

Births and Deaths Registration (Amendment) Bill 2022

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A BILL

To

Amend the Births and Deaths Registration Ordinance to empower the Registrar of Births and Deaths to specify the manner in which signed register forms of births and signed register forms of deaths are to be submitted; to revamp the provisions relating to the duty to report deaths to the authorities; and to make related and miscellaneous amendments.

Enacted by the Legislative Council.

1. **Short title and commencement**

- (1) This Ordinance may be cited as the Births and Deaths Registration (Amendment) Ordinance 2022.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. **Births and Deaths Registration Ordinance amended**

The Births and Deaths Registration Ordinance (Cap. 174) is amended as set out in sections 3 to 15.

3. Section 4 amended (register forms)

(1) Section 4—

Repeal subsection (1)

Substitute

“(1) The Registrar must make available register forms of births, and register forms of deaths, in the prescribed form (*See Forms 1 & 2 in the Second Schedule*)—

(a) at all birth register offices (for register forms of births) and death register offices (for register forms of deaths) set out in the First Schedule; and

(b) through any other means that the Registrar considers appropriate.”.

(2) Section 4(4)(a) and (b), English text—

Repeal

“form of digital” (wherever appearing)

Substitute

“form of a digital”.

4. Section 5 amended (signed register forms to be recorded in form of digital image)

Section 5(1) and (2), English text—

Repeal

“form of digital”

Substitute

“form of a digital”.

5. Section 5A amended (computer record)

(1) Section 5A(2)—

Repeal

“shall, in”

Substitute

“must, in”.

- (2) Section 5A(2)(a)—

Repeal

“completed in his presence”.

- (3) Section 5A(2)(b)—

Repeal

“him”

Substitute

“the registrar”.

- (4) Section 5A(2)—

Repeal

“shall be”

Substitute

“must be”.

6. Section 7 amended (duty of parent or occupier to register birth)

- (1) Section 7, English text—

Repeal

“shall” (wherever appearing)

Substitute

“must”.

- (2) Section 7—

Repeal

“, in the presence of such registrar,”.

7. Section 11 amended (signed register forms or certified copies of signed register forms to be sent to general register office)

(1) Section 11(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 11(1)—

Repeal

“completed in his presence”.

(3) Section 11(2), English text—

Repeal

“shall”

Substitute

“must”.

(4) Section 11(2)—

Repeal

“completed in his presence”.

8. Section 13 amended (registration of name of child or of alteration of name)

Section 13(6), English text, after “form of”—

Add

“a”.

9. Section 14 substituted

Section 14—

Repeal the section

Substitute

“14. Submission of register forms of deaths for non-reportable deaths

- (1) If the death of a person (*deceased*) is not a reportable death, a person specified in subsection (2) must, within 14 days after the death, submit to a registrar a signed register form in respect of the death.
- (2) The person is—
 - (a) any one of the nearest relatives of the deceased present at the death or in attendance during the deceased’s last illness;
 - (b) if there is no such person mentioned in paragraph (a)—a person present at the death or in attendance during the deceased’s last illness;
 - (c) if there is no such person mentioned in paragraphs (a) and (b)—an occupier of the house in which, to the occupier’s knowledge, the death took place; or
 - (d) if there is no such person mentioned in paragraphs (a), (b) and (c)—a person who caused the body of the deceased to be buried.
- (3) If—
 - (a) a person falling within a paragraph in subsection (2) is required to submit a signed register form under subsection (1) in respect of a death; and

- (b) there is another person falling within the same paragraph in respect of the death,
the person's duty is taken to have been discharged if that another person has submitted the form in respect of the death.
- (4) On the submission of the signed register form under subsection (1), the death of the deceased is taken to be registered in the deaths register.
- (5) In this section—
reportable death (須予報告的死亡個案) means a death specified in Part 1 of Schedule 1 to the Coroners Ordinance (Cap. 504).”.

10. Section 14A added

After section 14—

Add

“14A. Coroner to inform Registrar of particulars required to be registered after inquest

- (1) If a coroner holds an inquest into a death under Part IV of the Coroners Ordinance (Cap. 504), the coroner must, not later than the next working day after the day on which the inquest is completed, inform the Registrar in writing of—
 - (a) the particulars required to be registered concerning the death; and
 - (b) the time and place at which the inquest was held.
- (2) On receiving the particulars referred to in subsection (1)(a), the Registrar must register the particulars in the deaths register.

(3) If a coroner holds an inquest into a death, no person is, with respect to the death, subject to any penalty for failing to give information under any other provision of this Ordinance.

