

## **LEGISLATIVE COUNCIL BRIEF**

Civil Aviation (Births, Deaths and Missing Persons) Ordinance  
(Cap. 173),  
Births and Deaths Registration Ordinance (Cap. 174),  
Births Registration (Special Registers) Ordinance (Cap. 175),  
Deaths Registration (Special Registers) Ordinance (Cap. 176),  
Marriage Ordinance (Cap. 181) and  
Merchant Shipping (Seafarers) Ordinance (Cap. 478)

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

#### **INTRODUCTION**

At the meeting of the Executive Council on 7 February 2006, the Council ADVISED and the Chief Executive ORDERED that the Births, Deaths and Marriages (Digital Image) Bill (the Bill), at Annex A, should be introduced into the Legislative Council.

A

#### **JUSTIFICATIONS**

2. Most records in ImmD are currently maintained in paper and/or 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 the Application and Investigation Easy System (APPLIES) and the Electronic Records Programme (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.

4. 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, or in the form of digital image and computer record concurrently. 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. Both systems are under development and are targeted for completion by end 2006.

B

5. The existing ordinances governing the registration of births, deaths and marriages, which is listed at Annex B, provide that the registration records shall be stored or maintained only in the form of paper or microfilm. To enable the above-mentioned two systems to handle these registration records and related transactions electronically, legislative amendments to ordinances at Annex B are necessary, mainly to empower ImmD to store or maintain these registration records in the form of digital image solely or in the form of digital image and computer record concurrently.

## Births and Deaths Registration

6. 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 a births register and a deaths register to record births and deaths registered on or after 6 November 1995. The register books are currently maintained in paper and microfilm format while the births and deaths registers are maintained in microfilm format with particulars of births and deaths recorded in the information systems of ImmD.

7. 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; the death, where occurring outside Hong Kong, of any person employed in a ship registered in Hong Kong; or 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 paper format.

8. 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 registered in the register books which are deemed to have been permanently lost as from 25 December 1941. These special registers are maintained in paper format.

### Marriage Registration

9. Under 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. These documents are maintained in paper and/or microfilm format.

### Benefits to the Public

10. With the introduction of electronic facilities and “one-stop-shop” service under APPLIES and ERP mentioned above, most of the immigration-related services can be delivered electronically, e.g. e-booking of appointments, e-submission of applications, e-payment of service fees and e-communication with ImmD offices. The public can also check the progress of their applications and obtain feedback from ImmD through electronic means. There will be improvement in efficiency for the department and the community.

## **THE LEGISLATIVE PROPOSAL**

11. The proposed legislative amendments aim 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 6 to 8 above, and notices of intended marriage and certificates of marriage mentioned in paragraph 9 above, 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 paper or 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.

## **THE BILL**

12. The main provisions of the Bill are highlighted below-

- (a) Clause 2 provides that the Births, Deaths and Marriages (Digital Image) Ordinance shall come into operation on a day to be appointed by the Secretary for Security;

### Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173)

- (b) Clause 3 adds a number of definitions to define expressions used in the Ordinance as amended;
- (c) Clause 4 provides for consequential amendments;
- (d) Clause 5 proposes a new section 3 to empower the Registrar to maintain the certified copies of records, including corrected or amended entry of records, received from the Civil Aviation Department in the Air Register of

Births and Deaths in the form of digital image, and to store the particulars contained in the certified copies in the form of computer data;

- (e) Clause 5 also proposes a new section 4 to empower the Registrar to dispose of the certified copies filed in the existing Air Register Book of Births and Deaths after they have been recorded in the form of digital image and the particulars contained in such copies stored in the form of computer data; and
- (f) Clauses 6 to 8 provide for consequential amendments and related amendment in the Chinese text in the Civil Aviation (Births, Deaths and Missing Persons) Regulations (Cap. 173 sub. leg. A) and to repeal the outdated year reference in the relevant Forms set out in the Schedule to the Regulations;

Births and Deaths Registration Ordinance (Cap. 174)

- (g) Clause 9 adds the definition of “digital image”;
- (h) Clause 10 empowers the Registrar to keep the register books, births register and deaths register, currently being maintained in the form of paper or microfilm, in the form of digital image;
- (i) Clause 11 empowers the Registrar to cause the signed register forms to be recorded in the form of digital image;
- (j) Clause 12 provides for related amendment in the Chinese text to better reflect the meaning of the corresponding English text;
- (k) Clause 13 caters for registration of name of child or of alteration of name in future when the register books have

been converted and kept in the form of digital image;

- (l) Clause 14 provides for related amendments in the Chinese text and English text to make the meaning clearer;
- (m) Clause 15 repeals the obsolete procedure of correcting errors on microfilms;
- (n) Clause 16 empowers the Registrar to dispose of signed register forms and related microfilm records after they have been recorded in the form of digital image and the particulars stored in the form of computer data; and;
- (o) Clauses 17 and 18 repeal the outdated year reference in the relevant Forms set out in the Second Schedule to the Ordinance and the Schedule to the Birth Certificate (Shortened Form) Regulations (Cap. 174 sub. leg. A);

Births Registration (Special Registers) Ordinance (Cap. 175)

- (p) Clause 19 adds a number of definitions to define expressions used in the Ordinance as amended;
- (q) Clause 20 empowers the Registrar to maintain registers of births in the form of digital image and to store the particulars contained in such registers in the form of computer data;
- (r) Clause 21 empowers the Registrar to dispose of register books after they have been recorded in the form of digital image and the particulars of the entries contained in such books stored in the form of computer data;
- (s) Clause 22 proposes a new section 6A to deal with register forms that can be recorded in the form of digital image and computer data;

- (t) Clause 23 provides for search and certification of records by the Registrar by using particulars stored in the form of computer data;
- (u) Clause 24 introduces a penalty provision to prohibit unlawful alteration or tampering with any particulars stored in the form of computer data;
- (v) Clause 25 empowers the Registrar to correct errors in the particulars stored in the form of computer data;
- (w) Clause 26 provides for consequential amendment to the Second Schedule to the Ordinance; and
- (x) Clauses 27 to 29 provide for consequential amendments and repeal the outdated year reference in the Third, Fourth and Fifth Schedules to the Ordinance;

Deaths Registration (Special Registers) Ordinance (Cap. 176)

- (y) Clauses 30 to 39 introduce similar amendments as those in Clauses 19 to 29;

Marriage Ordinance (Cap. 181)

- (z) Clause 40 adds the definition of “digital image”;
- (aa) Clauses 41 and 42 empower the Registrar to record notices of intended marriage and certificates of marriage in the form of digital image;
- (bb) Clause 43 allows a hard copy of the digital image of a certificate of marriage to be admissible as evidence in the court;



- (cc) Clause 44 makes it clear that wilful alteration of any document kept by the Registrar, whether in the form of microfilm or digital image, is an offence; and
- (dd) Clause 45 empowers the Registrar to dispose of marriage records in paper or microfilm format after they have been recorded in the form of digital image;

Merchant Shipping (Seafarers) Ordinance (Cap. 478)

- (ee) Clauses 46 to 48 introduce similar amendments as those in Clauses 3 to 5;

Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B)

- (ff) Clause 49 introduces an amendment to the Electronic Transactions (Exclusion) Order by removing section 8(1) of the Births and Deaths Registration Ordinance (Cap. 174) from item 29 of Schedule 1 to the Order so that information on new-born children may be furnished by hospitals through electronic means; and

Immigration Service Ordinance (Cap. 331)

- (gg) Clause 50 deals with the consequential amendments to items 2 and 3 in Part II of Schedule 2 to the Immigration Service Ordinance.

C

The existing provisions being amended are at Annex C.

13. With the above amendments, relevant power will be given to the Registrar of Births and Deaths and the Registrar of Marriages under all the Ordinances listed in Annex B to correct errors in registers and records and to dispose of the existing records on their being recorded electronically. There will also be a penalty provision as regards the

tampering with records in all such Ordinances. At present, these powers and such penalty provision only exist in some of the Ordinances listed in Annex B.

#### **LEGISLATIVE TIMETABLE**

14. The legislative timetable is -

Publication in the Gazette	24 February 2006 (Fri)
First Reading and Commencement of Second Reading Debate	8 March 2006 (Wed)
Resumption of Second Reading Debate, Committee Stage and Third Reading	to be notified

#### **IMPLICATIONS OF THE PROPOSAL**

15. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no significant economic implications. The proposal has environmental, sustainability, financial and civil service implications as set out at Annex D.

D

16. The Bill does not affect the existing binding effect of the ordinances listed at Annex B.

#### **PUBLIC CONSULTATION**

17. We consulted the Legislative Council Panel on Security on our legislative proposal on 1 November 2005. Members did not indicate any objection to the proposal.

**PUBLICITY**

18. A press release will be issued on 20 February 2006 and a spokesman will be available to answer enquiries.

**ENQUIRY**

19. Enquiries may be directed to Mr Alan K M CHU, Principal Assistant Secretary for Security at 2810 2506 or Mr Raymond WONG, Assistant Director of Immigration at 2829 3829.

Security Bureau  
20 February 2006

**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.

**List of Ordinances to be Amended**

**On Births and Deaths Registration**

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

**On Marriage Registration**

- (f) Marriage Ordinance (Cap. 181)

Chapter:	173	CIVIL AVIATION (BIRTHS, DEATHS AND MISSING PERSONS) ORDINANCE	Gazette Number	Version Date
Section:	2	Power for the Chief Executive to make regulations for recording and registration of births and deaths, etc.	L.N. 326 of 2000	01/01/2001

(1) The Chief Executive may by regulation provide for requiring such persons as may be specified in the regulations to keep records and make returns to the Director-General of Civil Aviation- (Amended 36 of 1999 s. 3; L.N. 326 of 2000)

- (a) of births and deaths occurring in any part of the world in any aircraft registered in Hong Kong; and
- (b) 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, (Amended L.N. 171 of 1974)

and for the keeping in the Civil Aviation Department of a record of any returns made to the Director-General of Civil Aviation in accordance with any such requirement as aforesaid and may by such regulations specify that any person who fails to comply with any such requirement shall be liable on summary conviction to a fine of \$300. (Amended L.N. 326 of 2000)

(2) Where such an offence as aforesaid has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances. In this subsection the expression "director" (董事) includes any person occupying the position of director by whatever name called.

(3) Where any such regulations provide for the keeping of records in the Civil Aviation Department in accordance with subsection (1) they shall also provide for the transmission of certified copies of those records to the Registrar of Births and Deaths.

(4) The Registrar of Births and Deaths, upon receipt of any such certified copies shall cause them to be filed and preserved in a book to be kept by him for the purpose, and to be called the Air Register Book of Births and Deaths.

(5) Regulations made under subsection (1) shall provide for the rectification or amendment of any records kept in the Civil Aviation Department in pursuance of the regulations and for the transmission of certified copies of any corrected or amended entry in the records to the Registrar of Births and Deaths. (Amended 17 of 1993 s. 19)

(6) The Registrar of Births and Deaths, upon receipt of a certified copy of any such corrected or amended entry shall cause the correct or appropriate entry to be substituted for the corresponding entry for the time being made in the Air Register Book of Births and Deaths. (Amended 17 of 1993 s. 19)

(7) Sections 22, 24, 25 and 28 of the Births and Deaths Registration Ordinance (Cap 174) shall have effect as if the Air Register Book of Births and Deaths were a register referred to in those sections. (Replaced 80 of 1997 s. 71)

(8) The Chief Executive may by regulation provide- (Amended 36 of 1999 s. 3)

- (a) for the keeping in the Civil Aviation Department of a record of persons reported to the Director-General of Civil Aviation as missing, being persons with respect to whom there are reasonable grounds for believing that they

- have died in consequence of an accident to an aircraft registered in Hong Kong; (Amended L.N. 326 of 2000)
- (b) for the rectification or amendment of any such record; and (Amended 17 of 1993 s. 19)
  - (c) for the transmission of information as to the matters for the time being entered on the record to the Registrar of Births and Deaths.

Chapter:	173A	CIVIL AVIATION (BIRTHS, DEATHS AND MISSING PERSONS) REGULATIONS	Gazette Number	Version Date
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Regulation:	5	Transmission of copies of entries to Registrar		30/06/1997
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The Director shall within 7 days of the completion of an entry in any record kept in his department pursuant to these regulations cause a certified copy of such entry to be transmitted to the Registrar of Births and Deaths.

Regulation:	7	Rectification of entries of births, deaths and missing persons		30/06/1997
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(1) If the Director is satisfied that there is an error or omission in any entry made in the record of births, deaths, or missing persons kept in his department, he may, in accordance with evidence of the true facts relating to the entry, rectify it in such manner as may appear to him appropriate.

(1A) Where it appears to the Director that an entry of the birth of a child in the record of births kept in his department should be amended-

- (a) where the child is an illegitimate child and no person has been registered as the father of the child, so as to show a person as the father;
- (b) so as to reflect the making of a declaration of parentage or legitimacy in respect of the child by a court pursuant to section 6 of the Parent and Child Ordinance (Cap 429); or
- (c) so as to reflect an order of a court under section 12 of the Parent and Child Ordinance (Cap 429) that the child be treated in law as the child of the parties to a marriage,

he may amend the entry in such manner as appears to him to be appropriate. (17 of 1993 s. 19)

(1B) In exercising the powers conferred by paragraph (1A) the Director shall have regard to the circumstances and manner in which the Registrar of Births and Deaths may re-register a person's birth for the purposes of the following provisions, namely-

- (a) as regards the powers conferred by paragraph (1A)(a), section 12A of the Births and Deaths Registration Ordinance (Cap 174);
- (b) as regards the powers conferred by paragraph (1A)(b), section 12B of the Births and Deaths Registration Ordinance (Cap 174);
- (c) as regards the powers conferred by paragraph (1A)(c), section 12C of the Births and Deaths Registration Ordinance (Cap 174). (17 of 1993 s. 19)

(2) Within 7 days after the correction or amendment of any entry in his records in accordance with this regulation, the Director shall cause a certified copy of such corrected or amended entry to be transmitted to the Registrar of Births and Deaths. (17 of 1993 s. 19)

Schedule:		SCHEDULE		30/06/1997
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[regulations 3 & 4]

FORM 1

BIRTH

Return for the purposes of section 2 of the Civil Aviation  
(Births, Deaths and Missing Persons) Ordinance

1. Registration marking of aircraft .....
2. Date of birth (a) .....
3. Place of birth (b) .....
4. Name (c) .....
5. Sex (d) .....
6. Name, surname, usual residence  
and nationality of father (e) .....
7. Name, surname, maiden surname,  
usual residence and nationality  
of mother (f) .....
8. Date and place of marriage of  
parents .....
9. (Repealed 17 of 1993 s. 19)
10. Name, description and home  
address of informant  
(if any) (g) .....
11. Signature of informant (s) .....  
Signature and rank of  
person completing the  
return .....
- Date (a) .....

