

13 April 2010

Land Survey Authority Circular No. 2/2010

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

This Circular supersedes LSA Circular No. 1/2008 dated 16 January 2008.

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), 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 Commerce and Economic Development (Communications and Technology). As the manner and format of electronic transactions are regularly reviewed and updated by the Office of the Government Chief Information Officer (OGCIO), the latest Gazette Notice can be obtained at the OGCIO’s web site at <http://www.ogcio.gov.hk/eng/eto/ecap553.htm>.

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 above said latest 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), and either the Multipurpose Internet Mail Extension (MIME) or the Secure Multipurpose Internet Mail

Extension (S/MIME) standard and with size not exceeding 10 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) or PDF v1.5/1.6/1.7 (ISO 32000-1).*
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 submissions, 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 Legislation Section at 2231 3348.