

立法會
Legislative Council

Ref : CB2/BC/12/04

LC Paper No. CB(2) 2307/04-05

(These minutes have been seen by
the Administration)

**Bills Committee on
Marriage (Introduction of Civil Celebrants of Marriages and
General Amendments) Bill**

**Minutes of the second meeting
held on Monday, 4 July 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon Miriam LAU Kin-yee, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH
Hon Albert Jinghan CHENG

Public Officers attending : Mr Michael WONG
Deputy Secretary for Security

Ms Anne TENG
Assistant Secretary for Security

Mr Gilbert MO
Deputy Law Draftsman (Bilingual Drafting and Administration)
Department of Justice

Ms Grace LEUNG
Government Counsel
Department of Justice

Mr TSOI Hon-kuen
Assistant Director (Personal Documentation)
Immigration Department

Mr SHAM Hi-keung
Principal Immigration Officer (Documents)
Immigration Department

Mr CHOW Kun-wah
Assistant Principal Immigration Officer
(Births, Deaths and Marriage Registration)
Immigration Department

Clerk in attendance : Mrs Constance LI
Chief Council Secretary (2)5

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Betty MA
Senior Council Secretary (2)1

I. Meeting with the Administration
[LC Paper Nos. CB(2)2155/04-05(01) to (03)]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. Members discussed the following papers from the Administration responding to issues raised at the last meeting on 21 June 2005 –

- (a) Overseas experience in the appointment of civil celebrants of marriages [LC Paper No. CB(2) 2155 04-05(01)];
- (b) Impact on the Government's revenue [LC Paper No. CB(2) 2155 04-05(02)]; and
- (c) Flowchart indicating the work of a Civil Celebrant of Marriage [LC Paper No. CB(2) 2155 04-05(03)].

3. Ms Miriam LAU, Ms Audrey EU and Mr Andrew CHENG were of the view that the legislative proposal actually sought to provide flexibility for marriage solemnization services, instead of creating business opportunities for the legal professions. They requested the Administration to take note of this point in its explanation and publicity on the introduction of the proposed scheme.

4. The Administration was requested to provide written response to the following

issues/concerns raised at the meeting –

- (a) whether section 22 of the Marriage Ordinance (Cap. 181) should be amended to allow a minister to celebrate a marriage at any time and at any place;
- (b) whether briefing sessions for civil celebrants would be included in the continuing legal education courses; and
- (c) concerning the provisions in section 27 of Cap. 181, what steps/procedures would have to be followed by civil celebrants of marriages in order to avoid making a marriage invalid (e.g. to ensure that the marriage is not celebrated under a false name); and whether the civil celebrants would be held liable for omission/non-compliance.

Clause-by-clause examination

5. The Bills Committee continued clause-by clause examination of the Bill, and completed scrutiny of the new sections 5C, 5D and 5E under clause 4 of the Bill.

6. The Administration was requested to consider the following suggestions and provide a response –

- (a) to review the drafting of new section 5C to better reflect the legislative intent that the code of practice for civil celebrants was not subsidiary legislation;
- (b) to replace “a written notice” with “written notice” or “notice in writing” in new sections 5D and 5E and any other relevant sections;
- (c) to improve/simplify the drafting of new sections 5D(3)(a), 5E(5) and 5E(6); and
- (d) to consider grouping all relevant provisions on refund of fees under one section.

Date of future meetings

7. The Chairman reminded members that two further meetings had been scheduled for 13 and 21 July 2005.

8. The meeting ended at 10:35 am.

Council Business Division 2
Legislative Council Secretariat
18 July 2005

**Proceedings of the meeting of the Bills Committee on
Marriage (Introduction of Civil Celebrants of Marriages and
General Amendments) Bill
on Monday, 4 July 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
0001-2223	Chairman Admin Audrey EU Andrew CHENG	Administration's paper on "Overseas experience in the appointment of civil celebrants of marriages" [LC Paper No. CB(2) 2155/ 04-05(01)] <ul style="list-style-type: none"> • Application of overseas experience in Hong Kong • Appointment of Justices of Peace as civil celebrants 	
2224-2743	LEE Kwok-ying Admin	Eligibility criteria for appointment as civil celebrants	
2744-3639	Albert CHENG Admin Chairman SALA1	Celebration of marriages by ministers	Admin to consider whether section 22 of Cap. 181 should be amended
3640-4739	Miriam LAU Admin Chairman Audrey EU Albert CHENG	<ul style="list-style-type: none"> • Purpose for introducing the Bill; • Whether briefing sessions for civil celebrants would be included in the continuing legal education courses 	Admin to provide response

Time Marker	Speaker(s)	Subject(s)	Action required
4740-011938	Audrey EU Chairman Admin SALA1 Miriam LAU	<ul style="list-style-type: none"> • Administration’s paper on “Flowchart indicating the work of a Civil Celebrant of Marriage” [LC Paper No. CB(2) 2155 04-05(03)]; • Steps/procedures to be followed by civil celebrants of marriages in order to avoid making a marriage invalid; and • Liability of civil celebrants for omission/non-compliance in discharging their work. 	Admin to provide response
011939-012138	Chairman	Administration’s paper on “Impact on the Government’s revenue” [LC Paper No. CB(2) 2155 04-05(02)]	
012139-014054	Admin Chairman SALA1 Miriam LAU	<p>Clause-by-clause examination of the Bill</p> <p>Whether the drafting of new section 5C could reflect the legislative intent that the code of practice for civil celebrants was not subsidiary legislation</p>	Admin to review the drafting of new section 5C
014055-014256	Chairman Admin Audrey EU	<p>Cancellation of appointment of civil celebrant (new section 5D);</p> <p>Drafting of new section 5D</p>	Admin to consider members’ suggestion

Time Marker	Speaker(s)	Subject(s)	Action required
014257-020123	Chairman Admin Miriam LAU Audrey EU	Suspension of appointment (new section 5E); Drafting of new section 5E	Admin to consider members' views
020124-020219	Chairman	Date of next meeting	

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