Notes:

- (a) Day and month in words, year in figures.
- (b) Approximate position, e.g. "40 nautical miles west of Hong Kong", "over Hanoi", "over South China".
- (c) Full Christian names of child.
- (d) "Boy" or "Girl" as the case may be.
- (e) Christian names in full and followed by surname; surname to be written in block letters. If child is illegitimate (see reg. 6) the particulars relating to the father must not be recorded in the return except in the circumstances provided in section 12(2)



of the Births and Deaths Registration Ordinance (Cap 174).

- (f) Christian names in full and married surname followed by the word "formerly" and the maiden surname.
- (g) The informant's full names, relationship (if any) to the child, and full postal address should be stated.

Except in the circumstances mentioned at (e) above, only one person (usually the mother or father) should act as informant.

(L.N. 373 of 1984; 17 of 1993 s. 19)

FORM 2

DEATH

Return for the purposes of section 2 of the Civil Aviation  
(Births, Deaths and Missing Persons) Ordinance

- 1. Registration marking of aircraft .....
- 2. Date of death (a) .....
- 3. Place of death (b) .....
- 4. Name and surname (c) .....
- 5. Usual residence at time of death (d) .....
- 6. Sex (e) .....
- 7. Age (f) .....
- 8. Profession or occupation,  
rank or title (if any) and  
nationality (g) .....
- 9. Cause of death .....
- 10. Name, description and home  
address of informant  
(if any) (h) .....
- 11. Signature of informant .....
- Signature and rank of  
person completing the  
return .....
- Date (a) .....

Notes:

- (a) Day and month in words, year in figures.
- (b) Actual position, if known. Otherwise approximate position, e.g. "40 nautical miles west of Hong Kong", "over Hanoi", "over South China".
- (c) Christian names in full, followed by surname. Surname to be written in block letters.
- (d) The full postal address should be stated.

- (e) "Male" or "Female".
- (f) To be recorded in complete years or in months or days.
- (g) Women and children-

In the case of a married woman or a widow, the words "wife of" or "widow or" shall be entered, followed by the name, profession or occupation, rank and title, and nationality of the husband.

In the case of an unmarried woman, there shall be inserted (i) the word "spinster" followed by her profession or occupation (if any), rank and title (if any), and her nationality, and (ii) the words "daughter of" followed by the name, profession, etc. of her father.

In the case of children under the the age of 16 years the words "son of" or daughter of" shall be followed by the name, profession, etc., of the father.

- (h) The informant's full names, relationship (if any) to deceased, and full postal address should be stated.

(L.N. 373 of 1984)

19 .....

FORM 3

BIRTHS IN AIRCRAFT REGISTERED IN HONG KONG

No.	Registration marking of aircraft.	Date and place of birth	Name	Sex	Name, surname, usual residence and nationality of father.	Name, surname, usual residence and nationality of mother	(Repealed 17 of 1993 s. 19)	Name, description and home address of informant	When registered	Signature of registrar	Baptismal or given name if added after registration of birth
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

19 .....

FORM 4

DEATHS IN AIRCRAFT REGISTERED IN HONG KONG

No.	Registration marking of aircraft	Date and place of death	Name, surname, and usual residence at time of death.	Sex	Age	Profession or occupation, rank or title (if any), and nationality	Cause of death	Name, description and home address of informant	When registered	Signature of registrar
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

19 .....

FORM 5

PERSONS MISSING AND BELIEVED TO HAVE DIED IN CONSEQUENCE  
OF ACCIDENTS TO AIRCRAFT REGISTERED IN HONG KONG

No.	Registration marking of aircraft.	Name, surname and usual residence of missing person.	Sex	Age	Profession or occupation, rank or title (if any), and nationality	Date and place of accident and grounds for presumption of deaths	When registered	Signature of registrar
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Chapter:	174	BIRTHS AND DEATHS REGISTRATION ORDINANCE	Gazette Number	Version Date
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Section:	2	Interpretation		30/06/1997
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(1) In this Ordinance, unless the context otherwise requires- (Amended 80 of 1997 s. 47)

"births register" (出生冊) means the births register referred to in section 4(3)(b); (Added 80 of 1997 s. 47)

"computer record" (電腦紀錄) means the computer record compiled under section 5A; (Added 80 of 1997 s. 47)

"deaths register" (死亡冊) means the deaths register referred to in section 4(3)(c); (Added 80 of 1997 s. 47)

"house" (房屋) includes any building, structure, or vessel;

"occupier" (佔用人) includes the warden, keeper, master, manager, director, matron, superintendent, superior, or other chief resident officer of every convent or public or charitable or religious or educational institution, and, where a house is let or sub-let in separate floors or rooms or compartments, includes any person residing in such house who either receives or pays rent for such separate floors or rooms or compartments. In cases where a whole house is occupied by any person without being let or sub-let as aforesaid, such person shall, whether he is the owner or not, be deemed to be the occupier;

"public institution" (公立機構) includes a prison, lock-up, reformatory school, certified industrial school, house of detention, mental hospital and hospital;

"register" (登記紀錄) means (as the case may be) any of the register books, the births register or the deaths register; (Added 80 of 1997 s. 47)

"register books" (登記冊) means the register books of births and the register books of deaths referred to in section 4(3)(a); (Added 80 of 1997 s. 47)

"register computer" (登記電腦) means a computer forming the system of recording the particulars under section 5A; (Added 80 of 1997 s. 47)

"Registrar" (登記官) means the Registrar of Births and Deaths, and includes any deputy registrar of births and deaths; (Replaced 9 of 1957 s. 2)

"registrar" (登記官員) includes the Registrar and any deputy registrar or district registrar of births and deaths. (Added 9 of 1957 s. 2)

"signed register form" (經簽署登記表格) means a register form referred to in section 4(1), completed with particulars required to be registered under this Ordinance and signed. (Added 80 of 1997 s. 47)

(2) In sections 4(4)(b) and 5(2), references to "signed register form" shall be construed as including the certified copy of such signed register form referred to in section 11(2). (Added 80 of 1997 s. 47)

[cf. 1874 c. 88 s. 48 U.K.]

Section:	4	Register forms		30/06/1997
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(1) The Registrar shall cause to be printed and supplied to all register offices set out in the First Schedule register forms of births and register forms of deaths which shall be respectively in the prescribed form. (See Forms 1 & 2) (Amended 80 of 1997 s. 49)

(2) The particulars required to be registered concerning any birth or death shall be the

particulars specified in the said forms.

- (3) The Registrar shall cause to be kept in his department-
  - (a) the register books of births and the register books of deaths kept at the general register office and district registry offices immediately prior to 6 November 1995;
  - (b) a births register, in which shall be recorded the particulars of the birth of any child that are registered under this Ordinance on or after 6 November 1995; and
  - (c) a deaths register, in which shall be recorded the particulars of the death of any person that are registered under this Ordinance on or after 6 November 1995. (Replaced 80 of 1997 s. 49)
- (4) (a) The Registrar may cause the register books or any part of them to be recorded on microfilm, and for the purpose of subsection (3)(a), the register books or such part of them as the Registrar sees fit may be kept in the form of microfilm.  
(b) The births register and the deaths register shall be compiled from signed register forms recorded on microfilm. (Added 80 of 1997 s. 49)
- (5) An entry of birth or death in the register shall, in the case of non-Chinese, be in the English language and in the case of Chinese shall be both in the English and the Chinese languages. (Added 80 of 1997 s. 49)

Section:	5	Signed register forms to be microfilmed	30/06/1997
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- (1) For the purpose of compiling the births register, the Registrar shall cause to be recorded on microfilm every signed register form that relates to the birth of a child.
- (2) For the purpose of compiling the deaths register, the Registrar shall cause to be recorded on microfilm every signed register form that relates to the death of a person. (Replaced 80 of 1997 s. 50)

Section:	5A	Computer record	30/06/1997
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- (1) The Registrar shall cause to be compiled, in accordance with this section, a computer record of the particulars required to be registered under this Ordinance.
- (2) The registrar at the general register office or at a district registry office shall, in respect of-
  - (a) every signed register form completed in his presence; and
  - (b) every certified copy of a signed register form sent to him under section 11(2),for registering any birth or death under this Ordinance on or after 6 November 1995, record the particulars contained in it in the form of data stored in the database of a register computer, and the data shall be capable of being retrieved and reproduced in a legible form.
- (3) The Registrar may cause the particulars of the entries in any register book or any part of a register book to be recorded in the computer record, in the form of data as described in subsection (2).
- (4) The computer record shall be divided into 2 parts for recording such particulars on births and deaths respectively. (Added 80 of 1997 s. 50)

Section:	13	Registration of name of child or of alteration of name	L.N. 452 of 1997	31/10/1997
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(1) Subject to subsection (3A), in every case where it is desired after registration to alter or add to the name of any child whose birth has been registered with a name, or to give a name or names to any child whose birth has been registered without a name, the parent or guardian of such child may make a declaration in writing before a registrar in the prescribed form: (See Forms 4 & 5) (Amended 52 of 1979 s. 2)

Provided that whenever it is shown to the satisfaction of the registrar that, owing to death or absence from Hong Kong or other reasonable cause, the parent or guardian is unable to attend to make a declaration in writing in accordance with this section, it shall be lawful for the registrar, in his discretion, upon such evidence as he may in the circumstances deem sufficient, to act in all respects as if a declaration in writing had been made under this subsection before him personally. (Amended 67 of 1984 s. 4)

(2) The registrar shall, without erasure of the previous entry, forthwith-

(a) if the birth has been registered in a register book, subject to subsection (6), enter in the register book; or

(b) if the particulars of the registration have been recorded in the computer record, enter in the computer record,

the name or names desired to be substituted or added and the date when such substitution or addition is entered, and the substituted name or the added name is regarded as registered on that date. (Replaced 80 of 1997 s. 57)

(2A) On the alteration or addition of name under this section, the registrar shall, if requested, on payment of a fee of \$140, issue a certificate in the prescribed form to any person making the request. (See Forms 6 & 7) (Added 80 of 1997 s. 57. Amended L.N. 452 of 1997)

(3) For every such entry made within a period of 42 days from the date of the birth no fee shall be paid. For every such entry made after such 42 days a fee of \$425 shall be paid. (Amended 1 of 1965 s. 7; 48 of 1975 s. 3; 67 of 1984 s. 4; 51 of 1986 s. 3; L.N. 73 of 1991; L.N. 196 of 1993; L.N. 362 of 1994; L.N. 241 of 1995; L.N. 283 of 1996; L.N. 452 of 1997)

(3A) No alteration or addition to the name or names of a child shall be made under this section after the child has attained the age of 11 years. (Added 52 of 1979 s. 2. Amended 80 of 1997 s. 57)

(4) In this section, "name" (名) or (名字) does not include "surname" (姓氏).

(5) Where subsection (2)(a) applies and the alteration or addition of name is made in a district registry office and entered in a district register book, the registrar of that office shall forward forthwith to the Registrar particulars of the entry made, and the Registrar shall cause the alteration or addition of name to be entered in the register book kept at the general register office. (Replaced 80 of 1997 s. 57)

(6) Where subsection (2)(a) applies and the register book or the relevant part of it in which the birth has been registered has been microfilmed for the purpose of section 4(3)(a), the name or names desired to be substituted or added and the date when such substitution or addition was entered shall be entered on a reader-printer hard copy of the microfilm in the like manner as described in section 27(2) and (3). (Added 80 of 1997 s. 57)

(7) Where subsection (2)(b) applies and the alteration or addition of name is made in a district registry office, the registrar of that office shall forward forthwith to the Registrar particulars of the entry made, and the Registrar shall cause the alteration or addition of name to be recorded on microfilm and entered in the births register in the like manner as described in section 27(2) and (3). (Added 80 of 1997 s. 57)

[cf. 1874 c. 88 s. 8 U.K.]

Section:	25	Breach		30/06/1997
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Any person who-

- (a) being charged with the duty of registering births or deaths, refuses or, without reasonable excuse, omits to register any birth or death of which he has had due notice as aforesaid; (Amended 80 of 1997 s. 63)
- (b) having the custody of or access to any register or certified copies of any register, carelessly loses or injures the same, or carelessly allows the same to be injured whilst in his keeping or possession; or (Replaced 80 of 1997 s. 63)
- (c) having the custody of or access to the computer record-
  - (i) alters any data in the computer record or allows such data to be altered, other than for the purpose of carrying out duties under this Ordinance;
  - (ii) carelessly loses or damages any data in the computer record or allows such data to be lost or damaged; or
  - (iii) otherwise tampers with the database in the computer record so that the data contained in it or any part of such data becomes incapable of being retrieved or reproduced in legible form, (Added 80 of 1997 s. 63)

shall be deemed to have committed a breach of the provisions of this Ordinance.

