

# **CHAPTER 1**

## **Security Bureau Immigration Department**

### **Management of birth, death and marriage registrations**

**Audit Commission  
Hong Kong  
31 March 2021**

*This audit review was carried out under a set of guidelines tabled in the Provisional Legislative Council by the Chairman of the Public Accounts Committee on 11 February 1998. The guidelines were agreed between the Public Accounts Committee and the Director of Audit and accepted by the Government of the Hong Kong Special Administrative Region.*

Report No. 76 of the Director of Audit contains 7 Chapters which are available on our website at <https://www.aud.gov.hk>

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# MANAGEMENT OF BIRTH, DEATH AND MARRIAGE REGISTRATIONS

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# MANAGEMENT OF BIRTH, DEATH AND MARRIAGE REGISTRATIONS

## Executive Summary

1. The Immigration Department (ImmD) is responsible for the registration of births, deaths and marriages, and the provision of related services. The Director of Immigration is appointed as the Registrar of Births and Deaths and the Registrar of Marriages. The Births, Deaths and Marriage (BDM) Registration (Operations) Section and the BDM Registration (Support) Section (collectively referred to as BDM Sections) under the Documents Sub-division of ImmD are responsible for providing services for registration of births, deaths and marriages to the public. BDM Sections operate four births registries, three deaths registries and five marriage registries, with an establishment of 193 staff as at 31 December 2020. The registration of births, deaths and marriages and the provision of related civil registration services is under the programme area “Personal Documentation” of ImmD. In 2019-20, the total revised estimate of expenditure for the programme area was \$1,304.6 million. The Audit Commission (Audit) has recently conducted a review to examine ImmD’s work on the management of birth, death and marriage registrations with a view to identifying areas for improvement.

### Registration of births and deaths

2. *Management of births registries.* According to the Births and Deaths Registration Ordinance (BDO — Cap. 174), every child born alive in Hong Kong shall be registered within 42 days after the day of such birth. In 2019, 53,173 births were registered. Of the 53,173 registered births, 1,859 births were registered after the prescribed 42 days (para. 1.5). Audit examination of the work of BDM Sections in birth registrations revealed the following areas for improvement:

- (a) *Need to keep under review the manpower deployment of births registries.* From 2000 to 2019, the number of registered births decreased slightly by 1% from 53,720 to 53,173. During the period, the number of registered births increased steadily from 48,914 in 2004 to a peak of 95,387 in 2011, then dropped significantly by 40% to 57,651 in 2013 mainly due to the implementation of the zero-quota policy on obstetric services for Mainland

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women whose spouses are not Hong Kong residents. In the same period, the staff establishments responsible for birth registration for the Births and Deaths General Register Office and the Kowloon Births Registry slightly decreased or remained unchanged. From 2019 to 2020, the number of registered births decreased significantly by 21% from 53,173 to 41,958, resulting in the first natural population decrease since 1960s. ImmD needs to keep under review the manpower deployed on birth registration work (paras. 2.2 and 2.5);

- (b) ***Need to keep records on the processing time for birth registrations.*** ImmD pledges to process a birth registration within 30 minutes at counter. According to ImmD's Controlling Officer's Report (COR), ImmD met the standard processing time of within 30 minutes in 99.7% of the birth/death/adoption registration cases in 2019. According to Financial Services and the Treasury Bureau (FSTB) guidelines, Controlling Officers should satisfy themselves that proper performance records are maintained and, as far as practicable, can be validated. However, Audit noted that the births registries did not keep records on the processing time of cases at counter (para. 2.6); and
  
- (c) ***Scope for improvement in handling unregistered birth cases.*** In April 2015, a 15-year-old girl plunged to her death from a building. It was later discovered that the girl and her younger sister were born in Hong Kong, but their parents had never registered their births. The tragic incident aroused wide public concern about whether the well-being of children without a birth certificate are adequately protected, as well as the social problems (e.g. child abuse) that may arise as a result (para. 2.7). Audit examination found that there was room for improvement in taking follow-up actions on unregistered birth cases by ImmD:
  - (i) ***Follow-up actions by BDM Registration (Operations) Section.*** According to ImmD, there were 150 unregistered birth cases (i.e. registration outstanding for 43 days or more from the date of birth of the child) as at 31 October 2020. BDM Registration (Operations) Section was responsible for sending reminder letters to the parents and referring cases outstanding for over six months to the General Investigation Section (GIS) under the Investigation Sub-division of ImmD for investigation in accordance with ImmD's guidelines. Audit examination of the 150 cases found that: (1) first reminder letters had not been sent to the parents in 43 (29%) cases.



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For the remaining 107 cases with first reminder letters sent to the parents, there were delays of 1 to 61 days (averaging 6 days) in sending the letters in 95 (89% of 107) cases; and (2) 40 cases had birth registration remaining outstanding as at 15 December 2020. Among the 40 cases, 7 cases had been outstanding for over six months, but 5 (71% of 7) cases had not been referred to GIS for investigation. According to ImmD, the cases concerned warranted flexible handling due to various reasons (e.g. appointment for birth registration had already been scheduled). However, Audit noted that ImmD's guidelines had not promulgated the details for handling cases warranting flexible handling (paras. 2.8, 2.10 and 2.11); and

- (ii) ***Follow-up actions by GIS.*** From June 2018 to 31 October 2020, 15 unregistered birth cases were referred to GIS for investigation. As at 31 December 2020, 11 of the 15 cases had been closed while the remaining 4 were still under investigation. Of these 11 completed investigation cases: (1) in 1 case, during the period from November 2018 to February 2019, GIS only tried to contact the parents by phone on weekdays with the same set of phone numbers once in each month. When one parent was intercepted by ImmD in December 2019, prosecution had already been time-barred; and (2) for 3 cases which could not be completed within four months requiring reporting to the Senior Immigration Officer for directive, the related discussions had not been recorded in individual case files. Furthermore, Audit noted that ImmD's guidelines on handling unregistered birth cases had not set any time target for commencement of investigation (para. 2.12).

3. ***Management of deaths registries.*** According to BDO, deaths from natural causes should be registered within 24 hours. If a death results from an unnatural cause (e.g. poison or violence), the case is reported to a coroner who may conduct an inquest to determine the cause of death and then inform the Registrar of Births and Deaths to register the death. In 2019, 48,706 deaths were registered (para. 1.6). Audit examination of the work of BDM Sections in death registrations revealed the following areas for improvement:

- (a) ***Need to keep records on the processing time for death registrations.*** ImmD pledges to process a death registration within 30 minutes at counter. However, similar to birth registrations, ImmD had not kept records on the

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processing time for death registration cases. Audit visits to the Hong Kong Island Deaths Registry and the Kowloon Deaths Registry on 11 and 12 January 2021 respectively found that: (i) at the Hong Kong Island Deaths Registry, the average time required to process an application was 12.5 minutes and the average waiting time for counter services was 6 minutes; and (ii) at the Kowloon Deaths Registry, the average time required to process an application was 11 minutes and the average waiting time for counter services was 4 minutes. In comparison, from 2 to 11 January 2021, the average waiting time based on ImmD records was 24 minutes. In order to improve the provision of management information on death registration, ImmD needs to keep records on the processing time for death registrations (para. 2.17); and

- (b) ***Need to address the issue of non-compliance with BDO time requirement of registering deaths.*** According to BDO, deaths from natural causes shall be registered by the deceased's relatives or other relevant persons of the deceased within 24 hours. A person who fails to perform the duty shall be liable on summary conviction to a fine at level 1 or to imprisonment for 6 months. Audit analysis of the data of death registrations at the three deaths registries for the period from January 2015 to October 2020 revealed that, out of 213,770 registrations of natural deaths, 103,816 (49%) registrations were made at least 3 days after the dates of death (with the longest being 665 days). Audit considers that ImmD needs to critically explore measures that can be taken to address the issue of non-compliance with this BDO requirement (paras. 2.18 and 2.20).

4. ***Performance reporting.*** ImmD has included key performance targets and indicators on managing birth, death and marriage registrations in its CORs (para. 1.12). Audit examination revealed the following areas for improvement:

- (a) ***Issue of a certified copy of a birth/death certificate involving search of records not included as key performance measures.*** Audit noted that the number of searches of birth/death records had been on an increasing trend in recent years, showing that there might be a notable increase in demand on the issue of certified copies of birth/death certificates involving search of records. However, ImmD had not included the issue of these certified copies in its CORs as key performance measure (para. 2.23(a)); and

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- (b) *Need to take measures to monitor the waiting time for death registrations.* ImmD pledges to process a death registration within 30 minutes at counter. According to ImmD, the processing time does not include the waiting time of an applicant for counter services because the number of cases to be handled daily was unpredictable. While noting that it might not be practicable to include the waiting time in the performance pledge, Audit considers that ImmD needs to take measures to monitor the waiting time for death registrations (para. 2.23(b)).

### Registration of marriages

5. Marriages in Hong Kong are governed by the Marriage Ordinance (MO — Cap. 181) and the Marriage Reform Ordinance (Cap. 178). Either one of the marrying parties shall give at least 15 clear days' notice (i.e. 15 calendar days after the date of giving notice) of an intended marriage either in person or through a Civil Celebrant of Marriages (CCM) to the Registrar of Marriages. The marriage may take place at any of the five marriage registries or the 272 (as at 10 July 2020) licensed places of worship in Hong Kong, including churches and the Hindu Temple in Happy Valley within three months from the date of giving the notice if no objection is received. Marrying parties may also engage a CCM to celebrate their marriages at any places other than the marriage registries or licensed places of worship (paras. 1.7 and 1.8).

6. *Management of marriage registries.* In 2019, out of the 44,522 registered marriages, 20,315 (45.6%) marriages were celebrated/registered at the marriage registries. ImmD has set internal marriage ceremony quotas for each marriage registry. Quotas on weekdays, Saturdays and Sundays are set for a marriage registry with reference to factors such as available manpower resources, office space (e.g. number of marriage halls), and popularity of the marriage registry. Audit reviewed the utilisation of marriage registries from January 2015 to October 2020 and found that (paras. 1.8 and 3.3):

- (a) the utilisation rates of the five marriage registries on weekdays (17% to 75%) were lower than those on Saturdays (55% to 98%) (para. 3.3(a)); and
- (b) only one of the five marriage registries (i.e. City Hall Marriage Registry) was open in both the morning and the afternoon on Saturdays. Furthermore, Tsim Sha Tsui Marriage Registry and Sha Tin Marriage

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Registry opened only one of their two marriage halls on Saturdays (para. 3.3(b)).

In order to provide better service to the public, ImmD should consider exploring the feasibility of increasing the marriage ceremony quotas for Cotton Tree Drive Marriage Registry, Tsim Sha Tsui Marriage Registry, Sha Tin Marriage Registry and Tuen Mun Marriage Registry on Saturdays during festive seasons and on auspicious dates (para. 3.3).

7. **CCM Scheme.** To provide more choices for flexible marriage solemnisation services to the public and to make use of private sector resources in providing such services, MO was amended on 13 March 2006 to empower the Registrar of Marriages to appoint CCMs. In 2019, out of the 44,522 registered marriages, 22,505 (50.6%) were solemnised by CCMs (para. 1.9). Audit examination revealed the following areas for improvement:

- (a) ***Need to ensure that persons included in ImmD's list of CCMs meet the eligibility criteria mentioned in MO.*** ImmD publishes a list of appointed CCMs on its website for public information. As at 20 November 2020, there were 2,277 appointed CCMs on the list. The eligibility criteria for a CCM as laid down in MO include, among others, that the person must be a solicitor who holds a current practising certificate issued by The Law Society of Hong Kong or a notary public who holds a current practising certificate issued by the Hong Kong Society of Notaries. Audit compared ImmD's list of appointed CCMs with the lists of members with practising certificates of The Law Society of Hong Kong and the Hong Kong Society of Notaries (as shown on their websites) and found that 34 persons on ImmD's list were neither solicitors with practising certificates nor notaries public (paras. 3.9 and 3.11); and
- (b) ***Need to consider requiring dormant CCMs to attend refresher training course.*** Audit analysed the number of marriage solemnisation services provided by CCMs who were on the list of ImmD during the period from January 2015 to November 2020 and found that 291 (17%) of 1,756 CCMs were not active and had not provided any marriage solemnisation service for some five years from January 2016 to October 2020. ImmD needs to consider requiring dormant CCMs to attend refresher training course upon receiving their CCM renewal applications (para. 3.13).

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8. ***Bogus marriages.*** According to ImmD, bogus marriage is a bogus matrimonial relationship in which a non-local resident obtained residence status or service in Hong Kong through such marriage by means of conspiracy to defraud, making false statement to immigration officers, making false oath or bigamy. The Government has always been concerned about bogus marriages which undermine the integrity of the immigration system of Hong Kong on the one hand, and pose an undue burden on public services (e.g. medical, education and housing services) on the other. Suspected bogus marriage cases are handled mainly by the Special Task Force Sub-sections (STF) under the Enforcement Division. In 2019, ImmD investigated into 644 suspected bogus marriages cases. In the same year, 1,095 persons were arrested and 71 persons were successfully prosecuted (paras. 1.10 and 3.17). Audit examination revealed the following areas for improvement:

- (a) ***Need to expedite clearance of outstanding cases.*** Audit analysed the ageing of the 2,237 outstanding suspected bogus marriage cases as of December 2020 handled by STF and found many long outstanding ones:
  - (i) 1,110 (49.6%) cases had been outstanding for 2 years or less;
  - (ii) 838 (37.5%) cases had been outstanding for more than 2 to 4 years;
  - (iii) 122 (5.4%) cases had been outstanding for more than 4 to 6 years; and
  - (iv) 167 (7.5%) cases had been outstanding for more than 6 to 11 years (para. 3.19);
  
- (b) ***Need to step up supervisory checks on no-further-action cases and curtailed cases.*** According to ImmD's guidelines on supervisory checks, the responsible Assistant Principal Immigration Officer is required to spot check two samples per week randomly selected from no-further-action cases (i.e. no further investigation work is required) and curtailed cases (i.e. cases which meet the curtailment criteria for taking no further action for the time being, e.g. all necessary actions in locating the suspect have been exhausted). According to ImmD, the number of no-further-action cases and curtailed cases endorsed in 2019 was 19 and 155 respectively. Audit noted that in 2019 only 18 cases were selected for spot checking by the Assistant Principal Immigration Officer, comprising 8 (42% of 19) no-further-action cases and 10 (6% of 155) curtailed cases (paras. 3.22 to 3.24);
  
- (c) ***Need to improve the management of outstanding cases.*** According to ImmD's guidelines, for priority cases (e.g. cases suspected to have syndicate involvement), the case file has to be opened within two weeks after assignment of the case and the case officer shall initiate investigation

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immediately. However, no time limit is set for normal cases. For eight normal cases completed by STF in 2019 or 2020, Audit examination revealed that it took 1 to 33 days (averaging 19 days) to open a case file after case assignment to a case officer (paras. 3.26 to 3.28);

- (d) ***Need to strengthen supervisory checks of field operation.*** According to ImmD's guidelines, three Senior Immigration Officers of STF are required to conduct supervisory checks on the work of the officers in their investigation teams as frequently as possible, in particular those prolonged field operations which may last for a long period of time so as to ensure that proper procedures are being followed. Audit scrutiny of the registers of supervisory checks during the 26-week period from 1 July to 29 December 2019 found that only 19 supervisory checks were conducted on the 10 teams (i.e. an average of only 2 checks on each team over the 26-week period) under the command of the three Senior Immigration Officers. Furthermore, the registers had not recorded the time of supervisory checks of field operation by the Senior Immigration Officers (paras. 3.29 and 3.30); and
- (e) ***Need to step up efforts in locating suspects of bogus marriage cases.*** According to ImmD, in handling suspected bogus marriage cases, case officers will verify the genuineness of a marriage between the parties involved by in-depth investigations (e.g. home visits). Audit examination of a suspected bogus marriage case (cum suspected bigamy) referred to ImmD for investigation by a Mainland authority in November 2012 revealed that the actions taken by STF to locate a suspect were not entirely effective: (i) five home visits were conducted by STF in 2013 for locating the suspect but in vain; and (ii) although STF had successfully contacted the suspect by phone three times in 2013 and requested him to attend an enquiry, he failed to attend the scheduled interview on two occasions and declined to show up on the remaining occasion. It was not until early 2019 that ImmD conducted a case update and found that the suspect had already passed away in January 2019 (paras. 3.17 and 3.31).

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### Implementation of next generation of Application and Investigation Easy Systems

9. According to ImmD, a wide range of its core functions is supported by the first generation of Application and Investigation Easy Systems (APPLIES-1), including the processing of birth, death and marriage registrations and processing of enforcement and investigation cases (e.g. cases related to unregistered birth and bogus marriage). APPLIES-1 was implemented in phases from 2007 to 2008 with a design usage life of about 10 years. The maintenance contract for APPLIES-1, which expired in February 2019, had been extended for another three years until February 2022. In May 2018, the Finance Committee (FC) of the Legislative Council approved a sum of \$453 million for implementing the next generation of APPLIES (APPLIES-2) to replace APPLIES-1. APPLIES-2 is planned to be rolled out by phases from the fourth quarter of 2021 to the second quarter of 2022 (para. 4.2). Audit examination revealed the following areas for improvement:

- (a) ***Need to closely monitor the implementation progress of APPLIES-2.*** In June 2018, an open tender was issued for procuring two main contracts for the supply and installation of APPLIES-2. Two contracts (Contracts A and B) were awarded to two contractors at a total one-off cost of \$272.7 million in November 2019, about one year after the time target (i.e. the fourth quarter of 2018) stated in the funding paper submitted to FC. In April 2020, the Project Steering Committee (PSC) endorsed a Project Management Plan with a “phased approach” in order to ensure a smooth transition of APPLIES-1 to APPLIES-2 before the expiry of APPLIES-1’s maintenance contract in February 2022. Phase 1 for existing functions of APPLIES-1 was planned to be rolled out by December 2021, while Phase 2 for new functions of APPLIES-2 was planned to be rolled out by October 2022. Since no maintenance support will be available for APPLIES-1 after February 2022, Audit considers that ImmD needs to ensure that the whole APPLIES-2 is rolled out as scheduled (paras. 4.3 to 4.5);
- (b) ***Need to strengthen ImmD’s project monitoring of APPLIES-2.*** ImmD has put in place a three-tier project governance structure comprising PSC, a Working Group and a Project Team to oversee the implementation of APPLIES-2. Audit noted that, since November 2019 (date of awarding Contracts A and B) and up to February 2021, PSC and the Working Group had not held regular meetings (either by on-site meeting or video conferencing) to monitor the project progress. Audit considers that ImmD

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needs to hold regular PSC and Working Group meetings to strengthen project monitoring (paras. 4.8 and 4.9); and

- (c) ***Monitoring and reporting of the use of unspent funds.*** In the funding paper submitted to FC, the project estimate of APPLIES-2 of \$453 million included an estimated sum of \$342.6 million for all hardware, software and implementation services based on the market research conducted by ImmD's consultant at the stage of feasibility study in March 2016 and the cost update conducted by ImmD in early 2018. In November 2019, the two main contracts under APPLIES-2 with a total one-off cost of \$272.7 million were awarded (Contracts A and B). Owing to the lower-than-expected tender prices received for Contracts A and B, there was a substantial saving (paras. 4.10 and 4.11). However, Audit noted the following inadequacies on monitoring and reporting of the use of unspent funds:
- (i) ***Need to critically review the cashflow requirements in submitting cashflow update to Security Bureau (SB) and FSTB.*** After the award of Contracts A and B, in January 2020, on behalf of ImmD, the Government Logistics Department awarded two further contracts (Contracts C and D) to two contractors at a total one-off cost of \$30.3 million for acquiring hardware and software items for APPLIES-2. As of March 2021, the total cashflow requirement of APPLIES-2 project was \$372.2 million, leaving an estimated unspent fund balance of \$80.8 million. However, Audit noted that in the annual returns on the forecast expenditure of the APPLIES-2 project submitted by ImmD to SB and FSTB from 2018 to 2020, the cashflow requirement in each of the submissions was \$453 million (which was the same as the approved project estimate) with no unspent fund balance (para. 4.12); and
- (ii) ***Reporting of surplus funds.*** According to Financial and Accounting Regulation 320, where Controlling Officers have reason to believe that funds surplus to requirements exist under a subhead, they shall immediately inform the Secretary for Financial Services and the Treasury so that the excess may be reserved. In view of the estimated unspent fund balance of \$80.8 million as of March 2021, ImmD needs to closely monitor the project expenditure and immediately report to FSTB if there is surplus fund in excess of project requirement (para. 4.13).



