

LEGISLATIVE COUNCIL BRIEF

Births and Deaths Registration Ordinance (Amendment of First Schedule) Order 2003

INTRODUCTION

A At the meeting of the Executive Council on 29 April 2003, the Council ADVISED and the Chief Executive ORDERED that the Births and Deaths Registration Ordinance (Amendment of First Schedule) Order 2003 at **Annex A** should be made under section 29(2)(d) of the Births and Deaths Registration Ordinance (the Ordinance) (Cap. 174).

JUSTIFICATIONS

B 2. As an on-going effort to ensure efficient and effective use of its resources, and in the light of the Audit Commission's recommendations to look into the feasibility of closing down a number of births, deaths and marriage registries¹, the Immigration Department (ImmD) will rationalise and reorganise its office network in respect of immigration (Imm), registration of persons (ROP), births, deaths and marriage (BDM) registration services on a regional basis. In future, the network of ImmD's offices will be operated on the basis of five regions, i.e. Hong Kong Island, East Kowloon, West Kowloon, East New Territories and West New Territories. Upon implementation, 11 offices as set out in **Annex B**, including the existing Joint Immigration and ROP Office in Tai Po which will be relocated to Fo Tan, will be closed by phases from end May to September 2003. As shown in Annex B, these offices are in general under-utilised.

3. When firming up the rationalisation measures, ImmD has taken full account of the following factors in general -

- (a) the demand of services of the offices concerned;
- (b) the availability of alternative office in the same region;

¹ The Audit Commission conducted a review on the operation of the Births, Deaths and Marriage Registration Sub-division of ImmD in 2001 and recommended in the report, among other things, that ImmD should critically look into the feasibility of closing down a number of registries in view of their low utilisation rate. They are the Eastern Marriage Registry on Hong Kong Island, the Fanling District Births Registry and Fanling Marriage Registry and the Mobile Registry serving Sai Kung and the outlying islands.

- (c) the ability of alternative office(s) to fully absorb the displaced workload; and
- (d) the accessibility of alternative office(s) to residents affected.

4. ImmD will also implement measures to reduce any inconvenience caused by the closure of the above 11 offices. For example, applications for various births, deaths and marriage certificates/search of such records may be submitted by post or through electronic transactions on the Internet. Postal applications for HKSAR passports are available. Appointments for giving marriage notices and registering identity cards can also be made via Electronic Service Delivery on the Internet or the Interactive Voice Response System.

C 5. Upon implementation, the remaining 20 offices, two of which are joint Imm/ROP offices, as listed in **Annex C** will be reinforced where appropriate with additional resources to ensure that they can fully absorb the displaced workload from the closed offices. Though some members of the public may have to travel a longer distance to obtain the service, all regional offices are easily accessible and are well connected by mass transit systems. Existing performance pledges in respect of all categories of services provided will remain unchanged.

6. Under the rationalisation umbrella, three births registries in Tsuen Wan, Yuen Long and Fanling, and one deaths registry in Tsuen Wan will be closed. For births registries, the number of registered births has decreased by 33.4% between 1992 and 2002. For deaths registries, while the demand has been on a steady increase, the utilisation rate of the Tsuen Wan District Deaths Registry has been very low (dropped from 211 cases in 1997 to 73 cases in 2002).

7. Unlike other offices, births and deaths registries are designated in the First Schedule to the Ordinance. Amendments to the First Schedule are necessary before we can close the under-utilised births and deaths registries in question.

THE AMENDMENT ORDER

D 8. A copy of the existing First Schedule to the Ordinance is at **Annex D**. The Births and Deaths Registration Ordinance (Amendment of First

Schedule) Order 2003 at **Annex A** is to amend the First Schedule as follows –

For the Birth Register Offices

- (a) to delete the Tsuen Wan, Yuen Long and Fanling District Births Registries; and
- (b) to specify that the remaining Kowloon, Tuen Mun and Shatin District Births Registries will also serve Tsuen Wan, Yuen Long, Fanling and Sheung Shui respectively;

For the Death Register Offices

- (c) to delete the Tsuen Wan District Deaths Registry.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be as follows –

Publication in the Gazette	2 May 2003
Tabling of the Order at LegCo	7 May 2003
Commencement Date of the Order	29 June 2003

IMPLICATIONS OF THE PROPOSAL

10. The amendments will not affect the current binding effect of the Ordinance. It is in conformity with the Basic Law, including the provisions concerning human rights. It has no environmental and economic implications. A full sustainability assessment is not applicable because the legislative amendments are technical in nature.

