

**Third Supplementary Note to the  
Code of Practice for Recognized Certification Authorities  
Issued by the Director of Information Technology Services  
under Section 33 of the Electronic Transactions Ordinance (Cap. 553)**

- A. Paragraphs B to K will come into effect from 30 June 2004.
- B. The following text substitutes for sub-paragraph (e) in the definition of “certificate” under paragraph 2.1 of the “Code of Practice for Recognized Certification Authorities Issued by the Director of Information Technology Services under Section 33 of the Electronic Transactions Ordinance (Cap. 553)” (“Code of Practice”) published in January 2000:

“(e) is signed by the CA issuing it;”

- C. The following text substitutes for the definition of “issue” under paragraph 2.1 of the Code of Practice:

“issue in relation to a certificate, means to—

- (a) create the certificate, and then notify the person named or identified in the certificate as the person to whom the certificate is issued of the information on the person as contained in the certificate; or
- (b) notify the person to be named or identified in the certificate as the person to whom the certificate is issued of the information on the person that is to be contained in the certificate, and then create the certificate,

and then make the certificate available for use by the person;”

- D. The following text substitutes for paragraph 4.11 of the Code of Practice:

“4.11 The standards and procedures regarding the contents of a CPS are set out in Appendix 1.”

- E. The following text substitutes for paragraph 10.3(f) of the Code of Practice:

“(f) actions taken by the recognized CA to address recommendation(s) made or exception(s) or deficiency(ies) identified in the assessment report which is prepared and submitted to the Director under section 20(3)(b), 27(5A)(b), 43(1)(a) or 43A(1)(c) of the Ordinance, and”

F. The following text substitutes for paragraph 12.1 of the Code of Practice:

“12.1 A recognized CA shall submit to the Director a report

- (a) at least once in every 12 months, containing an assessment as to whether the recognized CA has, for the period to which the report relates, complied with such provisions of the Ordinance and of this Code of Practice as are specified under paragraph 1 of Appendix 2;
- (b) when the recognized CA applies for renewal of recognition, containing an assessment as to whether the recognized CA is and is capable of complying with such provisions of the Ordinance and of this Code of Practice as are specified under paragraph 1 of Appendix 2; and
- (c) when required by the Director in relation to major changes of the recognized CA, containing an assessment as to—
  - whether, having regard to the major changes that have occurred, the recognized CA is and is capable of complying; or
  - whether, having regard to the major changes that will occur, the recognized CA is capable of complying

with such provisions of the Ordinance and of this Code of Practice as are specified under paragraph 3 of Appendix 2.”

G. The following text substitutes for paragraph 12.6 of the Code of Practice:

“12.6 With regard to an assessment report referred to in sub-paragraph 12.1(a), a copy of the report shall be submitted to the Director by the recognized CA within 4 weeks of the completion of the assessment. With regard to an assessment report referred to in sub-paragraph 12.1(b), the recognized CA shall submit to the Director a copy of the report of the assessment which is completed within 4 weeks prior to the date of the application for renewal by the recognized CA. With regard to an assessment report

referred to in sub-paragraph 12.1(c), the Director may specify in the notice given in respect of the major changes to the recognized CA the period of time within which the recognized CA shall furnish the report to the Director.

12.7 When a recognized CA submits an assessment report to the Director, the recognized CA shall at the same time furnish the Director with its response to any exception(s), deficiency(ies) or recommendation(s) raised by the qualified person in the assessment report.”

H. The following paragraphs of the Code of Practice are re-numbered as set out below:

<b>Original Paragraph Number</b>	<b>Re-numbered as</b>
12.7	12.8
13	14
13.1	14.1
14	15
14.1	15.1
14.2	15.2
15	16
15.1	16.1

I. The following text is inserted immediately after paragraph 12.8 of the Code of Practice:

**“13 Declaration of compliance with the ordinance and this code of practice**

13.1 A recognized CA shall submit to the Director a statutory declaration–

- (a) at least once in every 12 months, stating whether the recognized CA has, for the period to which the statutory declaration relates, complied with such provisions of the Ordinance and of this Code of Practice as are specified under paragraph 2 of Appendix 2;

- (b) when the recognized CA applies for renewal of recognition, stating whether the recognized CA is and is capable of complying with such provisions of the Ordinance and of this Code of Practice as are specified under paragraph 2 of Appendix 2; and
- (c) when required by the Director in relation to major changes of the recognized CA, stating–
  - whether, having regard to the major changes that have occurred, the recognized CA is and is capable of complying; or
  - whether, having regard to the major changes that will occur, the recognized CA is capable of complyingwith such provisions of the Ordinance and of this Code of Practice as are specified under paragraph 3 of Appendix 2.