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### Audit recommendations

10. Audit recommendations are made in the respective sections of this Audit Report. Only the key ones are highlighted in this Executive Summary. Audit has *recommended* that the Director of Immigration should:

- (a) keep under review the manpower deployed on birth registration work in ImmD's births registries, and make adjustments where appropriate (para. 2.13(a));
- (b) keep records on the processing time for birth registrations (para. 2.13(b));
- (c) explore measures to strengthen the follow-up actions on unregistered birth cases, including:
  - (i) incorporating details on handling cases warranting flexible handling in the guidelines on handling unregistered birth cases (para. 2.13(c)(i));
  - (ii) drawing up more effective strategies in locating parents for conducting interviews (para. 2.13(c)(ii));
  - (iii) keeping records on reporting the progress of outstanding cases in individual case files (para. 2.13(c)(iii)); and
  - (iv) considering setting a time target for commencement of investigation of unregistered birth cases (para. 2.13(c)(iv));
- (d) consider including the issue of a certified copy of a birth/death certificate involving search of records as one of the key performance measures in the CORs (para. 2.24(a));
- (e) keep records on the processing time for death registrations and take measures to monitor the waiting time for death registrations (paras. 2.21(a) and 2.24(b));

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- (f) **critically explore measures that can be taken to address the issue of non-compliance with BDO requirement of registering deaths from natural causes within 24 hours (para. 2.21(c));**
- (g) **consider exploring the feasibility of increasing the marriage ceremony quotas for Cotton Tree Drive Marriage Registry, Tsim Sha Tsui Marriage Registry, Sha Tin Marriage Registry and Tuen Mun Marriage Registry on Saturdays during festive seasons and on auspicious dates (para. 3.6(a));**
- (h) **take measures to ensure that persons included in ImmD's list of CCMs meet the eligibility criteria mentioned in MO (para. 3.14(a));**
- (i) **consider requiring dormant CCMs to attend refresher training course upon receiving their CCM renewal applications (para. 3.14(c));**
- (j) **expedite actions to clear the backlog of suspected bogus marriage cases, focusing on cases which have remained outstanding for a long time (para. 3.32(a));**
- (k) **step up checking of suspected bogus marriage cases (para. 3.32(b));**
- (l) **consider setting a time target for opening of case files for normal cases of suspected bogus marriages, similar to that for priority cases (para. 3.32(d));**
- (m) **ensure that supervisory checks of field operation are conducted as frequently as possible in accordance with ImmD's guidelines (para. 3.32(e));**
- (n) **review the case (Case 1) examined by Audit and draw lessons to step up efforts in locating suspects of bogus marriage cases in future (para. 3.32(f));**
- (o) **closely monitor the progress of APPLIES-2 implementation and strengthen ImmD's project monitoring of APPLIES-2 by holding regular PSC and Working Group meetings in future (paras. 4.6 and 4.14(a));**

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- (p) **critically review the cashflow requirement of APPLIES-2 when submitting the cashflow update to SB and FSTB in future (para. 4.14(b)); and**
  
- (q) **closely monitor the project expenditure under APPLIES-2 and immediately report to FSTB if there is surplus fund in excess of project requirement (para. 4.14(c)).**

### **Response from the Government**

11. The Director of Immigration generally agrees with the audit recommendations.



## **PART 1: INTRODUCTION**

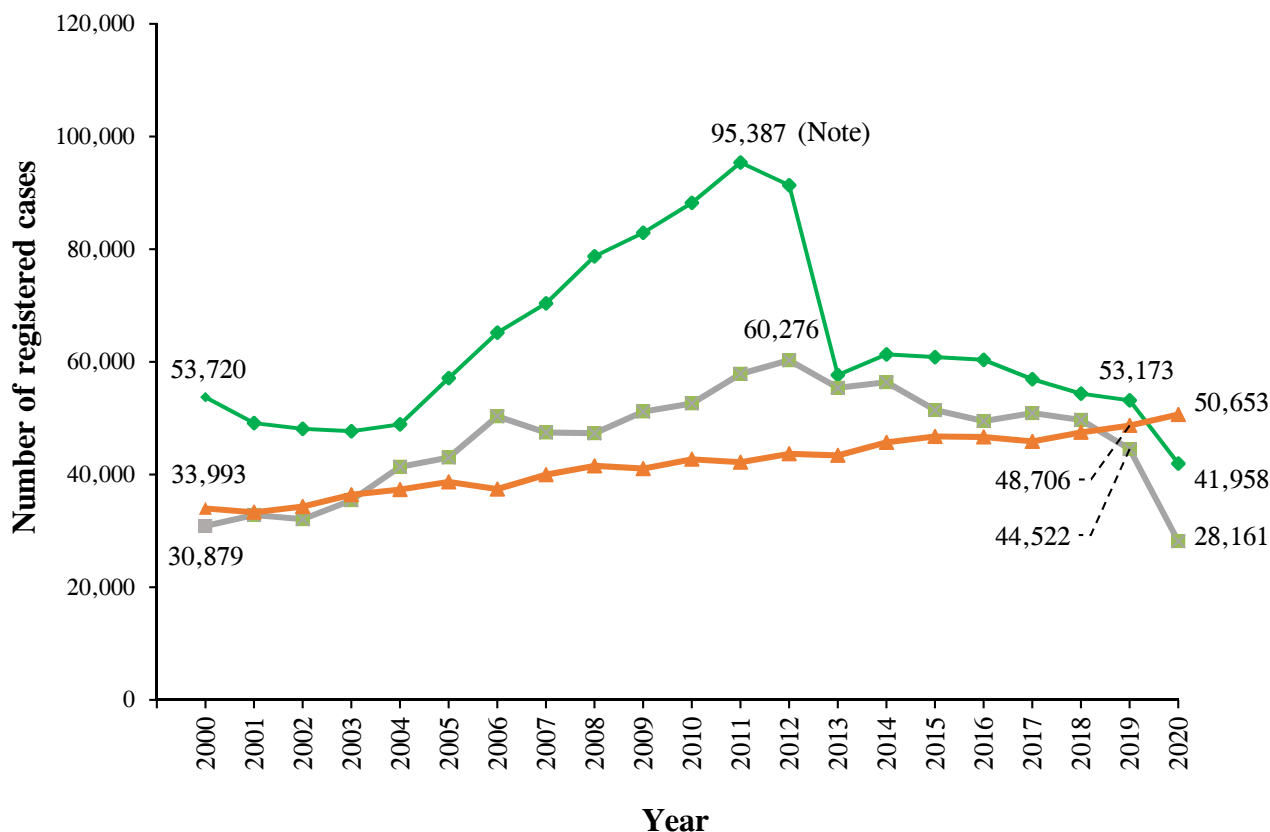
1.1 This PART describes the background to the audit and outlines the audit objectives and scope.

### ***Background***

1.2 According to the World Health Organization of United Nations, in most countries, a civil registration system is used to record statistics on vital events, such as births, deaths, marriages, divorces and fetal deaths. Such statistics are vital for the formulation of population policy. According to a document entitled “Population Policy” published by the Government, Hong Kong is facing a number of demographic challenges, including the rapid ageing of population, low birth rates, longer life expectancy, and insufficient labour force. Figure 1 shows the number of registered births, deaths and marriages for the period from 2000 to 2020.

Figure 1

Number of registered births, deaths and marriages  
(2000 to 2020)



- Legend:
- ◆ Number of registered births
  - Number of registered marriages
  - ▲ Number of registered deaths

Source: Census and Statistics Department (2000 to 2009) and Immigration Department (2010 to 2020) records

Note: According to the Census and Statistics Department, the implementation in 2013 of the zero-quota policy on obstetric services for Mainland women whose spouses are not Hong Kong residents was the key factor for the sharp decrease in registered births from 2011 to 2013 (see para. 2.2).

Remarks: The figures on birth, death and marriage registrations of 2020 were only available in early 2021 when the audit fieldwork had been substantially completed.

1.3 The Immigration Department (ImmD) is responsible for the registration of births, deaths and marriages (civil registration duties — see para. 1.2 and Note 1), and the provision of related services. According to the Births and Deaths Registration Ordinance (BDO — Cap. 174) and the Marriage Ordinance (MO — Cap. 181), the Registrar of Births and Deaths and the Registrar of Marriages are appointed by the Chief Executive of the Hong Kong Special Administrative Region. At present, the Director of Immigration is appointed as the Registrar of Births and Deaths and the Registrar of Marriages. Executive Officer grade staff posted to marriage registries and Immigration Officers posted to marriage registries or births and deaths registries are appointed as Deputy Registrars.

### *The Documents Sub-division*

1.4 The Births, Deaths and Marriage (BDM) Registration (Operations) Section and the BDM Registration (Support) Section (collectively referred to as BDM Sections) under the Documents Sub-division of ImmD are responsible for providing services for registration of births, deaths and marriages to the public, as follows:

- (a) ***BDM Registration (Operations) Section.*** It is responsible for the management and operation of:
  - (i) four births registries, which comprise the Births and Deaths General Register Office (GRO — Note 2) in Admiralty and three other births registries located in Tsim Sha Tsui, Sha Tin and Tuen Mun (Note 3);

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**Note 1:** *In July 1979, ImmD took over the civil registration duties from the then Registrar General's Department.*

**Note 2:** *GRO is a major registry which provides services for registration of births and deaths.*

**Note 3:** *On 1 March 2021, the Tuen Mun District Births Registry and the Tuen Mun Marriage Registry were relocated from the Tuen Mun Government Offices to the new ImmD Tuen Mun Regional Office in Tuen Mun Siu Lun Government Complex. The Regional Office provides one-stop services for the public, including registration of persons, travel document applications, extension of stay applications, and birth and marriage registrations.*

## Introduction

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- (ii) three deaths registries which comprise GRO and two other deaths registries located in Wan Chai and Cheung Sha Wan; and
  - (iii) five marriage registries which are located in Central (i.e. the City Hall Marriage Registry and the Cotton Tree Drive Marriage Registry), Tsim Sha Tsui, Sha Tin and Tuen Mun and the Marriage Registration and Records Office in Admiralty; and
- (b) ***BDM Registration (Support) Section.*** It is responsible for conducting procedural and legislative reviews, overseeing records management, compiling civil registration statistics, providing administrative support in respect of registration of births, deaths and marriages as well as processing the applications for appointment and renewal of Civil Celebrants of Marriages (CCMs — see para. 1.9) and licensing places of worship for celebration of marriages.

An organisation chart of the Documents Sub-division is at Appendix A. As at 31 December 2020, BDM Sections had an establishment of 193 staff. The registration of births, deaths and marriages and the provision of related civil registration services is under the programme area “Personal Documentation” (Note 4) of ImmD. According to ImmD’s Controlling Officer’s Report (COR), the total revised estimate of expenditure for the programme area in 2019-20 was \$1,304.6 million (Note 5).

### ***Birth registration***

1.5 According to BDO, every child born alive in Hong Kong shall be registered within 42 days after the day of such birth. Anyone who fails to register the birth of a child without reasonable excuse constitutes a criminal offence (Note 6). As of

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**Note 4:** *The aims of the programme area are: (a) to counteract illegal immigration and enhance the maintenance of law and order by providing all legal residents with a secure form of identity card and all consequential services related to identity cards; (b) to register births, deaths and marriages and provide all consequential services related to such civil registration; (c) to assess right of abode claims; and (d) to facilitate international travel of Hong Kong residents by providing them with travel documents.*

**Note 5:** *According to ImmD, the expenditure breakdown for BDM Sections is not available.*

**Note 6:** *Upon conviction, offenders are liable to a maximum penalty of a fine of \$2,000 or imprisonment for 6 months.*



December 2020, there were four births registries in Hong Kong providing birth registration services (one on Hong Kong Island, one in Kowloon and two in the New Territories — see para. 1.4(a)(i)). Under the law, no fee is required for the registration of birth. However, a prescribed fee will be charged for post-registration of births after the prescribed 42 days and within 12 months after such birth. A birth that has not been registered within 12 months after such birth can be registered only with the consent of the Registrar of Births and Deaths (i.e. consented post-registration) and upon payment of a prescribed fee. In 2019, 53,173 births were registered. Of the 53,173 registered births, 1,854 births were post-registered and 5 births were consented post-registered.

### *Death registration*

1.6 According to BDO, deaths from natural causes should be registered by the deceased's relatives or other relevant persons of the deceased within 24 hours. If a death results from an unnatural cause (e.g. poison or violence), the case is reported to a coroner who may conduct an inquest to determine the cause of death and then inform the Registrar of Births and Deaths to register the death. As of December 2020, there were three deaths registries (two on Hong Kong Island and one in Kowloon) providing free registration service (see para. 1.4(a)(ii)). Deaths in rural areas may be registered at the 15 designated police stations in the New Territories and outlying islands (e.g. in Cheung Chau and Mui Wo). In 2019, 48,706 deaths were registered.

### *Marriage registration*

1.7 Marriages in Hong Kong are governed by MO and the Marriage Reform Ordinance (Cap. 178). Either one of the marrying parties (Note 7) shall give at least 15 clear days' notice (i.e. 15 calendar days after the date of giving notice) of an intended marriage either in person or through a CCM to the Registrar of Marriages. The notice will be exhibited at both the marriage registries (other than the Cotton Tree

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**Note 7:** *There are no residential requirements on the marrying parties and they may be of any nationality. However, either party to a marriage must not be under the age of 16.*

## Introduction

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Drive Marriage Registry and City Hall Marriage Registry — Note 8) and the Marriage Registration and Records Office in Admiralty for at least 15 clear days. The marriage must take place within three months from the date of giving the notice if no objection is received.

1.8 Marriage may take place at any of the five marriage registries (see para. 1.4(a)(iii)) or the 272 (as at 10 July 2020) licensed places of worship in Hong Kong, including churches and the Hindu Temple in Happy Valley. Moreover, marrying parties may also engage a CCM to celebrate their marriages at any places other than the marriage registries or licensed places of worship. In 2019, out of the 44,522 registered marriages (including 2 post-registered marriages — Note 9), 20,315 (45.6%) marriages were celebrated/registered at the marriage registries, 1,702 (3.8%) were celebrated in licensed places of worship and 22,505 (50.6%) were conducted by CCMs.

1.9 **CCM Scheme.** To provide more choices for flexible marriage solemnisation services to the public and to make use of private sector resources in providing such services, MO was amended on 13 March 2006 (Note 10) to empower the Registrar of Marriages to appoint CCMs (Note 11) and to enable:

- (a) a notice of intended marriage to be given via a CCM to the Registrar;
- (b) a certificate of the Registrar to be transmitted to the parties via a CCM before a marriage is proceeded; and

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**Note 8:** *If a marriage is intended to be celebrated at the Cotton Tree Drive Marriage Registry or the City Hall Marriage Registry, the notice of intended marriage has to be filed at the Marriage Registration and Records Office.*

**Note 9:** *Both parties to a customary or validated marriage in Hong Kong before 7 October 1971 may apply for post registration of the marriage.*

**Note 10:** *Under the amended MO, the Registrar of Marriages has issued a Code of Practice for CCMs to provide practical guidance in respect of the professional conduct of CCMs. After the publication of the Code of Practice in the Gazette, the Registrar started inviting applications for appointment as a civil celebrant in March 2006.*

**Note 11:** *According to Schedule 4 of MO, a CCM is either a solicitor or a notary public who satisfies the conditions as set out in the Schedule (e.g. holding a prescribed legal qualification). A CCM has to complete such training organised for the purposes of MO as the Registrar of Marriages may specify.*

- (c) a marriage to be celebrated before a CCM at any time and place, other than the office of the Registrar of Marriages or a Deputy Registrar of Marriages (a “marriage registry”) or a place of worship licensed under MO.

As at 20 November 2020, there was a total of 2,277 appointed CCMs. In 2019, out of the 44,522 registered marriages, 22,505 (50.6%) were solemnised by CCMs (Note 12).

1.10 ***Bogus marriages.*** According to a paper submitted by the Security Bureau (SB) to the Legislative Council (LegCo) Panel on Security in May 2018:

- (a) the Government has always been concerned about bogus marriages (Note 13) which undermine the integrity of the immigration system of Hong Kong on the one hand, and pose an undue burden on public services (e.g. medical, education and housing services) on the other; and
- (b) any person who makes use of bogus marriage to obtain the requisite documents for the purpose of entering Hong Kong, or any person who facilitates others to achieve such purpose through arranging bogus marriages for them, shall be guilty of an offence. In the course of contracting bogus marriages and applying for entries into Hong Kong through such marriages, the persons involved may have committed offences such as conspiracy to defraud, making false representation to ImmD officers, making a false oath, giving false declaration, bigamy, etc., and are liable on conviction to imprisonment for up to 14 years (see Appendix B). In 2006, ImmD set up a special task force to step up enforcement actions against persons seeking entry into Hong Kong by means of bogus marriages and intermediaries aiding others to seek entry into Hong Kong through such means.

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**Note 12:** *According to ImmD, although CCMs have taken up around 51% of the marriage solemnisation cases, the workload at the marriage registries has not decreased to the same extent as ImmD is still involved in the exhibition and filing of marriage notices, matching of the returned duplicate marriage certificate with the marriage notice records, etc.*

**Note 13:** *According to ImmD, bogus marriage is a bogus matrimonial relationship in which a non-local resident obtained residence status or service in Hong Kong through such marriage by means of conspiracy to defraud, making false statement to immigration officers, making false oath or bigamy.*

## **Introduction**

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In 2019, ImmD investigated into 644 suspected bogus marriages cases. In the same year, 1,095 persons were arrested and 71 persons were successfully prosecuted.

### ***Search of birth, death or marriage records***

1.11 A person can apply for a certified copy of an entry in the births/deaths register if he has the original or a photocopy of the certificate of registration, or the result of a previous search. Otherwise, he will need to apply for a search of the records first. If a person wants to obtain a certified copy of a marriage certificate, he will also need to apply for a search unless the copy is applied at the same time as the original is issued. Certified copy of such records may be issued on application upon payment of prescribed fees. Besides, ImmD also issues Certificate of Absence of Marriage Record (CAMR) upon application. In 2019, 194,220 certified copies of certificates of birth, death or marriage and 19,818 CAMRs were issued.

### ***Performance reporting***

1.12 The key performance targets and indicators on managing birth, death and marriage registrations as reported by ImmD in its CORs for 2015 to 2019 are shown in Tables 1 and 2 respectively.