Section:	27	Correction of errors in register	L.N. 211 of 1998	04/05/1998
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(1) With regard to the correction of errors in registers of births or deaths, the following provisions shall have effect- (Amended 80 of 1997 s. 64)

- (a) no alteration in any such register shall be made except as authorized by this Ordinance;
- (b) any clerical error which may be discovered in any such register shall, as soon as possible, be corrected by a registrar, who shall place his initials in the margin opposite the entry in which such error has been discovered;
- (c) an error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by a registrar on payment of the fee of \$425 and on production to him by the person requiring such error to be corrected of a declaration in the prescribed form setting forth the nature of the error and the true facts of the case, and made by 2 persons required by this Ordinance to give information concerning the birth or death with reference to which the error has been made, or, in default of such persons, then by 2 credible persons to the satisfaction of the registrar having knowledge of the truth of the case, and the registrar shall initial such marginal entry and shall add thereto the day and month and year when such correction is made; (See Form 19) (Amended 1 of 1965 s. 11; 48 of 1975 s. 6; 67 of 1984 s. 9; 51 of 1986 s. 5; L.N. 73 of 1991; L.N. 196 of 1993; L.N. 362 of 1994; L.N. 241 of 1995; L.N. 283 of 1996; 27 of 1997 s. 72; L.N. 452 of 1997)
- (d) where an error of fact or substance (other than an error relating to cause of death) occurs in the information given to the Registrar by a coroner concerning a dead body upon which he has held an inquest, or in respect of which he has issued a burial or cremation order-
  - (i) that coroner or any other coroner may, if satisfied by evidence upon oath or statutory declaration that such error exists, certify under his hand to the Registrar the nature of the error and the true facts of the case as ascertained by him on such evidence; and

- (ii) the error may thereupon be corrected by the Registrar in the register by entering in the margin (without any alteration of the original entry) the facts as so certified, and the Registrar shall initial such marginal entry and shall add thereto the day and month and year when such correction is made; (Replaced 27 of 1997 s. 72)
  - (e) where-
    - (i) an error of fact or substance relating to the cause of death occurs in the information given to the Registrar by a coroner concerning a dead body upon which he has held an inquest or in respect of which he has issued a burial or cremation order; and
    - (ii) that error is a clerical error,
      - then-
        - (A) that coroner or any other coroner may certify under his hand to the Registrar the clerical error; and
        - (B) the clerical error may thereupon be corrected by the Registrar in the register by entering in the margin (without any alteration of the original entry) the clerical error as so certified, and the Registrar shall initial such marginal entry and shall add thereto the day and month and year when such correction is made; (Added 27 of 1997 s. 72)
  - (f) where-
    - (i) an error of fact or substance relating to the cause of death occurs in the information given to the Registrar by a coroner concerning a dead body upon which he has not held an inquest (including any case where he has issued a burial or cremation order); and
    - (ii) that error is not a clerical error,
      - then-
        - (A) that coroner, or any other coroner, who subsequently holds an inquest concerning the dead body may certify under his hand to the Registrar the nature of the error and the true facts of the case as ascertained by him under the inquest; and
        - (B) the error may thereupon be corrected by the Registrar in the register by entering in the margin (without any alteration of the original entry) the facts as so certified, and the Registrar shall initial such marginal entry and shall add thereto the day and month and year when such correction is made; (Added 27 of 1997 s. 72)
  - (g) where it comes to the attention of a coroner holding an inquest (either during the inquest or upon its conclusion) that an error of fact or substance (including an error relating to cause of death) has occurred in the information given to the Registrar by a coroner concerning the body of that person upon which an earlier inquest has been held, or in respect of which a coroner has issued a burial or cremation order-
    - (i) that first-mentioned coroner may certify under his hand to the Registrar the nature of the error and the true facts of the case as ascertained by him under the inquest so ordered; and
    - (ii) the error may thereupon be corrected by the Registrar in the register by entering in the margin (without any alteration of the original entry) the facts as so certified, and the Registrar shall initial such marginal entry and shall add thereto the day and month and year when such correction is made. (Added 27 of 1997 s. 72)
- (2) Any correction of errors referred to in subsection (1) in a register or any part of it which is in the form of microfilm shall be made on a reader-printer hard copy of the relevant microfilm. (Added 80 of 1997 s. 64)
- (3) Where an error is corrected on a reader-printer hard copy of the relevant microfilm under subsection (2), the Registrar shall-



- (a) record on microfilm the duly corrected reader-printer hard copy; and
- (b) remove from such register or such part of the register the relevant microfilm referred to in subsection (2), substituting it with the microfilm of the duly corrected reader-printer hard copy,

and may then destroy or otherwise dispose of the relevant microfilm so removed in such manner as he thinks fit. (Added 80 of 1997 s. 64)

(4) Any correction of error made under this section on the births register or the death register shall be noted, using the same wording as that in which such correction is noted in the births register or the deaths register, on the computer record in the entry in which such error occurs. (Added 80 of 1997 s. 64)

[cf. 1874 c. 88 s. 36 U.K.]

Section:	32	Disposal of documents when microfilmed and recorded in computer record		30/06/1997
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The Registrar may, where any signed register form or any register book or any part of a register book has been recorded on microfilm and kept under section 4(3) and the particulars of the entries contained in such document have been recorded on the computer record, destroy or otherwise dispose of such document in such manner as he thinks fit.

(Added 80 1997 s. 67)

Schedule:	2		21 of 1999	11/06/1999
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

[section 29]

FORM 1

[section 4(1) & (2)]

Register form of births  
出生登記表格

19 年 月 日, Births in the district of , Hong Kong. 區出生登記。

Registration No.  
登記編號

When and where born  
出生日期及地點

Name, if any  
名字(如有的話)  
Sex  
性別  
Surname and name of father  
父親姓名  
Maiden surname and name  
of mother  
母親婚前姓氏及名字  
Signature, description and  
residence of informant  
申報人簽署、身分及住址  
When registered  
登記日期  
Signature of registrar  
登記官員簽署  
Name, if added after  
registration of birth  
名字  
(如在出生登記後加上)  
Status of permanent resident of the Hong  
Kong Special Administrative Region under  
the Immigration  
Ordinance (Cap 115)  
(Established/Not established)  
《入境條例》(第115章)  
下的香港特別行政區永久性  
居民身分  
(確定/未確定)

(Replaced L.N. 497 of 1995. Amended 80 of 1997 ss. 68 and 103; L.N. 359 of 1997;  
71 of 1999 s. 3)

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FORM 2

[section 4(1) & (2)]

Register form of deaths  
死亡登記表格

19 年 月 日, Deaths in the district of 區, Hong Kong.  
19 年 月 日, 香港 區死亡登記。

Registration No.  
登記編號  
When and where died  
死亡日期及地點  
Surname and name  
姓名  
Sex  
性別  
Age  
年齡  
Rank, profession, or occupation  
and nationality so far as is  
known  
所知的職位或職業及國籍  
Cause of death  
死因  
Signature, description and  
residence of informant  
申報人簽署、身分及住址  
When registered  
登記日期  
Signature of registrar  
登記官員簽署

(Replaced L.N. 497 of 1995. Amended 80 of 1997 s. 68)

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FORM 3

[section 9(4)]

Certificate of Registration of Birth  
出生登記證明書

Registration No.  
登記編號  
Surname and name of child  
出生者姓名  
Sex  
性別  
Date of birth  
出生日期  
Date registered  
登記日期  
Maiden surname and  
name of mother  
母親婚前姓氏及名字  
Address at birth  
出生時地址  
Signature of registrar  
登記官員簽署

This certificate must be produced on demand by a police officer to prove that the name of the person entered has been registered.

如遇警務人員索閱時，必須將此證明書出示，以證明上述人名已經登記。

NO FEE IS PAYABLE FOR THIS CERTIFICATE.

領取此證明書無須繳費。

(Replaced L.N. 497 of 1995)

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FORM 4

[section 13(1)]

Declaration for altering or adding to the name of a child

I, (Name) .....  
(Address) .....  
(Description) .....  
Parent (or guardian) of the child of .....  
and ..... whose birth  
was registered on the ..... day of .....  
under the name(s) of ..... solemnly  
and sincerely declare that I desire

(a) to add the name(s) of .....  
to the above-mentioned name(s).  
(Strike out either (a) (b) to alter the above-mentioned name(s)  
or (b) as to .....  
required.) .....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

(Signed) A.B.

Parent (or Guardian).

Declared at ..... in Hong Kong  
this ..... day of ..... 19 .....

Before me,

(Signed)

registrar.

(Replaced L.N. 214 of 1974. Amended L.N. 497 of 1994; L.N. 497 of 1995)

FORM 5

[section 13(1)]

Declaration of name of child

I, (Name) .....  
(Address) .....  
(Description) .....  
Parent (or guardian) of the child of .....  
and ..... whose birth  
was registered on the ..... day of.....  
without a name, solemnly and sincerely declare that the said child has received the name(s)  
of .....  
and that I desire that the said name(s) shall be added to the register.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

(Signed) A.B.

Parent (or Guardian).

Declared at ..... in Hong Kong  
this ..... day of ..... 19 .....

Before me,

(Signed)

registrar.

(Replaced L.N. 214 of 1974. Amended L.N. 497 of 1994; L.N. 497 of 1995)

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FORM 6

[section 13(2)]

Certificate of registration of alteration of name of child

I, A.B., Registrar [or deputy or district registrar] of Births and Deaths, do hereby certify that the name [or names] of  
by  
which a child of one C.D. and E.F. was registered on the  
da  
y  
of \_\_\_\_\_, 19\_\_\_\_, has [or have] been altered to  
and that such alteration has been entered in the register.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed.) A.B., a registrar of births and deaths.

Fee \$110.

(Amended 9 of 1957 s. 3; 1 of 1965 s. 12; 48 of 1975 s. 7; 67 of 1984 s. 10; 51 of 1986 s. 7; L.N. 497 of 1995; 80 of 1997 s. 68)

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FORM 7

[section 13(2)]

Certificate of registration of name of child

I, A.B., Registrar [or deputy or district registrar] of Births and Deaths, do hereby certify that the name [or names] of  
has  
[or have] been given to the child of one C.D. and E.F. whose birth was registered on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and that such name or names has [or  
have] been entered in the register.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed.) A.B., a registrar of births and deaths.

Fee \$110.

(Amended 9 of 1957 s. 3; 1 of 1965 s. 12; 48 of 1975 s. 7; 67 of 1984 s. 10; 51 of 1986 s. 7; L.N. 497 of 1995; 80 of 1997 s. 68)

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FORM 8

[section 16(1)]

Permit for removal and burial of dead body

Permission is hereby given to \_\_\_\_\_ of \_\_\_\_\_ to  
and bury the dead body of one called \_\_\_\_\_ remove \_\_\_\_\_  
No. \_\_\_\_\_, to \_\_\_\_\_ from the  
\_\_\_\_\_ floor of \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed.) \_\_\_\_\_ Officer in charge.  
No. \_\_\_\_\_ Police station.

No fee is payable for this permit.

(Amended L.N. 51 of 1974; L.N. 497 of 1994)

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FORM 9

[section 16(2)]

Permit for removal of dead body from Hong Kong

Permission is hereby given to \_\_\_\_\_ of \_\_\_\_\_ to  
from Hong Kong the dead body of one called \_\_\_\_\_ remove \_\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed.) A.B., a registrar of births and deaths.

No fee is payable for this permit.

(Amended L.N. 51 of 1974; 67 of 1984 s. 10; L.N. 497 of 1994; L.N. 497 of 1995)

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FORM 10

[section 17(1)]

Certificate of Registration of Death

I, A.B., a registrar of deaths in the \_\_\_\_\_ district  
of \_\_\_\_\_, do  
hereby certify that the death of \_\_\_\_\_  
has been duly registered by  
me on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signed.) A.B., a registrar of births and deaths.

No fee is payable for this certificate

(Amended L.N. 497 of 1994; L.N. 497 of 1995)

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FORM 11

[section 17(1)]

Certificate of order authorizing burial/cremation of body

I, A.B., a coroner for Hong Kong, hereby certify that I have made an order authorizing the burial/cremation of the body now shown/reported to me as the body of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

.....  
Coroner.  
(Replaced L.N. 2 of 1968)

---

FORM 12

[section 17(2)]

Certificate of Registration of Death  
死亡登記證明書

Registration No.

登記編號

Surname and name of  
deceased person

死者姓名

Sex

性別

Age

年齡

Date of death

死亡日期

Date registered

登記日期

Address at death

死亡時地址

Signature of registrar

登記官員簽署



This certificate must be produced on demand by a police officer to prove that the name of the person entered has been registered.

如遇警務人員索閱時，必須將此證明書出示，以證明上述人名已經登記。

NO FEE IS PAYABLE FOR THIS CERTIFICATE.

領取此證明書無須繳費。

(Replaced L.N. 497 of 1995)

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FORM 13

[section 18(a)]

Certificate of still-birth

I, A.B., registered medical practitioner in Hong Kong, hereby certify that I was in attendance at the birth of the child of Mrs. C.D. [or have examined the body of the child of Mrs. C. D.] and that such child was not born alive.

Dated the                      day of                      , 19                      .

(Signed.)                      A.B., Registered medical practitioner.  
(Amended 67 of 1984 s. 10)

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FORM 14

(Repealed 47 of 1997 s. 10)

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FORM 15

[section 19]

Notice where coffin contains more than one body

I, A.B., hereby give you notice that in the coffin in which C.D. is brought for burial there is the body of E.F., a male [or female] lately residing at No.                      .

Dated the                      day of                      , 19                      .

(Signed.)                      A.B., Undertaker [or person in charge of funeral].

---

FORM 16

[section 19]

Notice where coffin contains more than one body

I, A.B., hereby give you notice that in the coffin in which C.D. is brought for burial there is a body which has been found exposed and that the name and place of abode of the person whose body has been found are unknown.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed.) A.B., Undertaker [or person in charge of funeral].

