

**BIRTHS, DEATHS AND MARRIAGES
(DIGITAL IMAGE) BILL**

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A BILL

To

- (a) amend certain Ordinances to enable the Registrar of Births and Deaths and the Registrar of Marriages to maintain in the form of digital image certain registers and records that relate to births, deaths and marriages; and make related and consequential amendments; and
- (b) amend the Electronic Transactions (Exclusion) Order so that the information required to be given under section 8(1) of the Births and Deaths Registration Ordinance may be contained in an electronic record.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title

This Ordinance may be cited as the Births, Deaths and Marriages (Digital Image) Ordinance.

2. Commencement

This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

PART 2

REGISTERS AND RECORDS BE KEPT IN FORM OF DIGITAL IMAGE

**Civil Aviation (Births, Deaths and
Missing Persons) Ordinance**

3. Section added

The Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173) is amended by adding—

“1A. Interpretation

In this Ordinance, unless the context otherwise requires—

“Air Register Book of Births and Deaths” (航空生死登記簿) means the Air Register Book of Births and Deaths kept by the Registrar immediately before the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006);

“Air Register of Births and Deaths” (航空生死登記冊) means the register maintained by the Registrar under section 3(1);

“digital image” (數碼影像), in relation to a document, means an image of the document kept on a computer system or on an electronic medium;

“register computer” (登記電腦) means a computer forming the system of storing the particulars under sections 3 and 4;

“Registrar” (登記官) means the Registrar of Births and Deaths, and includes any deputy registrar of births and deaths.”.

4. Power for the Chief Executive to make regulations for recording and registration of births and deaths, etc.

(1) Section 2(3) is amended by repealing “of Births and Deaths”.

(2) Section 2(4) is repealed.

(3) Section 2(5) is amended by repealing “of Births and Deaths”.

(4) Section 2(6) is repealed.

(5) Section 2(7) is amended by repealing everything after “as” and substituting—

“if—

(a) the Air Register of Births and Deaths were a register referred to in those sections; and

(b) the reference to the computer record in those sections were a reference to the database of a register computer.”.

(6) Section 2(8)(c) is amended by repealing “of Births and Deaths”.

5. Sections added

The following are added—

“3. Maintenance of register and storage of information

(1) The Registrar shall maintain a register called the Air Register of Births and Deaths.

(2) The Air Register of Births and Deaths shall be compiled from the certified copies referred to in section 2(3) and (5) which are recorded in the form of digital image in accordance with this section.

(3) The Registrar shall, on receipt of any of the certified copies referred to in section 2(3), cause—

(a) the certified copy to be recorded in the form of digital image; and

(b) the particulars contained in the certified copy to be stored in the database of a register computer in the form of data which are capable of being retrieved and reproduced in a legible form.

(4) The Registrar shall, on receipt of a certified copy of any corrected or amended entry referred to in section 2(5), cause—

(a) the certified copy to be recorded in the form of digital image and substituted for the corresponding digital image kept in the Air Register of Births and Deaths; and

(b) the particulars contained in the certified copy to be—
(i) stored in the manner described in subsection (3)(b); and
(ii) substituted for the corresponding particulars that have been so stored.

(5) Where the Registrar is aware of a clerical error in the particulars stored in the database referred to in subsection (3)(b), he shall cause the error to be corrected as soon as possible.

(6) The certified copies filed in the Air Register Book of Births and Deaths shall, on the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006), form part of the Air Register of Births and Deaths and be recorded in the form of digital image by the Registrar.

(7) The Registrar shall cause the particulars contained in the certified copies referred to in subsection (6) to be stored in the manner described in subsection (3)(b).

4. Disposal of certified copies filed in Air Register Book of Births and Deaths

Where—

(a) any certified copy filed in the Air Register Book of Births and Deaths has been recorded in the form of digital image; and

(b) the particulars contained in the certified copy have been stored in the manner described in section 3(3)(b),

the Registrar may destroy or otherwise dispose of the certified copy in such manner as he thinks fit.”.