Table 1

**Key performance targets  
(2015 to 2019)**

Key performance target	Target (%)	2015	2016	2017	2018	2019
		Actual (%)				
<b>(a) Normal processing time per application/case</b>						
(i) certified copy of birth/death/marriage/adoption certificate (Note 1) within nine working days (Note 2)	100	100	100	100	N.A.	N.A.
(ii) certified copy of birth/death/marriage certificate within seven working days (Note 2)	100	N.A.	N.A.	N.A.	100	100
(iii) certified copy of adoption certificate within nine working days (Note 2)	100	N.A.	N.A.	N.A.	100	100
<b>(b) Standard processing time at counter</b>						
(i) birth/death/adoption registration within 30 minutes	100	99.7	99.5	99.5	99.6	99.7
(ii) marriage notice within 30 minutes	100	99.9	99.9	99.9	99.7	99.6

Legend: N.A. = Not applicable

Source: *ImmD records*

Note 1: *Adoption certificate is a certified copy of any entry in the Adopted Children Register maintained by the Registrar of Births and Deaths according to the Adoption Ordinance (Cap. 290).*

Note 2: *With effect from 28 June 2018, the target for issue of birth/death/marriage certificates has been reduced from nine to seven working days, and during 2018, the nine and seven working day targets in the respective periods were all met. The target for issue of adoption certificates has remained at nine working days.*

**Table 2**

**Key performance indicators  
(2015 to 2019)**

Key performance indicator	2015	2016	2017	2018	2019
	Actual				
<b>(a) Birth/death/adoption registrations</b>	107,718	107,130	102,879	101,916	101,939
<b>(b) Marriage registrations (Note 1)</b>					
(i) processing of notice of intended marriage	53,646	51,826	54,874	51,246	45,807
(ii) marriage solemnisation (by CCMs)	26,219	25,292	26,307	25,713	22,505
(iii) marriage solemnisation (other than by CCMs)	25,228	24,213	24,596	23,984	22,015
<b>(c) Birth/death/marriage/adoption certificates issued (Note 2)</b>	172,977	173,683	175,861	188,100	214,258
<b>(d) Appointment of CCMs</b>	118	98	120	113	96

*Source: ImmD records*

*Note 1: According to ImmD, its COR aims to report the marriages registered within the reporting period and hence the number of post-registered marriages is excluded.*

*Note 2: This indicator includes the number of CAMRs issued (see para. 3.4).*

### *Application and Investigation Easy Systems*

1.13 ImmD’s information and communications technology systems are instrumental to its vital operation for delivering services to the public. The processing of birth, death and marriage registrations is supported by the Application and Investigation Easy Systems (APPLIES) (Note 14). The first generation of APPLIES (APPLIES-1) was implemented in phases from 2007 to 2008 with a design usage life of about 10 years. The maintenance contract for APPLIES-1, which expired in February 2019, was extended for another three years until February 2022. In May 2018, the Finance Committee (FC) of LegCo approved a sum of \$453 million for implementing the next generation of APPLIES (APPLIES-2). APPLIES-2 is planned to be rolled out by phases from the fourth quarter of 2021 to the second quarter of 2022.

### **Audit review**

1.14 In 2001, the Audit Commission (Audit) completed a review of “Registrations of births, deaths and marriages”, the results of which were included in Chapter 1 of the Director of Audit’s Report No. 37 of October 2001. In 2011, Audit completed a review of “Immigration Department: Operation of the Enforcement Division” which covered, among others, the investigation of bogus marriages by ImmD, the results of which were included in Chapter 8 of the Director of Audit’s Report No. 56 of March 2011.

1.15 In November 2020, Audit commenced a review to examine the management of birth, death and marriage registrations by ImmD, focusing on:

- (a) registration of births and deaths (PART 2);
- (b) registration of marriages (PART 3); and
- (c) implementation of next generation of Application and Investigation Easy Systems (PART 4).

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**Note 14:** *APPLIES also supports various functions such as processing of applications for visas, permits and travel passes.*

## **Introduction**

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Audit has found room for improvement in the above areas and has made a number of recommendations to address the issues.

## **General response from the Government**

1.16 The Director of Immigration generally agrees with the audit recommendations.

## **Acknowledgement**

1.17 During the audit review, in light of the outbreak of coronavirus disease (COVID-19), the Government had implemented various special work arrangements and targeted measures for government employees, including working from home. Audit would like to acknowledge with gratitude the full cooperation of the staff of ImmD during the course of the audit review amid the COVID-19 epidemic.



## **PART 2: REGISTRATION OF BIRTHS AND DEATHS**

2.1 This PART examines the work of ImmD in the management of registration of births and deaths, focusing on:

- (a) management of births registries (paras. 2.2 to 2.14);
- (b) management of deaths registries (paras. 2.15 to 2.22); and
- (c) performance reporting (paras. 2.23 to 2.25).

### **Management of births registries**

2.2 According to ImmD, parents are required to register the birth of their children in accordance with BDO, so as to avoid undermining the rights of their children to medical treatment, education and welfare benefits due to late registration. From 2000 to 2019, the number of registered births decreased slightly by 1% from 53,720 to 53,173 (see Figure 1 in para. 1.2). During the period, the number of registered births increased steadily from 48,914 in 2004 to a peak of 95,387 in 2011, then dropped significantly by 40% to 57,651 in 2013. According to the Census and Statistics Department (C&SD), among the factors for the sharp decrease in registered births (Note 15), the implementation in 2013 of the zero-quota policy on obstetric services for Mainland women whose spouses are not Hong Kong residents was the key factor. As a result of the implementation of the zero-quota policy in 2013, the number of babies born in Hong Kong to Mainland women whose spouses were not Hong Kong permanent residents dropped significantly by 99% from a peak of 35,736 in 2011 to a low level, at only 393 in 2019 (Note 16).

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**Note 15:** *Other factors include: (a) marriage postponement; (b) increased prevalence of spinsterhood; (c) decreased marital fertility rates for women; and (d) increased divorce rates.*

**Note 16:** *According to C&SD, this type of babies may still arise in reality. For example, those whose fathers were admitted through one-way permits who have yet to become Hong Kong permanent residents.*

### *Need to keep under review the manpower deployment of births registries*

2.3 For each births registry, ImmD has set internal birth registration quotas (the number of cases which can be processed each day) for weekdays and Saturdays with reference to the available manpower resources and office space. In order to monitor the utilisation of various registries, ImmD has compared the birth registration quotas of individual registries with their actual workload. Table 3 shows the utilisation rates of birth registration quotas for individual births registries from January 2015 to October 2020.

## Registration of births and deaths

**Table 3**

**Utilisation rates of birth registration quotas at individual births registries  
(January 2015 to October 2020)**

Registry	Birth registration quota (Number)		Utilisation rate (Note)					
			2015	2016	2017	2018	2019	2020 (up to October)
			(%)					
GRO	Weekdays	55	96	95	90	86	87	84
	Saturdays	15	99	98	97	98	97	96
Kowloon Births Registry	Weekdays	129	89	87	82	76	74	71
	Saturdays	50	96	96	97	96	96	94
Sha Tin District Births Registry	Weekdays	50	85	86	80	77	76	74
	Saturdays	13	96	97	95	97	97	97
Tuen Mun District Births Registry	Weekdays	35	59	61	58	56	53	54
	Saturdays	10	95	95	95	97	95	93

Source: ImmD records

Note: 
$$\text{Utilisation rate} = \frac{\text{Quota used}}{\text{Birth registration quota}} \times 100\%$$

Remarks: In order to reflect a normal working situation, the following days were excluded by ImmD in calculating the utilisation rates: (a) the working days with Tropical Cyclone Warning Signals Number 8 or above hoisted; and (b) the periods under the Government's special work-from-home arrangements from 29 January to 1 March 2020, 23 March to 3 May 2020 and 20 July to 6 September 2020.

2.4 As noted in the 2001 audit review (see para. 1.14), the staff establishment in 2000 for GRO which was responsible for birth registration was 47 (Note 17) and that for the Kowloon Births Registry (KBR) was 26. After a lapse of 19 years, the staff establishment in 2019 for GRO which was responsible for birth registration

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**Note 17:** The number did not include the staff establishment of the Marriage Registration and Records Office, which shared the same office with GRO.

## Registration of births and deaths

decreased to 43 (Note 18) and that for KBR remained at 26. However, birth registration quotas of both births registries decreased. For example, as shown in Table 4, the birth registration quota of GRO decreased from 80 by 31% to 55 during weekdays, while that of KBR decreased from 160 by 19% to 129. The utilisation rates of birth registration quotas for GRO and KBR generally increased from 2000 to 2019. However, if the birth registration quotas of the two registries had been kept at the same level as that in 2000, their 2019 utilisation rates would have been lower than those shown in Table 4 (i.e. reduction by 14 to 27 percentage points).

**Table 4**

**Analysis of the birth registration quotas and their utilisation rates at two births registries (2000 and 2019)**

Registry	Birth registration quota		Utilisation rate (Note)		
		2000	2019	2000	2019
		(Number)		(%)	
GRO	Weekdays	80	55	62	87
	Saturdays	20	15	110	97
KBR	Weekdays	160	129	61	74
	Saturdays	60	50	82	96

Source: Audit analysis of ImmD records

Note: 
$$\text{Utilisation rate} = \frac{\text{Quota used}}{\text{Birth registration quota}} \times 100\%$$

Remarks: If the birth registration quotas in 2019 had been kept at the same level as that in 2000, the utilisation rates in 2019 would have been reduced by 14 to 27 percentage points.

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**Note 18:** The number did not include the staff establishment of the Marriage Registration and Records Office and the CCM Unit under the City Hall Marriage Registry, which shared the same office with GRO.

2.5 Audit noted that there had not been any substantial change to the birth registration procedures causing a significant increase in workload per case since 2000. Audit had made enquiries with ImmD on the reasons for the reduction in the birth registration quotas while the staff establishments responsible for birth registration of the two registries had only slightly decreased or remained unchanged from 2000 to 2019. In March 2021, ImmD informed Audit that:

- (a) the birth registration quotas had been reviewed and reduced in accordance with demand for registration service in 2013 after the implementation of the zero-quota policy on obstetric services for Mainland women whose spouses are not Hong Kong residents (see para. 2.2);
- (b) in addition to birth registration, GRO is also responsible for registration of death from unnatural causes, handling search of BDM records and applications for certified copies of BDM certificates. For KBR, workload of other services (e.g. handling search of birth records and applications for certified copies of birth certificates) increased significantly. In light of the reduction in demand for birth registration, KBR has also provided a new one-stop service for birth registration-cum-application for the Hong Kong Special Administrative Region Re-entry Permits since 2014. Despite the decrease of birth registration quota, the manpower of KBR had been redeployed to handle workload of duties other than birth registration. As compared with the workloads of 2000, the amount of other services of the four births registries had increased significantly from 2000 to 2014. For both the search of birth records and the search of marriage records, the workload had further increased by over 40% from 2014 to 2019 (see Table 5); and
- (c) it had conducted manpower review from time to time and made adjustments where appropriate. Following the implementation of the zero-quota policy on obstetric services for Mainland pregnant women whose spouses were not Hong Kong residents, a review of the manpower of KBR had been conducted.

As mentioned in paragraph 2.2, the number of registered births decreased slightly by 1% from 53,720 in 2000 to 53,173 in 2019. However, the number of registered births decreased significantly by 21% from 53,173 in 2019 to 41,958 in 2020, resulting in the first natural population decrease since 1960s. In Audit's view, ImmD should keep under review the manpower deployed on birth registration work in its births registries, and make adjustments where appropriate.

## Registration of births and deaths

Table 5

Comparison of workloads of duties other than birth registration undertaken by the four births registries of ImmD (2000, 2014 and 2019)

Type of work	2000	2014	2019	2000 vs 2014 Increase/ (Decrease)	2014 vs 2019 Increase/ (Decrease)
	(a)	(b)	(c)	(d) = $\frac{(b)-(a)}{(a)} \times 100\%$	(e) = $\frac{(c)-(b)}{(b)} \times 100\%$
	(Number)			(%)	
Registration of deaths from unnatural causes	7,938	10,901	10,782	37	(1)
Search of birth records	3,351	8,274	13,810	147	67
Search of marriage records	11,450	14,490	21,109	27	46
Application for CAMRs	27,155	31,499	32,106	16	2
Application for the Hong Kong Special Administrative Region Re-entry Permits (Note)	N.A.	13,895	12,223	N.A.	(12)

Legend: N.A. = Not applicable

Source: Audit analysis of ImmD records

Note: Since 2014, KBR has provided a new one-stop service for birth registration-cum-application for the Hong Kong Special Administrative Region Re-entry Permits (see para. 2.5(b)).

***Need to keep records on the processing time for birth registrations***

2.6 ImmD pledges to process a birth registration within 30 minutes at counter (see Table 1 in para. 1.12). According to ImmD's COR, ImmD met the standard processing time of within 30 minutes in 99.7% of the birth/death/adoption registration cases in 2019. However, Audit noted that the births registries did not keep records on the processing time of cases at counter. In response to Audit's enquiry on how the performance pledge on processing time for birth registrations was calculated without keeping such records, in March 2021, ImmD said that during the processing of birth/death registrations, counter officers were tasked to closely monitor the processing time of each case. If the processing time exceeded 30 minutes (e.g. complicated cases involving statutory declarations, determination of legitimacy, overseas documents and clarification of condition of stay), the counter officer would record the reason and report to the deputy officer-in-charge who would compile relevant statistics on a regular basis. Audit visited GRO and KBR on 8 and 9 February 2021 respectively to conduct sample checking and found the following:

- (a) ***GRO***. On 8 February 2021, 6 counters (including 2 counters designated for issuing quota tags — Note 19) were in operation for birth registration and related services. For the 32 sampling cases examined by Audit, the average time required to process an application was 13 minutes (ranging from 8 to 23 minutes) and the average waiting time for counter services was 24 minutes (ranging from 7 to 42 minutes); and
  
- (b) ***KBR***. On 9 February 2021, 11 counters (including 2 counters designated for issuing quota tags) were in operation for birth registration and related services. For the 78 sampling cases examined by Audit, the average time required to process an application was 12 minutes (ranging from 5 to 23 minutes) and the average waiting time for counter services was 20 minutes (ranging from 6 to 36 minutes).

According to Financial Services and the Treasury Bureau (FSTB) guidelines, Controlling Officers should satisfy themselves that proper performance records are maintained and, as far as practicable, can be validated. In order to improve the

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**Note 19:** *Since March 2010, application for birth registration may only be accepted through prior appointment made by telephone or through the Internet. When a parent shows up at the reception counter of a births registry, ImmD staff will check the required documents (e.g. identity cards) to confirm that an advance booking has been made and issue a quota tag to the parent accordingly.*

## Registration of births and deaths

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provision of management information on birth registrations, ImmD needs to keep records on the processing time for birth registrations.

### *Scope for improvement in handling unregistered birth cases*

2.7 ***Unregistered birth cases.*** According to BDO, it shall be the duty of every registrar to procure by all means in his power the best and most accurate information respecting any birth which may have occurred and to cause the same to be registered. In April 2015, a 15-year-old girl plunged to her death from a building. It was later discovered that the girl and her younger sister were born in Hong Kong, but their parents had never registered their births. The tragic incident aroused wide public concern about whether the well-being of children without a birth certificate are adequately protected, as well as the social problems (such as child abuse, illegal immigration and human trafficking) that may arise as a result. In August 2015, the Office of the Ombudsman commenced a direct investigation of ImmD's mechanism for following up on unregistered birth cases. In June 2018, the Ombudsman released the investigation report which made a number of recommendations to improve the birth registration procedures (Note 20).

2.8 ***Follow-up actions on unregistered birth cases.*** Unregistered birth cases are handled by the BDM Registration (Operations) Section under the Documents Sub-division and the General Investigation Section (GIS) (Note 21) under the Investigation Sub-division of ImmD (see Appendix C) as follows:

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**Note 20:** *The recommendations made to ImmD included:*

- (a) *strengthening its communication and coordination with hospitals with a view to solving the problem of incomplete address on birth returns, and initiating early interventions in cases of unregistered birth;*
- (b) *enhancing its public education campaign to emphasise how failure to complete birth registration promptly can cause harm to children, and what legal consequences the parents may face; and*
- (c) *taking the lead to study with other relevant departments possible ways to strengthen the existing follow-up mechanism, including the feasibility of establishing a mandatory notification mechanism.*

**Note 21:** *In May 2015, ImmD introduced a new mechanism for follow-up on unregistered birth cases. Under the new mechanism, if a birth registration remains outstanding for a certain period of time after birth, the BDM Registration (Operations) Section would refer the case to GIS for follow-up.*



- (a) ***BDM Registration (Operations) Section.*** As a result of the tragic incident of April 2015 (see para. 2.7), ImmD had revised its procedures in handling of unregistered birth cases to enhance the monitoring of such cases. In February 2018, a Special Duty Team led by a Senior Immigration Officer and an Immigration Officer was established under the BDM Registration (Operations) Section. According to BDM General Office Instruction No. 2/2018 “Revised Procedures on Handling of Unregistered Birth Cases”, with effect from 1 March 2018, the Special Duty Team was responsible for closely monitoring birth cases with registrations outstanding for 43 days or more from the date of birth of the child and taking timely follow-up actions including:
- (i) ***upon 43 days from the date of birth of the child,*** conducting record checks (e.g. the condition of stay of parents, parents’ details and address on birth returns from public and private hospitals (Note 22) and infant death cases), contacting parents by phone and issuing first reminder letter;
  - (ii) ***three months after issuing first reminder letter,*** issuing second reminder letter and considering to pay a home visit to the known address of the parents if the birth registration is still outstanding after two weeks from the issuance of second reminder letter; and
  - (iii) ***upon six months from the date of birth of the child,*** referring unregistered birth cases to GIS for investigation on the suspected offence of the parents (see (b) below); and
- (b) ***GIS.*** GIS performs investigations for unregistered birth cases referred from the BDM Registration (Operations) Section. As at 31 December 2020, GIS had an establishment of 7 staff members (headed by a Senior Immigration Officer, who was supported by 2 Immigration Officers and other 4 supporting staff) responsible for handling unregistered birth cases. Upon receipt of the cases from the BDM Registration (Operations) Section, GIS will take actions including:

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**Note 22:** *For the purpose of birth registration, all public and private hospitals are required to furnish their designated births registry a birth return of any newborn. These birth returns are submitted to ImmD on a daily basis via an electronic birth returns system.*

## Registration of births and deaths

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- (i) retrieving all related departmental records for opening an investigation file; and
- (ii) locating the subject parents by various means for investigation, including conducting field visits. If the subject parents can be successfully located, an interview will be arranged with them for securing evidence for the case. If the evidence is in order, the case will be summarised and put forward to the Prosecution Section of ImmD for consideration of prosecution actions. After all actions have been completed, the investigation file will be returned to the BDM Registration (Operations) Section for information.

2.9 ***Birth statistics.*** During the period from January 2015 to October 2020, there were 322,603 birth registrations. As shown in Table 6, 19,300 (6% of 322,603) births were registered after 42 days from date of birth of the child, and among these, 733 (4% of 19,300) births were registered after 180 days from the date of birth of the child.

