

Draft Bill.

No. S. 163.—The following bill is published for general information :—

C.S.O. /

[No. 2 :—7.2.31.—2.]

A BILL

INTITLED

An Ordinance to amend the law relating to the Registration of Births and Deaths.

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Births and Deaths Registration Amendment Ordinance, 1931.

2.—(1) Section 3 (1) of the Births and Deaths Registration Ordinance, 1896, is amended by the substitution of the words "Medical Department" for the words "Sanitary Department". Amendment of Ordinance No. 7 of 1896, s. 3 and Regulations.

(2) Section 3 (2) of the said Ordinance is amended by the substitution of the words "Director of Medical and Sanitary Services" for the words "Head of the Sanitary Department".

(3) Corresponding substitutions shall be made wherever the words "Sanitary Department" or "Head of the Sanitary Department" occur in the Births and Deaths Registration Regulations made under sections 4 and 29 of the said Ordinance and published in Regulations of Hong Kong, 1844-1925, under the Regulations Ordinance, 1926. Ordinance No. 1 of 1926.

3. The following sub-section is added at the end of section 6 of the Births and Deaths Registration Ordinance, 1896 :— Amendment of Ordinance No. 7 of 1896, s. 6.

(3) In every case where information is given of the death of any citizen of the United States of America in the Colony, the Registrar shall at once inform the Official Administrator of the fact, in order that the necessary information may be immediately forwarded to the nearest consular officer of the said United States.

4. Section 10 (2) of the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the words "for every year or part of a year that has elapsed since the birth". Amendment of Ordinance No. 7 of 1896, s. 10 (2).

5. Section 18 of the Births and Deaths Registration Ordinance, 1896, is amended by the deletion of the last eight lines thereof and by the substitution thereof of the words :— Amendment of Ordinance No. 7 of 1896, s. 18.

"stated is the true cause, and, in every case in which he is not satisfied in this regard, it shall be his duty to institute or cause to be instituted immediate inquiries with a view to ascertaining the true cause of death".

6.—(1) Form No. 2 in the Schedule to the Births and Deaths Registration Ordinance, 1896, is amended by the addition of the words "and nationality, so far as is known" after the word "occupation" in the sixth column. Amendment of Ordinance No. 7 of 1896, Schedule, Forms 2 and

(2) The Notice on the back of the certificate in Form No. 16 in the said Schedule is amended by the insertion of the words "and nationality, so far as is known" after the word "occupation" in the sixth column. 16.

*Objects and Reasons*

1. The Registrar General (whose title was changed to Secretary for Chinese Affairs by Ordinance No. 21 of 1913) was Registrar of Births and Deaths under the Births and Deaths Registration Ordinance, 1896, (No. 7 of 1896) until 1909 when by the Public Service Transfer of Duties Ordinance (No. 15 of 1909) the Head of the Sanitary Department was substituted. It is now considered, as a part of the scheme for re-organization of the Medical and Sanitary Services of the Colony, that the Director of those Services should be the Registrar of Births and Deaths. Sections 2 and 5 of this Ordinance accordingly make the necessary changes in the principal Ordinance and Regulations. As the Medical and the Sanitary Departments are in the same Building the transfer of office and staff from one department to another involves no changes in the routine of registration.

2. Sections 3 and 6 implement section 14 (2) of the Probates Ordinance, 1897, (No. 2 of 1897 as amended by No. 21 of 1930) in order to give effect to an arrangement which has been arrived at between His Majesty's Government and the United States Government, relating to the manner in which the provisions of Article 3 of the Real and Personal Property Convention of Washington of the 2nd March, 1899, which has been applied to this Colony, may be carried out. Under that arrangement, provision is made for notification to the nearest American Consul whenever a citizen of the United States dies in the Colony. Under section 14 of the Probates Ordinance, the notification is made by the Official Administrator. The amendments made in the principal Ordinance by this Ordinance make provision for informing the Official Administrator. Informants for purposes of Registration of Death are therefore required to state, in addition to the usual particulars, the nationality of the deceased, if known; and where the information is of the death of a citizen of the United States, the Registrar is required to pass such information on to the Official Administrator and through him to the Consul.

3. Section 4 of this Ordinance amends section 10 (2) of the principal Ordinance. Under that sub-section, which was introduced into the principal Ordinance by Ordinance No. 26 of 1923, the late registration fee, after twelve months, is at the rate of five dollars for every year or part of a year that has elapsed since death. It is considered that the progressive fee defeats its object as it deters persons from registering who might otherwise do so particularly in the New Territories where the absence of district registries has been conducive to late registration.

C. G. ALABASTER,  
*Attorney General.*

*February, 1931.*