11. The measures have financial and civil service implications as set out at **Annex E**. In brief, the rationalisation measures can achieve an estimated savings of \$39.01 million per year for the Government.

PUBLIC CONSULTATION

12. Following the issue of consultation papers to the relevant District Councils² (DCs) in early December 2002, representatives of ImmD and the Government Property Agency had upon invitation attended meetings of seven DCs in December 2002 and January 2003 to explain in detail the rationalisation efforts. We stressed that while these efforts would cause inconvenience to some members of the public as they may have to travel a longer distance to obtain the services, it represented the best use of limited resources without causing any significant impact on the community. Comments of DC members and the Government's responses are summarised at **Annexes F and G** respectively for reference.

F & G

13. The LegCo Panel on Security also discussed the rationalisation measures on 20 February 2003 and raised no objection.

PUBLICITY

14. In addition to the issue of press release, ImmD will announce the closure of office by way of public notices in the newspapers. The relevant application forms and information leaflets as well as the departmental homepage will also be updated. A spokesman from ImmD will be available to answer media and public enquiries.

OTHERS

15. Enquiries in relation to this brief can be directed to Mr Alan Chu, Principal Assistant Secretary for Security, at telephone number 2810 2506.

Security Bureau

May 2003

² The relevant districts are Eastern, Wong Tai Sin, North, Tai Po, Tsuen Wan, Tuen Mun, Yuen Long, Islands, and Sai Kung. Separately, in early March, Kwai Tsing District Council also invited ImmD to attend its Council Meeting on 13 March 2003. ImmD had attended the meeting to explain the rationalisation efforts.

**BIRTHS AND DEATHS REGISTRATION ORDINANCE
(AMENDMENT OF FIRST SCHEDULE)
ORDER 2003**

(Made under section 29(2) of the Births and Deaths
Registration Ordinance (Cap. 174) after consultation
with the Executive Council)

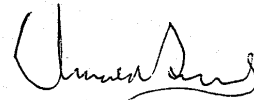
1. Commencement

This Order shall come into operation on 29 June 2003.

2. Birth and Death Register Offices

The First Schedule to the Births and Deaths Registration Ordinance (Cap. 174) is amended –

- (a) under the heading "BIRTH REGISTER OFFICES" –
 - (i) in item 4, by repealing "Kowloon." and substituting "Kowloon and Tsuen Wan.";
 - (ii) by repealing items 5, 6 and 7;
 - (iii) in item 9, by repealing "Sha Tin and Tai Po." and substituting "Sha Tin, Tai Po, Fanling and Sheung Shui.";
 - (iv) in item 10, by repealing "Tuen Mun." and substituting "Tuen Mun and Yuen Long.";
- (b) under the heading "DEATH REGISTER OFFICES", by repealing item 2.



Chief Executive Atty.

29 April 2003

Explanatory Note

This Order amends the lists of birth register offices and death register offices in the First Schedule to the Births and Deaths Registration Ordinance (Cap. 174) in view of the closure of the Tsuen Wan District Births Registry, Yuen Long District Births Registry, Fanling District Births Registry and Tsuen Wan District Deaths Registry.

**The Offices to be Closed / Relocated
and their Utilisation Rate⁵ in the Past Five Years**

Immigration Offices¹

	1997	2002	% change
Tsuen Wan Office	72%	63%	-12.5%
Tuen Mun Office [^]	81%	85%	+4.9%
Fanling Office [*]	138%	122%	- 11.6%
Tai Po Office ⁺	70%	75%	+7.1%

[^] The actual workload of Tuen Mun Office was relatively small. The number of average daily applications at Tuen Mun Office was below 100 in the past few years.

^{*} A small office with daily quota of 50.

⁺ The Tai Po Office is a joint office also providing both immigration and ROP services.

