

*Chapter 1: Management of birth, death and marriage registrations*

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The Audit Commission ("Audit") conducted a review to examine the management of birth, death and marriage registrations by the Immigration Department ("ImmD"). Related reviews were conducted in October 2001 and March 2011 respectively.<sup>1</sup>

2. Hon Paul TSE Wai-chun declared that he was on ImmD's "List of Appointed Civil Celebrants of Marriages".

3. ImmD is responsible for the registration of births, deaths and marriages, and the provision of related services. The Director of Immigration is appointed as the Registrar of Births and Deaths and the Registrar of Marriages according to the Births and Deaths Registration Ordinance (Cap. 174) and the Marriage Ordinance (Cap. 181) respectively. In 2020, 41 958 births, 50 653 deaths and 28 161 marriages were registered. The registration of births, deaths and marriages and the provision of related civil registration services is under the programme area "Personal Documentation" of ImmD. The actual expenditure on the programme area in 2019-2020 was \$1,289 million. In 2021-2022, the estimated expenditure on the programme area was \$1,369.6 million.

4. The Committee noted the following findings from the Director of Audit's Report No. 76 ("the Audit Report"):

Registration of births and deaths

- from 2000 to 2019, the number of registered births increased steadily from 48 914 in 2004 to a peak of 95 387 in 2011, then dropped significantly by 40% to 57 651 in 2013.<sup>2</sup> However, the staff establishments for birth registration in ImmD's Births and Deaths General Register Office and Kowloon Births Registry<sup>3</sup> only slightly decreased or remained unchanged during the same period.

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<sup>1</sup> Chapter 1 of the Director of Audit's Report No. 37 of October 2001 – "Registration of births, deaths and marriages" and Chapter 8 of the Director of Audit's Report No. 56 of March 2011 – "Immigration Department: Operation of the Enforcement Division".

<sup>2</sup> According to the Census and Statistics Department, the sharp decrease in registered births in 2013 was mainly due to the implementation of the zero-quota policy on obstetric services for Mainland women whose spouses are not Hong Kong residents.

<sup>3</sup> ImmD operates four births registries, namely the Births and Deaths General Register Office, Kowloon Births Registry, Sha Tin District Births Registry and Tuen Mun District Births Registry.

*Chapter 1: Management of birth, death and marriage registrations*

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From 2019 to 2020, the number of registered births decreased significantly by 21% from 53 173 to 41 958, resulting in the first natural population decrease since 1960s. There was a need for ImmD to keep under review the manpower deployed on birth registration work;

- ImmD pledged to process a birth registration within 30 minutes at counter. Though ImmD's Controlling Officer's Report showed that ImmD met the standard processing time (i.e. within 30 minutes) in 99.7% of the birth/death/adoption registration cases in 2019, the births registries did not keep records on the processing time of cases at counter in accordance with the Financial Services and the Treasury Bureau's guidelines;<sup>4</sup>
- as at 31 October 2020, there were 150 unregistered birth cases (i.e. registration outstanding for 43 days or more from the date of birth of the child). Audit examination of these 150 cases discovered that:
  - (a) ImmD had not sent first reminder letters to the parents in 43 (29%) of these 150 cases. For the remaining 107 cases with first reminder letters issued to the parents, there were delays of 1 to 61 days (averaging 6 days) in sending the letters in 95 (89% of 107) cases;
  - (b) as at 15 December 2020, there were still 40 cases remaining outstanding, among which seven cases had been outstanding for over six months, but five of them had not been referred to the General Investigation Section ("GIS") under the Investigation Sub-division of ImmD for investigation in accordance with ImmD's guidelines; and
  - (c) according to ImmD, the cases mentioned in (a) and (b) above warranted flexible handling.<sup>5</sup> However, ImmD's guidelines had not promulgated the details of handling such cases;

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<sup>4</sup> According to the Financial Services and the Treasury Bureau's guidelines, Controlling Officers should satisfy themselves that proper performance records are maintained and, as far as practicable, can be validated.

<sup>5</sup> Please see Appendix D to the Audit Report for unregistered birth cases as at 31 October 2020 warranting flexible handling.

*Chapter 1: Management of birth, death and marriage registrations*

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- from June 2018 to 31 October 2020, 15 unregistered birth cases were referred to GIS for investigation. As at 31 December 2020, 11 of these 15 cases had been closed while the remaining four were still under investigation. Audit examination of these 11 completed investigation cases discovered that:
  - (a) in one case, GIS only tried to contact the parents by phone on weekdays once a month between November 2018 and February 2019. Field visits conducted by GIS in March 2019 failed to locate the parents. When one of the parents was subsequently intercepted by ImmD in December 2019, prosecution had already been time-barred;
  - (b) for three cases in which investigation could not be completed within four months and thus requiring reporting of progress to the Senior Immigration Officer for directive, the related discussion on such reporting had not been documented in individual case files; and
  - (c) GIS took an average of about five calendar days to commence investigation work after receiving these 11 cases. ImmD's guidelines on handling unregistered birth cases had not set any time target for commencement of investigation;
- while ImmD pledged to process a death registration within 30 minutes at counter, it had not kept records on the processing time for death registration cases, and the waiting time of an applicant was not included in the pledged processing time;
- from January 2015 to October 2020, 103 816 (49%) out of 213 770 registrations of natural deaths were made at least three days after the dates of death (with the longest up to 665 days), which did not comply with the statutory requirement of registering deaths within 24 hours;
- the number of birth record searches significantly increased by 161% from 5 282 in 2010 to 13 810 in 2019, while the number of death record searches increased by 49% from 6 859 in 2010 to 10 211 in 2019. Despite a notable increase in demand for the issue of certified copies of birth/death certificates involving search of records, ImmD had neither included the issue of these certified copies in its Controlling