(4) In this section—

working day (工作日) means a day that is not—

- (a) a general holiday or a Saturday; or
- (b) a black rainstorm warning day or gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).”.

11. Section 20 amended (provisions as to certificates of cause of death)

(1) Section 20(d)—

Repeal

“, or by any medical officer in any branch of Her Majesty’s service, or by a coroner shall”

Substitute

“or a coroner must”.

(2) Section 20(d), English text—

Repeal

“shall be”

Substitute

“is”.

12. Section 27 amended (correction of errors in register)

Section 27(4), English text—

Repeal

“death register shall”

Substitute

“deaths register must”.

13. Section 29A added

After section 29—

Add

“29A. Registrar may specify manner of submission

- (1) For the purposes of this Ordinance, the Registrar may specify the manner in which signed register forms are to be submitted.
- (2) In specifying the manner of submission, the Registrar may specify more than one manner of submission for each type of signed register form, whether as alternatives or for use by different persons or different classes or descriptions of persons.”.

14. Section 32 amended (disposal of documents when recorded in form of digital image)

Section 32(1)(a) and (2), English text, after “form of”—

Add

“a”.

15. Second Schedule amended

- (1) Second Schedule, Form 8—

Repeal

“No. Police station”

Substitute

“ Police station”.

- (2) Second Schedule, Chinese text, Form 8—

Repeal

“從 搬移”

Substitute

“從 號 樓搬移”.

- (3) Second Schedule, Form 18, Part I—

Repeal

“*the registrar or a district registrar.*”

Substitute

“*a registrar.*”.

- (4) Second Schedule, Chinese text, Form 18, Part II—

Repeal

“在場的親屬”

Substitute

“在場的死者親屬”.

- (5) Second Schedule, Form 18, Part II—

Repeal

“*in attendance during the last illness.*”

Substitute

“*in attendance during the deceased’s last illness.*”.

- (6) Second Schedule, English text, Form 18, Part II—

Repeal

“in attendance during the last illness.”

Substitute

“in attendance during the deceased’s last illness.”.

- (7) Second Schedule, Form 18, Part II—

Repeal

- “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.”

Substitute

- “5. An occupier of the house in which the death took place.
6. The person who caused the body of the deceased to be buried.”.

- (8) Second Schedule, Form 18, Part II—

Repeal

“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”

Substitute

“14 days after the”.

- (9) Second Schedule, Form 18, Part II—

Repeal

“Informants must be prepared to state accurately to the registrar or a district registrar the following particulars—”

Substitute

“Informants must be prepared to state accurately to a registrar the following particulars—”.

Explanatory Memorandum

The main object of this Bill is to amend the Births and Deaths Registration Ordinance (Cap. 174) (*principal Ordinance*) to—

- (a) empower the Registrar of Births and Deaths (*Registrar*) to specify the manner in which signed register forms of births and signed register forms of deaths (*signed register forms*) are to be submitted; and
 - (b) to revamp the provisions relating to the duty to report deaths to the authorities.
2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3(1) amends section 4(1) of the principal Ordinance to require the Registrar to provide register forms of births and register forms of deaths not only in hard copy form, but also through any other means that the Registrar considers appropriate.
4. In sections 5A(2)(a) and 11(1) and (2) of the principal Ordinance, the presence of a registrar (as defined by section 2(1) of the principal Ordinance) is referred to when a person is completing a register form. Clauses 5(2) and 7(2) and (4) respectively repeal such references. Clause 6(2) also removes the requirement of the presence of a registrar under section 7 of the principal Ordinance when a person is signing a register form. The purpose of these amendments is to facilitate the introduction of electronic submission of signed register forms in certain situations.

5. Clause 9 replaces section 14 of the principal Ordinance to impose, in the case of a death that is not specified in Part 1 of Schedule 1 to the Coroners Ordinance (Cap. 504), a duty on certain persons to submit to a registrar a signed register form in respect of the death. The signed register form must be submitted within 14 days after the death.
6. Clause 10 adds a new section 14A to the principal Ordinance. That new section 14A sets out a coroner's duty to inform the Registrar of the particulars required to be registered concerning a death, which the Registrar is required to enter in the deaths register, on the completion of an inquest into the death.
7. Clause 11(1) amends section 20(d) of the principal Ordinance to repeal the reference to "any medical officer in any branch of Her Majesty's service", which is obsolete.
8. Clause 13 adds a new section 29A to the principal Ordinance to provide that the Registrar may specify the manner in which signed register forms are to be submitted. The purpose is to facilitate the introduction of electronic submission of signed register forms in certain situations.
9. Clause 15 amends the Second Schedule to the principal Ordinance to make certain minor textual and consequential amendments.