

立法會
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Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 1 April 2022**

**Proposed amendments to
the Births and Deaths Registration Ordinance**

The Births and Deaths Registration Ordinance (Cap. 174) (“the Ordinance”), which came into operation on 10 August 1934, consolidates and amends the law relating to the registration of births and deaths at the time. On the registration of deaths, section 14 of the Ordinance requires that deaths from natural causes be registered by the nearest relatives or other relevant persons of the deceased within 24 hours after death.¹ Under section 25 of the Ordinance, anyone charged with the duty of registering deaths who refuses or, without reasonable excuse, omits to register a death of which the person had due notice shall be deemed to have committed a breach. According to section 28 of the Ordinance, the person is liable on summary conviction to a penalty of a fine at level 1 (currently at \$2,000) or up to six months’ imprisonment.

2. The Audit Commission commenced a value for money audit to examine, among others, the management of death registrations by the Immigration Department (“ImmD”) in November 2020. The relevant observations and recommendations were set out in paragraphs 2.15 to 2.25 in Chapter 1 of Report No. 76 of the Director of Audit on the results of value for money audits (“the Director of Audit’s Report”)² tabled at the Council meeting of 28 April 2021. According to the Director of Audit’s Report, 103 816 (49%) out of 213 770 registrations of natural deaths were made at least three days after the date of death (with the longest recorded interval being 665 days) from January 2015 to October 2020, which did not comply with the statutory requirement of registering deaths

¹ The calculation of 24 hours is exclusive of the time necessary for the journey and of any intervening hours of darkness and of general holidays as defined by the General Holidays Ordinance (Cap. 149).

² The full report and executive summary of the Director of Audit’s Report are accessible at: https://www.aud.gov.hk/eng/pubpr_arpt/rpt_76.htm

within 24 hours. The Director of Audit recommended to the Administration to critically explore measures to address the issue of non-compliance with the statutory time requirement.

3. The Public Accounts Committee has examined, among others, the above issue as identified in the Director of Audit's Report. The report of the Committee, with the replies from the Administration on the above issue set out in Appendices 3 and 5, was tabled at the Council meeting of 14 July 2021.³ In gist, the Administration advised that around 99% of the deaths from natural causes were registered within 14 days. Since the statutory time requirement for registration of death has not been revised since 1934 and considering the needs of the nearest relatives or other relevant persons of the deceased to secure supporting documents required for death registration, making funeral arrangements and coping with their grief, the Security Bureau and ImmD would conduct a review of the appropriateness of extending the statutory 24-hour limit for registration of deaths from natural causes. In the meantime, ImmD would step up publicity on the statutory time requirement, enhance the monitoring of late death registration cases and take follow-up actions on those cases with no reasonable explanation provided.

4. According to the list of bills planned to be introduced into the Legislative Council in the 2022 session as provided by the Administration on 20 January 2022, the Administration will introduce in the first half of the 2022 session the Births and Deaths Registration (Amendment) Bill to revise the statutory time limit for death registration and provide a legal basis for the introduction of certain related electronic services.

5. The Administration will brief the Panel on the proposed amendments to the Ordinance at the meeting on 1 April 2022.

Council Business Division 2
Legislative Council Secretariat
25 March 2022

³ Report of the Public Accounts Committee on Report No. 76 of the Director of Audit on the Results of Value for Money Audits is accessible at: https://www.legco.gov.hk/yr20-21/english/pac/reports/76/76_rpt.pdf.