

立法會
Legislative Council

LC Paper No. CB(2) 1984/04-05(04)

Ref: CB2/BC/12/04

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

Background Brief prepared by Legislative Council Secretariat

Purpose

This paper summarises the issues and concerns raised by the Panel on Security on the Administration's proposal to provide for the appointment of civil celebrants of marriages and to enable marriages to be celebrated before them.

Background

2. Celebration of marriages in Hong Kong is currently governed by the Marriage Ordinance (Cap. 181), under which marriages can be celebrated at marriage registries by the Registrar of Marriages or deputy registrars, or at licensed places of public worship by competent ministers.

3. As there is increasing public demand for the Government to provide more flexible marriage solemnization services and make use of private sector resources in providing such services, the Administration proposes to meet this demand by enabling the Registrar to appoint eligible persons as civil celebrants to celebrate marriages.

The Administration's proposal

4. The Administration consulted the Panel on Security on 15 April 2005 on the Administration's legislative proposal. The Administration informed the Panel that its proposal sought to –

- (a) empower the Registrar to appoint a civil celebrant and to renew his appointment if he meets the specified eligibility criteria. He

is also empowered to refuse, cancel or suspend an appointment if, among other things, a celebrant ceases to meet the specified appointment criteria, contravenes the code of practice issued by the Registrar or is convicted of an offence under the Ordinance;

- (b) charge all applicants an application fee and successful applicants an appointment fee;
- (c) set up a Civil Celebrant of Marriages Appointment Appeal Board (Appeal Board) to consider, hear and determine appeals in relation to refusal, cancellation and suspension of appointment;
- (d) empower the Secretary for Security to make regulations to provide for the operation of the Appeal Board;
- (e) set out the duty and obligation of a civil celebrant; and
- (f) provide for relevant penalty provisions to ensure that a civil celebrant properly discharges the functions of his office which may have serious implications for the marrying parties.

Discussion by the Panel on Security

5. At the Panel meeting on 15 April 2005, members expressed support in principle for the legislative proposal.

6. Regarding the purpose for the introduction of the legislative proposal, the Administration advised that it was mainly to meet the high demand for marriage celebration service on auspicious days and for celebrating marriages in special ways.

7. In response to enquiries raised by some members, the Administration had explained that –

- (a) while a code of practice to provide guidance for civil celebrants would be drawn up, there would be no restriction in legislation on the place at which a marriage was to be celebrated;
- (b) there would not be any quota on the number of couples allowed to celebrate marriages before civil celebrants on any particular day;
- (c) while the Administration would continue to charge a fee for celebration of marriages at marriage registries, it would be up to the private sector to determine their own fees. A civil celebrant could provide service at no charge; and

- (d) a solicitor with not less than seven years' post-qualification experience or a notary public holding a relevant practising certificate would be eligible for appointment as a civil celebrant. The applicant should not be the subject of disciplinary action by the professional bodies during the three years immediately preceding the date of application, and he/she should have completed such training as the Registrar of Marriages might specify.

8. A member suggested that to avoid disputes about charges and prevent corrupt practices associated with free service provided by civil celebrants who were candidates of the Legislative Council (LegCo) or District Council (DC) elections, a fixed fee should be set. The member was of the view that the provision of free service by civil celebrants who were candidates of LegCo or DC elections should be prohibited within a certain period before the relevant elections. The Administration advised that it might be more appropriate to set out provisions against corrupt practices in the relevant electoral legislation rather than Cap. 181.

9. At the Panel meeting, a member also requested the Administration to provide the following information when introducing the legislative proposal –

- (a) whether the process of registration as a civil celebrant would take a very long time;
- (b) whether the legislative proposal would have any impact on the Government's revenue; and
- (c) whether there would be any restrictions on the celebration of marriages by civil celebrants for their own relatives.

Relevant papers

10. The Administration's paper on "Appointment of Civil Celebrants of Marriages : Proposal to amend the Marriage Ordinance, Cap. 181" [LC Paper No. CB(2) 1247/04-05(04)] for the Panel meeting and the minutes of meeting are relevant. The papers and documents are available on the Council's website at <http://www.legco.gov.hk/english/index.htm>.