Civil Aviation (Births, Deaths and Missing Persons) Regulations

6. Transmission of copies of entries to Registrar

(1) The heading of regulation 5 of the Civil Aviation (Births, Deaths and Missing Persons) Regulations (Cap. 173 sub. leg. A) is amended, in the Chinese text, by repealing “生死”.

(2) Regulation 5 is amended by repealing “of Births and Deaths”.

7. Rectification of entries of births, deaths and missing persons

(1) Regulation 7(1B) is amended by repealing “of Births and Deaths”.

(2) Regulation 7(2) is amended by repealing “of Births and Deaths”.

8. Schedule amended

The Schedule is amended, in Forms 3, 4 and 5, by repealing “19.....” and substituting “.....”.

Births and Deaths Registration Ordinance

9. Interpretation

(1) Section 2(1) of the Births and Deaths Registration Ordinance (Cap. 174) is amended, in the definition of “經簽署登記表格”, in the Chinese text, by repealing “表格。” and substituting “表格；”.

(2) Section 2(1) is amended by adding—

““digital image” (數碼影像), in relation to a document, means an image of the document kept on a computer system or on an electronic medium;”.

10. Register forms

(1) Section 4(1) is amended by repealing “printed and”.

(2) Section 4(4) is repealed and the following substituted—

“(4) (a) The Registrar may cause the register books, whether in the form of paper or microfilm, or any part of them to be recorded in the form of digital image, and for the purposes of subsection (3)(a), the register books, whether in the form of paper or microfilm, or such part of them as the Registrar sees fit may be kept in the form of digital image.

(b) The births register and the deaths register shall be compiled from signed register forms which are recorded in the form of digital image in accordance with section 5.”.

11. Signed register forms to be microfilmed

(1) The heading of section 5 is amended, by repealing “**microfilmed**” and substituting “**recorded in form of digital image**”.

(2) Section 5(1) is amended by repealing “on microfilm” and substituting “in the form of digital image”.

(3) Section 5(2) is amended by repealing “on microfilm” and substituting “in the form of digital image”.

12. Computer record

Section 5A(2) is amended, in the Chinese text, by repealing everything after “情以” and substituting “儲存在登記電腦的數據庫中的數據形式記錄，而該數據須能以可閱讀形式檢索和重現。”.

13. Registration of name of child or of alteration of name

(1) Section 13(5) is repealed.

(2) Section 13(6) is amended by repealing “microfilmed” and substituting “recorded in the form of digital image”.

(3) Section 13(6) is amended by repealing everything after “shall be” and substituting “recorded on the relevant digital image.”.

(4) Section 13(7) is repealed and the following substituted—

“(7) Where subsection (2)(b) applies, the Registrar shall cause the alteration or addition of name (as may be appropriate) to be recorded on the relevant digital image.”.

14. Breach

(1) Section 25(c)(ii) is amended, in the Chinese text, by repealing “或容許” and substituting “，或不小心地容許”.

(2) Section 25(c)(iii) is amended by adding “a” before “legible”.

15. Correction of errors in register

Section 27(2) and (3) is repealed.

16. Section substituted

Section 32 is repealed and the following substituted—

“32. Disposal of documents when recorded in form of digital image

(1) Where—

(a) any signed register form has been recorded in the form of digital image; and

(b) the particulars contained in the form have been recorded in the computer record,

the Registrar may destroy or otherwise dispose of the form, and any microfilm on which it is recorded, in such manner as he thinks fit.

(2) Where any register book or any part of it has been recorded in the form of digital image, the Registrar may destroy or otherwise dispose of the register book or such part of it (as the case may be), and any microfilm on which the register book or such part of it (as the case may be) is recorded, in such manner as he thinks fit.”.

17. Forms

(1) The Second Schedule is amended, in Forms 1, 2, 4, 5, 6, 7, 8, 9, 10, 11 and 13, by repealing “19” wherever it appears.