FORM 17

[section 19]

Notice where coffin also contains the body of a child

I, A.B., hereby give you notice that in the coffin in which C.D. is brought for burial there is the body of a deceased child, name unknown [or of a still-born child] and the name and place of abode of the father [or mother] of such child are \_\_\_\_\_ and No. \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed.) A.B., Undertaker [or person in charge of funeral].

(M.D. 854)

FORM 18

[section 20(a)]

Counterfoil for the use of the Medical Attendant, who should in all cases fill it up.

BIRTHS AND DEATHS REGISTRATION ORDINANCE (Chapter 174)

No. of corresponding entry in register form of deaths to be inserted here by the registrar.

PART I MEDICAL CERTIFICATE OF THE CAUSE OF DEATH

To be given by the medical attendant to the person whose duty it is to give it, with information of the death, to a registrar and to no other person

Name of Deceased .....

Age .....

Last seen .....

Died on .....

At .....

Deceased's nationality .....

Deceased's profession .....

Deceased's

I HEREBY CERTIFY that I attended ..... during the last illness; that such person's age was stated to be ..... that I last saw h ..... on the ..... day of ..... 19 .....; that ..... died\* ..... on the .....day of..... 19.....; at ..... and that, to the best of my knowledge and belief the cause of h ..... death was as hereunder written. An anaesthetic, namely ..... was administered+ ..... before the death of ..... (or, if such was the case: No anaesthetic was administered before the death of .....)

\* Should the medical attendant not feel justified in taking upon himself the responsibility of certifying the fact of death, he may here insert the words "as I am informed."

+ Insert here how long before death the anaesthetic was administered.

CAUSE OF DEATH

Approximate interval between onset and death

I. Disease or (a) .....

address ..... condition directly due to (or as a  
 leading to consequence of  
 death.++ (The Informant should read Parts II  
 and III of this form.)

CAUSE OF DEATH (b) .....  
 due to (or as a  
 consequence of)

(a) ..... Antecedent  
 due to (or as a a Morbid  
 consequence of) giving rise to the  
 above cause,  
 stating the  
 underlying  
 condition last. (c) .....

(b) ..... II. Other significant  
 due to (or as a a conditions  
 consequence of) contributing to  
 the deaths, but  
 not related to the  
 disease or  
 condition  
 causing  
 it.

(c) .....  
 Other significant  
 conditions

++ This does not mean the mode of dying e.g., heart failure, asthenia,  
 etc. It means the disease, injury, or complication which caused  
 death.

.....  
 Deceased's nationality ..... Dated, the ..... day  
 of .....19 .....

" profession .....

Signature .....

" address ..... Registered  
 qualification .....

.....  
 " place of death .....

Residence .....

N.B.-THIS CERTIFICATE IS INTENDED SOLELY FOR THE USE OF THE  
 REGISTRAR to whom it should be delivered by the person giving information to him of  
 the particulars required by law to be registered concerning the death. Fine of \$1000 or 6  
 months' imprisonment for neglect of informant to deliver this certificate to the registrar  
 or a district registrar.

Signed ..... The Registrar of Births and Deaths cautions all persons against accepting or  
 Date ..... using this certificate for any purpose whatever except that of delivering it to himself or a  
 district registrar.

[OVER]

PART II

NOTICE-DUTIES UNDER THE BIRTHS AND DEATHS  
 REGISTRATION ORDINANCE (CAP 174)

By section 20 of the Births and Deaths Registration Ordinance, Chapter 174, it is  
 enacted that whenever a registered medical practitioner has been in attendance during the last  
 illness of a deceased person such practitioner shall, subject to the following qualification,  
 sign and give to a qualified informant of the death a certificate of the cause of death, and  
 including a statement as to whether any, and if so what, anaesthetic was administered during  
 the said illness. The qualification is that the said practitioner shall not sign the certificate  
 unless he has personally viewed the body of that person and is satisfied that death has  
 occurred or, if the death has occurred in a hospital, he has received a notice from another  
 registered medical practitioner stating that the other practitioner has personally viewed that

body and is satisfied that death has occurred. The informant is bound to deliver the certificate to a registrar.

Persons qualified to be informants for the registration of the death, and to whom only this certificate should be given-

- 1 A RELATIVE of the deceased present at the death.
- 2 A RELATIVE of the deceased in attendance during the last illness.
- 3 A person present at the death.
- 4 A person in attendance during the last illness.
- 5 The occupier of the house in which the death occurred.
- 6 An inmate of the house in which the death occurred.
- 7 The person causing the body of the deceased to be buried.

Penalty for failing to give information within the 24 hours (in which travelling time and general holidays as defined by the General Holidays Ordinance (Chapter 149) shall not be included) next following death is \$1000 fine or 6 months' imprisonment.

Informants must be prepared to state accurately to the registrar or a district registrar the following particulars-

- (1) the date and place of death;
- (2) the surname and full names of deceased;
- (3) the correct age of deceased; and
- (4) the rank, profession, or occupation of deceased and nationality so far as is known. [If deceased is a child or an unmarried person without occupation or property the full names and rank or profession of the father will be required (except in the case of illegitimate children); if a wife or widow those of the husband or deceased husband.]

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### PART III

#### NOTICE-DUTIES UNDER THE CORONERS ORDINANCE (Cap 504)

1. By section 4 of, and Part 2 of Schedule 1 to, the Coroners Ordinance (Cap 504), it is enacted that where the death to which a certificate of the cause of death relates is a reportable death within the meaning of that Ordinance, the registered medical practitioner who-
  - (a) signs that certificate;
  - (b) if no such certificate is so signed, attended the deceased during his last illness,comes under a duty to make a report of that death to the coroner as soon as is

reasonably practicable after it comes to the knowledge of the practitioner that the death is a reportable death and submit a copy of the report to the Commissioner of Police at the same time.

2. The various types of reportable deaths are specified in Part 1 of Schedule 1 to the Coroners Ordinance (Cap 504). They are-
  - (1) Any death of a person where a registered medical practitioner is unable to accurately state the medical cause of the death in the certificate of the cause of death.
  - (2) Any death of a person (excluding a person who, before his death, was diagnosed as having a terminal illness) where no registered medical practitioner has attended the person during his last illness within 14 days prior to his death.
  - (3) Any death of a person where an accident or injury (sustained at any time) caused the death.
  - (4) Any death of a person where a crime or suspected crime caused the death.
  - (5) Any death of a person where-
    - (a) an anaesthetic caused the death;
    - (b) the person was under the influence of a general anaesthetic at the time of the death; or
    - (c) the death occurred within 24 hours after the administering of a general anaesthetic.
  - (6) Any death of a person where-
    - (a) an operation, whether or not lawful, caused the death; or
    - (b) the death occurred within 48 hours after a major operation (as determined in accordance with prevailing medical practice), whether or not lawful.
  - (7) Any death of a person where-
    - (a) an occupational disease, within the meaning of section 3 of the Employees' Compensation Ordinance (Cap 282), or pneumoconiosis, within the meaning of section 2(1) of the Pneumoconiosis (Compensation) Ordinance (Cap 360), caused the death; or
    - (b) having regard to the nature of the last illness of the person, the medical cause of the death and the nature of any known occupation or employment, or previous occupation or employment, of the person, it is reasonable to believe that the death may be connected, either directly or indirectly, with any such occupation or employment.
  - (8) Any still birth where-
    - (a) there is doubt as whether the still born foetus was alive or dead at the time of birth; or
    - (b) there is a suspicion that the still birth might not have been a still birth but for the wilful act or neglect of any person.
  - (9) Any death of a woman where the death occurred within 30 days after-
    - (a) the birth of her child;
    - (b) an operation of abortion, whether or not lawful; or
    - (c) a miscarriage.
  - (10) Any death of a deceased where-
    - (a) septicaemia caused the death; and
    - (b) the primary cause of the septicaemia is unknown.
  - (11) Any death of a person where there is a suspicion the death was caused by suicide.
  - (12) Any death of a person where the death occurred whilst the person was

- in official custody.
- (13) Any death of a person where the death occurred during the course of the discharge of his duty by a person having statutory powers of arrest or detention.
  - (14) Any death of a person where the death occurred in the premises of a department of the Government any public officer of which has statutory powers of arrest or detention.
  - (15) Any death of a person where the person-
    - (a) is a patient, within the meaning of section 2 of the Mental Health Ordinance (Cap 136), and the death occurs in a mental hospital within the meaning of that section; or
    - (b) is a patient the subject of an order under section 31 or 36 of that Ordinance and the death occurs in a hospital other than such a mental hospital.
  - (16) Any death of a person where the death occurred in any premises in which the care of persons is carried on for reward or other financial consideration (other than in any premises which comprise a hospital, nursing home or maternity home registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165)).
  - (17) Any death of a person where the death was caused by homicide.
  - (18) Any death of a person where the death was caused by the administering of a drug or poison by any other person.
  - (19) Any death of a person where ill-treatment, starvation or neglect caused the death.
  - (20) Any death of a person which occurred outside Hong Kong where the body of the person is brought into Hong Kong.
3. Subject to certain defences, under the Coroners Ordinance (Cap 504), a registered medical practitioner who fails to discharge the duty referred to in paragraph 1 commits an offence under that Ordinance and may thereby render himself liable to a fine at level 1 and to 14 days imprisonment under that Ordinance.  
 (Replaced G.N.A. 318 of 1948. Amended 9 of 1957 s. 3; L.N. 214 of 1974 ; L.N. 497 of 1995; 27 of 1997 s. 74. Part III added 27 of 1997 s. 74. Amended 80 of 1997 s. 68; 35 of 1998 s. 5; 21 of 1999 s. 28)

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FORM 19

[section 27(c)]

Declaration for correction of error in register

We, A.B., of .....  
 and C.D., of .....  
 solemnly and sincerely declare that when the birth (or death) of E.F. was registered on the ..... day of ..... 19 ....., the following errors of fact or substance occurred in the register, viz.,  
 (here set forth the error or errors).

And we further solemnly and sincerely declare that the true facts of the case are as follows:-  
 (here set forth the true facts).

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

(Signed) A.B.

C.D.

Declared at ..... in Hong Kong  
this ..... day of ..... 19 .....

Before me,

(Signed)

registrar.

(Replaced L.N. 214 of 1974. Amended L.N. 497 of 1994; L.N. 497 of 1995)

Chapter:	174A	BIRTH CERTIFICATE (SHORTENED FORM) REGULATIONS	Gazette Number	Version Date
Schedule:		SCHEDULE		30/06/1997

[regulation 3]

FORM OF CERTIFICATE FOR ISSUE BY A REGISTRAR  
供登記官員發出的證明書表格

Surname and Name .....  
姓名

Sex .....  
性別

Date of Birth .....  
出生日期

Place of Birth .....  
出生地點

I, A.B., a registrar of births and deaths, do hereby  
本人， A.B.，為生死登記官員，現證明以上詳  
certify that the above particulars have been compiled from an entry in a register in the  
custody  
情是根據生死登記官所保管的登記紀錄內的記項擬備的。  
of the Registrar.

19 Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_,  
 19 年 月 日 本人簽署如下為證：

(Signed) .....A.B.....  
 (簽署) a registrar of births and

deaths.

生死登記官員  
 (L.N. 498 of 1995; 80 of 1997 s. 70)

Chapter:	175	BIRTHS REGISTRATION (SPECIAL REGISTERS) ORDINANCE	Gazette Number	Version Date
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Section:	2	Interpretation		30/06/1997
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- In this Ordinance, unless the context otherwise requires-
- "birth certificate (1872)" (出生證明書 (1872 年)) means a certified and sealed copy of an entry of a birth, given pursuant to section 16 of the Births and Deaths Registration Ordinance 1872 (7 of 1872);
  - "birth certificate (1896)" (出生證明書 (1896 年)) means a certified and sealed copy of an entry of a birth, given pursuant to section 16 of the Births and Deaths Registration Ordinance 1896 (16 of 1896);
  - "birth certificate (1934)" (出生證明書 (1934 年)) means a certified and sealed copy of an entry of a birth, given pursuant to section 24 of the principal Ordinance;
  - "general register office" (登記總處) means the general register office appointed under section 3(1)(c) of the Births and Deaths Registration Ordinance (Cap 174); (Replaced 38 of 1979 s. 2);
  - "lost register (1872)" (遺失登記冊 (1872 年)) means any register book of births formerly kept in accordance with the provisions of the Births and Deaths Registration Ordinance 1872 (7 of 1872) and which, under section 3 of this Ordinance, is deemed to have been lost;
  - "lost register (1896)" (遺失登記冊 (1896 年)) means any register book of births formerly kept in accordance with the provisions of the Births and Deaths Registration Ordinance 1896 (16 of 1896) and which, under section 3 of this Ordinance, is deemed to have been lost;
  - "lost register (1934)" (遺失登記冊 (1934 年)) means any register book of births formerly kept in accordance with the provisions of the principal Ordinance and which, under section 3 of this Ordinance, is deemed to have been lost;
  - "No. 1 register (1872)" (第1號登記冊 (1872 年)) means a special register of births kept under the provisions of this Ordinance for the purpose of registering birth certificates (1872);
  - "No. 2 register (1872)" (第2號登記冊 (1872 年)) means a special register of births kept under the provisions of this Ordinance for the purpose of registering evidence other than a birth certificate (1872) of previous registration in the lost register (1872);
  - "No. 1 register (1896)" (第1號登記冊 (1896 年)) means a special register of births kept



under the provisions of this Ordinance for the purpose of registering birth certificates (1896);

"No. 2 register (1896)" (第2號登記冊 (1896 年)) means a special register of births kept under the provisions of this Ordinance for the purpose of registering evidence other than a birth certificate (1896) of previous registration in the lost register (1896);

"No. 1 register (1934)" (第1號登記冊 (1934 年)) means a special register of births kept under the provisions of this Ordinance for the purpose of registering birth certificates (1934);

"No. 2 register (1934)" (第2號登記冊 (1934 年)) means a special register of births kept under the provisions of this Ordinance for the purpose of registering evidence other than a birth certificate (1934) of previous registration in the lost register (1934);

"principal Ordinance" (主體條例) means the Births and Deaths Registration Ordinance (Cap 174);

"Registrar" (登記官) means the Registrar of Births and Deaths; (Amended 26 of 1949 s.2)

"special register of births" (特設出生登記冊) means the No. 1 register (1872), or the No. 2 register (1872), or the No. 1 register (1896), or the No. 2 register (1896), or the No. 1 register (1934), or the No. 2 register (1934), as the context requires.