13.2 A recognized CA shall ensure that the statutory declaration is made, at the expense of the recognized CA, by a responsible officer of the recognized CA.

13.3 With regard to a statutory declaration referred to in sub-paragraph 13.1(a), the statutory declaration shall be submitted to the Director by the recognized CA within 4 weeks of making the statutory declaration. With regard to a statutory declaration referred to in sub-paragraph 13.1(b), the recognized CA shall submit to the Director the statutory declaration which is made within 4 weeks prior to the date of the application for renewal by the recognized CA. With regard to a statutory declaration referred to in sub-paragraph 13.1(c), the Director may specify in the notice given in respect of the major changes to the recognized CA the period of time within which the recognized CA shall furnish the statutory declaration to the Director.”

J. The Appendix to the Code of Practice is re-numbered as Appendix 1.

K. The following text is added after Appendix 1:

**“Appendix 2 – Specification of Provisions in the Electronic Transactions Ordinance and this Code of Practice in relation to Assessment of a CA**

**1 Specification of the provisions of the Electronic Transactions Ordinance (Cap. 553) (Ordinance) and of this Code of Practice for the purposes of sections 20(3)(b)(i), 27(5A)(b)(i) and 43(1)(a)(i) of the Ordinance**

1.1 The following provisions of the Ordinance shall come within the scope of assessment to be performed by a qualified person approved by the Director.

(a) Part VII - Recognition of CAs and certificates by Director:

Sections 21(4)(a), (b), (c) and (f).

(b) Part X - General Provisions as to Recognized CAs:

Sections 36, 37, 39, 40, 42(1) and (2), 44 and 45(1).

(c) Part XI - Provisions as to secrecy, disclosure and offences:

Sections 46, 47 and 48.

1.2 The following provisions of this Code of Practice shall come within the scope of assessment to be performed by a qualified person approved by the Director.

(a) General Responsibilities of a Recognized CA:

Paragraphs 3.1 to 3.6 inclusive and 3.8.

(b) Certification Practice Statement:

Paragraphs 4.1 to 4.13 inclusive.

(c) Trustworthy System:

Paragraphs 5.1 to 5.3 inclusive, 5.6 to 5.17 inclusive and 5.19 to 5.21 inclusive.

(d) Certificates and recognized certificates:

Paragraphs 6.1 to 6.23 inclusive.

(e) Verification of subscriber's identity:

Paragraphs 7.1 and 7.2.

- (f) Reliance limit and liability cover:  
Paragraphs 8.1 to 8.4 inclusive.
- (g) Repositories:  
Paragraphs 9.1 to 9.5 inclusive.
- (h) Disclosure of information:  
Paragraphs 10.1 to 10.6 inclusive.
- (i) Termination of service:  
Paragraphs 11.1 to 11.5 inclusive.
- (j) Assessment of compliance with the Ordinance and this Code of Practice:  
Paragraph 12.1.
- (k) Declaration of compliance with the Ordinance and this Code of Practice:  
Paragraph 13.1.
- (l) Adoption of standards and technology:  
Paragraph 14.1.
- (m) Inter-operability:  
Paragraphs 15.1 and 15.2.
- (n) Appendix 1:  
All paragraphs in Appendix 1 of this Code of Practice.

**2 Specification of the provisions of the Ordinance and of this Code of Practice for the purposes of sections 20(3)(c)(i), 27(5A)(c)(i) and 43(1)(b)(i) of the Ordinance**

2.1 The following provision of the Ordinance shall be dealt with by means of a statutory declaration to be made by a responsible officer of a CA.

- (a) Part VII - Recognition of CAs and certificates by Director:  
Section 21(4)(e).

2.2 The following provisions of this Code of Practice shall be dealt with by means of a statutory declaration to be made by a responsible officer of a CA.

(a) General Responsibilities of a Recognized CA:

Paragraphs 3.7 and 3.9.

(b) Trustworthy System:

Paragraph 5.18.

(c) Disclosure of information:

Paragraphs 10.7 to 10.9 inclusive.

(d) Consumer protection:

Paragraph 16.1.

**3 Specification of the provisions of the Ordinance and of this Code of Practice for the purposes of sections 43A(1)(c)(i) and (d)(i) of the Ordinance**

3.1 Depending on the specific circumstances of the major changes that a recognized CA will make or has made to its systems, operation, controls and procedures, the relevant provisions of the Ordinance and this Code of Practice for the purposes of sections 43A(1)(c)(i) and (d)(i) of the Ordinance will be specified in the notice that the Director may give to the recognized CA under section 43A(1) of the Ordinance.”

**Information Technology Services Department  
Government of the Hong Kong Special Administrative Region  
28 June 2004**