

Land Survey Authority Circular No. 2/2022

Submissions in the form of electronic records made under the Land Survey Ordinance

This Circular supersedes LSA Circular No. 2/2010.

The Electronic Transactions Ordinance (ETO) was enacted in early 2000 and came into operation on 7 April 2000. Its objective is to establish a clear legal framework to enhance certainty and security in the conduct of electronic transactions. Electronic records and digital signatures used in electronic transactions will gain legal recognition as that of their paper-based counterparts.

Consequent to the publication of Legal Supplement L.N. 151 and L.N. 152 of 2006, the Land Survey Authority accepts electronic submissions in compliance with the requirements specified by the ETO for the sections 11(3), 13(1), 13(2), 14(2), 16(1), 30(4) and 30(6) of the Land Survey Ordinance. Pursuant to section 11(2) of the ETO, the “manner and format” and “procedure and criteria” for receiving electronic records are specified in the notice published in the Gazette by the Permanent Secretary for Innovation and Technology. The latest Gazette Notice specifying the manner, format and procedure for submission of electronic information can be obtained at the OGCI0’s web site at https://www.ogcio.gov.hk/en/our_work/regulation/eto/ordinance/submission/.

In making an electronic submission to the Land Survey Authority under the Land Survey Ordinance, authorized land surveyors should ensure that the submission complies with the requirements specified in the said Gazette Notice, particularly those which are replicated below:-

“(I) The information given or presented ...will not satisfy the Ordinance unless it complies with all the requirements herein specified ...

4. *Electronic records shall be sent as follows:-*
 - (a) *through electronic mail conforming to the Simple Mail Transfer Protocol (SMTP) or Simple Mail Transfer Protocol over Transport Layer Security (SMTP over TLS); Multipurpose Internet Mail Extension (MIME) or the Secure Multipurpose Internet Mail Extension (S/MIME) standard; and with size not exceeding 25 MB.*

7. *A digital signature shall be attached to an electronic record in accordance with the Secure Multipurpose Internet Mail Extension (S/MIME) standard; the Public Key Cryptography Standards (PKCS#7); PDF v1.5/1.6/1.7 (ISO 32000-1) or v2.0 (ISO 32000-2:2017); or XML Signature Syntax and Processing standard.*
8. *For an electronic record which comprises multiple electronic records and which has to be signed, each individual record shall be separately signed digitally.*

In addition, the Gazette Notice also specifies that for section 30(4) of the Land Survey Ordinance, duplicates of land boundary plans and survey record plans in the form of electronic records deposited with the Land Survey Authority shall be generated by scanning the original land boundary plans and the survey record plans that are both signed and certified by hand in the specified form by the authorized land surveyor and shall follow the Adobe Portable Document Format (PDF).

In brief, authorized land surveyors may submit to the Land Survey Authority the following documents in the form of electronic records as required under or provided for in the Land Survey Ordinance –

- (a) notification of change of personal particulars;
- (b) application for registration as an authorized land surveyor;
- (c) application for reinstatement of name in the register;
- (d) application for renewal of registration as an authorized land surveyor;
- (e) duplicate of land boundary plan and survey record plan signed and certified in the specified form; and
- (f) the report of calibration of survey instrument, field notes and the report in relation to the land boundary definition.

All submissions under the Land Survey Ordinance in the form of electronic records should be sent to the email address at smo-eto@landsd.gov.hk. For enquiries, please contact the Legislation Section at telephone number 2231 3342 or 2231 4027.



(CHANG Kwok-fai)
Land Survey Authority
26 January 2022