**Table 6**

**Ageing analysis of birth registration  
(January 2015 to October 2020)**

<b>Year</b>	<b>Time lapsed for completing birth registration after the date of birth of the child</b>			<b>Total  (d) = (a) + (b) + (c)</b>
	<b>Within 42 days (a)</b>	<b>Between 43 and 180 days (b)</b>	<b>Over 180 days (c)</b>	
	<b>(Number)</b>			
2015	57,476	3,134	247	60,857
2016	57,166	3,030	175	60,371
2017	53,857	2,887	175	56,919
2018	51,925	2,329	102	54,356
2019	51,202	1,960	11	53,173
2020 (up to October)	31,677	5,227 (Note)	23 (Note)	36,927
<b>Total</b>	<b>303,303</b>	<b>18,567</b>	<b>733</b>	<b>322,603</b>

19,300 (6% of 322,603)

*Source: Audit analysis of ImmD records*

*Note: According to ImmD, in view of the COVID-19 epidemic situation, it had implemented special service arrangements for several times in 2020 to reduce the risk of the spread of COVID-19 as a result of the gathering of applicants at its births registries. Hence, birth registration service had been suspended intermittently in 2020, resulting in a higher-than-usual number of birth registrations beyond 42 days.*

**2.10 Need to improve guidelines on handling unregistered birth cases by the BDM Registration (Operations) Section.** Audit examination found that there was scope for improving the guidelines on handling unregistered birth cases by the BDM Registration (Operations) Section. According to ImmD, there were 150 unregistered birth cases (i.e. registration outstanding for 43 days or more from the date of birth of the child) as at 31 October 2020. Audit analysis of these 150 unregistered birth cases revealed that:

## Registration of births and deaths

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- (a) according to ImmD’s guidelines, a first reminder letter should be sent to the parents upon 43 days from the date of birth of the child (see para. 2.8(a)(i)). Of these 150 cases, first reminder letters had not been sent to the parents in 43 (29%) cases. For the remaining 107 cases with first reminder letters sent to the parents, there were delays of 1 to 61 days (averaging 6 days) in sending the letters in 95 (89% of 107) cases;
  - (b) according to ImmD’s guidelines, a second reminder letter should be sent to the parents three months after sending the first reminder letter (see para. 2.8(a)(ii)). For the 53 cases falling under this category, Audit found that second reminder letters had not been sent to the parents in 31 (58%) cases. Of the 22 cases with second reminder letters sent to the parents, there were delays of 1 to 55 days (averaging 21 days) in sending the letters in 16 (73% of 22) cases; and
  - (c) according to ImmD’s guidelines, birth cases unregistered for six months from the date of birth of the child will be referred to GIS for investigation (see para. 2.8(a)(iii)). As at 15 December 2020, birth registration for 110 of the 150 cases had been completed. For the remaining 40 (150 less 110) cases, 7 cases had been outstanding for over six months, but 5 (71% of 7) cases had not been referred to GIS.
- 2.11 In March 2021, ImmD informed Audit that:
- (a) officers of BDM Registration (Operations) Section had followed the guidelines as stipulated in BDM General Office Instruction No. 2/2018 “Revised Procedures on Handling of Unregistered Birth Cases” (see para. 2.8(a)) to handle unregistered birth cases which had been in place since 2018. The mechanism has been proven effective in deterring deliberate delays;
  - (b) as at 18 March 2021, birth registration for 138 of the 150 cases had been completed and the remaining 12 (150 less 138) cases were outstanding pending submission of documents required for birth registration; and
  - (c) at present, the Special Duty Team officers should strictly comply with the timeline for sending reminders as stipulated in the guidelines. The cases as identified by Audit in paragraph 2.10(a) to (c) were cases warranting

flexible handling (see Appendix D) as delineated in ImmD's guidelines (see (a)). For these cases, the Special Duty Team member would refer the cases to a designated Immigration Officer for endorsement and decide on the alternate course of actions and ensure that such actions are properly recorded. For cases in which relevant actions had not been taken after reaching the timeline, the Special Duty Team member would record the reason. The common reasons warranting flexible handling include cases where:

- (i) appointment for birth registration had already been scheduled;
- (ii) parents/the Social Welfare Department (SWD) had been successfully contacted and reasons for the delay had been acknowledged; and
- (iii) service suspension/special work arrangements had been in place due to the COVID-19 epidemic.

Audit noted that ImmD's guidelines (see para. 2.8(a)) had not promulgated the details for handling cases warranting flexible handling. Audit considers that ImmD needs to amend its guidelines as appropriate.

2.12 ***Scope for improvement in taking follow-up actions on unregistered birth cases by GIS.*** Audit examination found that there was room for improvement in taking follow-up actions on unregistered birth cases by GIS. From June 2018 to 31 October 2020, 15 unregistered birth cases were referred to GIS for investigation. As at 31 December 2020, 11 of the 15 unregistered birth cases had been closed while the remaining 4 were still under investigation. Audit examination of these 11 completed investigation cases found that:

- (a) in 1 case, there was room for improvement in taking follow-up actions to locate the parents. In November 2018, GIS commenced investigation work to locate the parents of a child by conducting record check with other government departments. During the period from November 2018 to February 2019, GIS tried to contact the parents by phone once in each month. On each occasion, GIS tried to phone the parents on weekdays with the same set of phone numbers. In March 2019, GIS conducted field visits but still failed to locate the parents. GIS could only contact one parent who

## Registration of births and deaths

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was intercepted by ImmD in December 2019 when prosecution had already been time-barred (Note 23), and hence ImmD had not instigated any prosecutions. Had ImmD stepped up its measures to locate the parents (e.g. contacting the parents on Saturdays/Sunday/public holidays), the parents might have been located earlier. Audit considers that ImmD needs to draw up more effective strategies in locating parents of unregistered birth cases for conducting interviews;

- (b) according to ImmD, any investigation cases which cannot be completed within four months will be reported to the Senior Immigration Officer for information and directive. Audit examination of the individual case files revealed that, in 3 cases, there was no documentation on the reporting of the case progress to the Senior Immigration Officer within four months after the commencement of respective case investigation. In March 2021, ImmD informed Audit that these 3 cases were put up for discussion among Senior Immigration Officer and Immigration Officers within four months in group meetings. In the group meetings, Immigration Officers had reported the progress of the outstanding cases under their purview and brought up special cases for timely guidance and directive from the Senior Immigration Officer. Although the brought-up actions had been recorded in a designated register, the related discussions had not been recorded in individual case files for better case management and monitoring; and
- (c) ImmD's guidelines on handling unregistered birth cases had not set any time target for commencement of investigation. While GIS took an average of about 5 days (including non-working days) to commence investigation work after receiving these 11 cases from the BDM Registration (Operations) Section, for better case management and monitoring purpose, there is merit for ImmD to consider setting a time target for commencement of investigation.

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**Note 23:** *According to the Magistrates Ordinance (Cap. 227), in any case of an offence, other than an indictable offence, where no time is limited by any enactment for making any complaint or laying any information in respect of such offence, such complaint shall be made or such information laid within 6 months from the time when the matter of such complaint or information respectively arose. For unregistered birth case, prosecution action should be taken within 6 months from the date of birth registration. In this case, SWD was appointed the guardian of the child and completed the birth registration in December 2018 (i.e. the case was time-barred in June 2019).*

## **Audit recommendations**

- 2.13 **Audit has recommended that the Director of Immigration should:**
- (a) **keep under review the manpower deployed on birth registration work in ImmD's births registries, and make adjustments where appropriate;**
  - (b) **keep records on the processing time for birth registrations; and**
  - (c) **explore measures to strengthen the follow-up actions on unregistered birth cases, including:**
    - (i) **incorporating details on handling cases warranting flexible handling in the guidelines on handling unregistered birth cases;**
    - (ii) **drawing up more effective strategies in locating parents for conducting interviews;**
    - (iii) **keeping records on reporting the progress of outstanding cases in individual case files; and**
    - (iv) **considering setting a time target for commencement of investigation of unregistered birth cases.**

## **Response from the Government**

2.14 The Director of Immigration generally agrees with the audit recommendations. He has said that:

- (a) ImmD will continue to conduct review on manpower deployment in accordance with the demand for provisions of various services from time to time and make adjustments where appropriate;
- (b) ImmD will explore the feasibility of introducing a new system function to keep track of the processing time for birth registrations in APPLIES-2, which is expected to roll out by phases from the fourth quarter of 2021;

## Registration of births and deaths

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- (c) as the circumstances in each unregistered birth case vary and there are unforeseeable factors affecting the operation of birth registrations (e.g. the COVID-19 epidemic), it is not feasible to stipulate exhaustively the course of actions. That said, ImmD will strengthen the relevant parts of the guidelines on handling unregistered birth cases by citing examples of common scenarios warranting flexible handling for officers' reference;
- (d) while strenuous efforts had already been exerted to locate the parents concerned in the case identified by Audit (see para. 2.12(a)), ImmD officers will stay vigilant in formulating comprehensive strategies in locating parents for investigation;
- (e) it is agreed that the relevant case officers handling unregistered birth cases should have recorded the direction and supervision given in individual case file to reflect the Senior Immigration Officer's due supervision within four months after the commencement of respective case investigation for better record management. ImmD will recirculate the relevant guidelines for reminding the case officers to strictly follow the management of outstanding investigation cases; and
- (f) ImmD will set a time target for commencement of investigation of unregistered birth cases. To tie in with this requirement, supplementary guidelines for handling unregistered birth cases will be formulated to provide a clear timeframe for commencement of investigation.

## Management of deaths registries

2.15 A death certificate (i.e. a certified copy of an entry in the deaths register) is an important legal document for insurance claim and transfer of title of real and personal property. A relative of the deceased or other relevant person needs to register a death with ImmD before the death certificate can be issued. Statistics on death registrations are used to compile the mortality statistics which in turn are used for a variety of medical and health-related research efforts and to set public health goals and policies.

2.16 *Increase in demand for ImmD's death registration services.* According to C&SD, the age-sex specific mortality rates for both genders and all age groups in Hong Kong have been decreasing continuously, reflecting that residents of Hong Kong



tend to live longer along with advancement in healthcare services. The population of elderly (aged 65 and over) rose steadily from 0.46 million (8.1% of the population) in 1988 to 1.32 million (17.6% of the population) in 2019. The overall mortality rates and the number of deaths showed an increasing trend during this period. As a result, the number of death registrations increased from 42,705 in 2010 by 14% to 48,706 in 2019 and demand for other death related services offered by ImmD also increased:

- (a) ***Number of death certificates issued.*** The number increased by 131% from 29,438 in 2010 to 68,036 in 2019 (Note 24); and
- (b) ***Search of death records.*** The number of searches increased by 49% from 6,859 in 2010 to 10,211 in 2019.

Despite the significant increase in workload, the number of staff deployed for providing death registration services at the Hong Kong Island Deaths Registry (4 staff) and the Kowloon Deaths Registry (8 staff) had remained unchanged. According to ImmD, this might lead to a longer waiting time for the services and it would monitor the waiting time to ensure that it is reasonable and acceptable. In this connection, Audit notes that the processing time for death registration does not include waiting time (see para. 2.23(b)).

### ***Need to keep records on the processing time for death registrations***

2.17 ImmD pledges to process a death registration within 30 minutes at counter (see Table 1 in para. 1.12). Similar to birth registrations (see para. 2.6), ImmD had not kept records on the processing time for death registration cases. According to ImmD's COR, ImmD met the pledge in 99.7% of the birth/death/adoption registration cases in 2019. Audit visited the Hong Kong Island Deaths Registry and the Kowloon Deaths Registry (Note 25) on 11 and 12 January 2021 respectively to conduct checking and found the following:

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**Note 24:** *According to BDO, any person can apply for more than one death certificate.*

**Note 25:** *The Hong Kong Island Deaths Registry and the Kowloon Deaths Registry handled 99.5% of registration of natural deaths for the period from January 2015 to October 2020. GRO handled registration of natural deaths only on Sundays and General Holidays from 10 a.m. to 12:30 p.m.*

## Registration of births and deaths

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- (a) ***Hong Kong Island Deaths Registry.*** On 11 January 2021, three counters were in operation providing death registration and related services. The average time required to process an application was 12.5 minutes and the average waiting time for counter services was 6 minutes (ranging from no waiting time to the longest waiting time of 29 minutes); and
- (b) ***Kowloon Deaths Registry.*** On 12 January 2021, six counters (including one counter designated for issuing tickets) were in operation for death registration and related services. Audit noted that there was an electronic ticketing system at the Kowloon Deaths Registry capturing the time when a ticket was issued and the time when an applicant was called to a counter. After the close of business, a queue transaction report was generated which listed out the issue time, call time, waiting time of each ticket and the number of the serving counter. Based on the queue transaction report generated from the electronic ticketing system, 68 and 37 tickets were issued for single and multiple (by funeral agents) death registrations respectively. The average time required to process an application was 11 minutes and the average waiting time was 4 minutes (ranging from no waiting time to the longest waiting time of 18 minutes). As a comparison, based on the records generated from the electronic ticketing system, on the working days from 2 to 11 January 2021, the average waiting time was 24 minutes (ranging from no waiting time to the longest waiting time of 95 minutes) (see Table 7). According to ImmD, the long waiting time was mainly due to bunching effect caused by influx of applicants and reduced manpower arising from its special service arrangement due to COVID-19 epidemic.

Audit noted that an electronic ticketing system was not installed at the Hong Kong Island Deaths Registry. Similar to birth registrations, in order to improve the provision of management information on death registration, ImmD needs to keep records on the processing time for death registrations. ImmD also needs to consider the merits of installing an electronic ticketing system at the Hong Kong Island Deaths Registry.

**Table 7**

**Waiting time for counter services at Kowloon Deaths Registry  
(2 to 12 January 2021)**

	Waiting time		
	12 January 2021 (Audit visit) (Note 1) (Minute)	2 to 11 January 2021 (8 working days) (Note 2) (Minute)	Variance  (Minute)
<b><i>Single registration</i></b>			
Average	4	24	20
Longest	18	95	77
Shortest	0	0	0
<b><i>Multiple registrations</i></b>			
Average	7	26	19
Longest	17	65	48
Shortest	0	0	0
<b><i>Overall</i></b>			
Average	4	24	20
Longest	18	95	77
Shortest	0	0	0

*Source: Audit analysis of ImmD records*

*Note 1: On 12 January 2021, 5 counters were in operation for processing death registration and related services.*

*Note 2: From 2 to 11 January 2021, on average 3.4 (ranging from 3 to 4) counters were in operation for processing death registration and related services. Details of waiting time in the 8 working days (including two half working days on Saturday) are shown in Appendix E.*

## Registration of births and deaths

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### *Need to address the issue of non-compliance with BDO time requirement of registering deaths*

2.18 According to BDO, deaths from natural causes shall be registered by the deceased's relatives or other relevant persons of the deceased within 24 hours (Note 26). A person who fails to perform the duty shall be liable on summary conviction to a fine at level 1 or to imprisonment for 6 months. Audit analysis of the data of death registrations at the three deaths registries (the Hong Kong Island Deaths Registry, the Kowloon Deaths Registry and GRO) for the period from January 2015 to October 2020 revealed that, out of 213,770 registrations of natural deaths, 103,816 (49%) registrations were made at least 3 days after the dates of death (with the longest being 665 days).

2.19 In response to Audit's enquiry, in March 2021, ImmD said that:

- (a) the existing BDO was enacted in 1934. It is worth noting that one of the legal intents of setting such a short time frame for registering deaths (i.e. within 24 hours — see Note 26) might have been to ensure that the deceased remain would be handled properly with a view to controlling the widespread of plague in 1930's. The time limit for death registration appeared to be on a very stringent side in today's context;
- (b) according to operational experiences, some common reasons for registration of deaths from natural causes beyond 24 hours were:
  - (i) relatives of the deceased might not be able to secure the Medical Certificate of the Cause of Death on the same day; and
  - (ii) relatives of the deceased had to follow up funeral arrangements and engage funeral company for completing death registration and related actions (e.g. cremation booking) in one go;
- (c) according to section 14 of BDO, the duty of registering a death lies on the nearest relatives of the deceased present at the death or in attendance during

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**Note 26:** *The 24 hours are 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).*

his last illness, and, in default of such relatives, of each person present at the death or in attendance during the last illness, and of any occupier of the house in which, to his knowledge, the death took place, and, in default of any such persons, of each inmate of such house, and of the person causing the body of the deceased to be buried. It might be uncertain who should bear the duty of registering a death and on whom prosecution should be instigated;

- (d) ImmD was committed to executing all statutory requirements. According to section 25 of BDO, relatives/relevant persons who fail to register the death within 24 hours without reasonable excuse commit an offence. Having balanced the provision of efficient death registration service for the deceased and the implication of beyond 24-hour death registrations from the public health angle, a humanistic and realistic approach had been adopted to administer the registration of deaths. Statistics showed that a vast majority of deaths (around 93%) were registered within 7 days. Having considered that such time would have included the journey (i.e. travelling time), intervening hours of darkness and general holidays, time for securing the Medical Certificate of the Cause of Death and engaging funeral companies for arrangements, it was not unreasonable that the deaths had taken beyond 24 hours to be registered; and
- (e) the quoted case where the death was registered 665 days after the date of death was an isolated case. ImmD was only informed of the case by the concerned hospital as an unclaimed body some 600 days after the date of death and the concerned hospital eventually took up the duty to register the death of the deceased. Having considered the exceptional circumstances of the case, the death was eventually registered.

According to ImmD, in light of the above, a humanistic approach had been adopted by ImmD to administer the registration of deaths in view of compassionate grounds.

2.20 While noting the explanations given by ImmD in paragraph 2.19, Audit considers it not satisfactory that the statutory provision in BDO on registration of natural deaths within 24 hours has not been complied with. Audit considers that ImmD needs to critically explore measures that can be taken to address the issue of non-compliance with this BDO requirement.

### Audit recommendations

- 2.21 **Audit has *recommended* that the Director of Immigration should:**
- (a) **keep records on the processing time for death registrations;**
  - (b) **consider the merits of installing an electronic ticketing system at the Hong Kong Island Deaths Registry; and**
  - (c) **critically explore measures that can be taken to address the issue of non-compliance with BDO requirement of registering deaths from natural causes within 24 hours.**

### Response from the Government

2.22 The Director of Immigration generally agrees with the audit recommendations. He has said that ImmD will:

- (a) explore the feasibility of introducing a new system function to keep track of the processing time for death registrations in APPLIES-2, which is expected to roll out by phases from the fourth quarter of 2021;
- (b) explore the feasibility of installing an electronic ticketing system at the Hong Kong Island Deaths Registry; and
- (c) explore measures to encourage members of the public to conduct death registrations as soon as practicable. ImmD will draw the attention of members of the public of the legal time limit for registering deaths, such as adding a notice on ImmD's website, guidance note, pamphlet, etc. Besides, ImmD will consider to take action on doubtful cases with undue delay.

## Performance reporting

### *Scope for improvement in performance reporting in birth and death registrations*

2.23 Audit examination has identified scope for improvement in performance reporting in birth and death registrations, as follows:

- (a) ***Issue of a certified copy of a birth/death certificate involving search of records not included as key performance measures.*** A person can apply for a certified copy of an entry in the births/deaths register if he has the original or a photocopy of the certificate of registration, or the result of a previous search. Otherwise, he will need to apply for a search of the birth/death records first (see para. 1.11). ImmD has set two performance pledges relating to issue of a certified copy of a birth/death certificate with or without search of records (see Table 8). Audit examination revealed that:
  - (i) ImmD had only included the issue of a certified copy of a birth/death certificate if search of records is not involved (i.e. item (a) in Table 8) in its CORs as one of the key performance measures. However, the issue of a certified copy of a birth/death certificate involving search of records had not been included as key performance measure (i.e. item (b) in Table 8); and
  - (ii) ImmD did not keep records on the number of certified copies of birth/death certificates issued that involved search of records (i.e. item (b) in Table 8). In this connection, Audit noted that the number of searches of birth/death records had been on an increasing trend in recent years, showing that there might be a notable increase in demand on the issue of certified copies of birth/death certificates involving search of records. For example, the number of birth record searches significantly increased by 161% from 5,282 in 2010 to 13,810 in 2019, while the number of death record searches increased by 49% from 6,859 in 2010 to 10,211 in 2019; and

Table 8

**Performance pledges relating to  
issue of a certified copy of a birth/death certificate**

Type	Due day for issue (Working days)
(a) Issue of a certified copy of a birth/death certificate (if search of records is not involved)	7
(b) Issue of a certified copy of a birth/death certificate (if search of records is involved)	10

Source: ImmD records

- (b) ***Need to take measures to monitor the waiting time for death registrations.*** ImmD pledges to process a death registration within 30 minutes at counter. However, waiting time of an applicant (Note 27) for counter services is not included. In this regard, Audit noted that ImmD's performance pledges on standard processing times for clearing visitors at immigration control points included both the waiting time (queueing time) and the time required for processing travelling document at the counter. In response to Audit's enquiry in March 2021, ImmD said that:
- (i) in view of the special case nature for death registration, service was provided on a first-come-first-served basis all year round where no quota was set to cater for the urgent need of the public (e.g. funeral arrangements). Since the daily usage was unpredictable, it was difficult to set a key performance measurement to include the waiting time for registration; and
  - (ii) it was a common practice for undertakers to make multiple death registrations on behalf of the relatives of the deceased, and it might not be meaningful to measure the waiting time for such registration.

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**Note 27:** *The waiting time referred to the time after an applicant received a ticket showing his priority in the queue until reception of service at counter.*



While noting that it might not be practicable to include the waiting time in the performance pledge, Audit considers that ImmD needs to take measures to monitor the waiting time for death registrations.

