

# 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.