

立法會
Legislative Council

Ref : CB2/BC/12/04

LC Paper No. CB(2) 107/05-06
(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 sixth meeting
held on Tuesday, 4 October 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon Miriam LAU Kin-ye, 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

Mr Alan CHU
Principal Assistant 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 Arthur CHEUNG
Senior Assistant Legal Adviser 2

Miss Lolita SHEK
Senior Council Secretary (2)7

I. Confirmation of minutes of meeting
[LC Paper No. CB(2) 2644/04-05]

The minutes of meeting on 7 September 2005 were confirmed.

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

II. Meeting with the Administration

Administration's response to outstanding issues
[LC Paper Nos. CB(2) 2655/04-05(01) to (03)]

3. Members noted the Administration's papers responding to issues raised at the meetings on 21 June, 21 July and 7 September 2005.

- Admin 4. The Administration was requested to provide a summary of all the offences and the level of penalty in the Marriage Ordinance (Cap. 181) for members' reference.

Draft Committee Stage amendments proposed by the Administration
[LC Paper No. CB(2) 2655/04-05(04)]

5. The Bills Committee completed examination of the draft Committee Stage amendments (CSAs) proposed by the Administration up to clause 50 in the Administration's paper.

Admin 6. The Administration was requested to consider improving the drafting of certain CSAs proposed by the Administration as follows –

- (a) to add “s” after “section” in the new section 2(2);
- (b) to consider the need for the reference in the new section 2(2) to general notice in consultation with the legal adviser to the Bills Committee;
- (c) to achieve consistency of drafting style for the subsections (1)(a) and (3)(a) under the new section 5D;
- (d) to refine the drafting of the CSAs to the new sections 5D(4)(b)(ii) and 5E(3)(b)(ii) to better reflect the legislative intent that the Registrar could not cancel/suspend the appointment of a person as civil celebrant before the expiry of a period of 14 days or a longer period that the Registrar had allowed for the person to make representation;
- (e) to improve the clarity of the new section 27(2)(b) proposed by the draft CSA;
- (f) to consider whether it was necessary to adopt a consistent expression for “null and void”, “void” and “invalid” in section 27 and the new Schedule 5; and
- (g) to consider whether the “reasonable excuse” defence provision should also be included in the new section 31A(5).

Admin 7. The Administration was also requested to consider whether a person should be guilty of an offence under section 29 for marrying any other person to a person under 21 years of age when the consent required under section 14 had not been “produced”, or had not been “obtained”.

8. The Administration advised that the CSAs to clauses 50 to 52, 52(A) and 57 would be further revised so as to clarify whether the offences under these clauses would be on summary conviction or on indictment.

Admin 9. The Administration undertook to provide response to the outstanding issues

raised by members and the revised draft CSAs for the Bills Committee's consideration at the next meeting.

III. Any Other Business

Date of next meeting

10. Members agreed that the next meeting of the Bills Committee would be held on 25 October 2005 at 8:30 am.

11. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
20 October 2005

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

Time Marker	Speaker(s)	Subject(s)	Action required
0001-0249	Chairman	Confirmation of minutes of meeting on 7 September 2005	
0250-0646	Chairman Admin LI Kwok-ying	Administration's response to the outstanding issues raised at the meetings on 21 June and 21 July 2005 [LC Paper No. CB(2) 2655/04-05(02)]	
0647-1022	Admin Chairman	Administration's response to the outstanding issues raised at the meeting on 7 September 2005 [LC Paper No. CB(2) 2655/04-05(03)]	Admin to provide revised draft Committee Stage amendments (CSAs) (paragraph 8 of the minutes refers)
1023-1108	Andrew CHENG Chairman	Administration's response to Mr Andrew CHENG's suggestion of providing flexibility for civil celebrants to celebrate marriages inside licensed places of worship	
1109-1159	Chairman SALA2	Draft CSAs proposed by the Administration	
1200-1653	Chairman Admin Andrew CHENG Audrey EU	Proposed CSA to clause 3 Reference to general notice in the new section 2(2)	

Time Marker	Speaker(s)	Subject(s)	Action required
1654-2806	SALA2 Admin Chairman Miriam LAU Audrey EU	Proposed CSA to clause 3 Suggestion to add “s” after “section” in the new section 2(2) Reference to general notice in the new section 2(2)	Admin to provide response (paragraph 6(a) and (b) of the minutes refers)
2807-4040	Chairman Admin SALA2 Audrey EU Miriam LAU LI Kwok-ying	Proposed CSA to clause 4 Consistency of drafting style for subsections (1)(a) and (3)(a) under the new section 5D Request to refine the drafting of the CSAs to the new sections 5D(4)(b)(ii) and 5E(3)(b)(ii) to better reflect the legislative intent that the Registrar could not cancel or suspend the appointment of a person as civil celebrant before the expiry of a period of 14 days or a longer period that the Registrar had allowed for the person to make representation	Admin to provide response (paragraph 6(c) and (d) of the minutes refers)
4041-5124	Chairman Admin SALA2	Proposed CSAs to clauses 6, 7, 9 and 12	
5125-012123	Miriam LAU Admin Chairman Andrew CHENG Audrey EU SALA2	Proposed CSAs to clause 13 Amendment to section 27 – circumstances under which a marriage would be null and void	Admin to provide response (paragraph 6(e) of the minutes refers)

Time Marker	Speaker(s)	Subject(s)	Action required
012124-012844	SALA2 Miriam LAU Chairman Admin	Suggestion to consider whether it was necessary to adopt a consistent expression for “null and void”, “void” and “invalid” in section 27 and the new Schedule 5	Admin to provide response (paragraph 6(f) of the minutes refers)
012845-013217	Chairman Admin	Proposed CSAs to clauses 12, 16 and 21	
013218-013845	Andrew CHENG Chairman Admin Miriam LAU	Proposed CSA to clause 16 Suggestion to include the “reasonable excuse” defence provision in the new section 31A(5)	Admin to provide response (paragraph 6(g) of the minutes refers)
013846-014234	Chairman Admin	Proposed CSAs to clauses 22, 23, 24, 26 and 50	
014235-015606	SALA2 Chairman Admin Miriam LAU	Proposed CSA to clause 50 – whether a person should be guilty of an offence under section 29 for marrying any other person to a person under 21 years of age when the consent required under section 14 had not been “produced”, or had not been “obtained”	Admin to provide response (paragraph 7 of the minutes refers)
015607-020034	Andrew CHENG Chairman Admin	Revised penalty for offences in the Marriage Ordinance and the Bill proposed in the Administration’s paper [LC Paper No. CB(2) 2655/04-05(03)]	Admin to provide response (paragraph 4 of the minutes refers)

Time Marker	Speaker(s)	Subject(s)	Action required
020035-020134	Chairman	Next meeting of the Bills Committee	Admin to provide response and revised draft CSAs (paragraph 9 of the minutes refers)

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