Births, Deaths and Marriage Registries^{2,4}

	1997	2002	% change
Eastern Marriage Registry (in Sai Wan Ho)	- Notice of marriage: 29% - Ceremony: 39%	- Notice of marriage: 20% - Ceremony: 24%	- Notice of marriage: -31% - Ceremony: -38.5%
East Kowloon Marriage Registry (in Wong Tai Sin)	- Notice of marriage: 39% - Ceremony: 62%	- Notice of marriage: 38% - Ceremony: 57%	- Notice of marriage: -2.6% - Ceremony: -8%
Tsuen Wan Births, Deaths and Marriage Registry	- Notice of marriage: 33% - Ceremony: 55%	- Notice of marriage: 27% - Ceremony: 44%	- Notice of marriage: -18.2% - Ceremony: -20%
Fanling District Births and Marriage Registry	- Notice of marriage: 49% - Ceremony: 47%	- Notice of marriage: 33% - Ceremony: 30%	- Notice of marriage: -32.7% - Ceremony: -36.1%
Yuen Long Births and Marriage Registry	- Notice of marriage: 50% - Ceremony: 48%	- Notice of marriage: 27% - Ceremony: 25%	- Notice of marriage: -46% - Ceremony: -47.9%

Registration of Persons Office³

	1997	2002	% change
Tsuen Wan Office	91%	84%	-7.7%
Tai Po Office +	92%	91%	-1%

+ The Tai Po Office is a joint office providing both immigration and ROP services

Mobile Office

(providing immigration, births and marriage registrations services for remote areas in Sai Kung and Outlying Islands)

	1997	2002	% change
Re-entry permit applications	11%	13%	+18.2%
Other travel documents applications	32%	26%	-18.8%
Births registration	1%	0%	-100%
Marriage registration	15%	7%	-53.3%

Notes:

1. The main functions of an immigration office are -
 - to accept and process applications for and issue of HKSAR Passport, Re-entry Permits, Document of Identity, etc.
 - to accept and process applications for extension of stay, re-entry visas and transfer of endorsement; and
 - to provide services relating to applications for unconditional stay from Mainland entrants.
2. The main functions of BDM registries are -
 - to provide services for current births registration, alteration and addition of names, adoption registration and re-registration under law;
 - to provide services for death registration and to issue permits for removal of dead body from Hong Kong;
 - to accept application for marriage notices and provide services for marriage registration/celebration;
 - to provide services for applications of Certificate of Absence of Marriage Record; and
 - to provide services for search and application for old records of birth, death and marriage certificates and death registration of coroner cases.

3. The main functions of a registration of persons office are -
 - to provide registration of identity card service to the residents of Hong Kong and new arrivals and new immigrants from the Mainland;
 - to provide registration of identity card including registration for imported workers admitted under the Importation of Workers Scheme;
 - to accept applications for replacement of identity cards due to loss, defacement damages and change of the registered particulars; and
 - to accept applications for Certificate of Registered Particulars.
4. Only a selection of major services offered by the BDM registries are listed to illustrate the decreasing trend of utilisation rate recorded. Other services provided include e.g. marriage search, issue of certified copy of marriage certificate, application for certificate of absence of marriage record and issue of such record, correction of clerical error, etc. A downward trend is also recorded for the utilisation rate of these other services.
5. "Utilisation rate" refers to the number of applications as a percentage of the maximum handling capacity.

**List of Regional Offices in Operation
Upon Implementation of the Rationalisation Efforts**

Region	Immigration Office	Registration of Persons Office	Births, deaths and marriage registries
Hong Kong Island	Hong Kong Island Travel Documents Issuing Office (in Sheung Wan)	Hong Kong Office (in Wan Chai)	(a) The Births and Deaths General Register Office (in Admiralty) (b) Marriage Registration and Records Office (in Admiralty) ¹ (c) Cotton Tree Drive Marriage Registry ¹ (d) City Hall Marriage Registry ¹ (e) The Births and Deaths General Register Office (Hong Kong Island Deaths Registry)
East Kowloon	East Kowloon Office (in Lam Tin)	Kwun Tong Office	
West Kowloon	West Kowloon Office (in Yaumatei)	Kowloon Office (in Cheung Sha Wan)	(a) Kowloon Births Registry (in Yaumatei) (b) Tsim Sha Tsui Marriage Registry (c) The Births and Deaths General Register Office (Kowloon Deaths Registry)
East NT	(a) Sha Tin Office ² (b) Fo Tan Office ³	Fo Tan Office ³	(a) Sha Tin Marriage Registry (b) Sha Tin District Births Registry
West NT	Yuen Long Office ⁴	Yuen Long Office ⁴	Tuen Mun District Births Registry / Tuen Mun Marriage Registry