(2) The Second Schedule is amended, in Forms 15, 16 and 17, by repealing “, 19” and substituting “,”.

(3) The Second Schedule is amended in Form 18, by repealing “19” wherever it appears.

(4) The Second Schedule is amended in Form 19, by repealing “19.....” where it twice appears and substituting “.....”.

Birth Certificate (Shortened Form) Regulations

18. Schedule amended

The Schedule to the Birth Certificate (Shortened Form) Regulations (Cap. 174 sub. leg. A) is amended by repealing “19” where it twice appears.

Births Registration (Special Registers) Ordinance

19. Interpretation

(1) Section 2 of the Births Registration (Special Registers) Ordinance (Cap. 175) is amended, in the definition of “Registrar”, by adding “, and includes any deputy registrar of births and deaths” after “Deaths”.

(2) Section 2 is amended by adding—

““digital image” (數碼影像), in relation to a document, means an image of the document kept on a computer system or on an electronic medium;

“register computer” (登記電腦) means a computer forming the system of storing the particulars under sections 4 and 6A;

“signed register form” (經簽署登記表格) means a register form completed and signed under section 6A;

“special register books of births” (特設出生登記簿) means the special register books of births kept by the Registrar immediately before the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006);”.

20. Section substituted

Section 4 is repealed and the following substituted—

“4. Maintenance of registers and storage of information

(1) The Registrar shall maintain the following registers—

(a) No. 1 register (1872) in Form 1 in the Second Schedule;

(b) No. 2 register (1872) in Form 2 in the Second Schedule;

(c) No. 1 register (1896) in Form 1 in the Third Schedule;

(d) No. 2 register (1896) in Form 2 in the Third Schedule;

(e) No. 1 register (1934) in Form 1 in the Fourth Schedule; and

(f) No. 2 register (1934) in Form 2 in the Fourth Schedule.

(2) The registers shall be kept in the form of digital image in the general register office.

(3) On the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006), the special register books of births shall form part of the registers maintained by the Registrar under this section and be recorded in the form of digital image by the Registrar.

(4) The Registrar shall cause the particulars of the entries contained in the special register books of births to be stored in the manner described in section 6A(3)(b).”.

21. Section added

The following is added—

“4A. Disposal of special register books of births

Where—

(a) the special register books of births or any part of them has been recorded in the form of digital image; and

(b) the particulars of the entries contained in such register books or such part of them have been stored in the manner described in section 6A(3)(b),
the Registrar may destroy or otherwise dispose of such register books or such part of them (as the case may be) in such manner as he thinks fit.”.

22. Section added

The following is added—

“6A. Register forms

- (1) The Registrar shall, before registering a birth under section 5 or 6, arrange for a register form to be—
 - (a) completed; and
 - (b) signed by the person who requires such registration.
- (2) The register form shall—
 - (a) (in the case of a registration under section 5(1)) contain such particulars as set out in Form 1 in the Second Schedule;
 - (b) (in the case of a registration under section 5(2)) contain such particulars as set out in Form 1 in the Third Schedule;
 - (c) (in the case of a registration under section 5(3)) contain such particulars as set out in Form 1 in the Fourth Schedule;
 - (d) (in the case of a registration under section 6(1)) contain such particulars as set out in Form 2 in the Second Schedule;
 - (e) (in the case of a registration under section 6(2)) contain such particulars as set out in Form 2 in the Third Schedule;
 - (f) (in the case of a registration under section 6(3)) contain such particulars as set out in Form 2 in the Fourth Schedule.
- (3) The Registrar shall, on registration of a birth under section 5 or 6, cause—
 - (a) the signed register form that relates to the birth to be recorded in the form of digital image; and
 - (b) the particulars contained in the form to be stored in the database of a register computer in the form of data which are capable of being retrieved and reproduced in a legible form.

(4) The image recorded in accordance with subsection (3)(a) shall form part of the relevant register in which the birth shall be registered.”.