Section:	4	Register books	30/06/1997
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For the purposes of this Ordinance, the Registrar shall cause to be printed in the prescribed form, and kept in the general register office, special register books of births as follows-

- (a) No. 1 register (1872); (see Second Schedule, Form 1)
- (b) No. 2 register (1872); (see Second Schedule, Form 2)
- (c) No. 1 register (1896); (see Third Schedule, Form 1)
- (d) No. 2 register (1896); (see Third Schedule, Form 2)
- (e) No. 1 register (1934); (see Fourth Schedule, Form 1)
- (f) No. 2 register (1934). (see Fourth Schedule, Form 2)

(Amended 26 of 1949 s.3)

Section:	7	Indexes and searches	30/06/1997
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The Registrar shall cause indexes of the special register of births to be made, and any person shall be entitled on payment of the prescribed fee to require the Registrar to cause a search to be made of such indexes and register and to receive a copy of any entry in the said register certified under the hand of the Registrar and sealed or stamped with the seal or stamp of the general register office.

(Amended 26 of 1949 s.3)

Section:	10	Penalty for loss or injury of register	30/06/1997
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Any person who having custody of the special register of births or certified copies thereof, or of any part thereof, carelessly loses or injures the same or carelessly allows the same to be injured whilst in his keeping shall be deemed to have committed a breach of the provisions of this Ordinance and shall be liable on summary conviction to a fine at level 1.

(Amended L.N. 25 of 1996)

Section:	12	Correcting of errors in register	30/06/1997
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With regard to the correction of errors in the special register of births, the following provisions shall have effect-

- (a) no alteration in any such register shall be made except as authorized by this Ordinance;
- (b) any clerical error which may be discovered in any such register shall, as soon as possible, be corrected by the Registrar, who shall place his initials in the margin opposite the entry in which such error has been discovered;
- (c) an error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the Registrar on payment of the prescribed fee and on production to him by the person requiring such error to be corrected of a declaration in the prescribed form setting forth the nature of the error and the true facts of the case, and made by 2 credible persons to the satisfaction of the Registrar having knowledge of the truth of the case, and the Registrar shall initial such marginal entry and shall add thereto the day and month and year when such correction is made. (see Fifth Schedule, Part II, Form 1)

(Amended 26 of 1949 s.3)

Schedule:	2		30/06/1997
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[section 4]

FORM 1

[No. 1 Register (1872)]

### REGISTER BOOK OF BIRTHS

, 1872, Births in the district of , Hong Kong.

Registration No.

When born

Name, if any

Sex

Surname and name of father

Maiden surname and name  
of mother

Rank or profession of father

Signature, description and  
residence of informant  
When registered

Signature of Registrar

Baptismal name if added  
after registration of birth

FORM 2

[No. 2 Register (1872)]

REGISTER BOOK OF BIRTHS

, 1872, Births in the district of , Hong Kong.

Registration No.

When born

Name, if any

Sex

Surname and name of father

Maiden surname and name  
of mother

Rank or profession of father

Signature, description and  
residence of informant  
When registered

Consent and signature  
of Registrar

Consent given  
A.B.  
Registrar.

Baptismal name if added  
after registration of birth

(Replaced L.N. 499 of 1995)

Schedule:	3			30/06/1997
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[section 4]

FORM 1

[No. 1 Register (1896)]

REGISTER BOOK OF BIRTHS

, 19 , Births in the district of , Hong Kong.

Registration No.

When and where born

Name, if any

Sex

Surname and name of father

Maiden surname and name  
of mother

Rank or profession of father

Signature, description and  
residence of informant  
When registered

Signature of Registrar

Name if added after  
registration of birth

FORM 2

[No. 2 Register (1896)]

REGISTER BOOK OF BIRTHS

, 19 , Births in the district of , Hong Kong.

Registration No.

When and where born

Name, if any

Sex

Surname and name of father

Maiden surname and name  
of mother

Rank or profession of father

Signature, description and  
residence of informant  
When registered

Consent and signature  
of Registrar

Consent given  
A.B.  
Registrar.

Name if added after  
registration of birth

(Replaced L.N. 499 of 1995)

Schedule:	4			30/06/1997
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[section 4]

FORM 1

[No. 1 Register (1934)]

REGISTER BOOK OF BIRTHS

, 19 , Births in the district of , Hong Kong.

Registration No.

When and where born

Name, if any

Sex

Surname and name of father

Maiden surname and name  
of mother

Rank or profession of father

Signature, description and  
residence of informant  
When registered

Signature of Registrar

Name if added after  
registration of birth

FORM 2

[No. 2 Register (1934)]

REGISTER BOOK OF BIRTHS

, 19 , Births in the district of , Hong Kong.

Registration No.

When and where born

Name, if any

Sex

Surname and name of father

Maiden surname and name  
of mother

Rank or profession of father

Signature, description and  
residence of informant  
When registered

Consent and signature  
of Registrar

Name if added after  
registration of birth

Consent given  
A.B.  
Registrar.

(Replaced L.N. 499 of 1995)

Schedule:	5		L.N. 508 of 1997	31/10/1997
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PART I

[section 9]

FEES

The following fees shall be paid in connection with searches, corrections of errors and certified copies of entries in the register books-



Item	Particular	Fee \$
1.	A search either in indexes or in the register books for any given entry over a period not exceeding 5 years, i.e. a particular search .....	140
2.	A search either in indexes or in the register books for information other than that concerning any given entry, i.e. a general search .....	680
3.	A correction of an error in any register book .....	425
4.	A certified copy of an entry in any of the register books .....	140
	but	
	if posted to an addressee outside Hong Kong .....	275
	and	
	if required to be sent by airmail .....	an additional amount equal to the airmail postage at the normal rate.

(Replaced L.N. 77 of 1991. Amended L.N. 207 of 1993; L.N. 340 of 1994; L.N. 205 of 1995; L.N. 231 of 1996; L.N. 435 of 1997)

PART II

[section 12]

FORM 1

DECLARATION FOR CORRECTION OF ERROR IN  
SPECIAL REGISTER OF BIRTHS

We, A.B. of ..... and C.D. of ..... solemnly and sincerely declare that when the birth of E.F. was registered on the ..... day of ..... 19 ....., the following errors of fact or substance occurred in the register, viz., (here set forth the error or errors).

And we further solemnly and sincerely declare that the true facts of the case are as follows-(here set forth the true facts).

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

(Signed) A.B.

C.D.

Declared at ..... in Hong Kong  
this ..... day of ..... 19 .....

Before me,

(Signed)

Registrar.  
(Replaced L.N. 215 of 1974. Amended L.N. 498 of 1994)

Chapter:	176	DEATHS REGISTRATION (SPECIAL REGISTERS) ORDINANCE	Gazette Number	Version Date
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Section:	2	Interpretation		30/06/1997
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In this Ordinance-

- "death certificate (1896)" (死亡證明書(1896年)) means a certified and sealed copy of an entry of a death, given pursuant to section 16 of the Births and Deaths Registration Ordinance 1896 (16 of 1896);
- "death certificate (1934)" (死亡證明書(1934年)) means a certified and sealed copy of an entry of a death, given pursuant to section 24 of the principal Ordinance;
- "general register office" (登記總處) means the general register office appointed under section 3(1)(c) of the Births and Deaths Registration Ordinance (Cap 174); (Replaced 38 of 1979 s. 2)
- "lost register (1896)" (遺失登記冊(1896年)) means any register book of deaths formerly kept in accordance with the provisions of the Births and Deaths Registration Ordinance 1896 (16 of 1896) and which, under section 3 of this Ordinance is deemed to have been lost;
- "lost register (1934)" (遺失登記冊(1934年)) means any register book of deaths formerly kept in accordance with the provisions of the principal Ordinance and which, under section 3 of this Ordinance, is deemed to have been lost;
- "No. 1 register (1896)" (第1號登記冊(1896年)) means a special register of deaths kept under the provisions of this Ordinance for the purpose of registering death certificates (1896);
- "No. 2 register (1896)" (第2號登記冊(1896年)) means a special register of deaths kept under the provisions of this Ordinance for the purpose of registering evidence other than a death certificate (1896) of previous registration in the lost register (1896);
- "No. 1 register (1934)" (第1號登記冊(1934年)) means a special register of deaths kept under the provisions of this Ordinance for the purpose of registering death certificates (1934);
- "No. 2 register (1934)" (第2號登記冊(1934年)) means a special register of deaths kept under the provisions of this Ordinance for the purpose of registering evidence other than a death certificate (1934) of previous registration in the lost register (1934);
- "principal Ordinance" (主體條例) means the Births and Deaths Registration Ordinance (Cap 174);
- "Registrar" (登記官) means the Registrar of Births and Deaths; (Amended 26 of 1949 s. 2)
- "Special register of deaths" (特設死亡登記冊) means the No. 1 register (1896), or the No. 2 register (1896), or the No. 1 register (1934), or the No. 2 register (1934), as the context requires.

Section:	4	Register books	30/06/1997
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For the purposes of this Ordinance the Registrar shall cause to be printed in the prescribed form, and kept in the general register office, special register books of deaths as follows-

- (a) No. 1 register (1896); (see Second Schedule, Form 1)
- (b) No. 2 register (1896); (see Second Schedule, Form 2)
- (c) No. 1 register (1934); (see Third Schedule, Form 1)
- (d) No. 2 register (1934). (see Third Schedule, Form 2)

(Amended 26 of 1949 s. 3)

Section:	7	Indexes and searches	30/06/1997
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The Registrar shall cause indexes of the special register of deaths to be made, and any person shall be entitled on payment of the prescribed fee to require the Registrar to cause a search to be made of such indexes and register and to receive a copy of any entry in the said register certified under the hand of the Registrar and sealed or stamped with the seal or stamp of the general register office.

(Amended 26 of 1949 s. 3)

Section:	10	Penalty for loss or injury of register	30/06/1997
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Any person who having custody of the special register of deaths or certified copies thereof, or of any part thereof, carelessly loses or injures the same or carelessly allows the same to be injured whilst in his keeping shall be deemed to have committed a breach of the provisions of this Ordinance and shall be liable on summary conviction to a fine at level 1.

(Amended L.N. 25 of 1996)

Section:	12	Correction of errors in register	30/06/1997
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With regard to the correction of errors in the special register of deaths, the following provisions shall have effect-

- (a) no alteration in any such register shall be made except as authorized by this Ordinance;
- (b) any clerical error which may be discovered in any such register shall, as soon as possible, be corrected by the Registrar, who shall place his initials in the margin opposite the entry in which such error has been discovered;
- (c) an error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the Registrar on payment of the prescribed fee and on production to him by the person requiring such error to be corrected of a declaration in the prescribed form setting forth the nature of the error and the true facts of the case, and made by 2 credible persons to the satisfaction of the Registrar having knowledge of the truth of the case, and the Registrar shall initial such marginal entry and shall add thereto the day and month and year when such correction is made. (see Fourth Schedule, Part II, Form 1)

(Amended 26 of 1949 s. 3)

Schedule:	2		30/06/1997
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[section 4]

FORM 1

[No. 1 Register (1896)]

REGISTER BOOK OF DEATHS

, 19 , Deaths in the district of , Hong Kong.

Registration No.

When and where died

Surname and name

Sex

Age

Rank, profession, or occupation  
and nationality, so far as is  
known

Cause of death

Signature, description and  
residence of informant

When registered

Signature of Registrar

FORM 2

[No. 2 Register (1896)]

REGISTER BOOK OF DEATHS

, 19 , Deaths in the district of , Hong Kong.

Registration No.

When and where died

Surname and name

Sex

Age

Rank, profession, or occupation  
and nationality, so far as is  
known

Cause of death

Signature, description and  
residence of informant  
When registered

Consent and signature  
of Registrar

Consent given  
A.B.  
Registrar.

(Replaced L.N. 500 of 1995)

Schedule:	3			30/06/1997
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[section 4]

FORM 1

[No. 1 Register (1934)]

REGISTER BOOK OF DEATHS

, 19 , Deaths in the district of , Hong Kong.

Registration No.  
When and where died  
Surname and name  
Sex  
Age  
Rank, profession, or occupation  
and nationality, so far as is  
known  
Cause of death  
Signature, description and  
residence of informant  
When registered  
Signature of Registrar

FORM 2

[No. 2 Register (1934)]

REGISTER BOOK OF DEATHS

, 19 , Deaths in the district of , Hong Kong.

Registration No.  
When and where died  
Surname and name  
Sex  
Age  
Rank, profession, or occupation  
and nationality, so far as is  
known  
Cause of death  
Signature, description and  
residence of informant  
When registered  
Consent and signature  
of Registrar

Consent given  
A.B.  
Registrar.

(Replaced L.N. 500 of 1995)

Schedule:	4		L.N. 509 of 1997	31/10/1997
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PART I

[section 9]

FEES

The following fees shall be paid in connection with searches, corrections of errors and certified copies of entries in the register books-

Item	Particular	Fee \$
1.	A search either in indexes or in the register books for any given entry over a period not exceeding 5 years, i.e. a particular search .....	140
2.	A search either in indexes or in the register books for information other than that concerning any given entry, i.e. a general search .....	680
3.	A correction of an error in any register book .....	425
4.	A certified copy of an entry in any of the register books .....	140
	but	
	if posted to an addressee outside Hong Kong .....	275
	and	
	if required to be sent by airmail .....	an additional amount equal to the airmail postage at the normal rate.

