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To : The relevant Committee  
Legislative Council

From : YIP Ming, Edward

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

1. In 5.3, repeal the definition of "Secretary"(局長) and add : –

“ “marriage” (婚姻) means a contract ordained by a ceremony recognised by the law, or by way of a proper legal procedure, between a man and a woman, who at the time of the contract being made, are free in law to marry and to be married, as involving the voluntary union for life of that man and that woman;”

2. Replace 5.5 by : -

“Amendment to section 6

Repeal section 6 and substitute –

“6. Giving notice of intended marriage

- (1) whenever any persons desire to marry, one of the proposed parties to the intended marriage shall, either in person or through a civil celebrant, give a notice of intended marriage to the Registrar in Form 1 in Schedule 1 and at the same time, produce his or their identity cards or travel documents for inspection, the photocopy of identity card or travel document of the absent party, or absolute decree (if appropriate).
- (2) Every notice of intended marriage shall be signed by the party giving the notice.
- (3) A notice of intended marriage given through a civil celebrant shall –
  - (a) be accompanied by the prescribed fee for filing and exhibition of the notice; and

(b) subject to section 6A(1)(c), be given within the period of 3 months preceding the proposed date of marriage.

(4) A notice of intended marriage shall not be invalidated by any change in any information contained in it, but the Registrar may require the parties to make appropriate amendment to it.”

3. Replace s.12(7) by :-

“(7) section 21(4)(a) is amended by replacing the whole sentence by –

“A marriage celebrated by the Registrar or a civil celebrant shall be conducted in English, Cantonese, Putonghua or other language (including sign language) or dialect chosen by the parties to the marriage and shall take place in the presence of 2 or more witnesses and in the following manner —— ”

4. In s.12(10), repeal the “.” and substitute “,”, and add “ and replacing the word “man” by “husband” ”.

5. Replace s.12(11) by –

“(11) section 21(4)(a)(ii) is repealed and the following substituted ——

“(ii) the male party shall then say to the female party in the language or dialect chosen :-

“I call upon all persons here present to witness that I, [name of the male party], do take thee, [name of the female party], to be my lawful wedded wife.”; and

“(iii) the female party shall then say to the male party in the language or dialect chosen :-

“I call upon all persons here present to witness that I, [name of the female party], do take thee, [name of the male party], to be my lawful wedded husband.”.

6. Replace s.12(12) by :-

“(12) Repeal section 21(4)(b) and substitute :-

(b) where the Registrar or the civil celebrant is satisfied that the parties and most of the witnesses understand the language or dialect the parties chosen, the marriage shall be celebrated in that language or dialect.”

7. Replace s.12(13) by :-

“(13) section 21 is amended by adding –

(4A) where either party or both of the parties to the marriage cannot convey the statement required either by section 4(a)(ii) or (iii), verbally or by sign language, the Registrar or the civil celebrant shall convey the statement on behalf of either or both parties. Either or both parties shall signify, in whatever manner and by whatever means, to the satisfaction of the Registrar or the civil celebrant, as the case may be, that he or she approves the statement.”

8. Replace s.14 by :-

“14. Offences by minister or civil celebrant

Repeal section 30 and substitute –

30. A minister or civil celebrant who –

(a) knowing that -

(i) a consent under section 14 is required in respect of the marriage of a party under 18 years of age; and

(ii) no such consent has been produced in accordance with section 14(1A) in respect of the party,

wilfully celebrates the marriage of the party;

(b) wilfully celebrates a marriage contrary to any other provision of this ordinance; or

(c) wilfully celebrates a marriage knowing that any provision of this ordinance has not been complied with, commits an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 2 years.”

9. Replace s.15 by :-

“15. section substituted –

section 31 is repealed and the following substitute –

31. Offences for failure to transmit certificate, etc.

- (1) A minister who fails to transmit a certificate of marriage to the Registrar in accordance with section 20(3), commits an offence and shall be liable on summary conviction to a fine at level 1.
- (2) A civil celebrant who –
  - (a) fails to transmit the documents referred to in section 6A(1)(c) in accordance with that section; or
  - (b) fails to transmit a certificate or declaration in accordance with section 21(7)(a)(iii);

commits an offence and shall be liable on summary conviction to a fine at level 1.”

10. Amend s.16 by replacing “Any” by “A” and “shall be guilty of” by “commits” and adding “on summary conviction” after “liable”.

11. Amend s.17 : -

In s.33A(1) and 33B replace “Any” by “A” and “shall be guilty of” by “commits” and adding “on summary conviction” after “liable”.