23. Indexes and searches

(1) Section 7 is amended by renumbering it as section 7(1).

(2) Section 7 is amended by adding—

“(2) If the particulars of an entry have been stored in the manner described in section 6A(3)(b), the Registrar may cause to be produced a copy of such entry by using such particulars, and the copy so produced, if certified and sealed (or stamped) in accordance with subsection (1), shall be deemed to be a certified copy of such entry in the special register of births.”.

24. Penalty for loss or injury of register

(1) The heading of section 10 is repealed and the following substituted—
“**Offences and penalties**”.

(2) Section 10 is amended by renumbering it as section 10(1).

(3) Section 10(1) is amended by adding “or access to” after “custody of”.

(4) Section 10(1) is amended by repealing “shall be deemed to have committed a breach of the provisions of this Ordinance” and substituting “or possession commits an offence”.

(5) Section 10 is amended by adding—

“(2) Any person who having the custody of or access to the database referred to in section 6A(3)(b)—

(a) alters any data in the database or allows such data to be altered, other than for the purpose of carrying out duties under this Ordinance;

(b) carelessly loses or damages any data in the database or allows such data to be lost or damaged; or

(c) otherwise tampers with the database so that the data contained in it or any part of such data becomes incapable of being retrieved or reproduced in a legible form,

commits an offence and shall be liable on summary conviction to a fine at level 1 or to imprisonment for 6 months.”.

25. Correcting of errors in register

(1) The heading of section 12 is repealed and the following substituted—
“**Correction of errors**”.

- (2) Section 12 is amended by renumbering it as section 12(1).
- (3) Section 12 is amended by adding—
 - “(2) In relation to an entry the particulars of which have been stored in the database referred to in section 6A(3)(b)—
 - (a) where the Registrar is aware of a clerical error in such particulars, he shall correct the error as soon as possible; and
 - (b) where an error that is corrected under subsection (1)(c) relates to the entry, the Registrar shall amend such particulars accordingly.”.

26. Forms of Nos. 1 and 2 Registers (1872)

The Second Schedule is amended by repealing “[s. 4]” and substituting “[ss. 4 & 6A]”.

27. Forms of Nos. 1 and 2 Registers (1896)

(1) The Third Schedule is amended by repealing “[s. 4]” and substituting “[ss. 4 & 6A]”.

(2) The Third Schedule is amended, in Forms 1 and 2, by repealing “19” wherever it appears.

28. Forms of Nos. 1 and 2 Registers (1934)

(1) The Fourth Schedule is amended by repealing “[s. 4]” and substituting “[ss. 4 & 6A]”.

(2) The Fourth Schedule is amended, in Forms 1 and 2, by repealing “19” wherever it appears.

29. Fees and Form of Declaration for Correction of Error

(1) The Fifth Schedule is amended, in Part I, in the English text, by repealing “the register books” wherever it appears and substituting “the registers”.

(2) The Fifth Schedule is amended, in Part I, in item 3, in the English text, by repealing “book”.

(3) The Fifth Schedule is amended, in Part II, by repealing “19” where it twice appears.

Deaths Registration (Special Registers) Ordinance

30. Interpretation

(1) Section 2 of the Deaths Registration (Special Registers) Ordinance (Cap. 176) is amended, in the English text, by adding “, unless the context otherwise requires” after “In this Ordinance”.

(2) Section 2 is amended, in the definition of “Registrar”, by adding “, and includes any deputy registrar of births and deaths” after “Deaths”.

(3) Section 2 is amended by adding—

““digital image” (數碼影像), in relation to a document, means an image of the document kept on a computer system or on an electronic medium;

“register computer” (登記電腦) means a computer forming the system of storing the particulars under sections 4 and 6A;

“signed register form” (經簽署登記表格) means a register form completed and signed under section 6A;

“special register books of deaths” (特設死亡登記簿) means the special register books of deaths kept by the Registrar immediately before the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006);”.