(Replaced L.N. 79 of 1991. Amended L.N. 208 of 1993; L.N. 342 of 1994; L.N. 206 of 1995; L.N. 232 of 1996; L.N. 436 of 1997)

PART II

[section 12]

FORM 1

DECLARATION FOR CORRECTION OF ERROR IN  
SPECIAL REGISTER OF DEATHS

We, A.B. of..... and C.D. of ..... solemnly and sincerely declare that when the death of E. F. was registered on the ..... day of ..... 19 ....., the following errors of fact or substance occurred in the register, viz., (here set forth the error or errors).

And we further solemnly and sincerely declare that the true facts of the case are as follows-(here set forth the true facts).

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

(Signed) A.B.  
C.D.

Declared at ..... in Hong Kong  
this ..... day of ..... 19 .....

Before me,

(Signed)

Registrar  
(Replaced L.N. 216 of 1974. Amended L.N. 499 of 1994)

Chapter:	181	MARRIAGE ORDINANCE	Gazette Number	Version Date
Section:	2	Interpretation		30/06/1997

In this Ordinance, unless the context otherwise requires-  
"Registrar" means the Registrar of Marriages appointed under section 3 and any deputy registrar of marriages so appointed.

(Added 20 of 1948 s. 4)

Section:	7	Filing, exhibition and inspection of notice of intended marriage		30/06/1997
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(1) The Registrar shall file every such notice in his office. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

(2) He shall exhibit one copy of such notice at the office of the Registrar and may, if he thinks fit, exhibit copies in other conspicuous places open to the public, and shall keep every such copy so exhibited until he issues a certificate as hereinafter mentioned or until the 3 months referred to in section 10 expire. (Amended 50 of 1911; 51 of 1911; 62 of 1911 Schedule; 63 of 1911 Schedule; 14 of 1926 s. 5; 20 of 1948 s. 4)

(3) The Registrar may cause the notices filed in his office under this section and copies of such notices produced for inspection under subsection (4) to be recorded on microfilm. (Replaced 80 of 1997 s. 73)

(4) The Registrar shall, upon request by any person to inspect any notice filed under this section, produce to such person for inspection a copy of such notice (including any copy in the form of a reader-printer hard copy of the microfilm of such notice) and such copy shall be the same copy to be produced for inspection by any person who makes a request under this subsection. (Replaced 80 of 1997 s. 73)

Section:	23	Registration of certificates of marriage		30/06/1997
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(1) The Registrar shall register all certificates of marriage filed in his office in such



order and manner as he thinks best suited for easy reference thereto. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4, 80 of 1997 s. 75)

(2) Without prejudice to the generality of subsection (1), the Registrar may cause the certificates of marriage to be recorded on microfilm. (Added 80 of 1997 s. 75)

Section:	24	Effect of certificate of marriage or certified copy thereof		30/06/1997
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Any certificate of marriage filed in the office of the Registrar, or a copy of it (including any copy in the form of a reader-printer hard copy of the microfilm of a certificate of marriage), provided it purports to be signed and certified as a true copy by the Registrar and to be sealed or stamped with his official seal, shall be admissible as evidence of the marriage to which the same relates in any court or before any person having by law or by consent of parties authority to hear, receive, and examine evidence.

(Amended 50 of 1911; 62 of 1911 Schedule; 14 of 1926 s. 5; 20 of 1948 s. 4, 80 of 1997 s. 76)

Section:	32	Penalty for removing, etc. records		30/06/1997
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Any person who wilfully removes or alters any notice, certificate, licence or other document kept or filed by the Registrar pursuant to, or for the purposes of, the provisions of this Ordinance shall be liable to a fine at level 1 and to imprisonment for 6 months.

(Replaced 1 of 1960 s. 16. Amended 48 of 1972 s. 4; L.N. 25 of 1996)

Section:	43	Disposal of documents when microfilmed		30/06/1997
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The Registrar may, where any document has been recorded on microfilm under this Ordinance, destroy or otherwise dispose of such document in such manner as he thinks fit.

(Added 80 of 1997 s. 77)

Chapter:	331	IMMIGRATION SERVICE ORDINANCE	Gazette Number	Version Date
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Schedule:	2	SCHEDULED OFFENCES	9 of 2003	12/05/2003
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[section 2]

## PART I

Column 1	Column 2	Column 3
Item	Enactment	Description of offence
1.	Registration of Persons Ordinance (Cap 177) section 5  section 7A section 7AA section 7B section 11	failure to use registered name and to submit number of identity card possession of forged identity cards transfer of identity card failure to apply for new identity cards unauthorized handling of particulars (Amended 9 of 2003 s. 24)
2.	Registration of Persons Regulations (Cap 177 sub. leg. A) regulation 11(2A) regulation 11A(2)  regulation 12(1)  regulation 12(1A) regulation 12(2)  regulation 12(2A)  regulation 13A  regulation 19	failure to carry and produce identity card obstructing public officers in verification of identity making alteration to identity card or documents tampering with chip in identity card possession of altered identity card or documents possession of identity card embodying chip tampered with furnishing false particulars of loss, etc. of identity card miscellaneous offences (Amended 9 of 2003 s. 24)
3.	Crimes Ordinance (Cap 200) section 32  section 34  section 35 section 36  section 38  section 40 section 71 section 72 section 73 section 74 section 75 section 76  section 88  section 89	false statements on oath made otherwise than in a judicial proceeding false statements, etc. with reference to marriage false statements, etc. as to births or deaths false statutory declarations and other false statements without oath aiders, abettors, suborners, etc. regarding commission of offences relating to perjury, etc. using false affidavits forgery copying a false instrument using a false instrument using a copy of a false instrument possessing a false instrument making or possessing equipment for making a false instrument making false entry in register of births, etc. making false entry in copy of register sent to registrar

section 93

aiders and abettors regarding commission  
of offences relating to false  
certification and personation, etc.

PART II

Column 1	Column 2	Column 3
Item	Enactment	Description of offence
1.	Births and Deaths Registration Ordinance (Cap 174) section 21(3)  section 28	obstruction, etc. to inquiry of correctness of death certificate breach or infringement of any provisions of the Births and Deaths Registration Ordinance (Cap 174)
2.	Births Registration (Special Registers) Ordinance (Cap 175) section 10	loss or injury of special register of births, etc.
3.	Deaths Registration (Special Registers) Ordinance (Cap 176) section 10	loss or injury of special register of deaths, etc.
4.	Marriage Reform Ordinance (Cap 178) section 10(2)  section 23	failure to comply with a summons or requirement issued or made for purposes of determination of application for registration of customary marriage or validated marriage removal, etc. of records
5.	Marriage Ordinance (Cap 181) section 29  section 30 section 31 section 32 section 33 section 39(3)  section 39(4)	marrying, etc. minor without consent of proper person offences by minister failure to transmit certificate removing, etc. record unauthorized person celebrating marriage failure to comply with conditions of celebration of marriage in articulo mortis, etc. failure by minister to transmit certificate of marriage in articulo mortis
6.	Offences against the Person Ordinance (Cap 212) section 45	bigamy

Any description of an offence is included for ease of reference only.

(Added 53 of 1996 s. 9)

Chapter:	478	MERCHANT SHIPPING (SEAFARERS) ORDINANCE	Gazette Number	Version Date
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Section:	2	Interpretation	23 of 1998 s. 2	01/07/1997
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Remarks:

Amendments retroactively made - see 23 of 1998 s. 2

- (1) In this Ordinance, unless the context otherwise requires-
- "A.B." (高級水手) means an able-bodied seaman, for which purpose "seaman" (水手) shall include seafarer;
- "Advisory Board" (諮詢委員會) means the Seafarers' Advisory Board established by section 6(1);
- "Appeals Board" (上訴委員會) means the Seafarers' Appeals Board established by section 18(1);
- "Authority" (監督) means the Seafarers' Authority established by section 4(1);
- "autopsy" (屍體剖驗) includes a post-mortem examination;
- "coastal-going ship" (沿岸船舶) means any ship employed exclusively in trading, or going, between any place or places situated within river trade limits;
- "company" (公司) means a company incorporated under the Companies Ordinance (Cap 32) or to which Part XI of that Ordinance applies;
- "company roster" (公司候船名冊), in relation to a permitted company, means the list or lists kept in the company's permitted crew department pursuant to section 64(1) or (2), as the case may be;
- "crew agreement" (船員協議) has the meaning assigned to it by section 80(2);
- "crew department record" (船員部紀錄), in relation to a permitted company, means the record kept in the company's permitted crew department pursuant to section 61(1);
- "dangerous drug" (危險藥物) includes any drug which is a dangerous drug within the meaning of the Dangerous Drugs Ordinance (Cap 134);
- "direct trade entrant" (直接入職海員) means a seafarer whose seafaring avocation consists of an occupation approved by the Superintendent as an occupation the skills of which cannot normally be acquired by training on board a ship or at a pre-sea training establishment;
- "disciplinary inquiry" (紀律研訊) means a disciplinary inquiry conducted pursuant to section 22;
- "disciplinary offence" (違紀行為) means any misconduct by a seafarer on board a Hong Kong ship specified in regulations made under section 107(1) as a disciplinary offence;
- "employer" (僱主), in relation to-
- (a) a registered seafarer, means the person who has-
    - (i) supplied that seafarer for employment; or
    - (ii) employed that seafarer, in a ship, irrespective of whether that person-
      - (A) owns, charters or manages; or
      - (B) acts as an agent for another person who owns, charters or manages, that ship; and
  - (b) any other seafarer, means the person who is, in accordance with the crew agreement or other agreement for employment entered into by the seafarer for employment as a seafarer, specified, either by name or by necessary implication, as the employer of that seafarer;
- "employment registration book" (僱用登記簿) means a registered seafarer's employment

- registration book issued or deemed to be issued under regulations made under section 17;
- "fishery research vessel" (漁業研究船) means a vessel primarily used for research into sea fishing and fish stocks;
- "fishing vessel" (漁船) means any vessel used for catching, otherwise than for sport, fish, whales, seals, walruses, or other living resources of the sea, and includes a fishery research vessel;
- "function" (職能) includes a duty;
- "Hong Kong ship" (香港船舶) means a ship registered in Hong Kong;
- "identity card" (身分證) means an identity card within the meaning of the Registration of Persons Ordinance (Cap 177);
- "inquest" (死因研訊) includes an inquiry into a death;
- "junk" (中式帆船) includes lorcha and any vessel of Chinese or other Asiatic build, construction or rig whether such vessel is of a sea-going type or not and howsoever propelled;
- "legal officer" (律政人員) has the meaning assigned to it by section 2 of the Legal Officers Ordinance (Cap 87);
- "licence" (執照) means a licence issued or deemed to be issued under regulations made under section 73;
- "lorcha" (西式中國帆船) includes any vessel-
  - (a) of European build and construction, but of Chinese or other Asiatic rig; or
  - (b) of Chinese or other Asiatic build and construction, but of European rig;
- "master" (船長) includes every person (except a pilot) having command or charge of any ship;
- "Office" (海管處) means the Mercantile Marine Office established by section 5(1)(a);
- "officer" (高級船員) means the holder of-
  - (a) a certificate of competency or of service issued or deemed to be issued under regulations made under section 73 or a licence; or
  - (b) a certificate of competency or of service recognized under those regulations as equivalent to a certificate referred to in paragraph (a);
- "panel" (委員團) means a panel appointed under section 18(2);
- "passenger" (乘客) means any person carried in a ship except-
  - (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
  - (b) a person on board the ship pursuant to the obligation laid upon the master of the ship to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner of the ship could have prevented or forestalled; or
  - (c) a child under 1 year of age;
- "permanent identity card" (永久性居民身分證) means a permanent identity card within the meaning of the Registration of Persons Ordinance (Cap 177);
- "permit" (許可證) means a permit granted under section 52(1) to a company to maintain a company roster;
- "permitted company" (核准公司) means any company holding a valid permit;
- "permitted crew department" (核准船員部) means the crew department maintained by a permitted company;
- "pleasure vessel" (遊樂船隻) means any launch, yacht, inflatable vessel, junk, lorcha or other vessel howsoever propelled that-
  - (a) is possessed or used exclusively for pleasure purposes; and
  - (b) is not let for hire or reward other than under the terms of a charter agreement

- or hire-purchase agreement,  
but does not include any launch, yacht, inflatable vessel, junk, lorcha or other vessel that has never been launched;
- "port clearance" (出港證) means port clearance under regulation 27 of the Shipping and Port Control Regulations (Cap 313 sub. leg. A);
- "prescribed fee" (訂明費用), in relation to any matter, means the fee prescribed in regulations made under section 133 in relation to that matter;
- "register" (註冊紀錄冊) means the register kept pursuant to section 7;
- "registered address" (註冊地址), in relation to a registered seafarer, means the address of the seafarer recorded pursuant to section 13(2)(a) in the register;
- "registered seafarer" (註冊海員) means a person whose name is entered in the register;
- "Registrar" (登記官) means the Registrar within the meaning of section 2 of the Births and Deaths Registration Ordinance (Cap 174);
- "relief and maintenance" (濟助及生活費) includes the provision of surgical or medical treatment and such dental and optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency;
- "river trade limits" (內河航限) means-
- (a) the waters within the vicinity of Hong Kong within the following boundaries-
    - (i) to the east, meridian 114 degrees 30' east;
    - (ii) to the south, parallel 22 degrees 09' north; and
    - (iii) to the west, meridian 113 degrees 31' east; and
  - (b) all inland waterways in the Guangdong Province and Guangxi Autonomous Region on the mainland of China to which access can be obtained by inland waterways from the area defined in paragraph (a);
- "seafarer" (海員)-
- (a) in relation to all the provisions of this Ordinance, means any person who is, or is to be, employed in a ship in any capacity other than-
    - (i) that of master;
    - (ii) that of officer;
    - (iii) that of ship's medical practitioner; or
    - (iv) that which the Authority, after consultation with the Advisory Board and subject to such conditions as he thinks fit, specifies in writing to the Superintendent; and
  - (b) in relation to Parts VIII to XIV inclusive, includes any person who is, or is to be, employed in a ship in any capacity (including the capacities referred to in paragraph (a)(i), (ii), (iii) and (iv));
- "sea-going ship" (遠洋船舶) includes any sea-going ship, irrespective of where it is registered and whether the ship enters the waters of Hong Kong, but does not include any coastal-going ship; (Amended 23 of 1998 s. 2)
- "ship" (船、船舶) means every description of vessel used in navigation in water not propelled by oars, and includes any ship, boat or craft used wholly or partly for navigation in water and any craft so used the weight of which is partially supported by forces other than hydrostatic forces, but excludes any junk or lorcha howsoever propelled;
- "ship's boat" (船舶的小艇) includes a liferaft; (Amended L.N. 586 of 1995)
- "Superintendent" (總監) means the Superintendent of the Office specified in section 5(1)(b);
- "surveyor of ships" (驗船師) means-
- (a) a person appointed under section 5(1) of the Merchant Shipping (Safety) Ordinance (Cap 369) to be a Government surveyor; or
  - (b) a person appointed in writing by the Authority to be a surveyor of ships for the purposes of this Ordinance;

"working day" (工作日) means any day other than a public holiday or a gale warning day within the meaning of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62).

