

立法會
Legislative Council

LC Paper No. LS 52/05-06

**Paper for the House Committee Meeting
on 31 March 2006**

**Legal Service Division Further Report on
Births, Deaths and Marriages (Digital Image) Bill**

Members may recall that the main purpose of this Bill is to amend six Ordinances relating to registration of births, deaths and marriages to enable registers and records kept under those Ordinances to be maintained in the form of digital image, and to make related and consequential amendments.

2. The Bill was considered by the House Committee at its meeting on 10 March 2006. At the meeting, Members agreed to defer making a decision on the Bill pending a further report on the Administration's reply to certain drafting issues raised by the Legal Service Division.

3. The Administration has since given its reply and agreed to move Committee Stage amendments ("CSAs") to improve the drafting of the Bill. The draft CSAs are attached in the Annex.

4. One of the purposes of the CSAs is to amend section 24 of the Births and Deaths Registration Ordinance (Cap. 174) ("BDRO") to provide that a reference to a certified copy of any entry in a register in that section includes a reference to such a certified copy that is produced by using the information recorded in the computer record. Section 24 of BDRO imposes a duty on the Registrar of Births and Deaths to cause to be sealed or stamped with the seal or stamp of the general register office or the relevant district registry office all certified copies of any entry in a register given in the office concerned. At present, particulars of any entry relating to births and deaths registered under BDRO on or after 6 November 1995 are recorded in the computer record compiled under section 5A of the Ordinance. Under section 22(3) of BDRO, a certified copy of such entry may be produced by using the information recorded in the computer record. According to the Administration, the proposed amendment will better reflect the existing operational procedure for issuing birth/death certificates under BDRO. The proposed amendment will also tie in with the proposed section 2(7)(b) of the Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173) and proposed section 121(5)(b) of the Merchant Shipping (Seafarers) Ordinance (Cap. 478) which respectively provide that certain sections (including section 24) of BDRO shall have effect as if the reference to the computer record in those sections were a reference to the database of a register computer under the respective Ordinances. The rest of the proposed CSAs seek to improve the Chinese text of certain provisions proposed in the Bill.

5. The proposed CSAs are legally in order. With these amendments, we are satisfied that the legal and drafting aspects of the Bill present no problem. Subject to Members' views, the Bill is ready for resumption of Second Reading debate.

Encl.

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27 March 2006

BIRTHS, DEATHS AND MARRIAGES (DIGITAL IMAGE) BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
5	<p>(a) In the proposed section 3 –</p> <p>(i) in subsection (4)(a), in the Chinese text, by deleting “已載入航空生死登記冊” and substituting “備存於航空生死登記冊內”;</p> <p>(ii) in subsection (6), in the Chinese text, by deleting “已載入航空生死登記簿” and substituting “存檔於航空生死登記簿內”.</p> <p>(b) In the proposed section 4 –</p> <p>(i) in the heading, in the Chinese text, by deleting “已載入航空生死登記簿” and substituting “存檔於航空生死登記簿內”;</p> <p>(ii) in paragraph (a), in the Chinese text, by deleting “已載入航空生死登記簿” and substituting “存檔於航空生死登記簿內”.</p>

New By adding –

“13A. Official seal

Section 24 is amended by adding –

“(3) In this section, a reference to a certified copy of any entry in a register includes a reference to such a certified copy that is produced by using the information recorded in the computer record.”.”.

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- (a) In the proposed section 121A –
 - (i) in subsection (4)(a), in the Chinese text, by deleting “已載入海上生死登記冊” and substituting “備存於海上生死登記冊內”;
 - (ii) in subsection (6), in the Chinese text, by deleting “已載入海上生死登記簿” and substituting “存檔於海上生死登記簿內”.
 - (b) In the proposed section 121B –
 - (i) in the heading, in the Chinese text, by deleting “已載入海上生死登記簿” and substituting “存檔於海上生死登記簿內”;
 - (ii) in paragraph (a), in the Chinese text, by deleting “已載入海上生死登記簿” and substituting “存檔於海上生死登記簿內”.