31. Section substituted

Section 4 is repealed and the following substituted—

“4. Maintenance of registers and storage of information

(1) The Registrar shall maintain the following registers—

(a) No. 1 register (1896) in Form 1 in the Second Schedule;

(b) No. 2 register (1896) in Form 2 in the Second Schedule;

(c) No. 1 register (1934) in Form 1 in the Third Schedule; and

(d) No. 2 register (1934) in Form 2 in the Third Schedule.

(2) The registers shall be kept in the form of digital image in the general register office.

(3) On the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006), the special register books of deaths shall form part of the registers maintained by the Registrar under this section and be recorded in the form of digital image by the Registrar.

(4) The Registrar shall cause the particulars of the entries contained in the special register books of deaths to be stored in the manner described in section 6A(3)(b).”.

32. Section added

The following is added—

“4A. Disposal of special register books of deaths

Where—

- (a) the special register books of deaths or any part of them has been recorded in the form of digital image; and
- (b) the particulars of the entries contained in such register books or such part of them have been stored in the manner described in section 6A(3)(b),

the Registrar may destroy or otherwise dispose of such register books or such part of them (as the case may be) in such manner as he thinks fit.”.

33. Section added

The following is added—

“6A. Register forms

(1) The Registrar shall, before registering a death under section 5 or 6, arrange for a register form to be—

- (a) completed; and
- (b) signed by the person who requires such registration.

(2) The register form shall—

- (a) (in the case of a registration under section 5(1)) contain such particulars as set out in Form 1 in the Second Schedule;
- (b) (in the case of a registration under section 5(2)) contain such particulars as set out in Form 1 in the Third Schedule;
- (c) (in the case of a registration under section 6(1)) contain such particulars as set out in Form 2 in the Second Schedule;
- (d) (in the case of a registration under section 6(2)) contain such particulars as set out in Form 2 in the Third Schedule.

(3) The Registrar shall, on registration of a death under section 5 or 6, cause—

- (a) the signed register form that relates to the death to be recorded in the form of digital image; and
- (b) the particulars contained in the form to be stored in the database of a register computer in the form of data which are capable of being retrieved and reproduced in a legible form.

(4) The image recorded in accordance with subsection (3)(a) shall form part of the relevant register in which the death shall be registered.”.

34. Indexes and searches

- (1) Section 7 is amended by renumbering it as section 7(1).
- (2) Section 7 is amended by adding—

“(2) If the particulars of an entry have been stored in the manner described in section 6A(3)(b), the Registrar may cause to be produced a copy of such entry by using such particulars, and the copy so produced, if certified and sealed (or stamped) in accordance with subsection (1), shall be deemed to be a certified copy of such entry in the special register of deaths.”.

35. Penalty for loss or injury of register

- (1) The heading of section 10 is repealed and the following substituted—
“Offences and penalties”.
- (2) Section 10 is amended by renumbering it as section 10(1).
- (3) Section 10(1) is amended by adding “or access to” after “custody of”.
- (4) Section 10(1) is amended by repealing “shall be deemed to have committed a breach of the provisions of this Ordinance” and substituting “or possession commits an offence”.
- (5) Section 10 is amended by adding—
 - “(2) Any person who having the custody of or access to the database referred to in section 6A(3)(b)—
 - (a) alters any data in the database or allows such data to be altered, other than for the purpose of carrying out duties under this Ordinance;
 - (b) carelessly loses or damages any data in the database or allows such data to be lost or damaged; or
 - (c) otherwise tampers with the database so that the data contained in it or any part of such data becomes incapable of being retrieved or reproduced in a legible form,

commits an offence and shall be liable on summary conviction to a fine at level 1 or to imprisonment for 6 months.”.

