



WHO OWNS THE BODY?

Please come and collect!

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Background

About 46,000 deaths in Hong Kong in 2017.

Over 90% of these deaths are in the public hospitals.

Hospital Authority has 38 mortuaries with 3002 compartments.

On average each body spends 12.63 days in a mortuary compartment of the hospital.

A small but increasing number of bodies are however staying much longer, currently the longest time is about 300 days!!!!

Births & Deaths Registration Ordinance (Cap 174) HK Laws

Section 16. Restriction on removal of dead body

No person, unless acting under the written sanction or direction of a registrar, shall remove, or assist or attempt to remove, or procure the removal of, or bury any dead body until a certificate of registration of death under section 17 has been issued, or an order to bury or cremate has been obtained from a coroner: (Amended 57 of 1967 Schedule)

Who owns the body?

The Next-of-kin?

The Hospital Authority?

Births & Deaths Registration Ordinance

Section 14. Information of death to be given in various cases to registrar, etc.

When a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of the deceased, having knowledge of any of the particulars required to be registered concerning the death, and, in default of such relative, of every person present at the death, and of any person finding and of any person taking charge of the body, and of the person causing the body to be buried, to give to the officer in charge of the nearest police station, within 24 hours after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and such particulars shall be forthwith forwarded by the said officer to a registrar. [cf. 1874 c. 88 s. 11 U.K.]

Whose responsibility?

Almost anyone can be held to be responsible.

However, it is to provide information for death registration NOT for funeral arrangements for the body!!

Why are bodies not removed?

Next-of-kin located but refused to be responsible for funeral arrangements BUT also refuse to sign over the body for burial by the Government.

Next-of-kin could not be located.

Registered “next-of-kin”

This is usually the individual:-

- Volunteered to the health care team and who demonstrates that they are involved with the healthcare of the patient.

They may be:-

- A lived in partner
- A friend/colleague
- A co-tenant
- A landlord

Case examples

Lived in partner

- Children from previous marriage shows up claiming their right.

Friend/colleague

- A sibling showed up challenging the release to friend.

Next-of-kin

- Refused to arrange funeral until probate hearing completed

No known “Next-of-kin”

Reportable deaths

- Rely on involvement of Coroner and Hong Kong Police to trace next-of-kin as part of death investigation.

Non-reportable deaths

- How can the Hospital Authority investigate and look for next-of-kin?
- What authority do they have?

What happens when there is no next-of-kin?

The body can be buried if:-

- Hospital provides the Department of Food and Environment with documents signed by the Social Welfare Department and the Hong Kong Police Force and endorsed by the HCE's office that no next-of-kin can be found.

How long should this search last?

Who should decide that there is no "next-of-kin"?

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Thank You