12. Amend s.18 and 19 : -

In s.18 and 19, replace “The Secretary” by “The Secretary for Security”.

13. Amend s.27 : -

Replace “21” by “18” and “schedule 3” by “SCHEDULE 3”.

14. Amend s.27A : -

“Protection of Children and Juvenile Ordinance

27A. In section 34(6) of the Protection of Children and Juvenile Ordinance (Cap. 213), replace “21” by “18”.

15. Amend s.31 by : -

“31. Licensing of places of worship

Repeal section 4 and substitute :-

“4. Licensing of places of worship

The Registrar may –

(a) by granting a licence in respect of any place of public worship, license such place to be a place for celebration of marriages; and

(b) cancel any such licence at any time.”

16. Replace s.32 by :-

“32. Notification of licence

Repeal section 5 and substitute :-

“5. Notification of licence

Whenever the Registrar grants or cancels any licence under section 4, he shall give public notice thereof in the Gazette.”

17. Repeal s.34.

18. Replace s.35(2) by :-

“(2) Repeal section 7(2) and substitute :-

“The Registrar shall post the copy of Part 1 of a notice of intended marriage to the Government Website for the view of the public until he issues a certificate of Registrar or until the 3 months referred to in section 10 expire.” ”

19. Replace s.39 by :-

“39. Grant of special licence

Repeal section 11 and substitute :-

“11. Grant of special licence

(1) The Registrar may by granting a special licence in Form 3 in Schedule 1 –

- (a) dispense with –
  - (i) the notice of intended marriage;
  - (ii) the certificate of Registrar; or
  - (iii) both such notice and such certificate;in relation to any intended marriage; and
- (b) authorize the celebration of a marriage between the parties named in the licence at the place and time specified in the licence.

- (2) The Registrar may grant a special licence without payment of the prescribed fee, or on payment of such reduced fee as, in the special circumstances of the case, he may think sufficient.” ”

20. Add s.48A: Repeal sections 26 and in 27 (1), repeal “in England or Wales”.

21. Replace s.50 by :-

“50. Marrying etc. person under 18 without required consent

Repeal section 29 and substitute :-

“29. Marrying etc. person under 18 without required consent.

A person who, knowing that –

- (a) a consent under section 14 is required in respect of the marriage of a party under 18 years of age; and
- (b) no such consent has been produced in accordance with section 14(1A) in respect of the party, names or assists or procures other person to marry the person referred to in paragraph (a), commits an offence and shall be liable on conviction to imprisonment for 2 years.”

22. Repeal s.51

23. Repeal s.52 by :-

“52. Offence of tampering with records

Section 32 is amended by replacing “Any” by “A”, “this ordinance, commits an offence and shall be liable” by “this ordinance, commits an offence and shall be liable on summary conviction.””

24. Add s.52A :-

“52. Amendment to section 33

Replace “Any” by “A” and “shall be guilty of”

25. Add s.57(2A)

“(2A) In the provision of section 39(1), replace “affinity, in England or Wales” by “alliance.”

(2B) section 39(3) is amended by replacing “Any” by “A” and “shall be guilty” by “commits” and adding “on summary conviction” after “liable”.”

26. Replace s.57(3) by :-

“(3) section 39(4) is amended by replacing “Any” and “A” and “shall be guilty” by “commits” and adding “on summary conviction” after “liable”.”

27. Add s.57A

“57A Amendment to section 40

Repeal section 40”

28. In s.58

“In Form 4 and 6, repeal items “Marital condition before marriage”, “Occupation”, “Residential address”, “Surname and name of father” and “Surname and name of mother”.

29. In s.21

“In Form 7, repeal items “Marital condition before marriage”, “Occupation”, “Residential address”, “Surname and name of father” and “Surname and name of mother””.

30. In s.58 add :-

“(5) Amend the Marriage Reform (Forms) Regulations (Cap. 178C) by repealing items in forms 5 and 6, namely “Condition at the time of marriage”, “Rank at the time of marriage”, “Residence at the time of marriage”, “Surname and name of father” and “Rank or profession of father”.”