(2) Any reference in this Ordinance to the doing of anything, or to anything not being done, in the presence of the Superintendent or to the production of anything to the Superintendent includes a reference to the doing of that thing, or to its not being done, or to the production of that thing to any person acting on behalf of the Superintendent.

(3) References in this Ordinance to going to sea include references to going to sea from any place outside Hong Kong.

(4) References in this Ordinance to a death occurring in a ship (howsoever expressed) include-

- (a) death due to drowning after falling overboard;
- (b) the death of a sick or injured person whilst being transported from the ship to a place outside the ship;
- (c) death in a ship's boat;
- (d) being lost from a ship or ship's boat; and
- (e) any other death occurring outside the ship which is reported to the master of the ship before the completion of the voyage.

(5) References in this Ordinance to a person missing from a ship (howsoever expressed) mean a person missing from the ship where there are reasonable grounds for believing that he has died.

(Enacted 1995)

Section:	121	Returns of births, deaths and missing persons, etc.	L.N. 106 of 2002	01/07/2002
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(1) The Secretary for Economic Development and Labour may make regulations requiring- (Amended L.N. 106 of 2002)

- (a) the master of any Hong Kong ship to make a return to the Superintendent of-
  - (i) any birth or death occurring in the ship;
  - (ii) the death, where occurring outside Hong Kong, of any person employed in the ship;
  - (iii) any person missing from the ship,
 and to notify any such death to such person, if any, as the deceased may have named to the master as his next of kin;
- (b) the master of any ship not registered in Hong Kong which enters the waters of Hong Kong in the course of or at the end of a voyage to make a return to the Superintendent of-
  - (i) any birth of a child to, or death of, a person who holds an identity card which has occurred in the ship during the voyage;
  - (ii) any person who holds an identity card missing from the ship during the voyage;
- (c) the Superintendent to obtain such information as is specified in the regulations about a death referred to in paragraph (a) in a case where it appears to him that the master of the ship cannot perform the duty imposed on him by virtue of that paragraph in respect of the death because he himself has died or is incapacitated or missing and-
  - (i) the death in question has been the subject of an inquest held by a coroner or an inquiry held pursuant to section 122 and the findings of the inquest or inquiry, as the case may be, include a finding that the death occurred; or
  - (ii) an autopsy has been performed on the deceased's body and in



consequence the coroner is satisfied that an inquest is unnecessary.

- (2) Regulations made under this section may contain provisions authorizing the reporting of a death outside Hong Kong of a person who holds an identity card where-
- (a) the person was, at the time of his death, a seafarer employed in a ship other than a Hong Kong ship, whether or not the death occurred in the ship; and
  - (b) no return is required to be made in respect of the death under regulations made under subsection (1).
- (3) Regulations made under this section may-
- (a) require the Superintendent-
    - (i) to keep a record of any returns made thereunder;
    - (ii) to keep a record of such information as is specified in the regulations about a death referred to in subsection (2);
  - (b) provide for the rectification or amendment of any record kept thereunder;
  - (c) provide for the sending to the Registrar of a certified copy of any record kept thereunder, including a certified copy of any corrected or amended entry in any such record.
- (4) Where pursuant to any regulations made under this section the Registrar receives-
- (a) a certified copy of any record kept thereunder in respect of a birth or death, he shall cause the record to be filed and preserved in a book to be kept by him for the purpose and called the Marine Register of Births and Deaths;
  - (b) a certified copy of any corrected or amended entry in any such record, he shall cause the correct or appropriate entry to be substituted for the corresponding entry for the time being made in the Marine Register of Births and Deaths.
- (5) Sections 22, 24, 25 and 28 of the Births and Deaths Registration Ordinance (Cap 174) shall have effect as if the Marine Register Book of Births and Deaths were a register referred to in those sections. (Replaced 80 of 1997 s. 72)

(Enacted 1995)

Chapter:	553B	ELECTRONIC TRANSACTIONS (EXCLUSION) ORDER	Gazette Number	Version Date
Schedule:	1	PROVISIONS EXCLUDED FROM APPLICATION OF SECTION 5 OF ORDINANCE	16 of 2004	09/07/2004

[section 2]

Item	Enactment	Provision
1.	(Repealed 16 of 2004 s. 16)	
2-4.	(Repealed L.N. 36 of 2003)	
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1), 6 and 8(a) and (b)
6.	(Repealed L.N. 36 of 2003)	
7.	Dutiable Commodities (Liquor) Regulations (Cap 109 sub. leg. B)	Regulations 15 and 26
8.	Immigration Ordinance (Cap 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) (L.N. 36 of 2003)
9.	Buildings Ordinance (Cap 123)	Sections 8B(1), 8C(2), 8D(2), 17(1) (Column B), 19(1) and (4), 20(2), 21(2), 25(1) and 42(2)
10.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulations 6(1), 11, 18(1), 18A, 23(1A) and (2), 29(1), 31(1), 33(1), 38 and 47
11.	Building (Planning) Regulations (Cap 123 sub. leg. F)	Regulations 51(1), 53(1) and 64(1) and (2)
12.	Building (Private Streets and Access Roads) Regulations (Cap 123 sub. leg. G)	Regulation 28
13.	Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg. I)	Regulations 62(1) and 73(1)
14.	Building (Oil Storage Installations) Regulations (Cap 123 sub. leg. K)	Regulations 6(1) and 10(2)
15.	Lands Resumption Ordinance (Cap 124)	Sections 6(2) and 8(1)
16.	Foreshore and Sea-bed (Reclamations) Ordinance (Cap 127)	Sections 6(1) and 12(1)
17.	Land Acquisition (Possessory Title) Ordinance (Cap 130)	Section 6(1)
18.	Town Planning Ordinance (Cap 131)	Sections 16(2), 17(1) and 24(1)
19.	Commercial Bathhouses Regulation (Cap 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap 132 sub. leg. AC)	Section 18(1)
22.	Milk Regulation (Cap 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap 132 sub. leg. AX)	Section 9(2)
24.	Places of Amusement Regulation (Cap 132 sub. leg. BA)	Section 5(1)
25.	Public Cemeteries Regulation (Cap 132 sub. leg. BI)	Section 5(a)
26.	Slaughterhouses Regulation (Cap 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)
29.	Births and Deaths Registration Ordinance (Cap 174)	Sections 8(1), 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i)
30.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1) and (1B)(a)

31.	Marriage Reform Ordinance (Cap 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap 211)	Section 7
34.	Aerial Ropeways (Operation and Maintenance) Regulations (Cap 211 sub. leg. A)	Regulations 6(1) and 20(5)
35.	Peak Tramway (Safety) Regulations (Cap 265 sub. leg. A)	Regulation 30
36.	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap 276)	Section 21(1)
37.	(Repealed L.N. 36 of 2003)	
38.	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap 296 sub. leg. A)	Regulations 11(2) and 12(2)
39.	Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap 296 sub. leg. B)	Regulation 3(2)
40.	Lifts and Escalators (Safety) Ordinance (Cap 327)	Section 6(1)
41.	Hotel and Guesthouse Accommodation Ordinance (Cap 349)	Sections 6(1) and (4), 7(2), 8(1), 9(2) and 12(2)
42.	Water Pollution Control (Sewerage) Regulation (Cap 358 sub. leg. AL)	Sections 14(1) and 16(1)
43.	Roads (Works, Use and Compensation) Ordinance (Cap 370)	Sections 10(1) and (3) and 29(1) and (4)
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulations 5(1), 17(2) and 20(1) and (3)
45.	Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap 384 sub. leg. A)	Regulation 6(1)(b)
46.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Sections 3(1) and (2) and 4
47.	Amusement Rides (Safety) Ordinance (Cap 449)	Sections 5 and 39
48.	Amusement Rides (Safety) (Operation and Maintenance) Regulation (Cap 449 sub. leg. B)	Section 6(1)
49.	Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470)	Sections 12(3) and 15(a)
50.	Land Survey Ordinance (Cap 473)	Section 30(4) and (6)
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap 495)	Section 5(1), (2), (4) and (5)
52.	Environmental Impact Assessment Ordinance (Cap 499)	Sections 4(5), 5(1), (2) and (4), 6(2), 7(1)(a), 8(1), 10(1)(a), 12(1) and (2) and 13(1)
53.	Railways Ordinance (Cap 519)	Sections 10(1) and (4) and 34(1)
54.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies)	Section 5(2) (L.N. 261 of 2000)

55.	Regulation (Cap 541 sub. leg. A) Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	Section 21(2) (L.N. 261 of 2000; L.N. 268 of 2001)
56.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C)	Sections 5(13) and 8(2)
57.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 23(8) and (12), 25(6) and (15), 42(11) and (13) and 66(7) and (10) (L.N. 268 of 2001)
58.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Sections 5(8) and 8(2)
59.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	Sections 26(5) and (9), 28(3), (9) and (12), 45(8) and (10), 66(6) and (9) and 102(4)
59A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Sections 6(13) and 9(2) (L.N. 268 of 2001)
59B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 23(5) and (9), 25(2), 42(8) and (10) and 64(8) and (10) (L.N. 268 of 2001)
59C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6), 80(2) and 81(1)(b) (L.N. 282 of 2001)
60.	Legislative Council Ordinance (Cap 542)	Sections 13(1), 14(1), 26(6), 38(3), 40(1)(b) and 42(2) (21 of 2001 s.75)
61.	Registration of Electors (Appeals) Regulation (Cap 542 sub. leg. B)	Section 2(1) and (2)(c)
62.	(Repealed L.N. 268 of 2001)	
63.	District Councils Ordinance (Cap 547)	Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2
64.	Election (Corrupt and Illegal Conduct) Ordinance (Cap 554)	Section 37(1) and (2) (L.N. 167 of 2000)
65.	Chief Executive Election Ordinance (Cap 569)	Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3), 13(6) and 21(2) (21 of 2001 s. 75)
66.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Sections 4(1) and 5(1) and (2)(c) (L.N. 268 of 2001)
67.	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569 sub. leg. B)	Section 3(1) and (2)(c) (L.N. 268 of 2001)
68.	Village Representative Election Ordinance (Cap 576)	Sections 8(1), 10(1), 24 and 26(2) (2 of 2003 s. 68)
69.	Antibiotics Ordinance (Cap	Section 4(1)(c) (L.N. 36 of 2003)

- 137)
70. Pharmacy and Poisons Regulations (Cap 138 sub. leg. A) Regulation 9(3)(a) (L.N. 36 of 2003)
71. Traffic Accident Victims (Assistance Fund) Ordinance (Cap 229) Section 9(1) (L.N. 36 of 2003)

2. 生效日期

本條例自保安局局長以憲報公告指定的日期起實施。

第 2 部

委任婚姻監禮人、規管婚姻監禮人、由婚姻監禮人  
主持婚禮以及將修訂附表及訂立  
附屬法例的權力轉移

對《婚姻條例》的修訂

3. 釋義

《婚姻條例》(第 181 章) 第 2 條現予修訂，加入——

““上訴委員會”(Appeal Board) 指根據第 5J 條設立的婚姻監禮人委任事宜上訴委員會；

“局長”(Secretary) 指保安局局長；

“訂明費用”(prescribed fee) 就本條例所訂定的任何事項而言，指就該事項而在附表 2 指明的費用；

“婚姻監禮人”(civil celebrant) 指根據第 5A 條委任的而其委任在當其時屬有效的婚姻監禮人；

“預定結婚日期”(proposed date of marriage) 指擬締結婚姻的日期；

“實務守則”(code of practice) 指根據第 5C(1) 條發出的實務守則；”。

4. 加入條文

現加入——

“2A. 若干公告並非附屬法例

第 5、5A(4)(c)、5C(3)、5D(8)(a)、5E(9) 或 5J(5) 條所訂的公告並非附屬法例。”。

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

APPOINTMENT OF CIVIL CELEBRANTS, REGULATION OF CIVIL  
CELEBRANTS, CELEBRATION OF MARRIAGE BY CIVIL  
CELEBRANT AND TRANSFER OF POWERS TO AMEND  
SCHEDULES AND MAKE SUBSIDIARY LEGISLATION

Amendments to the Marriage Ordinance

3. Interpretation

Section 2 of the Marriage Ordinance (Cap. 181) is amended by adding—  
““Appeal Board” (上訴委員會) means the Civil Celebrant of Marriages Appointment Appeal Board established under section 5J;

“civil celebrant” (婚姻監禮人) means a civil celebrant of marriages appointed under section 5A whose appointment is for the time being valid;

“code of practice” (實務守則) means a code of practice issued under section 5C(1);

“prescribed fee” (訂明費用) means, in relation to any matter provided for in this Ordinance, the fee specified in Schedule 2 in respect of the matter;

“proposed date of marriage” (預定結婚日期) means the date on which an intended marriage is proposed to be contracted;

“Secretary” (局長) means the Secretary for Security;”.