### **Audit recommendations**

2.24 **Audit has *recommended* that the Director of Immigration should:**

- (a) **consider including the issue of a certified copy of a birth/death certificate involving search of records as one of the key performance measures in the CORs; and**
- (b) **take measures to monitor the waiting time for death registrations.**

### **Response from the Government**

2.25 The Director of Immigration agrees with the audit recommendations. He has said that ImmD will consider:

- (a) including the issue of a certified copy of a birth/death certificate involving search of records in the CORs; and
- (b) the feasibility of providing “programme tag” with the estimated service time to members of the public so as to enhance ImmD’s standard of service.

## **PART 3: REGISTRATION OF MARRIAGES**

3.1 This PART examines the work of ImmD in marriage registration, focusing on:

- (a) management of marriage registries (paras. 3.2 to 3.7);
- (b) Civil Celebrants of Marriages Scheme (paras. 3.8 to 3.15); and
- (c) bogus marriages (paras. 3.16 to 3.33).

### **Management of marriage registries**

3.2 *Changes in demand for ImmD's marriage related services.* In 2019, the total number of marriage registrations decreased by 15% from 52,626 in 2010 to 44,522 in 2019. In particular, the number of marriage solemnisations carried out in ImmD's marriage registries decreased by 22% from 25,919 in 2010 to 20,313 in 2019. Changes in demand for other marriage related services are as follows:

- (a) processing of notices of intended marriage (marriage notice) decreased by 16% from 54,661 in 2010 to 45,807 in 2019;
- (b) search of marriage records increased by 62% from 13,045 in 2010 to 21,109 in 2019;
- (c) issuance of certified copy of marriage certificates increased by 59% from 14,383 in 2010 to 22,885 in 2019;
- (d) search of absence of marriage records increased by 28% from 25,040 in 2010 to 32,106 in 2019; and
- (e) issuance of CAMRs (see para. 1.11) increased by 43% from 13,850 in 2010 to 19,818 in 2019.

*Need to consider increasing  
the marriage ceremony quotas on Saturdays*

3.3 *Utilisation rates of ImmD's marriage registries.* ImmD has set internal marriage ceremony quotas for each marriage registry. Quotas on weekdays, Saturdays and Sundays are set for a marriage registry with reference to factors such as available manpower resources, office space (e.g. number of marriage halls — Note 28), and popularity of the marriage registry. Audit reviewed the utilisation of marriage registries from January 2015 to October 2020 (see Table 9) and found that:

- (a) the utilisation rates of the five marriage registries on weekdays (17% to 75%) were lower than those on Saturdays (55% to 98%); and
- (b) only one of the five marriage registries (i.e. City Hall Marriage Registry) was open in both the morning and the afternoon on Saturdays (see Table 10).

In March 2021, ImmD said that if the service hours of its marriage registries on the weekdays were to be reduced, provision of other services (e.g. giving of notice of intended marriage, search of marriage records and application for CAMR) would inevitably be affected adversely during the weekdays. However, in Audit's view, in order to provide better service to the public, ImmD should consider exploring the feasibility of increasing the marriage ceremony quotas for Cotton Tree Drive Marriage Registry, Tsim Sha Tsui Marriage Registry, Sha Tin Marriage Registry and Tuen Mun Marriage Registry on Saturdays during festive seasons and on auspicious dates. In addition, ImmD should also consider opening both marriage halls of Tsim Sha Tsui Marriage Registry and Sha Tin Marriage Registry on these occasions.

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**Note 28:** *Each of the Tsim Sha Tsui Marriage Registry and Sha Tin Marriage Registry had two marriage halls whereas the other three marriage registries had only one marriage hall each.*

## Registration of marriages

Table 9

### Utilisation of marriage registries (January 2015 to October 2020)

Registry	Number of staff	Marriage ceremony quota (Number)		Utilisation rate (Note 1)					
				2015	2016	2017	2018	2019	2020 (up to October) (Note 2)
				(% )					
City Hall Marriage Registry	5	Weekdays	23	41	41	45	41	36	17
		Saturdays	23	75	70	74	72	71	55
		Sundays	23	34	30	37	39	24	20
Cotton Tree Drive Marriage Registry	3	Weekdays	23	41	44	40	42	46	26
		Saturdays	10	90	88	83	91	89	74
		Sundays	23	48	42	47	50	44	34
Tsim Sha Tsui Marriage Registry	16	Weekdays	42	51	48	50	49	46	25
		Saturdays	10	89	91	91	93	98	75
		Sundays	46	44	37	40	43	31	28
Sha Tin Marriage Registry	13	Weekdays	30	75	71	70	66	62	26
		Saturdays	10	92	94	93	92	88	73
		Sundays	46	40	40	44	40	29	17
Tuen Mun Marriage Registry (Note 3)	10 (Note 4)	Weekdays	14	62	63	62	60	50	27
		Saturdays	5	92	94	94	90	89	74

Source: ImmD records

Note 1: 
$$\text{Utilisation rate} = \frac{\text{Quota used}}{\text{Marriage ceremony quota}} \times 100\%$$

**Table 9 (Cont'd)**

*Note 2: According to ImmD, the utilisation of all marriage registries was adversely affected by the COVID-19 epidemic.*

*Note 3: No marriage solemnisation service was provided on Sundays.*

*Note 4: Staff of the Marriage Registry also needed to provide birth registration and related services.*

*Remarks: In order to reflect a normal working situation, the following days were excluded by ImmD in calculating the utilisation rates: (a) the working days with Tropical Cyclone Warning Signal Number 8 or above hoisted; and (b) the periods under the Government's special work-from-home arrangements from 29 January to 2 February 2020.*

**Table 10**

**Time slots for booking and marriage ceremony quotas of  
the five marriage registries on Saturdays  
(January 2015 to October 2020)**

Registry	Time slot for booking	Marriage ceremony quota	Marriage hall
		(Number)	
City Hall Marriage Registry	9:30 a.m. to 12:30 p.m. 2:15 p.m. to 4:30 p.m.	23	1
Cotton Tree Drive Marriage Registry	9:15 a.m. to 11:30 a.m.	10	1
Tsim Sha Tsui Marriage Registry	9:15 a.m. to 11:30 a.m.	10	2 (Note)
Sha Tin Marriage Registry	9:15 a.m. to 11:30 a.m.	10	2 (Note)
Tuen Mun Marriage Registry	9:45 a.m. to 11:00 a.m.	5	1

*Source: ImmD records*

*Note: Tsim Sha Tsui Marriage Registry and Sha Tin Marriage Registry opened only one of their two marriage halls on Saturdays.*

*Remarks: According to ImmD, marriage registries provided an array of marriage-related services (e.g. search of marriage records) in addition to marriage ceremony services.*

## Registration of marriages

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### *Scope for improvement in performance reporting*

3.4 There have been a large number of cross-boundary marriages between residents of Hong Kong and the Mainland in recent years (Note 29). These marriages may take place in two ways:

- (a) Hong Kong residents may apply for a CAMR (see para. 1.11) from ImmD and get married in the Mainland; or
- (b) Mainland residents may come to Hong Kong as visitors and register their marriages with Hong Kong residents.

According to ImmD, Hong Kong residents who intend to carry out cross-boundary marriages in the Mainland are required to apply for a CAMR to prove that they have no marriage record in Hong Kong. To apply for a CAMR, the applicant has to complete an application form and pay the prescribed fee. If the search result shows that the applicant has no marriage record in Hong Kong, a CAMR will be issued on payment of the prescribed fee. Otherwise, a letter of marriage record indicating the date(s) of his/her previous marriage(s) will be issued. According to ImmD, it normally takes 7 working days to process the application for a CAMR after all necessary documents and fees have been received. The number of CAMRs issued is reported under the key performance indicator of “Birth/death/marriage/adoption certificates issued” in ImmD’s COR (see (c) of Table 2 in para. 1.12).

3.5 ImmD has set up performance pledges for: (a) search of marriage records and/or issue of a certified copy of marriage certificate (a standard processing time of within 10 minutes at counter); and (b) due date for the issuance of relevant record (7 working days). However, ImmD has not set a performance pledge for search of absence of marriage record. Audit noted that, from 2015 to 2019, the total numbers of marriage record searches and absence of marriage record searches were 85,360 and 163,925 respectively. In view of the fact that the number of searches of absence of marriage records was significant, ImmD should consider setting up a performance pledge for the search of absence of marriage record.

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**Note 29:** *According to C&SD, out of the some 50,000 registered marriages in Hong Kong in 2016, marriages between Hong Kong residents accounted for 54.6% approximately, while Mainland-Hong Kong cross-boundary marriages accounted for 34.7%.*

## **Audit recommendations**

3.6 **Audit has recommended that the Director of Immigration should consider:**

- (a) **exploring the feasibility of increasing the marriage ceremony quotas for Cotton Tree Drive Marriage Registry, Tsim Sha Tsui Marriage Registry, Sha Tin Marriage Registry and Tuen Mun Marriage Registry on Saturdays during festive seasons and on auspicious dates; and**
- (b) **setting up a performance pledge for the search of absence of marriage record.**

## **Response from the Government**

3.7 The Director of Immigration generally agrees with the audit recommendations. He has said that ImmD will:

- (a) explore the feasibility of increasing marriage ceremony quotas on a demand-driven basis, e.g. on festive dates and/or auspicious dates (whether on weekdays or Saturdays); and
- (b) consider setting up a performance pledge for the search of absence of marriage record.

## **Civil Celebrants of Marriages Scheme**

3.8 In 2006, CCM Scheme (see para. 1.9) was introduced to provide more choices for the marrying parties in terms of location (e.g. hotels, shopping centres and private clubs), timing and “theme” of celebration (e.g. conducted in theme parks) and business opportunities to the private sector including marriage consulting companies, hotel groups and shopping malls. After the introduction of the Scheme in 2006, the use of CCM services for celebrating marriages increased (from 3% in May 2006 to more than 50% in recent years). Table 11 shows an analysis of marriage solemnisations in the period from 2015 to 2019.

Table 11

**Analysis of marriage solemnisations  
(2015 to 2019)**

<b>Year</b>	<b>Total number of marriage solemnisations</b>	<b>Number of marriage solemnisations conducted by CCMs</b>
2015	51,447	26,219 (51%)
2016	49,505	25,292 (51%)
2017	50,903	26,307 (52%)
2018	49,697	25,713 (52%)
2019	44,520	22,505 (51%)

Source: *Audit analysis of ImmD records*

***Need to ensure that persons included in ImmD's list of CCMs meet the eligibility criteria mentioned in MO***

3.9 ImmD publishes a list of appointed CCMs on its website for public information. As at 20 November 2020, there were 2,277 appointed CCMs on the list. The eligibility criteria for a CCM as laid down in MO include, among others, that the person must be a solicitor or a notary public who:

- (a) in case of a solicitor, holds a current practising certificate issued by The Law Society of Hong Kong under the Legal Practitioners Ordinance (Cap. 159) (i.e. a member with practising certificate of The Law Society of Hong Kong) and has practised as a solicitor, or has been employed to provide legal service to the employer, for a period or periods in aggregate of not less than 7 years; or
- (b) in case of a notary public, holds a current practising certificate issued by the Hong Kong Society of Notaries which is unconditional or is qualified to practise as a notary public under the Legal Practitioners Ordinance.

Appendix F shows the details of the eligibility criteria for a CCM as laid down in MO.



3.10 According to MO, appointed CCMs shall notify the Registrar in writing of cessation to meet any criterion prescribed in MO within 14 days of such cessation. According to the prevailing practice of ImmD, the up-to-date list of CCM would be passed to The Law Society of Hong Kong and the Hong Kong Society of Notaries normally 4 to 5 times per year. According to ImmD, the two Societies would notify ImmD when there is a change in the practising status of their members rendering them unable to meet the eligibility criteria for CCM.

3.11 Audit compared ImmD's list of appointed CCMs with the lists of members with practising certificates of The Law Society of Hong Kong and the Hong Kong Society of Notaries (as shown on their websites) and found that 34 persons on ImmD's list were neither solicitors with practising certificates nor notaries public. In Audit's view, ImmD needs to take measures to ensure that persons included in ImmD's list of CCMs meet the eligibility criteria mentioned in MO.

### *Need to specify the training requirements of CCMs in the Code of Practice or information pamphlet of ImmD*

3.12 According to MO, a CCM should have completed such training organised for the purposes of the Ordinance as the Registrar may specify. The Code of Practice promulgated by ImmD aims to provide practical guidance in respect of the professional conduct of CCMs. Audit notes that:

- (a) the nature, type and training hours to be provided to a potential CCM is not specified in the Code of Practice or ImmD's information pamphlet "How to apply — Civil Celebrants of Marriages"; and
- (b) an initial 3-hour training (Note 30) will be provided to a potential CCM. The training covers the procedures and documentation involved when getting married in Hong Kong, the Code of Practice for CCMs, and the identification of forged documents of identity. The appointed CCMs are not required to attend any training session upon renewal of appointment.

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**Note 30:** *The duration of training was condensed to 1.5 hours with smaller class size in 2020 as a special arrangement under the COVID-19 epidemic.*

## Registration of marriages

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As training is an integral part of the CCM Scheme for the purpose of avoiding possible errors that may render a marriage void or voidable under law, ImmD should specify the training requirements of CCMs in the Code of Practice or ImmD’s information pamphlet “How to apply — Civil Celebrants of Marriages”.

### *Need to consider requiring dormant CCMs to attend refresher training course*

3.13 To ascertain whether appointed CCMs are actively involved in providing the related services, Audit analysed the number of marriage solemnisation services provided by CCMs who were on the list of ImmD during the period from January 2015 to November 2020. As shown in Table 12, 291 (17%) of 1,756 CCMs were not active and had not provided any marriage solemnisation service for some five years from January 2016 to October 2020. ImmD needs to consider requiring dormant CCMs (say those who have not provided any marriage solemnisation service in the past five years) to attend refresher training course upon receiving their CCM renewal applications.

**Table 12**

**Analysis of marriage solemnisation services provided by CCMs  
(January 2016 to October 2020)**

<b>Number of marriage solemnisations conducted</b>	<b>Number of CCMs involved</b>	<b>Percentage</b>
0	291	17%
1 to 10	967	55%
11 to 50	310	17%
51 to 100	55	3%
> 100	133	8%
Total	1,756	100%

Source: *Audit analysis of ImmD records*

## **Audit recommendations**

- 3.14 **Audit has recommended that the Director of Immigration should:**
- (a) **take measures to ensure that persons included in ImmD’s list of CCMs meet the eligibility criteria mentioned in MO;**
  - (b) **specify the training requirements of CCMs in the Code of Practice or ImmD’s information pamphlet “How to apply — Civil Celebrants of Marriages”; and**
  - (c) **consider requiring dormant CCMs to attend refresher training course upon receiving their CCM renewal applications.**

## **Response from the Government**

3.15 The Director of Immigration generally agrees with the audit recommendations. He has said that:

- (a) in practice, ImmD relies significantly on the reporting made by CCMs and information from The Law Society of Hong Kong and the Hong Kong Society of Notaries (see para. 3.10) to ascertain whether there is any change in the practising status of CCMs rendering them unable to meet the eligibility criteria for CCM. In light of Audit’s recommendation, ImmD would explore possible measures with the two Societies to enhance the existing mechanism (see para. 3.10);
- (b) ImmD will explore the feasibility of checking the published list of CCMs with the lists of solicitors and notaries public with valid practising certificates on the websites of The Law Society of Hong Kong and the Hong Kong Society of Notaries respectively on a regular basis;
- (c) CCMs will be reminded to observe the requirement to notify the Registrar in writing within 14 days if they cease to meet any criterion prescribed in Schedule 4 of MO upon granting appointment or renewal of appointment. The relevant information will be included on ImmD’s website, information pamphlet, guidance notes, and training material, etc;

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- (d) ImmD will include the training requirements of CCMs in the information pamphlet; and
- (e) ImmD will encourage dormant CCMs to attend refresher training course and will provide a set of “Guidance Notes for Civil Celebrants of Marriages” to dormant CCMs upon receiving their renewal applications. ImmD will also consider inviting dormant CCMs by phases to attend refresher training course on a voluntary basis.

## Bogus marriages

3.16 According to ImmD, the issue of Mainland residents or foreigners obtaining residence in Hong Kong by entering into bogus marriages with Hong Kong residents emerged more than a decade ago (Note 31) and has been a public concern (see para. 1.10) in recent years. A considerable number of Mainland residents have, through syndicated arrangement, entered into mala fide marriages with local residents for the purposes of procuring One-way Permits (OWPs — Note 32) for permanent settlement in Hong Kong and/or “Tanqin” (visiting relatives) exit endorsements on the Exit-entry Permits for Travelling to and from Hong Kong and Macao (Note 33) to prolong their stay in Hong Kong for illicit activities, such as illegal employments or vice activities. According to ImmD, for people who have obtained their residence in Hong Kong by means of bogus marriages, their Hong Kong Identity Cards and residence status will be invalidated according to the laws of Hong Kong. They will also be subject to removal back to their place of origin.

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**Note 31:** *From 2008 to 2017, there was a total of some 188,000 cross-boundary marriages registered in Hong Kong, representing 35% of overall marriage registrations.*

**Note 32:** *The OWP Scheme allows Mainland residents to come to Hong Kong for family reunion in an orderly manner through approval by the Mainland authorities in accordance with the laws and regulations of the Mainland. The daily quota for OWPs has all along been set at 150.*

**Note 33:** *To further facilitate Mainland residents to visit relatives in Hong Kong, with effect from 25 December 2009, the Exit and Entry Administration Office of the Public Security Bureau in the Mainland started issuing the multiple journey “Tanqin” exit endorsement which is valid for one year. Holders of an Exit-entry Permit for Travelling to and from Hong Kong and Macao bearing the multiple journey “Tanqin” exit endorsement may make multiple visits to Hong Kong within the validity of the endorsement and be permitted to stay for not more than 90 days upon each entry.*

3.17 In handling suspected bogus marriage cases, officers of ImmD will verify the genuineness of a marriage between the parties involved by in-depth investigations (e.g. home visits). Prior to 17 June 2019, investigation of suspected bogus marriages was handled mainly by the Special Task Force Sub-sections (STF) and the Outside Investigation Section (OIS) of the Investigation Sub-division of ImmD (see Appendix C). Their responsibilities were as follows:

- (a) **STF.** It was under the Special Investigation Section and handled suspected bogus marriage cases referred from law enforcement agencies, the Mainland authorities and BDM Sections; and
- (b) **OIS.** It handled suspected bogus marriage cases referred from the control points, the Certificate of Entitlement Section of ImmD, other government departments and complaints/reports received from the public.

After completion of an internal review in early 2019, ImmD centralised handling of all suspected bogus marriage cases under STF (Note 34). To strengthen the manpower of STF, 10 new posts were created under STF (Note 35) and 21 posts responsible for handling suspected bogus marriage cases in OIS were redeployed to STF. Hence, the establishment of STF was increased to 53 posts in June 2019. From January 2016 to October 2020, ImmD investigated into 2,547 suspected bogus marriage cases (Note 36). 4,623 persons were arrested and 356 persons were successfully prosecuted (see Appendix B).

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**Note 34:** *Given the rapid change in the modus operandi of bogus marriage syndicates, ImmD considered that centralising the handling of all bogus marriage cases in one section was more desirable as a unified approach could be adopted in the investigation process, and exchange of intelligence could be much more efficient, so that a higher level of efficiency and effectiveness of case investigation could be achieved.*

**Note 35:** *According to ImmD, after the creation of the posts, it was expected that the total output of completed cases would increase by 25% from 1,056 cases to 1,320 cases per annum, which might help curb the growth of backlog of suspected bogus marriage cases. The 10 posts comprised 1 Senior Immigration Officer, 2 Immigration Officers, 2 Chief Immigration Assistants, 2 Senior Immigration Assistants, and 3 Immigration Assistants.*

**Note 36:** *One or more case files may be created for a suspected bogus marriage case.*

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3.18 Audit examination revealed that there was scope for improvement on the investigation of suspected bogus marriages carried out by STF (Note 37) as elaborated in paragraphs 3.19 to 3.31.