31. Repeal s.13 and substitute :-

“13. Invalid Marriages

Repeal section 27 and substitute :-

(i) A marriage is null and void :-

- (a) on grounds of kindred or alliance;
- (b) if at the time of its celebration any party is under 16 years of age;
- (c) if the marriage is celebrated under a false name;
- (d) if at the time of its celebration either party or both parties are not truly represented in sex against the identity card or travel document that either party or both parties are holding at that time;
- (e) if neither a certificate of the Registrar has been issued nor a special licence has been granted in respect of the marriage; or
- (f) if –
  - (i) the marriage is not celebrated –
    - (A) by the Registrar in the office of the Registrar;
    - (B) by a competent minister in a licensed place of worship; or
    - (C) by a civil celebrant in accordance with section 21(3A); and
  - (ii) the parties knowingly and wilfully acquiesce in its celebration, unless the marriage –

- (iii) is authorized by a special licence;
- (iv) is celebrated under paragraph (b) of the proviso to section 21(3); or
- (v) is celebrated under section 39.

(2) No marriage shall, after celebration, be deemed invalid by reason that any provision of this ordinance, other than those specified in section 27(1), has not been complied with.” ”

32. Repeal s.10 and substitute :-

“10. Production of written consent

Repeal section 14 and substitute –

“14. Production of written consent

- (1) This section applies in relation to an intended marriage if any proposed party to the intended marriage is of or over 16 and under 18 years of age as at the date of marriage;
- (1A) The written consent of the relevant person specified in Schedule 3 to the intended marriage shall be produced to –
  - (a) the Registrar or a civil celebrant before a certificate of the Registrar may be issued; or
  - (b) the Registrar before a special licence may be granted.”

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MARRIAGE (Introduction of Civil Celebrants of Marriages and General Amendments)

14 JUNE 2005

1. In s.3, repeal the definition of "Secretary" (秘書) and add:  
"marriage" (婚姻) means a contract ordained by a ceremony recognized by the law, or by way of a proper legal procedure, between a man and a woman, who at the time of the contract being made, are free in law to marry and to be married, as involving the voluntary union for life of that man and that woman;"
2. Replace s. 5 by: -  
"Amendment to section 6  
Repeal section 6 and substitute -  
" 6. Giving notice of intended marriage.  
(1) Whenever any persons desire to marry, one of the proposed parties to the intended marriage shall, either in person or through a civil celebrant, give a notice of intended marriage to the Registrar in Form 1 in Schedule 1 and at the same time, produce his or their identity cards or travel documents for inspection, the photocopy of identity card or travel document of the absent party, or absolute decree (if appropriate).  
(2) Every notice of intended marriage shall be signed by the party giving the notice.  
(3) A notice of intended marriage given through a civil celebrant shall -  
(a) be accompanied by the prescribed fee for filing and exhibition of the notice; and  
(b) subject to section 6A(3)(c), be given within the period of 3 months preceding the proposed date of marriage  
(4) A notice of intended marriage shall not be invalidated by any change in any information contained in it, but the Registrar may require the parties to make appropriate amendment to it."
3. Replace s.12(7) by: -  
"(7) Section 2(4)(a) is amended by replacing the whole sentence by: -  
"A marriage celebrated by the Registrar or a civil celebrant shall be conducted in English, Cantonese, Putonghua or other language (including sign language) or dialect chosen by the parties to the marriage and shall take place in the presence of 2 or more witnesses, and in the following manner: -"  
4. in s. 12(10), repeat the "and substitute," and add and replacing the word "man" by "husband".
5. Replace s. 12(11) by: -  
"(11) section 2(4)(a)(ii) is repealed and the following substituted -  
"(ii) the male party shall then say to the female party in the language or dialect chosen: -  
" I call upon all persons here present to witness that I, [name of the male party], do take thee, [name of the female party], to be my lawful wedded wife."; and  
(iii) the female party shall then say to the male party in the language or dialect chosen: -  
" I call upon all persons here present to witness that I, [name of the female party], do take thee, [name of the male party], to be my lawful wedded husband."
6. Replace s. 12(12) by: -  
"(12) Repeal section 2(4)(b) and substitute: -  
(b) where the Registrar or the civil celebrant is satisfied that the parties and most of the witnesses understand the language or dialect the parties chosen, the marriage shall be celebrated in that language or dialect."
7. Replace s. 12(13) by: -  
"(13) Section 21 is amended by adding -  
"(4A) where either party or both of the parties to the marriage can not convey the statement required either by section 4(a)(i) or (ii), verbally or by sign language, the Registrar or the civil celebrant shall convey the statement on behalf of either or both parties. Either or both parties shall signify, in whatever manner and by whatever means, to the satisfaction of the Registrar or the civil celebrant, as the case may be, that he or she approves the statement."
8. Replace s. 14 by: -  
" 14. offences by minister or civil celebrant  
Repeal section 30 and substitute -  
" 30. A minister or civil celebrant who -  
(a) knowing that -  
(i) a consent under section 14 is required in respect of the marriage of a party under 18 years of age; and  
(ii) no such consent has been produced in accordance with section 14(1A) in respect of the party, willfully celebrates the marriage of the party;  
(b) willfully celebrates a marriage contrary to any other provision of this ordinance; or  
(c) willfully celebrates a marriage knowing that any provision of this ordinance has not been complied with, commits an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 2 years."
9. Replace s. 15 by: -  
" 15. Section substituted  
Section 31 is repealed and the following substitute -  
" 31. offences for failure to transmit certificate, etc.  
(1) A minister who fails to transmit a certificate of marriage to the Registrar in accordance with section 20(3), commits an offence and shall be liable on summary conviction to a fine at level 1.  
(2) A civil celebrant who -  
(a) fails to transmit the documents referred to in section 6A(1)(c) in accordance with that section; or  
(b) fails to transmit a certificate or declaration in accordance with section 21(7)(a)(iii), commits an offence and shall be liable on summary conviction to a fine at level 1."
10. Amend s. 16 by replacing "is" by "is" and "shall be guilty of" by "commits" and adding "on summary conviction" after "liable".
11. Amend s. 17: -  
" " " " " " shall be guilty of" by "commits" and adding "on summary conviction" after "liable".

