

For information on
1 November 2005

Panel on Security of the Legislative Council

Proposed legislative amendments providing for maintenance of records of births, deaths and marriages in digital image

Purpose

This paper briefs Members on a proposal to amend ordinances relating to registration of births, deaths and marriages (listed at **Annex**) to underpin the implementation of the Application and Investigation Easy System (APPLIES) and the Electronic Records Programme (ERP) of the Immigration Department (ImmD) in the latter half of 2006 and to provide for consequential changes.

Background

2. Most records in ImmD are maintained in a paper and/or a microfilm format. In consequence, ImmD officers have to deal mainly in paper files which is far from efficient in terms of time, manpower and use of space. To some extent, this has also hampered the introduction of new initiatives for service delivery.

3. The Finance Committee approved a new commitment of \$337 million in May 2004 for ImmD to implement Phase III of the Updated Information Systems Strategy (ISS-2), including APPLIES and ERP. APPLIES is an electronic record-based computer system which enables processing of related applications in a paperless on-line environment. ERP puts in place an infrastructure for maintaining electronic records and is a pre-requisite for implementation of APPLIES. APPLIES and ERP will enable ImmD to maintain records of births, deaths and marriages and process their related applications in the form of digital image. With these systems, access to these records will be done on-line under a secure and tightly controlled environment,

thus enhancing security in records management, productivity and service delivery. The public will also have access to immigration-related services through electronic means, thus providing greater convenience to the public and minimizing paper-based transactions. To underpin the implementation of APPLIES and ERP, ImmD will need to develop the capability to maintain the relevant records in the form of digital image and/or computer data.

Births and Deaths Registration

4. Under the Births and Deaths Registration Ordinance (Cap. 174), the Registrar of Births and Deaths (who is the Director of Immigration) shall keep register books of births and register books of deaths to record births and deaths registered prior to 6 November 1995 and he shall keep a births register and a deaths register to record births and deaths registered on or after 6 November 1995. The former register books are maintained in a paper and a microfilm format while the latter are maintained only in a microfilm format.

5. Under the Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173), the Registrar of Births and Deaths shall maintain certified records transmitted from the Civil Aviation Department in the Air Register Book of Births and Deaths. They are records of births and deaths occurring in any part of the world in any aircraft registered in Hong Kong and of the death, outside Hong Kong, of any person, who being a traveller on such an aircraft, is killed on the journey in consequence of an accident to such aircraft. Furthermore, the Registrar of Births and Deaths is also authorised under the Merchant Shipping (Seafarers) Ordinance (Cap. 478) to maintain certified records transmitted from the Mercantile Marine Office in the Marine Register of Births and Deaths. They are records of births and deaths occurring in a ship registered in Hong Kong and any birth of a child to, or death of, a person who holds a Hong Kong identity card occurring in a ship not registered in Hong Kong which enters the waters of Hong Kong. These register books are maintained in a paper format.

6. Apart from the above statutory duties, the Registrar of Births and Deaths is also required under the Births Registration (Special Registers) Ordinance (Cap. 175) and the Deaths Registration (Special Registers) Ordinance (Cap. 176) to keep special register books for the purpose of registering births and deaths previously in the register books which are deemed

to have been permanently lost as from 25 December 1941. These register books are maintained in a paper format.

Marriage Registration

7. Pursuant to the Marriage Ordinance (Cap. 181), the Registrar of Marriages (who is the Director of Immigration) shall keep notices of intended marriage and certificates of marriage. The documents are maintained in a paper and/or a microfilm format.

Legislative proposal

8. Since the Registrar of Births and Deaths and the Registrar of Marriages are required by law to maintain the records relating to registration of births, deaths and marriages in a paper and/or a microfilm format, it is necessary to amend the births, deaths and marriages-related ordinances to underpin the implementation of APPLIES and ERP. We will propose amendments to the relevant ordinances to-

- a) empower the Registrar of Births and Deaths and the Registrar of Marriages to keep various registers of births and deaths mentioned in paragraphs 4 to 6 above, notices of intended marriage and certificates of marriage in the form of digital image solely or in the form of digital image and computer data concurrently;
- b) empower the Registrars to destroy or otherwise dispose of the records in a paper or a microfilm format after they have been recorded in the form of digital image solely or in the form of digital image and computer data concurrently;
- c) repeal the provisions relating to maintenance of register books and microfilms, such as correction of errors on microfilms, which will become obsolete under APPLIES and ERP; and
- d) provide for other consequential amendments, e.g. to allow the hard copy of the digital image of a certificate of marriage to be admissible as evidence in court.

Legislative timetable

9. We aim to introduce an amendment bill into the Legislative Council within the current legislative session.

Advice sought

10. Members are invited to provide views on the legislative proposal set out in this paper.

Security Bureau
25 October 2005

On Births and Deaths Registration

- (a) Births and Deaths Registration Ordinance (Cap. 174);
- (b) Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173);
- (c) Merchant Shipping (Seafarers) Ordinance (Cap. 478);
- (d) Births Registration (Special Registers) Ordinance (Cap. 175); and
- (e) Deaths Registration (Special Registers) Ordinance (Cap. 176).

On Marriage Registration

- (f) Marriage Ordinance (Cap. 181)