4. Section added

The following is added—

“2A. Certain notices are not  
subsidiary legislation

A notice under section 5, 5A(4)(c), 5C(3), 5D(8)(a), 5E(9) or 5J(5) is not subsidiary legislation.”.

## 《電子交易條例》

28. 根據本條例第 13(1) 條不在本條例  
第 5、5A、6、7 及 8 條的適用  
範圍內的法律程序

(1) 《電子交易條例》(第 553 章)附表 2 現予修訂,在 (zp) 段中,廢除“;或”而  
代以分號。

(2) 附表 2 現予修訂,在 (zq) 段中,廢除逗號而代以“;或”。

(3) 附表 2 現予修訂,加入——

“(zr) 根據《婚姻條例》(第 181 章)設立的婚姻監禮人委任事宜上訴委員會。”。

## 第 4 部

將《婚姻條例》若干條文的草擬文體現代化  
及雜項修訂

29. 加入部標題  
(第 1 部)

《婚姻條例》(第 181 章)現予修訂,在第 1 條之前加入——

“第 1 部  
導言”。

30. 釋義

(1) 第 2 條現予修訂,在“登記官”的定義中——

(a) 在“means”之前加入“(登記官)”;

(b) 在“任何”之前加入“包括”;

(c) 廢除句號而代以分號。

(2) 第 2 條現予修訂,加入——

““特別許可證”(special licence)指根據第 11(1)條批給的特別許可證;

“特許禮拜場所”(licensed place of worship)指根據第 4 條特許的場所;

“登記官證明書”(certificate of the Registrar)指婚姻登記官根據第 9(1)條發給的  
證明書;

## Electronic Transactions Ordinance

28. Proceedings in relation to which sections 5, 5A, 6,  
7 and 8 of this Ordinance do not apply under  
section 13(1) of this Ordinance

(1) Schedule 2 to the Electronic Transactions Ordinance (Cap. 553) is  
amended, in paragraph (zp), by repealing “; or” and substituting a semicolon.

(2) Schedule 2 is amended, in paragraph (zq), by repealing the full stop  
and substituting a semicolon.

(3) Schedule 2 is amended by adding—

“(zr) the Civil Celebrant of Marriages Appointment Appeal Board  
established under the Marriage Ordinance (Cap. 181).”.

## PART 4

MODERNIZING THE DRAFTING STYLE OF CERTAIN  
PROVISIONS OF THE MARRIAGE ORDINANCE  
AND MISCELLANEOUS AMENDMENTS

29. Part heading added  
(Part 1)

The Marriage Ordinance (Cap. 181) is amended by adding before  
section 1—

“PART 1  
PRELIMINARY”.

30. Interpretation

(1) Section 2 is amended, in the definition of “Registrar”—

(a) by adding “(Registrar)” before “means”;

(b) by adding “includes” before “any deputy”;

(c) by repealing the full stop and substituting a semicolon.

(2) Section 2 is amended by adding—

““certificate of marriage” (結婚證書) means a certificate of marriage in  
Form 4, Form 6 or Form 7, as may be applicable, in Schedule 1;

“certificate of the Registrar” (登記官證明書) means a Certificate of  
Registrar of Marriages issued under section 9(1);

“licensed place of worship” (特許禮拜場所) means a place licensed under  
section 4;

“結婚證書”(certificate of marriage)指採用附表 1 內表格 4、表格 6 或表格 7(視何者適用而定)的結婚證書；

“擬結婚通知書”(notice of intended marriage)指根據第 6(1)條發出的通知書。”。

31. 加入部標題  
(第 2 部)

在第 3 條之前加入——

“第 2 部  
有權主持婚禮的  
人士”。

32. 禮拜場所的特許

第 4 條現予修訂，廢除在“行政長官”之後的所有字句而代以——  
“可——

- (a) 就任何公眾禮拜場所批給許可證，藉此特許該場所作為舉行婚禮的地點；及
- (b) 隨時取消該特許。”。

33. 公告特許事宜

第 5 條現予修訂，廢除“批給或取消該類”而代以“根據第 4 條批給或取消”。

34. 加入部標題  
(第 5 部)

在第 6 條之前加入——

“第 5 部  
與婚禮舉行前的程序  
有關的規定”。

35. 擬結婚通知書的發出

- (1) 第 6(1)條現予修訂，在“其中”之前加入“擬結婚的”。
- (2) 第 6(1)條現予修訂，廢除“通知”而代以“擬結婚通知書”。

“notice of intended marriage”(擬結婚通知書) means a notice given under section 6(1);

“special licence”(特別許可證) means a special licence granted under section 11(1).”.

31. Part heading added  
(Part 2)

The following is added before section 3—

“PART 2  
AUTHORITIES FOR CELEBRATION  
OF MARRIAGE”.

32. Licensing of places of worship

Section 4 is amended by repealing everything after “Chief Executive” and substituting—

“may—

- (a) by granting a licence in respect of any place of public worship, license such place to be a place for celebration of marriages; and
- (b) cancel any such licence at any time.”.

33. Notification of licence

Section 5 is amended by repealing “such licence” and substituting “licence under section 4”.

34. Part heading added  
(Part 5)

The following is added before section 6—

“PART 5  
REQUIREMENTS RELATING TO  
PRE-CELEBRATION PROCEDURES”.

35. Giving of notice of intended marriage

(1) Section 6(1) is amended by adding “proposed” before “parties”.

(2) Section 6(1) is amended by repealing “notice thereof” and substituting “a notice of intended marriage”.



(3) 第 6(2) 條現予修訂，廢除“上述”而代以“擬結婚”。

(4) 第 6 條現予修訂，加入——

“(4) 擬結婚通知書不得因該通知書內的任何資料有所改變而失效，但登記官可要求結婚雙方在該通知書上作出適當的修改。”。

### 36. 擬結婚通知書的存檔、 展示及查閱

(1) 第 7(1) 條現予修訂，廢除“上述”而代以“向他發出的擬結婚”。

(2) 第 7(2) 條現予修訂，廢除“上述通知書的副本，如他認為適當，亦可在其他顯眼的公眾地方展示該通知書”而代以“擬結婚通知書的第 I 部分的副本，如他認為適當，亦可在其他顯眼的公眾地方展示該擬結婚通知書的第 I 部分”。

(3) 第 7(3) 條現予修訂，廢除“通知書，及根據第 (4) 款出示以供查閱的該等通知書”而代以“所有擬結婚通知書，及根據第 (4) 款出示以供查閱的該等通知書的第 I 部分”。

(4) 第 7(4) 條現予修訂，廢除“通知書的要求，向該人出示該通知書的副本(包括採用該通知書的微縮膠片的閱讀複印機副本的形式)”而代以“擬結婚通知書的要求，向該人出示該通知書的第 I 部分的副本(包括採用該通知書的微縮膠片的閱讀複印機副本形式的)”。

### 37. 表格供應

第 8 條現予修訂，廢除“通知”而代以“擬結婚通知書的”。

### 38. 登記官證明書的發給

(1) 第 9(1) 條現予修訂，廢除“上述通知發出後，”而代以“擬結婚通知書發出後，”。

(2) 第 9(1) 條現予修訂，廢除“訂明格式的”而代以“採用附表 1 表格 2 的婚姻登記官”。

(3) 第 9(2) 條現予修訂，廢除“根據第 (1) 款發給證明書”而代以“發給登記官證明書”。

(4) 第 9(2) 條現予修訂，廢除“通知書上批註，說明依法獲授權不准發證的人，並無不准發給”而代以“擬結婚通知書上批註，說明依法獲授權不准發給該證明書的人，並無不准發給該”。

(5) 第 9(2) 條現予修訂，在“正式簽發的”之後加入“登記官”。

(3) Section 6(2) is amended by repealing “such notice” and substituting “notice of intended marriage”.

(4) Section 6 is amended by adding—

“(4) A notice of intended marriage shall not be invalidated by any change in any information contained in it, but the Registrar may require the parties to make an appropriate amendment to it.”.

### 36. Filing, exhibition and inspection of notice of intended marriage

(1) Section 7(1) is amended by repealing “such notice” and substituting “notice of intended marriage given to him”.

(2) Section 7(2) is amended by repealing “such notice” and substituting “Part I of a notice of intended marriage”.

(3) Section 7(3) is amended by repealing “the notices filed in his office under this section and copies” and substituting “all notices of intended marriage filed in his office under this section and copies of Part I”.

(4) Section 7(4) is amended by repealing “filed under this section, produce to such person for inspection a copy” and substituting “of intended marriage filed under this section, produce to such person for inspection a copy of Part I”.

### 37. Supply of forms

Section 8 is amended by repealing “notice” and substituting “notice of intended marriage”.

### 38. Issue of certificate of the Registrar

(1) Section 9(1) is amended by repealing “such notice,” and substituting “a notice of intended marriage.”.

(2) Section 9(1) is amended by repealing “certificate in the prescribed form” and substituting “Certificate of Registrar of Marriages in Form 2 in Schedule 1”.

(3) Section 9(2) is amended by repealing “certificate under subsection (1)” and substituting “certificate of the Registrar”.

(4) Section 9(2) is amended by repealing “such notice” and substituting “the notice of intended marriage”.

(5) Section 9(2) is amended by adding “of the Registrar” before “had been issued”.

## 51. 取代條文

第 29 條現予廢除，代以——

“29. 未得所規定的同意而與未滿 21 歲的人結婚等事宜

任何人明知——

(a) 未滿 21 歲的結婚一方結婚須得到根據第 14 條規定的同意書；及

(b) 未有取得上述同意書，

而與 (a) 段所提述的人結婚，或協助或促使任何其他人與該人結婚，即屬犯罪，可處第 5 級罰款及監禁 2 年。”。

## 52. 神職人員或婚姻監禮人所犯罪行

(1) 第 30 條現予修訂，廢除在“任何神職人員或婚姻監禮人”之後而在“可循簡易”之前的所有字句而代以——

“——

(a) 明知——

(i) 未滿 21 歲的結婚一方結婚須得到根據第 14 條規定的同意；及

(ii) 未有同意書按照第 14(1A) 條就該結婚一方交出，

而故意主持該方的婚禮；或

(b) 故意主持與本條例的任何其他條文相違的婚禮，或明知本條例任何條文未予遵守仍故意主持婚禮，

即屬犯”。

(2) 第 30 條現予修訂，廢除“可循簡易程序或公訴程序審訊的罪行，可處第 1 級罰款或監禁 2 年。”而代以“罪，可處第 5 級罰款及監禁 2 年。”。

## 53. 干預紀錄的罪行

第 32 條現予修訂，廢除在“文件，”之後的所有字句而代以“即屬犯罪，可處第 5 級罰款及監禁 2 年。”。

## 54. 對未經授權而主持婚禮的人的罰則

第 33 條現予修訂，廢除在“即屬犯”之後的所有字句而代以“罪，可處第 5 級罰款及監禁 2 年。”。

## 51. Section substituted

Section 29 is repealed and the following substituted—

“29. Marrying, etc., person under 21 without required consent

Any person who, knowing that—

(a) a written consent under section 14 is required in respect of the marriage of a party under 21 years of age; and

(b) no such consent has been obtained,

marries or assists or procures any other person to marry the person referred to in paragraph (a) shall be guilty of an offence and shall be liable to a fine at level 5 and imprisonment for 2 years.”.

## 52. Offences by minister or civil celebrant

(1) Section 30(a) is repealed and the following substituted—

“(a) knowing that—

(i) a consent under section 14 is required in respect of the marriage of a party under 21 years of age; and

(ii) no such consent has been produced in accordance with section 14(1A) in respect of the party,

wilfully celebrates the marriage of the party; or”.

(2) Section 30 is amended by repealing everything after “an offence” and substituting “and shall be liable to a fine at level 5 and imprisonment for 2 years.”.

## 53. Offence of tampering with records

Section 32 is amended by repealing everything after “shall be” and substituting “guilty of an offence and shall be liable to a fine at level 5 and imprisonment for 2 years.”.

## 54. Penalty on unauthorized person celebrating marriage

Section 33 is amended by repealing everything after “an offence” and substituting “and shall be liable to a fine at level 5 and imprisonment for 2 years.”.

**ENVIRONMENTAL AND SUSTAINABILITY IMPLICATIONS**

With the implementation of APPLIES and ERP, records will be maintained in the form of digital image and related applications will be processed on-line, providing a paperless environment in ImmD. This is conducive to the green management policy of the Government. The proposal will also help reduce waste and conserve natural resources, which is in line with the sustainability principle of promoting the sustainable use of natural resources.

**FINANCIAL AND CIVIL SERVICE IMPLICATIONS**

2. The Finance Committee of the Legislative Council approved in May 2004 a non-recurrent commitment of \$337 million for the implementation of the APPLIES and ERP at various Immigration offices and registries. The systems require recurrent cost of \$41 million per annum. The implementation of these systems will bring about annual savings of \$128 million from 2007-08 onwards. In addition to the notional savings and cost avoidance of \$33 million each per annum, there is a realisable savings of about \$12 million in maintenance costs and consumables, and \$50 million in staff cost involving 26 posts of immigration service staff and 133 posts of general and common grade staff. The immigration service staff can be redeployed to meet other operational needs and cope with the increasing workload or new service delivery initiatives of the ImmD. As for the general and common grade staff, they will be redeployed within ImmD or to other government departments in the normal manner.