Officer's Report as key performance measure nor kept records on the number of these certified copies issued;

Registration of marriages

- from January 2015 to October 2020, the utilization rates of ImmD's five marriage registries<sup>6</sup> on weekdays (17% to 75%) were lower than those on Saturdays (55% to 98%), and only City Hall Marriage Registry was open in both the morning and the afternoon on Saturdays;
- 34 persons on ImmD's "List of Appointed Civil Celebrants of Marriages" as at 20 November 2020<sup>7</sup> were found ineligible to be a Civil Celebrant of Marriages ("CCM") who must be a solicitor or notary public with a practising certificate as required by the Marriage Ordinance;
- 291 (17%) out of 1 756 CCMs who were on the list of ImmD during the period from January 2015 to November 2020 were not active and had not provided any marriage solemnization service for some five years from January 2016 to October 2020;
- Audit examination of suspected bogus marriages cases handled by ImmD revealed that:
  - (a) as of December 2020, 1 127 (50%) out of 2 237 outstanding suspected bogus marriage cases had been outstanding for more than two years. While ImmD's guidelines required weekly spot check on two cases selected on a random basis from no-further-action cases (i.e. cases requiring no further investigation) and curtailed cases (i.e. long outstanding cases with investigation curtailed for the time being), only 18 cases (8 no-further-action cases and 10 curtailed cases) were selected for spot checking in 2019;<sup>8</sup>

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<sup>6</sup> The five marriage registries are City Hall Marriage Registry, Cotton Tree Drive Marriage Registry, Tsim Sha Tsui Marriage Registry, Sha Tin Marriage Registry and Tuen Mun Marriage Registry.

<sup>7</sup> As at 20 November 2020, there were 2 277 appointed Civil Celebrants of Marriages ("CCMs") on the list.

<sup>8</sup> According to ImmD, the number of no-further-action cases and curtailed cases endorsed in 2019 was 19 and 155 respectively.

*Chapter 1: Management of birth, death and marriage registrations*

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- (b) while ImmD's guidelines required that the case file for a priority case of suspected bogus marriage be opened within two weeks after assignment of the case, no such time limit was set for normal cases. For eight normal cases completed in 2019 or 2020, case officers took 1 to 33 days (averaging 19 days) to open a case file upon case assignment;
- (c) while ImmD's guidelines required frequent supervisory checks on the work of investigation teams, only 19 supervisory checks were conducted from 1 July to 29 December 2019 on the 10 teams (i.e. an average of only two checks on each team over the period); and
- (d) in a suspected bogus marriage case referred to ImmD for investigation by a Mainland authority in November 2012,<sup>9</sup> ImmD conducted five home visits in 2013 but failed to locate the suspect. ImmD successfully contacted the suspect by phone three times in 2013 and requested him to attend an enquiry, but he was absent from all interviews. In early 2019, ImmD found that the suspect passed away in January 2019; and

Implementation of next generation of Application and Investigation Easy Systems

- Audit examination of the implementation of the next generation of Application and Investigation Easy Systems ("APPLIES-2")<sup>10</sup> by ImmD revealed that:
  - (a) two contracts were awarded for the supply and installation of APPLIES-2 at a total one-off cost of \$272.7 million in November 2019, about one year after the time target (i.e. the fourth quarter of 2018) stated in the paper submitted to the Finance Committee of the Legislative Council;

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<sup>9</sup> Please refer to paragraph 3.31 of the Audit Report for details of the case.

<sup>10</sup> In May 2018, the Finance Committee of the Legislative Council approved a sum of \$453 million for the replacement of the existing Application and Investigation Easy Systems, which support a wide range of ImmD's core functions, including birth, death and marriage registrations as well as investigation and enforcement of cases. ImmD has put in place a three-tier project governance structure comprising the Project Steering Committee, a Working Group and a Project Team to oversee the implementation of APPLIES-2.

*Chapter 1: Management of birth, death and marriage registrations*

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- (b) the Project Steering Committee and the Working Group had not held any regular meetings to monitor the project progress since the award of the above two contracts in November 2019 up to February 2021; and
- (c) as of March 2021, the total cashflow requirement of APPLIES-2 project was \$372.2 million and the estimated unspent fund balance was \$80.8 million. However, the cashflow requirement in each of the annual returns on the forecast expenditure of the APPLIES-2 project submitted by ImmD to the Security Bureau and the Financial Services and the Treasury Bureau from 2018 to 2020 was \$453 million, which was the same as the approved project estimate, with no unspent fund balance.

5. The Committee asked for written responses regarding management of births, deaths and marriage registries, implementation of the CCM Scheme, handling of bogus marriages cases, and the progress and use of funding in implementing APPLIES-2. The replies from the **Secretary for Security** and the **Director of Immigration** are in *Appendices 3 to 6*.

6. The Committee wishes to be kept informed of the progress made in implementing the various recommendations made by Audit.