36. Correction of errors in register

- (1) The heading of section 12 is amended by repealing “**in register**”.
- (2) Section 12 is amended by renumbering it as section 12(1).
- (3) Section 12 is amended by adding—
 - “(2) In relation to an entry the particulars of which have been stored in the database referred to in section 6A(3)(b)—
 - (a) where the Registrar is aware of a clerical error in such particulars, he shall correct the error as soon as possible; and
 - (b) where an error that is corrected under subsection (1)(c) relates to the entry, the Registrar shall amend such particulars accordingly.”.

37. Forms of Nos. 1 and 2 Registers (1896)

- (1) The Second Schedule is amended by repealing “[s. 4]” and substituting “[ss. 4 & 6A]”.
- (2) The Second Schedule is amended, in Forms 1 and 2, by repealing “19” wherever it appears.

38. Forms of Nos. 1 and 2 Registers (1934)

- (1) The Third Schedule is amended by repealing “[s. 4]” and substituting “[ss. 4 & 6A]”.
- (2) The Third Schedule is amended, in Forms 1 and 2, by repealing “19” wherever it appears.

39. Fees and Form of Declaration for Correction of Error

- (1) The Fourth Schedule is amended, in Part I, in the English text, by repealing “the register books” wherever it appears and substituting “the registers”.
- (2) The Fourth Schedule is amended, in Part I, in item 3, in the English text, by repealing “book”.
- (3) The Fourth Schedule is amended, in Part II, by repealing “19” where it twice appears.

Marriage Ordinance

40. Interpretation

The Marriage Ordinance (Cap. 181) (as amended by the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance (23 of 2005)) is amended, in section 2, by adding—

““digital image” (數碼影像), in relation to a document, means an image of the document kept on a computer system or on an electronic medium;”.

41. Filing, exhibition and inspection of notice of intended marriage

(1) Section 7(3) is amended by repealing “on microfilm” and substituting “in the form of digital image”.

(2) Section 7(4) is amended by repealing “reader-printer hard copy of the microfilm” and substituting “hard copy of the digital image”.

42. Registration of certificates of marriage

Section 23(2) is amended by repealing “on microfilm” and substituting “in the form of digital image”.

43. Effect of certificate of marriage or certified copy thereof

Section 24 is amended by adding “, or a hard copy of the digital image,” after “microfilm”.

44. Offence of tampering with records

Section 32 is amended by adding “(whether in the form of paper or microfilm or digital image)” after “filed”.

45. Disposal of documents when microfilmed

(1) The heading of section 43 is amended by repealing “when microfilmed” and substituting “and microfilms when recorded in form of digital image”.

(2) Section 43 is amended by repealing “on microfilm under this Ordinance, destroy or otherwise dispose of such document” and substituting “in the form of digital image under this Ordinance, destroy or otherwise dispose of such document, and any microfilm on which such document is recorded,”.

Merchant Shipping (Seafarers) Ordinance

46. Interpretation

Section 2(1) of the Merchant Shipping (Seafarers) Ordinance (Cap. 478) is amended by adding—

- ““digital image” (數碼影像), in relation to a document, means an image of the document kept on a computer system or on an electronic medium;
- “Marine Register Book of Births and Deaths” (海上生死登記簿) means the Marine Register of Births and Deaths kept by the Registrar immediately before the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006);
- “Marine Register of Births and Deaths” (海上生死登記冊) means the register maintained by the Registrar under section 121A(1);
- “register computer” (登記電腦) means a computer forming the system of storing the particulars under sections 121A and 121B;”.

47. Returns of births, deaths and missing persons, etc.

(1) Section 121(3)(c) is amended, in the Chinese text, by repealing “送交登記官” and substituting “予登記官”.

(2) Section 121(4) is repealed.

(3) Section 121(5) is amended by repealing everything after “as” and substituting—

“if—

- (a) the Marine Register of Births and Deaths were a register referred to in those sections; and
- (b) the reference to the computer record in those sections were a reference to the database of a register computer.”.

48. Sections added

The following are added—

“121A. Maintenance of register and storage of information

(1) The Registrar shall maintain a register called the Marine Register of Births and Deaths.

