Regulations Regulations 12(1), (2), (3) and (5)

**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 format, manner, procedure and criteria of the electronic records acceptable for electronic submission have been specified by notice published in the gazette 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 submitted online using the Electronic Forms Submission System (EFSS) as further described in paragraph 3 below, or 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.

3. Electronic records of some specified forms and attachments to these specified forms are acceptable if they are submitted online using the EFSS accessible from BD website. All such forms and attachments shall be with the digital signatures properly applied.