### *Need to expedite clearance of outstanding cases*

3.19 **2011 audit review.** According to the results of audit review on the operation of Enforcement Division of ImmD in 2011 (see para. 1.14), which covered the investigation of suspected bogus marriages, the number of outstanding cases increased from 72 in December 2006 to 3,454 as at 30 June 2010. Audit recommended that ImmD should assess the long-term manpower requirements and take additional measures, including deploying more staff resources as appropriate, to clear the backlog of outstanding suspected bogus marriage cases. As shown in Table 13, although the backlog decreased by 33% from 3,630 cases in 2011 to 2,416 cases in 2015, it rebounded to 2,634 cases in 2016 and further to 3,240 cases in 2019. In June 2019, ImmD created 10 new posts under STF to clear the backlog (see para. 3.17).

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**Note 37:** *In 2019, out of 644 new suspected bogus marriage cases detected, 541 (84%) cases were handled by STF, 98 (15%) cases were handled by OIS and 5 (1%) cases were handled by other sections under the Enforcement Division of ImmD when they encountered suspected bogus marriage cases in their normal work.*

**Table 13**

**Backlog of outstanding suspected bogus marriage cases  
handled by Enforcement Division  
(2011 to 2020)**

Year	Backlog at beginning of period  (a)	New cases  (b)	Case completed (Note 1)  (c)		Case curtailed for the time being (Note 2)  (d)		Backlog carried forward (Note 3)  (e) = (a) + (b) - (c) - (d)
2011	4,781	1,238	1,237		1,152		3,630
2012	3,630	848	1,047		316		3,115
2013	3,115	1,083	1,296		246		2,656
2014	2,656	1,349	1,075		297		2,633
2015	2,633	1,129	1,124	10,540	222	3,148	2,416
2016	2,416	1,248	902		128		2,634
2017	2,634	1,496	1,025		136		2,969
2018	2,969	1,210	1,015		134		3,030
2019	3,030	1,417	1,039		168		3,240
2020	3,240	498	780		349		2,609

*Source: ImmD records*

*Note 1: A case is classified as completed if: (a) a Section Head considers that no further investigation work is required (i.e. cases with no further action taken); (b) there is insufficient evidence to support the prosecution; or (c) the suspect has been prosecuted and convicted or acquitted.*

*Note 2: A curtailed case (see para. 3.22(b)) will be reactivated for investigation upon interception of the suspect and will be treated as a new case.*

*Note 3: The figures included cases taken over by the Prosecution Section of ImmD for necessary action.*

*Remarks: According to ImmD, there was a sudden influx of some 800 Mainland referrals in 2017-18.*

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Audit further analysed the ageing of outstanding suspected bogus marriage cases handled by STF. As of December 2020, out of 2,609 outstanding suspected bogus marriage cases, the number of cases handled by STF was 2,237. Of the 2,237 outstanding cases, Audit found that:

- (a) 1,110 (49.6%) cases had been outstanding for 2 years or less;
- (b) 838 (37.5%) cases had been outstanding for more than 2 to 4 years;
- (c) 122 (5.4%) cases had been outstanding for more than 4 to 6 years; and
- (d) 167 (7.5%) cases had been outstanding for more than 6 to 11 years.

3.20 According to ImmD, out of the 2,237 outstanding cases:

- (a) for 1,501 (67%) cases, the suspects were pending interception after all possible means to locate them had been exhausted (suspects of 989 cases were outside Hong Kong);
- (b) for 84 (4%) cases, they were pending the assessment of the Prosecution Section; and
- (c) for 652 (29%) cases, the relevant case files were opened in 2019 or 2020.

3.21 Audit noted that the backlog of outstanding suspected bogus marriage cases of the Enforcement Division increased from 2,416 in 2015 to 3,240 in 2019, following the reduction of outstanding cases with the curtailing approach (see para. 3.22(b)) from 2012 to 2015. In 2020, the number of outstanding cases decreased from 3,240 to 2,609 largely owing to the reduction in number of new cases from 1,417 in 2019 to 498 in 2020. While noting the efforts of ImmD in clearing the backlog of outstanding suspected bogus marriage cases, Audit considers that ImmD needs to expedite actions to clear the backlog, focusing on cases which have remained outstanding for a long time.



*Need to step up supervisory checks of no-further-action cases and curtailed cases*

3.22 As shown in Table 13 in paragraph 3.19, from 2011 to 2020, there were 10,540 completed cases and 3,148 cases endorsed for taking no further action and curtailed for the time being respectively. According to ImmD:

- (a) a case is classified as completed if the Chief Immigration Officer (Section Head) considers that no further investigation work is required (see Note 1(a) to Table 13 — hereinafter referred to as no-further-action cases); and
- (b) following up on the recommendation of the 2011 audit review (see para. 3.19), in order to reduce the number of outstanding cases to a more manageable size for effective monitoring, ImmD has decided not to take further action for the time being on some long-outstanding cases (i.e. curtailed cases (see column (d) of Table 13)) based on certain curtailment criteria (e.g. all necessary actions in locating the suspect have been exhausted).

The decision to endorse a no-further-action case and a curtailed case rests with the Section Heads of STF and OIS. A case officer should pass the investigation file of the endorsed case to the Investigation Central Administration Section (ICAS).

3.23 According to the Investigation Sub-divisional Instruction and operation procedure manual (operation manual) of the Special Investigation Section, ImmD has put in place a spot check mechanism requiring the Assistant Principal Immigration Officer (Head) of the Investigation Sub-division to spot check two samples per week from no-further-action cases and curtailed cases from the preceding week randomly selected by ICAS (after updating the APPLIES records). However, Audit found that in 2019:

- (a) only 18 cases were selected for spot checking by the Assistant Principal Immigration Officer; and
- (b) in 6 (of the 18) cases analysed by Audit, STF sent the case files to ICAS (for updating the APPLIES records) 3 to 100 months (averaging

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60.5 months) after the cases were endorsed for taking no further action/curtailment.

3.24 In March 2021, ImmD informed Audit that:

- (a) due to system constraint, both no-further-action cases and curtailed cases shared the result code (“NF”) for updating the APPLIES records. As such, ICAS could not distinguish between the two categories of cases when selecting samples for supervisory check. The spot check mechanism as mentioned in paragraph 3.23 should focus on no-further-action cases (as there would be no further actions taken after the endorsement from Section Head) for check and balance. To ensure that cases were endorsed properly, ImmD would consider conducting system enhancement so as to distinguish the no-further-action cases from the curtailed cases so that ICAS could select samples of no-further-action cases for supervisory check in future;
- (b) for curtailed cases:
  - (i) the focus of spot checking (see para. 3.23) would be whether or not all the curtailment criteria for the time being have been met (see para. 3.22(b)); and
  - (ii) they would be reactivated by opening new case files once the suspects were intercepted (see Note 2 to Table 13 in para. 3.19). Due to operational needs, case officers had to keep the curtailed case files (albeit already endorsed by the Section Head as curtailed cases) pending interception of the suspects. After all necessary follow-up actions for the new case files had been completed, all relevant files (including the curtailed case files) would be sent to ICAS for updating of APPLIES records. Therefore, a much longer time was required for case files of curtailed cases to reach ICAS for record updating;
- (c) regarding Audit’s observation in paragraph 3.23(b), if the date of last follow-up action taken (e.g. date of informing the Mainland authority about the investigation result of the referral case) by a case officer (instead of the date of endorsement for no-further-action cases and curtailed cases by the Section Head) was taken as the commencement time, the time taken to send

the 6 case files examined by Audit would be reduced to 2 to 12 months (averaging 5 months); and

- (d) the number of no-further-action cases and curtailed cases endorsed in 2019 was 19 and 155 respectively. During the year, the number of spot checking for the two categories of cases were 8 (42% of 19 cases) and 10 (6% of 155 cases) respectively.

Audit noted that the percentage of cases selected for checking for curtailed cases (6%) was significantly lower than that for no-further-action cases (42%) because the case files for the former were kept by the case officers and not passed to ICAS for updating the APPLIES records until actions were completed (as such, these cases could not be selected by ICAS). In Audit's view, ImmD needs to step up checking by the supervising officer (i.e. the Assistant Principal Immigration Officer) of suspected bogus marriage cases. In order to enhance the selection of curtailed cases for spot checking, Audit considers that, after obtaining endorsement of Section Head to curtail the investigation for the time being, the case officers should send the case files to ICAS for updating the APPLIES records and retrieve them for further action after record updating.

### *Need to improve the management of outstanding cases*

3.25 **Case management.** Investigation of bogus marriage cases involves various intricate procedures (see para. 3.17). According to STF's procedures of handling suspected bogus marriage cases, after receiving a referral of a suspected bogus marriage case, the Section Head (i.e. Chief Immigration Officer) via the Sub-section head (i.e. Senior Immigration Officer) will assign the referral to a case officer (i.e. Immigration Officer) and a case file has to be opened (Note 38) before the formal investigation process begins. According to ImmD, all cases shall be processed as soon as possible.

3.26 **Priority cases.** An Investigation Sub-divisional Instruction was issued on 22 August 2018 which stated that priority should be accorded to suspected bogus marriage cases in which, among other things, syndicate may be involved. For priority

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**Note 38:** *According to ImmD, the case file is opened (on the same date) by ICAS upon request of the case officer. ICAS also performs preliminary record check in APPLIES for the case officer.*

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cases, the case file has to be opened within two weeks after assignment of the case and the case officer shall initiate investigation immediately. The Sub-section Head is required to closely monitor investigation progress of the case and report the progress to the Section Head every four weeks. Justifications for deferment of action shall be properly recorded in case of failure in meeting the time limit. According to the operation manual, if investigation cannot be completed upon a lapse of 4 months after the assignment of a case, the case officer shall record the investigation progress on the case file summarising the actions taken and the reasons for not being able to finalise the case. The Section Head should conduct periodic spot checks on the case files, such as the file opening date against the date of referral and whether urgent cases have been accorded priority. The results of periodic spot checks should be recorded on register.

3.27 *Normal cases.* For normal cases (i.e. cases not classified as priority cases), there is no time limit set for opening a file. Similar to priority cases, the operation manual requires the case officer to record the investigation progress on the case file summarising the actions taken and the reasons for not being able to finalise the case if investigation cannot be completed upon a lapse of 4 months after the assignment of a normal case. The Sub-section Head shall conduct reviews on those outstanding cases and provide any directives to the case officer to ensure that the cases are appropriately followed up. The Section Head should conduct periodic checking on those cases and record the findings on register.

3.28 *Areas for improvement.* Audit selected 10 cases for examination. According to ImmD, only two of the 10 cases were accorded priority by STF in 2019. The case files were opened within two weeks after the assignment of the cases for the case officers to initiate investigation. In early February 2021, ImmD informed Audit that these two cases had been passed to Prosecution Section for necessary actions (Note 39). For the remaining eight normal cases, the investigation had been completed in 2019 or 2020. Audit examination revealed that:

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**Note 39:** *Audit did not examine the case files as both cases had been passed for consideration of taking prosecution actions.*

- (a) it took 6 to 14 days (averaging 10 days) for a case to reach a case officer after the case was received by ImmD (Note 40);
- (b) it took 1 to 33 days (averaging 19 days) to open a case file after case assignment to a case officer; and
- (c) investigation of the eight cases could not be completed upon a lapse of 4 months after assignment of the cases to the case officers. According to the case officers, the main reasons for not being able to finalise these cases were heavy workload and the need to investigate more urgent cases.

Audit considers that ImmD should consider setting a time target for opening of case files for normal cases of suspected bogus marriages, similar to that for priority cases.

### *Need to strengthen supervisory checks of field operation*

3.29 **Supervisory check.** According to the operation manual, the three Senior Immigration Officers (i.e. the Sub-section Heads) as supervisors of STF are required to conduct supervisory checks on the work of the officers in their investigation teams as frequently as possible, in particular those prolonged field operations which may last for a long period of time so as to ensure that proper procedures are being followed. The objective of the supervisory checks is to ensure that investigation officers follow the proper procedures in conducting investigations. The results of periodic supervisory checks should be recorded on the registers.

3.30 Audit scrutiny of the registers of supervisory checks during the 26-week period from 1 July to 29 December 2019 found that only 19 supervisory checks were conducted on the 10 teams (i.e. an average of only 2 checks on each team over the 26-week period) under the command of the three Senior Immigration Officers. Furthermore, the registers had not recorded the time of supervisory checks of field operation by the Senior Immigration Officers. Audit considers that ImmD needs to

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**Note 40:** *According to ImmD, referrals from the Mainland authorities would first reach the Border Liaison Officer of ImmD and be delivered to the Certificate of Entitlement Section for initial screening to identify cases subject to investigation. The referrals would then be delivered to the Head of Investigation Sub-division and subsequently to the Section Head for assignment to case officers.*

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ensure that supervisory checks of field operation are conducted as frequently as possible in accordance with ImmD's guidelines.

### ***Need to step up efforts in locating suspects of bogus marriage cases***

3.31 After conducting record check, STF will carry out operation to locate suspected bogus marriage couples for making enquires and collecting evidence, where appropriate. As revealed in Case 1, ImmD needs to step up efforts in locating the suspects.

Case 1

**Suspected bogus marriage case referred by a Mainland authority**

1. In November 2012, a case of suspected bogus marriage (cum suspected bigamy) involving a Hong Kong male resident (H) and two Mainland females (W1 and W2) was referred to ImmD for investigation by a Mainland authority. Three case files for H, W1 and W2 were opened for recording investigation action. Upon assessment of the application for OWP from W1 in August 2011 by the Mainland authority, it found that H had marriage with W2 in Hong Kong in January 2007 shortly after the marriage with W1 in the Mainland in November 2006. ImmD found that H also filed a marriage notice (with a false statement that he was a bachelor — Note) with ImmD via a CCM in April 2011 for his intended marriage with another Mainland female resident (W3). H later withdrew the marriage notice when ImmD discovered that he had married W2 in Hong Kong. The Mainland authority casted doubt on the bona fide of the matrimonial relationship between W1 and H as it found that H had married W2 in Hong Kong. H was also suspected of committing bigamy. In November 2012, the case was referred to STF for investigation.

2. **Investigation on H.** Audit noted that the actions taken by STF to locate H were not entirely effective. Five home visits were conducted by STF in 2013 for locating H but in vain. Although STF had successfully contacted H by phone three times in 2013 and requested him to attend an enquiry, H failed to attend the scheduled interview on two occasions and declined to show up on the remaining occasion. By the end of 2013, H's particulars were input into the computer system such that ImmD could take the opportunity to follow up the case if H was later intercepted. From 2014 to 2018, the case officers periodically brought up the case file of H to the attention of the Sub-section Head. In early 2019, ImmD conducted a case update and found that H had already passed away in a local hospital in January 2019.

3. **Investigation on W1 and W2.** By taking advantage of the marriages with a Hong Kong resident, both W1 and W2 had travelled to Hong Kong by way of "Tanqin" exit endorsement (see Note 33 to para. 3.16) since February 2007 and June 2007 respectively. W2 and W1 were intercepted in September 2014 and August 2016 respectively. W2 and W1 attended ImmD's enquiries in late September 2014 and late August 2016 respectively. After enquiries, ImmD concluded that no prosecution action would be instituted against W1 and W2 due to insufficient evidence.

### Case 1 (Cont'd)

#### *Audit comments*

4. Audit noted that the case officers had taken actions to contact H but could not successfully locate him for making enquiries and collecting evidence. In Audit's view, ImmD should review this case and draw lessons to step up efforts in locating suspects of bogus marriage cases in future.

*Source:* Audit analysis of ImmD records

*Note:* According to section 34(b) of the Crimes Ordinance (Cap. 200), any person who knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage, a false statement as to any particular required by law to be known and registered relating to any marriage, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 7 years and to a fine.

## Audit recommendations

3.32 **Audit has recommended that the Director of Immigration should:**

- (a) **expedite actions to clear the backlog of suspected bogus marriage cases, focusing on cases which have remained outstanding for a long time;**
- (b) **step up checking of suspected bogus marriage cases;**
- (c) **require case officers to send the case files to ICAS for updating the APPLIES records after obtaining endorsement of Section Head to curtail the investigation for the time being;**
- (d) **consider setting a time target for opening of case files for normal cases of suspected bogus marriages, similar to that for priority cases;**
- (e) **ensure that supervisory checks of field operation are conducted as frequently as possible in accordance with ImmD's guidelines; and**
- (f) **review the case (Case 1) examined by Audit and draw lessons to step up efforts in locating suspects of bogus marriage cases in future.**



## Response from the Government

3.33 The Director of Immigration agrees with the audit recommendations in paragraph 3.32(a) and (d) to (f), and agrees in principle with those in paragraph 3.32(b) and (c). He has said that ImmD will:

- (a) expedite actions in handling backlog cases by assessing the manpower requirements and taking appropriate measures with a view to trimming down the number of backlog cases;
- (b) step up checking of suspected bogus marriage cases;
- (c) re-circulate the relevant instruction regularly to remind all case officers to send finalised case files to ICAS for updating as well as filing as soon as all necessary follow-up actions are completed;
- (d) issue written guidelines on setting a time target for opening of files for normal cases;
- (e) re-circulate the relevant guideline to remind and ensure all Sub-section Heads to conduct supervisory checks of field operation as frequently as possible and to make proper record of the visits; and
- (f) further review and draw lessons from Case 1 to look for room for improvement in relation to investigation into suspected bogus marriage cases in future.

## **PART 4: IMPLEMENTATION OF NEXT GENERATION OF APPLICATION AND INVESTIGATION EASY SYSTEMS**

4.1 This PART examines ImmD's work in implementing APPLIES-2, focusing on:

- (a) system implementation (paras. 4.2 to 4.7);
- (b) project monitoring and cashflow reporting (paras. 4.8 to 4.15); and
- (c) use of innovative technologies (paras. 4.16 to 4.18).

### **System implementation**

4.2 According to ImmD, a wide range of its core functions is supported by APPLIES-1, including the processing of birth, death and marriage registrations and processing of enforcement and investigation cases (e.g. cases related to unregistered birth and bogus marriage). APPLIES-1 was implemented in phases from 2007 to 2008 with a design usage life of about 10 years. The maintenance contract for APPLIES-1, which expired in February 2019, was extended for another three years until February 2022. In March 2018, the LegCo Panel on Security supported the submission of the funding proposal for implementing APPLIES-2 to FC. In May 2018, FC approved a sum of \$453 million for implementing APPLIES-2 to replace APPLIES-1. According to the funding paper submitted to FC in April 2018:

- (a) the hardware and software of APPLIES-1, which were built on technologies prevailing more than a decade ago, were becoming obsolete and it had become increasingly difficult to secure system maintenance and technical support;
- (b) APPLIES-2, which includes three computer systems, was planned to be implemented in phases. Two systems namely Systems related to Visa Automation (VISAS) and Assistance to Hong Kong Residents, Births, Deaths and Marriage, Right of Abode Decision Support (ABROADS) were expected to be rolled out in the fourth quarter of 2021, and the remaining

## **Implementation of next generation of Application and Investigation Easy Systems**

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system namely Enforcement Case Processing (ENCAPS) was expected to be rolled out in the second quarter of 2022; and

- (c) the contracts of APPLIES-2 were planned to be awarded in the fourth quarter of 2018.

### ***Need to closely monitor the implementation progress of APPLIES-2***

4.3 In June 2018, an open tender was issued by the Government Logistics Department (GLD) on behalf of ImmD for procuring two main contracts for the supply and installation of APPLIES-2, and the provision of on-going system support and maintenance services (Note 41). APPLIES-2 comprised two categories, as follows:

- (a) **Category A.** The scope of work involved supply of two systems, namely VISAS and ABROADS; and
- (b) **Category B.** The scope of work involved supply of three systems, namely ENCAPS, Document Management Sub-system (Operations) (DMS(Ops)) and Document Management Sub-system (Administration) (DMS(Adm)). The latter two systems are related to document management for storing and indexing image/documents, and records management (Note 42).