Notes:

1. More than one marriage registries will remain on the Hong Kong Island in view of huge demand for services at these registries.
2. The Sha Tin Office is planned for closure as soon as practicable. The Fo Tan office will be the only office providing both immigration and ROP services for the East NT Region in the future.
3. Another reason for the closure of the existing Tai Po Office is that it is too small to accommodate the new computer system and ancillary facilities for the issue of the Smart Identity Cards and that a larger office could not be identified in time within the same District. As there is also a need to rationalise the network of offices of the ImmD in East NT, the eventual decision is to establish a new joint office providing immigration and ROP related services in Fo Tan in end May 2003. The Fo Tan office will serve the entire East NT region.
4. The office in Yuen Long is a joint office providing both immigration and ROP services.

**The First Schedule to the Births and Deaths Registration Ordinance
(Cap. 174)**

[ss. 3, 4 & 29]

BIRTH REGISTER OFFICES

District	Register Office
1. All districts.	The Births and Deaths General Register Office.
2-3. (Repealed L.N. 2 of 1986)	
4. Kowloon.	Kowloon Births Registry.
5. Tsuen Wan.	Tsuen Wan District Births Registry.
6. Yuen Long.	Yuen Long District Births Registry.
7. Fanling and Sheung Shui.	Fanling District Births Registry. (Amended L.N. 227 of 1990)
8. (Repealed L.N. 96 of 1992)	
9. Sha Tin and Tai Po.	Sha Tin District Births Registry. (Amended L.N. 96 of 1992)
10. Tuen Mun.	Tuen Mun District Births Registry. (Added L.N. 292 of 1985)

DEATH REGISTER OFFICES

District	Register Office
1. All districts.	The Births and Deaths General Register Office.
2. Tsuen Wan and Kwai Chung.	Tsuen Wan District Deaths Registry.
3. New Territories.	Police Stations at Sha Tin, Tai Po, Sheung Shui, Sha Tau Kok, Ta Kwu Ling, Lok Ma Chau, Pat Heung, Yuen Long, Lau Fau Shan, Tuen Mun, Sai Kung, Cheung Chau, Lamma, Mui Wo and Tai O. (Amended L.N. 292 of 1985) (Replaced L.N. 405 of 1983)

Financial and Civil Service Implications

The rationalisation measure will achieve an annual saving of \$39.01 million, which is made possible through release of staff to carrying out other duties and reduced departmental expenditure. Its breakdown is as follows -

(a) Staff Cost	\$27.89 million
(b) Departmental Expenditure	<u>\$11.12 million</u>
Total	\$39.01 million

2. Under the office closure plan, 45 staff, including 18 and 27 departmental and general grade officers respectively, will be re-deployed to other remaining offices so as to maintain the service level. Another 58 staff, including 16 departmental and 42 general grade officers respectively, will be redeployed to the nine Smart Identity Card Centres which will come into operation in mid-2003. There will be no staff redundancy arising from the proposal.

Summary of Major Comments from District Councils Consulted

1. It is not reasonable to close offices due to fiscal deficit.
2. Closure of office will cause inconvenience to the residents especially the aged and the rural residents.
3. The consultation period is too short and too late.
4. ImmD should consider downsizing instead of complete closure.
5. ImmD should consider cutting services by phases.
6. The rationalisation efforts will increase social costs in terms of transportation expenses and time to obtain services.

**Summary of Government's Responses to Comments
made by Relevant District Councils**

1. The rationalisation of office network needs to be implemented quickly in order to achieve efficiency savings in a timely manner.
2. The existing performance pledges in respect of all categories of services will not be affected by the rationalisation efforts. Staff will be deployed flexibly to cope with demand, if necessary.
3. The remaining offices are located at locations which are easily accessible by mass transit systems.
4. Further downsizing of some offices will not be cost-efficient and will adversely affect the flexible deployment of manpower.
5. The Government recognises that the rationalisation efforts may cause some inconvenience to some members of the public. However, these efforts represent the best use of limited resources without causing any significant impact on the community.