(2) The Marine Register of Births and Deaths shall be compiled from the certified copies sent to the Registrar under regulations made under section 121(3)(c), which are recorded in the form of digital image in accordance with this section.

(3) The Registrar shall, on receipt of a certified copy of any record sent to him under regulations made under section 121(3)(c), cause—

- (a) the certified copy to be recorded in the form of digital image; and
- (b) the particulars contained in the certified copy to be stored in the database of a register computer in the form of data which are capable of being retrieved and reproduced in a legible form.

(4) The Registrar shall, on receipt of a certified copy of any corrected or amended entry sent to him under regulations made under section 121(3)(c), cause—

- (a) the certified copy to be recorded in the form of digital image and substituted for the corresponding digital image kept in the Marine Register of Births and Deaths; and
- (b) the particulars contained in the certified copy to be—
 - (i) stored in the manner described in subsection (3)(b); and
 - (ii) substituted for the corresponding particulars that have been so stored.

(5) Where the Registrar is aware of a clerical error in the particulars stored in the database referred to in subsection (3)(b), he shall cause the error to be corrected as soon as possible.

(6) The certified copies filed in the Marine Register Book of Births and Deaths shall, on the commencement of the Births, Deaths and Marriages (Digital Image) Ordinance (of 2006), form part of the Marine Register of Births and Deaths and be recorded in the form of digital image by the Registrar.

(7) The Registrar shall cause the particulars contained in the certified copies referred to in subsection (6) to be stored in the manner described in subsection (3)(b).

**121B. Disposal of certified copies filed in Marine
Register Book of Births and Deaths**

Where—

- (a) any certified copy filed in the Marine Register Book of Births and Deaths has been recorded in the form of digital image; and
 - (b) the particulars contained in the certified copy have been stored in the manner described in section 121A(3)(b),
- the Registrar may destroy or otherwise dispose of the certified copy in such manner as he thinks fit.”.

PART 3

**AMENDMENT TO THE ELECTRONIC TRANSACTIONS
(EXCLUSION) ORDER**

Electronic Transactions (Exclusion) Order

**49. Provisions excluded from application of
section 5 of Ordinance**

Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) is amended, in item 29, by repealing “8(1),”.

PART 4

CONSEQUENTIAL AMENDMENTS

Immigration Service Ordinance

50. Scheduled offences

(1) Schedule 2 to the Immigration Service Ordinance (Cap. 331) is amended, in Part II, in item 2, in column 2, by repealing “10” and substituting “10(1)”.

(2) Schedule 2 is amended, in Part II, in item 2, in columns 2 and 3, by adding—

“section 10(2) tampering with database, etc.”.

(3) Schedule 2 is amended, in Part II, in item 3, in column 2, by repealing “10” and substituting “10(1)”.

(4) Schedule 2 is amended, in Part II, in item 3, in columns 2 and 3, by adding—
“section 10(2) tampering with database, etc.”.

Explanatory Memorandum

The object of this Bill is to enable the Registrar of Births and Deaths and the Registrar of Marriages to maintain in the form of digital image the registers and records that relate to births, deaths and marriages under the following Ordinances—

- (a) the Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173);
- (b) the Births and Deaths Registration Ordinance (Cap. 174);
- (c) the Births Registration (Special Registers) Ordinance (Cap. 175);
- (d) the Deaths Registration (Special Registers) Ordinance (Cap. 176);
- (e) the Marriage Ordinance (Cap. 181); and
- (f) the Merchant Shipping (Seafarers) Ordinance (Cap. 478).

2. The Bill also empowers the Registrar of Births and Deaths and the Registrar of Marriages to store in the form of digital image all the existing records that relate to births, deaths and marriages and to dispose of such records after they have been so stored.

3. In addition, the Bill removes section 8(1) of the Births and Deaths Registration Ordinance (Cap. 174) from Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) so that the information required to be given under that section may be contained in an electronic record.