By the close of tender in August 2018, a total of eight offers (Note 43) were received under the two categories. After evaluation, all of the eight offers were found conforming. As it transpired, as additional time was required for clarifications with tenderers on issues relating to tender proposals (e.g. issues on hardware, software and system configuration) and investigation of anonymous complaints on the tenderers, the two contracts (Contracts A and B with scope of work under Categories A and B

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**Note 41:** *The contracts would require the provision of on-going system support and maintenance services for ten years including 12 months' free warranty.*

**Note 42:** *The three systems (i.e. VISAS, ABROADS and ENCAPS) will share the use of document management systems (i.e. DMS(Ops) and DMS(Adm)), as many of the services supported by APPLIES-2 require the management of a large amount of document images, such as scanned application forms and supporting documents.*

**Note 43:** *5 offers were received for Category A systems and 3 offers were received for Category B systems.*

## Implementation of next generation of Application and Investigation Easy systems

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respectively — see Table 14) were respectively awarded to two contractors in November 2019 at a total cost of \$605.5 million (Note 44), about one year after the time target (i.e. the fourth quarter of 2018) stated in the funding paper (see para. 4.2(c)). According to Contracts A and B, the maximum durations allowed for full system rollouts are 37 months and 43 months after contract award respectively. Hence, the deadlines for rollout would be December 2022 for Contract A and June 2023 for Contract B, which were later than the second quarter of 2022 as pledged to FC (see para. 4.2(b)).

**Table 14**

**Contract implementation schedules for APPLIES-2  
(November 2019)**

<b>Contract</b>	<b>Scope of work</b>	<b>System</b>	<b>Maximum duration for rollout after contract award</b>	<b>Deadline for rollout</b>
A	Category A	ABROADS	37 months	December 2022
		VISAS	37 months	December 2022
B	Category B	DMS(Ops)	13 months	December 2020
		DMS(Adm)	28 months	March 2022
		ENCAPS	43 months	June 2023

*Source: ImmD records*

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**Note 44:** *Funds for the one-off costs for the supply and installation of APPLIES-2 totalling \$272.7 million were available under the project vote under the Capital Works Reserve Fund, while funds for the recurrent costs for the on-going system support and maintenance services totalling \$332.8 million would be absorbed by ImmD's departmental vote.*

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4.4 In April 2020, the Project Steering Committee (PSC — Note 45) endorsed a Project Management Plan with a “phased approach” in order to ensure a smooth transition of APPLIES-1 to APPLIES-2 before the expiry of APPLIES-1’s maintenance contract in February 2022. Details of the “phased approach” are as follows (see Table 15 for details):

- (a) **Phase 1.** Existing functions of APPLIES-1 (e.g. birth, death and marriage registrations) which would be covered by APPLIES-2 would be rolled out in this phase. Phase 1 was planned to be rolled out by December 2021; and
- (b) **Phase 2.** New functions of APPLIES-2 (e.g. generation of management reports and workload statistics under ENCAPS) would be rolled out in this phase. Phase 2 was planned to be rolled out by October 2022.

**Table 15**

**“Phased approach” for implementing APPLIES-2  
(April 2020)**

Contract	System	Scheduled rollout date	
		Phase 1	Phase 2
A	ABROADS	December 2021	October 2022
	VISAS	December 2021	October 2022
B	DMS(Ops)	September 2021	Not applicable
	DMS(Adm)	Not applicable	May 2022
	ENCAPS	December 2021	August 2022

*Source: ImmD records*

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**Note 45:** *The Project Steering Committee was set up in August 2018 for overseeing and steering the implementation of APPLIES-2. It is chaired by the Deputy Director of ImmD, and consists of members from various divisions of ImmD, and a representative each from the Office of the Government Chief Information Officer (as the information technology advisor) and SB.*

## **Implementation of next generation of Application and Investigation Easy systems**

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4.5 Table 16 shows the implementation progress of APPLIES-2 vis-à-vis the time targets stated in the funding paper submitted to FC and the Project Management Plan. The system analysis and design stage was carried out under 2 phases, with the target completion date revised from the fourth quarter of 2020 to March 2021. The rollout of the whole APPLIES-2 was revised from the second quarter of 2022 as stated in the funding paper to October 2022. As of January 2021, Audit noted a delay of about one month in completing Phase 1 of the system analysis and design stage. In March 2021, ImmD informed Audit that the delay was:

- (a) due to the Government's work-from-home arrangements from January to April 2020, which impeded the on-site visits and discussions regarding the existing business workflow of users that were essential for the system analysis and design; and
- (b) caught up gradually and there was no delay in achieving other project milestones afterwards.

Since no maintenance support will be available for APPLIES-1 after February 2022, ImmD needs to closely monitor the progress of APPLIES-2 implementation to ensure that the whole APPLIES-2 is rolled out as scheduled (in particular Phase 1 of APPLIES-2 (covering the existing functions of APPLIES-1) is rolled out by the target completion date of December 2021).

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**Table 16**

**Implementation progress of APPLIES-2 vis-à-vis time targets  
stated in funding paper submitted to FC  
and Project Management Plan  
(January 2021)**

Stage	Target completion date			Actual completion date	
	Funding paper submitted to FC	“Phased approach” under Project Management Plan		Phase 1	Phase 2
		Phase 1	Phase 2		
Award of contracts	Fourth quarter of 2018	Not applicable		Nov 2019	
System analysis and design	Fourth quarter of 2020	Dec 2020	Mar 2021	Jan 2021	In progress
System development and testing	Third quarter of 2021	Jul 2021	May 2022	In progress	In progress
User acceptance test	First quarter of 2022	Nov 2021	Aug 2022	Not yet commenced	Not yet commenced
Production rollout	Fourth quarter of 2021 & second quarter of 2022 (Note)	Dec 2021	Oct 2022	Not yet commenced	Not yet commenced

*Source: Audit analysis of ImmD records*

*Note: According to the funding paper submitted to FC in April 2018, VISAS and ABROADS were planned to be rolled out in the fourth quarter of 2021, and ENCAPS was planned to be rolled out in the second quarter of 2022 (see para. 4.2(b)).*

### **Audit recommendation**

4.6 **Audit has recommended that the Director of Immigration should closely monitor the progress of APPLIES-2 implementation to ensure that the whole APPLIES-2 is rolled out as scheduled (in particular Phase 1 of APPLIES-2 (covering the existing functions of APPLIES-1) is rolled out by the target completion date of December 2021).**

## **Response from the Government**

4.7 The Director of Immigration agrees with the audit recommendation. He has said that PSC and the Working Group (see para. 4.8), and the Immigration Department Information Systems Co-ordination Committee (IDISCC — Note 46) will continue to closely monitor the project progress.

## **Project monitoring and cashflow reporting**

### ***Need to strengthen ImmD’s project monitoring of APPLIES-2***

4.8 According to the Office of the Government Chief Information Officer (OGCIO) Circular No. 2/2011 “Strengthening the Governance of IT Projects” issued in July 2011: (a) OGCIO plays a more proactive and visible role in monitoring and advising on large scale, complex and high risk projects; and (b) for major projects costing over \$100 million, the Government Chief Information Officer will participate in PSC as advisor (Note 47). Audit notes that, APPLIES-2 project is a time-critical project having regard to the fact that maintenance support to APPLIES-1 will not be available after February 2022 and is a major project with an approved project estimate (APE) exceeding \$100 million. According to ImmD, it has put in place a three-tier project governance structure comprising PSC, a Working Group and a Project Team to oversee the implementation of APPLIES-2 (see Figure 2). To facilitate the project monitoring by PSC and the Working Group, the Project Team regularly submits progress reports (including information such as project status, key activities and milestones, and outlook for next period) on the implementation progress of APPLIES-2 to PSC and the Working Group.

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**Note 46:** *The Committee functions as ImmD’s departmental Information Technology Steering Committee to formulate and review departmental policy and strategy concerning information systems, to monitor progress of the implementation of the department’s information systems, and to report progress and make recommendations on important issues relating to the existing/under-development information systems. It is chaired by an Assistant Director of ImmD, comprising members including Sub-division Heads and Senior Systems Managers or above in the Information Systems Branch of ImmD.*

**Note 47:** *The Government Chief Information Officer may appoint a directorate officer to represent OGCIO in PSC on a regular or as-needed basis. For APPLIES-2 project, OGCIO had appointed the Assistant Government Chief Information Officer (Governance & Resources) as the information technology advisor in PSC.*



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4.9 Audit examination found that, since November 2019 (date of awarding Contracts A and B) and up to February 2021, PSC and the Working Group had not held regular meetings (either by on-site meeting or video conferencing) to monitor the project progress. During the period, ImmD submitted five progress reports to members of PSC and the Working Group for project monitoring of APPLIES-2 (see Table 17 for details). In response to Audit's enquiry on the project monitoring of APPLIES-2, in March 2021, ImmD said that:

- (a) since the award of Contracts A and B in November 2019, the Project Team had worked with contractors for project initiation and planning. To comply with the Government's social distancing measures and work-from-home arrangements during the outbreak of the COVID-19 epidemic, since February 2020, the Project Team had reported to members of PSC and the Working Group via formal email circulation in lieu of face-to-face meetings regarding the project plan, project status and for seeking comments and endorsement on making contract payments (Note 48);
- (b) apart from submitting progress reports as mentioned above, from February 2020 to January 2021, the Project Team had sent a total of twelve emails to members of PSC and the Working Group to keep them abreast of the updated project progress and seek their timely comments and directives; and
- (c) regarding the adoption of video conferencing during the period of COVID-19 epidemic, although there were some commonly-used video conferencing solutions in the market, as they were mostly riding on public cloud, the data would be sent to public cloud servers which might not be hosted in Hong Kong. Since the APPLIES-2 project involved classified matters, with due consideration on the security and protection of classified information, ImmD had decided not to adopt video conferencing solution for convening PSC and Working Group meetings during the period of COVID-19 epidemic.

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**Note 48:** *One of PSC's tasks is to consider deliverables submitted by contractors and endorse payments to the contractors.*

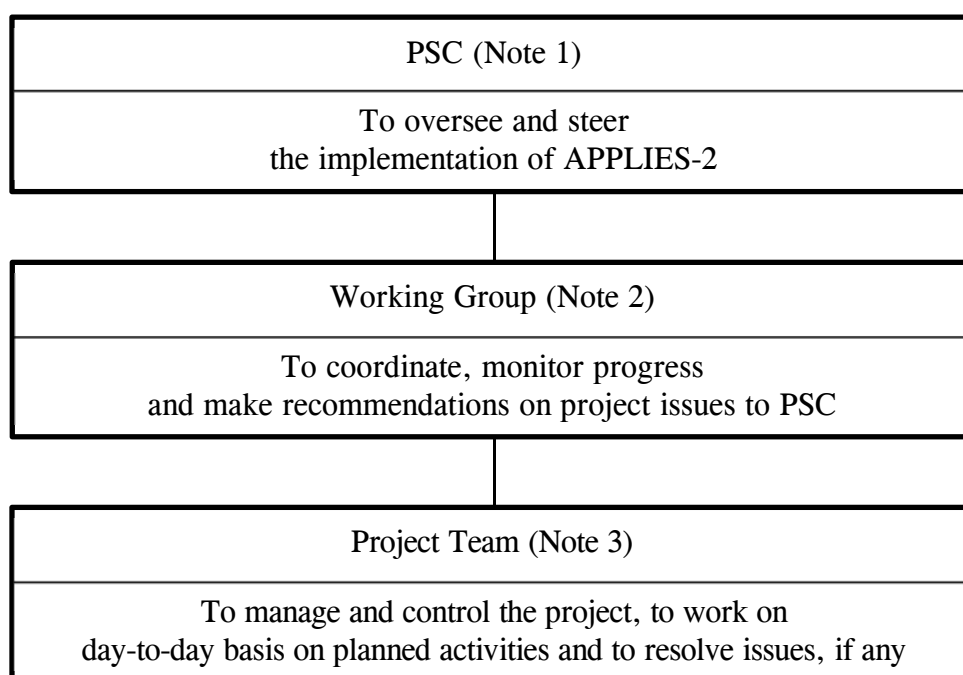
## Implementation of next generation of Application and Investigation Easy systems

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In Audit's view, to ensure that strategic direction from ImmD's Senior Management (see Notes 1 and 2 to Figure 2 in para. 4.8) and OGCIO on project implementation can be sought in a timely manner, ImmD needs to strengthen its project monitoring of APPLIES-2 by holding regular PSC and Working Group meetings in future.

**Figure 2**

### ImmD's APPLIES-2 project governance structure



Source: ImmD records

Note 1: PSC is chaired by the Deputy Director of ImmD, and consists of members from various divisions of ImmD, and a representative each from OGCIO (as the information technology advisor) and SB.

Note 2: The Working Group is chaired by the Assistant Director (Information Systems) of ImmD and consists of members from various divisions of ImmD.

Note 3: The Project Team is headed by Chief Immigration Officers and consists of ImmD staff members.

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Table 17

**Submission of progress reports to members  
of PSC and Working Group  
(November 2019 to February 2021)**

Progress report	Reporting period	Number of months covered
First	29 November 2019 to 30 April 2020	5
Second	1 May 2020 to 30 June 2020	2
Third	1 July 2020 to 31 August 2020	2
Fourth	1 September 2020 to 31 October 2020	2
Fifth	1 November 2020 to 31 December 2020	2

*Source: Audit analysis of ImmD records*

### ***Monitoring and reporting of the use of unspent funds***

4.10 In March 2018, the LegCo Panel on Security supported the submission of the funding proposal for implementing APPLIES-2 to FC. On 4 May 2018, FC approved a sum of \$453 million for implementing APPLIES-2 to replace APPLIES-1 (Note 49). As stated in the funding papers submitted to the Panel and FC in February and April 2018 respectively, the project estimate of APPLIES-2 was \$453 million. The project estimate for the APPLIES-2 project was based on a market research conducted by ImmD's consultant at the stage of feasibility study in March 2016 (\$408 million) and updated by ImmD in early 2018 before seeking FC's approval (\$453 million). According to ImmD:

- (a) the project estimate included an estimated sum of \$313.8 million for all hardware, software and implementation services based on the market research conducted at the stage of feasibility study in March 2016, and the sum was updated to \$342.6 million in early 2018 before FC's approval. ImmD planned to procure the hardware, software and implementation services through tender exercises and direct purchases;

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**Note 49:** *As of March 2020, the actual expenditure of APPLIES-2 Project was \$10.4 million.*

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- (b) with a view to ensuring timely delivery of the APPLIES-2 project and updating the tender sum included in the funding paper submitted to FC, in September 2017, ImmD started to seek approval to invite the first tender (tender for Contracts A and B) before securing funding in accordance with Financial Circular No. 5/2016 “Parallel Tendering for All Contracts” (Note 50). However, before the conditions precedent to the use of parallel tendering could be all met (e.g. specifications of the contract are finalised and agreed by all relevant parties within the Government), the funding application was approved by FC in early May 2018. Therefore, the tender sum was not available before seeking funding approval from FC; and
- (c) based on the result of the updated market research made available in late May 2018, the pre-tender estimate of the first tender (tender for Contracts A and B) was \$365.4 million (Note 51), which was higher than the total estimated sum for all hardware, software and implementation services included in the funding paper submitted to FC (see (a)). The cost estimations in the feasibility study conducted in March 2016 and the cost update conducted in early 2018 (see (a)) were come up by the feasibility study consultant and ImmD respectively. It was inevitable that the estimated prices obtained could vary, particularly when there was a 2-year gap between the two estimations.

4.11 ***Lower-than-expected tender outturn prices.*** In November 2019, contracts for the supply of Categories A and B systems under APPLIES-2 were awarded under Contracts A and B respectively. The one-off costs under the accepted tender prices of the two contracts were \$158.8 million and \$113.9 million respectively, making up a total of \$272.7 million (see Note 44 to para. 4.3). As compared with the updated pre-tender estimate of \$365.4 million, there was a difference of \$92.7 million due to

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**Note 50:** *According to Financial Circular No. 5/2016 “Parallel Tendering for All Contracts” (prevailing at the time of tendering for Contracts A and B) issued in June 2016, Directors of Bureaux/Controlling Officers are allowed to invite tenders before funding is secured, provided that upon the conduct of a risk assessment, they are satisfied that the benefits outweigh the risks involved.*

**Note 51:** *The market research was concluded on 29 May 2018, after the funding paper was submitted to FC by FSTB on 19 April 2018. As a result, the project estimate in the funding paper submitted to FC was estimated with reference to the result of the feasibility study which was concluded in March 2016 (and updated by ImmD in early 2018 before seeking FC’s approval).*

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lower-than-expected tender outturn prices (\$365.4 million less \$272.7 million). According to the tender report for Contracts A and B:

- (a) the total one-off cost of \$272.7 million, which was 25% or \$92.7 million lower than the pre-tender estimate of \$365.4 million, had been absorbed under the project vote (see Note 44 to para. 4.3); and
- (b) the over-estimation of pre-tender estimate was due to the vendors in the market quoting a higher margin in the cost estimates based on the generalised requirements at the market research stage. Pre-tender estimate was worked out by ImmD according to prices provided by vendors in the stage of feasibility study conducted in March 2016 and further reviewed with reference to the latest lowest price received from market vendors in April 2018. With detailed project requirements and specifications set out in the tender documents, the tenderers were able to understand fully and clearly the project requirements and submit more competitive prices in their tenders, resulting in lower-than-expected tender outturn prices.

The funding approved by FC included \$342.6 million for all hardware, software and implementation services (see para. 4.10(a)). Owing to the lower-than-expected tender prices totaling \$272.7 million received for Contracts A and B, there was a substantial saving.

4.12 ***Need to critically review the cashflow requirements in submitting cashflow update to SB and FSTB.*** After the award of Contracts A and B, in January 2020, on behalf of ImmD, GLD awarded two further contracts (Contracts C and D) to two contractors at a total one-off cost of \$30.3 million for acquiring hardware and software items for APPLIES-2. As shown in Table 18, as of March 2021, the total cashflow requirement of APPLIES-2 project was only \$372.2 million, leaving an estimated unspent fund balance of \$80.8 million. However, Audit noted that in the annual returns on the forecast expenditure of the APPLIES-2 project submitted by ImmD to SB and FSTB from 2018 to 2020, the cashflow requirement in each of the submissions was \$453 million (which was the same as APE) with no unspent fund balance. In March 2021, ImmD said that as the project was actively progressing, there were other expenditures and procurements to be arranged and the unspent fund would transpire only when the contract expenditures were finalised. In Audit's view, ImmD needs to critically review the cashflow requirement of APPLIES-2 when submitting the cashflow update to SB and FSTB in future.

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**Table 18**

**Analysis of unspent funds balance under APPLIES-2 project vote  
(March 2021)**

<b>Particulars</b>	<b>Amount (\$ million)</b>
(a) APE	453.0 (Note)
(b) Cashflow requirements	
(i) Contract A	158.8
(ii) Contract B	113.9
(iii) Contract C	28.3
(iv) Contract D	2.0
(v) Contract staff	40.7
(vi) Site preparation, communication network, consumables, and privacy impact and information technology security risk assessment	<u>28.5</u>
Less	372.2
(c) Estimated unspent funds balance [(a) – (b)]	80.8

*Source: Audit analysis of ImmD records*

*Note: The sum included a contingency of \$41.2 million as provision to cater for additional costs due to unforeseen circumstances (e.g. higher-than-expected tender price).*

4.13 **Reporting of surplus funds.** FSTB and ImmD have put in place a reporting regime on surplus funds, as follows:

- (a) in June 2020, FSTB promulgated a new reporting mechanism to the effect that, for capital non-works projects funded under the Capital Works Reserve Fund which are approved by FC in the 2019-20 legislative session or thereafter with an APE exceeding \$15 million each, in case a contract whose accepted tender price was lower than the estimated contract provision by \$15 million or more (i.e. excess provision), 80% of the excess provision would be reserved administratively by FSTB. The subject bureau/department of the project is required to inform FSTB within

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two weeks after the award of the contract. Although the total tender price of Contracts A and B was \$92.7 million lower than the pre-tender estimate (see para. 4.11(a)), since the APPLIES-2 project was approved by FC in May 2018 (2017-18 legislative session), the administrative cap was not applicable; and

- (b) according to ImmD's Information Systems (Development) Division Divisional Instruction No. 1/2019 "Management of Information and Communications Technology Projects", with effect from 17 August 2020, for a contract under existing capital non-works projects approved by FC before the 2019-20 legislative session, when the accepted tender price was lower than the estimated contract provision by \$15 million or more (i.e. the excess provision), the excess provision shall be reported to IDISCC for subsequent following up with FSTB. According to ImmD, the requirement on reporting the excess provision to IDISCC under the Divisional Instruction was not applicable to the surplus funds accrued from the lower-than-expected tender outturn prices of Contracts A and B, as the two contracts were awarded in November 2019 but the relevant requirements in the Divisional Instruction only came into effect on 17 August 2020.

According to Financial and Accounting Regulation 320, where Controlling Officers have reason to believe that funds surplus to requirements exist under a subhead, they shall immediately inform the Secretary for Financial Services and the Treasury so that the excess may be reserved. In view of the estimated unspent fund balance of \$80.8 million as of March 2021 (see para. 4.12), ImmD needs to closely monitor the project expenditure under APPLIES-2 and immediately report to FSTB if there is surplus fund in excess of project requirement.

### **Audit recommendations**

- 4.14 **Audit has *recommended* that the Director of Immigration should:**
- (a) **strengthen ImmD's project monitoring of APPLIES-2 by holding regular PSC and Working Group meetings in future;**
  - (b) **critically review the cashflow requirement of APPLIES-2 when submitting the cashflow update to SB and FSTB in future; and**

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- (c) **closely monitor the project expenditure under APPLIES-2 and immediately report to FSTB if there is surplus fund in excess of project requirement.**

### **Response from the Government**

4.15 The Director of Immigration agrees with the audit recommendations. He has said that:

- (a) during the COVID-19 epidemic, in addition to official email circulation, ImmD will consider to arrange video conferencing in lieu of on-site meeting for future PSC and Working Group meetings where appropriate;
- (b) ImmD will continue to critically review the cashflow requirement of APPLIES-2 as the project develops and when the actual values of further procurement contracts are available; and
- (c) as the project expenditure is closely monitored by PSC, the Working Group and IDISCC, ImmD will report to FSTB if there is any surplus fund in excess of project requirement comes to notice.

### **Use of innovative technologies**

#### ***Need to integrate “iAM Smart” Platform into APPLIES-2***

4.16 In response to Members’ enquiries at the FC meeting in May 2018 on whether APPLIES-2 would be compatible with the development of new technologies, such as the electronic identity (renamed as “iAM Smart” Platform in October 2019 — Note 52), so as to best suit the needs of its service users and business nature, ImmD said that it would keep in view the development of new technologies and factor in

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**Note 52:** *“iAM Smart” Platform was one of the key infrastructure projects developed by OGCIO for supporting the development of smart city in Hong Kong. It serves as a one-stop personalised digital services platform enabling members of the public to log in and access various government and commercial e-services. It is the Government’s long-term goal for all government bureaux/departments to support the use of the platform in achieving a more convenient and innovative e-government services.*



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compatibility when designing APPLIES-2. In December 2020, “iAM Smart” Platform was launched. Upon enquiry, in January and March 2021, ImmD informed Audit that:

- (a) it had decided to adopt “iAM Smart” Platform in APPLIES-2 electronic services in rolling out Phase 1 by including its adoption in the System Analysis and Design Report endorsed by PSC in July 2020. The Project Team and contractors had completed studying the technical specifications for system integration and related system development was underway; and
- (b) it had been constantly monitoring the trend of electronic services in different countries and planned to extend the electronic services to cover majority of applications and services under APPLIES-2.

Audit considers that ImmD needs to closely monitor the progress of adopting “iAM Smart” Platform in APPLIES-2 electronic services.

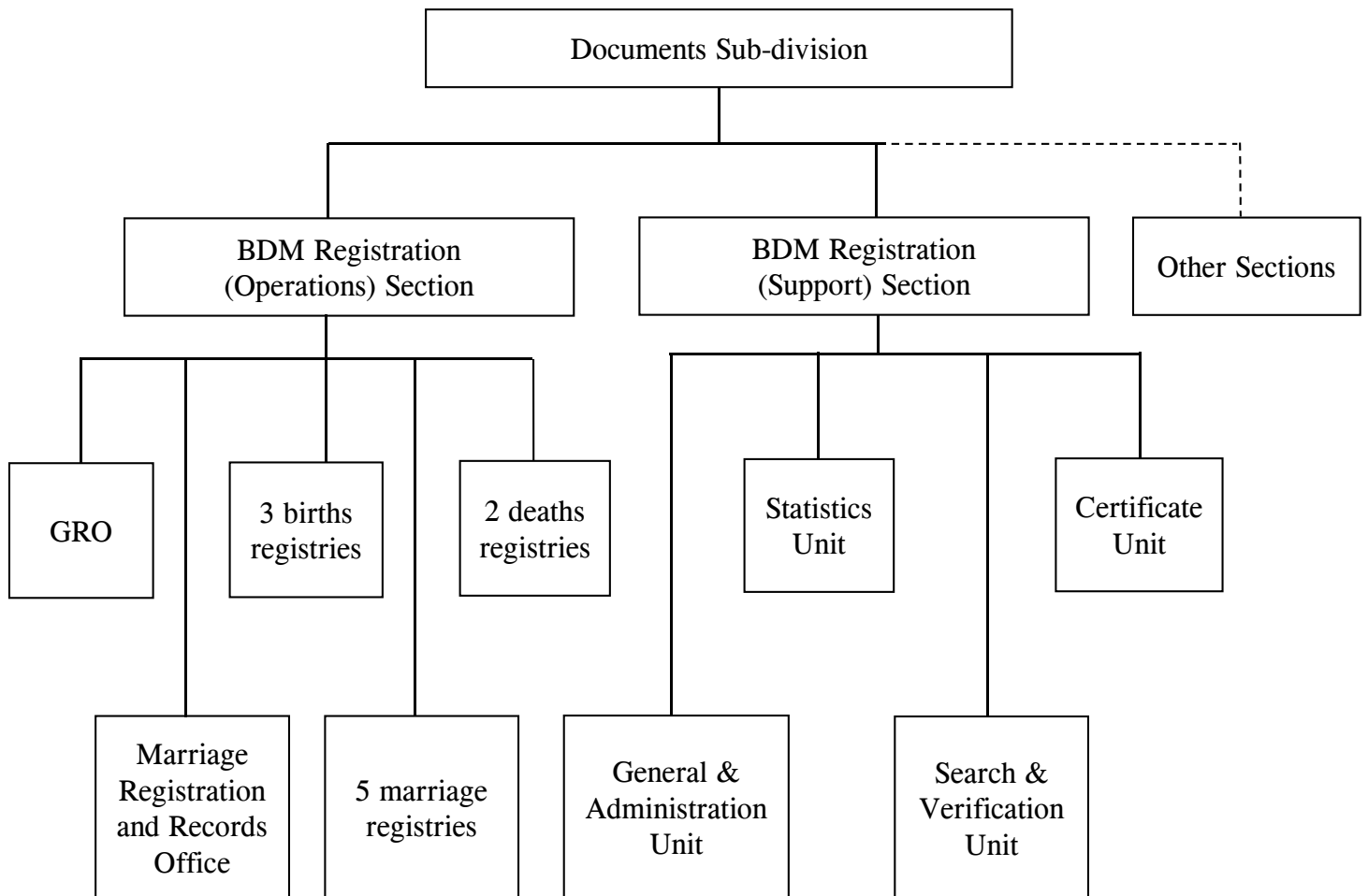
### **Audit recommendation**

4.17 **Audit has *recommended* that the Director of Immigration should closely monitor the progress of adopting “iAM Smart” Platform in APPLIES-2 electronic services.**

### **Response from the Government**

4.18 The Director of Immigration agrees with the audit recommendation. He has said that PSC, the Working Group and the Project Team will closely monitor the adoption of “iAM Smart” Platform in APPLIES-2 electronic services.

**Immigration Department:  
Documents Sub-division  
organisation chart (extract)  
(31 December 2020)**



Source: *ImmD records*

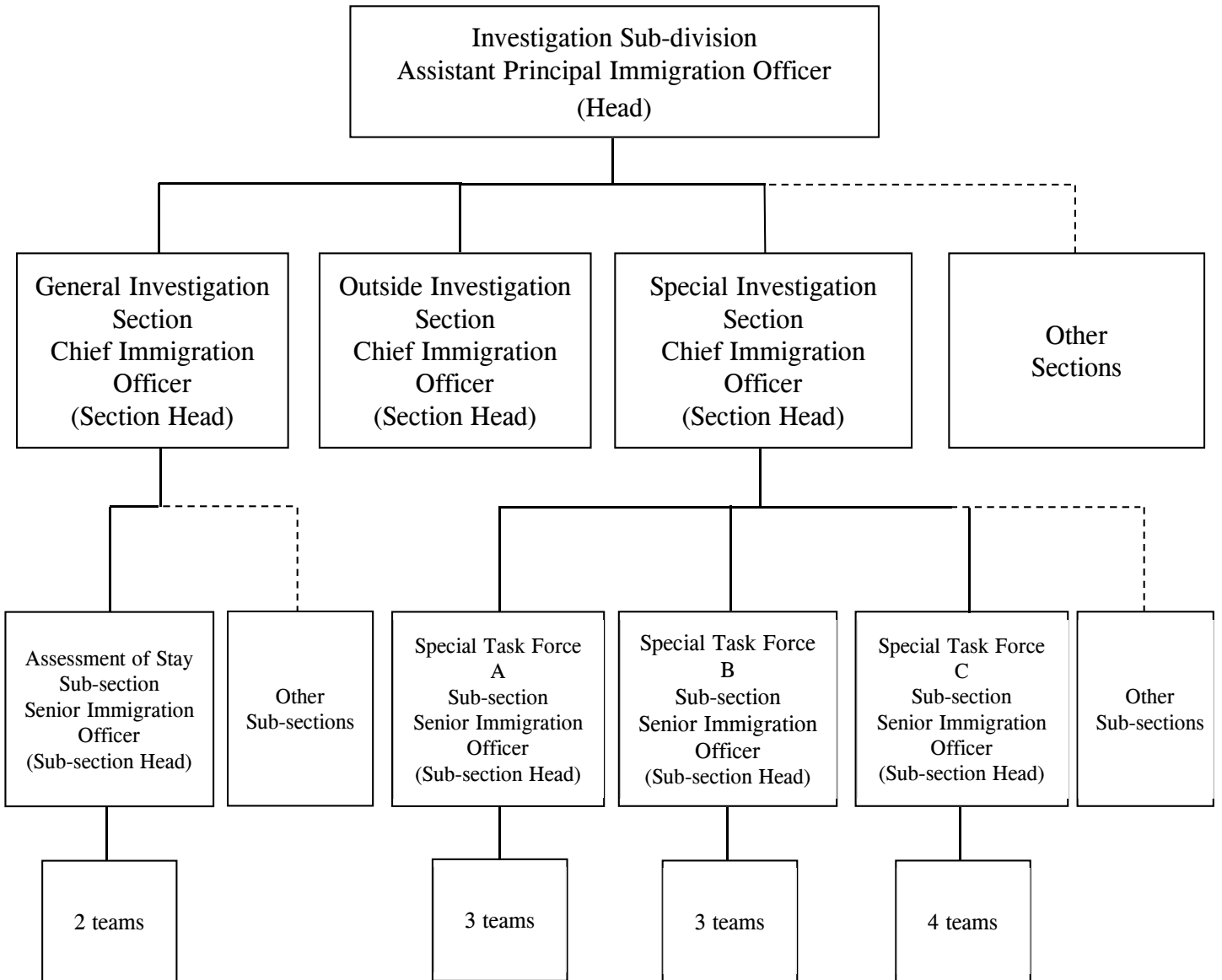
### **Possible offences relating to bogus marriage**

Any person who makes use of bogus marriages, or facilitates other persons to obtain the requisite documents by aiding them in contracting bogus marriages for the purpose of entering Hong Kong commits an offence, as follows:

- (a) any person who committed the offence of making false statement to immigration officers under section 42 of the Immigration Ordinance (Cap. 115) in relation to bogus marriages and applying for entry into Hong Kong through such marriages is liable to imprisonment for up to 14 years and to a maximum fine of \$150,000. Aiders and abettors are also liable to prosecution and the same penalties;
- (b) any person who for the purpose of procuring a marriage, or a certificate or license for marriage, knowingly and wilfully makes a false oath or makes or signs a false declaration, charged with making false statements related to marriage under section 34 of the Crimes Ordinance (Cap. 200), is liable to imprisonment for up to 7 years and to a fine. Aiders and abettors are also liable to prosecution and the same penalties;
- (c) any person charged with conspiracy to defraud is punishable under section 159C of the Crimes Ordinance and sections 2(3) and 4(2) of the Criminal Jurisdiction Ordinance (Cap. 461) and is liable to imprisonment for up to 14 years; and
- (d) any person charged with incitement to commit conspiracy is punishable under section 101I of the Criminal Procedure Ordinance (Cap. 221) and is liable to imprisonment for up to 14 years and to a maximum fine of \$150,000. In addition, any person who, being married, marries any other person during the life of the former husband or wife, charged with bigamy under section 45 of the offences against the Person Ordinance (Cap. 212) is liable to imprisonment to 7 years.

*Source: ImmD records*

**Immigration Department:  
 Investigation Sub-division  
 organisation chart (extract)  
 (31 December 2020)**



Source: ImmD records

Remarks: The Investigation Sub-division is under the Enforcement Division of ImmD.

**Unregistered birth cases as at 31 October 2020  
warranting flexible handling**

Audit observations	Reason for flexible handling				
	Appointment already scheduled/ birth registration completed	Parents/the Social Welfare Department contacted	Timeline falling on non-working day	Service suspension/ special work arrangements	Others
	(Number of cases)				
(a) first reminder letters had not been sent: 43 cases (see para. 2.10(a))	27 (63%)	16 (37%)	N.A.	N.A.	N.A.
(b) with first reminder letters sent, there were delays of 1 to 61 days: 95 cases (see para. 2.10(a))	16 (17%)	23 (24%)	40 (42%)	15 (16%)	1 (1%) (Note)
(c) second reminder letters had not been sent: 31 cases (see para. 2.10(b))	16 (52%)	14 (45%)	N.A.	1 (3%)	N.A.
(d) with second reminder letters sent, there were delays of 1 to 55 days: 16 cases (see para. 2.10(b))	1 (6%)	13 (81%)	N.A.	2 (13%)	N.A.
(e) as at 15 December 2020, outstanding for over six months from the date of birth of the child and had not been referred to GIS: 5 cases (see para. 2.10(c))	N.A.	5 (100%)	N.A.	N.A.	N.A.

Legend: N.A. = Not applicable

Source: *ImmD records*

Note: *This is an overstay mother case referred to GIS. First reminder letter was sent afterwards.*

**Waiting time for counter services  
 at Kowloon Deaths Registry  
 (2 to 12 January 2021)**

	January 2021								
Date (Note)	2 (Sat)	4 (Mon)	5 (Tue)	6 (Wed)	7 (Thu)	8 (Fri)	9 (Sat)	11 (Mon)	12 (Tue)
<i>Number of counter in operation for processing death registrations and related services</i>									
Average	4	3 to 4	3	4	3	3	4	3	5
<i>Single registration waiting time (minutes)</i>									
Average	26	42	13	14	21	50	7	18	4
Longest	51	87	38	39	57	95	17	64	18
Shortest	1	1	0	0	0	0	0	0	0
<i>Multiple registration waiting time (minutes)</i>									
Average	33	41	17	17	18	57	1	21	7
Longest	46	62	38	34	42	65	1	44	17
Shortest	27	2	3	0	2	48	1	6	0
<i>Overall waiting time (minutes)</i>									
Average	27	42	14	15	20	51	6	18	4
Longest	51	87	38	39	57	95	17	64	18
Shortest	1	1	0	0	0	0	0	0	0

Source: Audit analysis of ImmD records

Note: Saturdays were half working days.

Remarks: As of January 2021, the number of staff of Kowloon Deaths Registry was 8.

## Eligibility criteria for a Civil Celebrant of Marriages

The eligibility criteria for a CCM include:

1. Being:

(a) a solicitor:

(i) holding a current practising certificate issued under section 6 of the Legal Practitioners Ordinance (Cap. 159) which is unconditional save as to the condition of compliance with the Continuing Professional Development Rules (Cap. 159 sub. leg. W) and the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z); and

(ii) holding a certificate issued by The Law Society of Hong Kong:

- certifying that he has practised as a solicitor; or
- upon a statutory declaration by him in such form as the Council of The Law Society of Hong Kong may determine certifying that he has been employed while his name is on the roll of solicitors within the meaning of the Legal Practitioners Ordinance to provide legal service to the employer,

for a period or periods in aggregate of not less than 7 years; or

(b) a notary public:

(i) who holds a current practising certificate issued under section 40E of the Legal Practitioners Ordinance which is unconditional; or

(ii) who is qualified to practise as a notary public under subsection (1) of section 40D of the Legal Practitioners Ordinance by virtue of subsection (2) of that section.

2. Has not been:

- (a) the subject of a valid order made under section 10(2) of the Legal Practitioners Ordinance by a Solicitors Disciplinary Tribunal constituted under section 9B of that Ordinance;
- (b) removed from or struck off the register of notaries public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance as then in force;
- (c) suspended from practice as a notary public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance as then in force; or
- (d) the subject of a valid order made under section 40J(2) of the Legal Practitioners Ordinance by a Notaries Public Disciplinary Tribunal constituted under section 40I of that Ordinance,

during the 3 years immediately preceding the date of the application for appointment as civil celebrant or renewal of appointment as civil celebrant, as may be appropriate.

3. Having completed such training organised for the purposes of MO as the Registrar may specify.

*Source: MO*



## Acronyms and abbreviations

ABROADS	Assistance to Hong Kong Residents, Births, Deaths and Marriage, Right of Abode Decision Support
APE	Approved project estimate
APPLIES	Application and Investigation Easy Systems
APPLIES-1	First generation of APPLIES
APPLIES-2	Next generation of APPLIES
Audit	Audit Commission
BDM	Births, Deaths and Marriage
BDO	Births and Deaths Registration Ordinance
CAMR	Certificate of Absence of Marriage Record
CCM	Civil Celebrant of Marriages
COR	Controlling Officer's Report
C&SD	Census and Statistics Department
DMS(Adm)	Document Management Sub-system (Administration)
DMS(Ops)	Document Management Sub-system (Operations)
ENCAPS	Enforcement Case Processing
FC	Finance Committee
FSTB	Financial Services and the Treasury Bureau
GIS	General Investigation Section
GLD	Government Logistics Department
GRO	Births and Deaths General Register Office
ICAS	Investigation Central Administration Section
IDISCC	Immigration Department Information Systems Co-ordination Committee
ImmD	Immigration Department
KBR	Kowloon Births Registry
LegCo	Legislative Council
MO	Marriage Ordinance
OGCIO	Office of the Government Chief Information Officer
OIS	Outside Investigation Section

**Appendix G**  
**(Cont'd)**

OWPs	One-way Permits
PSC	Project Steering Committee
SB	Security Bureau
STF	Special Task Force Sub-sections
SWD	Social Welfare Department
VISAS	Systems related to Visa Automation