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12. Amend s. 18 and 19  
"s. 18 and 19, replace "The Secretary" by "The Secretary for Security".
  13. Amend s. 21 :-  
Replace "21" by "18" and "schedule 3" by "SCHEDULE 3"
  14. Add s. 27A :-  
" Protection of Children and Juvenile Ordinance  
27A. In section 34(b) of the Protection of Children and Juvenile Ordinance (Cap 113), replace "21" by "18". "
  15. Replace s. 31 by :-  
" 31. Licensing of places of worship  
Repeal section 4 and substitute :-  
" 4. Licensing of places of worship  
The Registrar may ---  
(a) by granting a licence in respect of any place of public worship, license such place to be a place for celebration of marriages; and  
(b) cancel any such licence at any time. "
  16. Replace s. 32 by :-  
" 32. Notification of licence  
Repeal section 5 and substitute :-  
" 5. Notification of licence  
Whenever the Registrar grants or cancels any licence under section 4, he shall give public notice thereof in the Gazette. "
  17. Repeal s. 34
  18. Replace s. 35(2) by :-  
" (2) Repeal section 7(1) and substitute :-  
" The Registrar shall post the copy of Part 1 of a notice of intended marriage to the Government website for the view of the public until he issues a certificate of Registrar or until the 3 months referred to in section 10 expire. "
  19. Replace s. 39 by :-  
" 39. Grant of special licence  
Repeal section 11 and substitute :-  
" 11. Grant of special licence  
(1) The Registrar may by granting a special licence in Form 3 in schedule 1 ---  
(a) dispense with ---  
(i) the notice of intended marriage;  
(ii) the certificate of the Registrar; or  
(iii) both such notice and such certificate,  
in relation to any intended marriage; and  
(b) authorize the celebration of a marriage between the parties named in the licence at the place and time specified in the licence.  
(2) The Registrar may grant a special licence without payment of the prescribed fee, or on payment of such reduced fee as, in the special circumstances of the case, he may think sufficient. "
  20. Add s. 48A :- " Repeal sections 26 and in s. 27(1), repeal "in England or Wales".
  21. Replace s. 50 by :-  
" 50. Marrying etc. person under 18 without required consent  
Repeal section 29 and substitute :-  
" 29. Marrying etc. person under 18 without required consent  
A person who, knowing that ---  
(a) a consent under section 14 is required in respect of the marriage of a party under 18 years of age; and  
(b) no such consent has been produced in accordance with section 14C(1A) in respect of the party,  
hinders or assists or procures other person to marry the person referred to in paragraph (a),  
commits an offence and shall be liable on conviction on summary conviction to imprisonment for 2 years. "
  22. Repeal s. 51
  23. Replace s. 52 by :-  
" 52. Offence of tampering with records  
Section 32 is amended by replacing "Any" by "A", "this ordinance, commits an offence and shall be liable" by "this ordinance, commits an offence and shall be liable on summary conviction" "
  24. Add s. 52A :-  
" 52. Amendment to section 33  
Replace "Any" by "A" and "shall be guilty of
  25. Add s. 57(2A)  
" (2A) In the proviso of section 39(1), replace "affinity, in England or Wales" by "alliance".  
" (2B) Section 39(3) is amended by replacing "Any" by "A" and "shall be guilty" by "commits" and adding "on summary conviction" after "liable".
  26. Replace s. 57(3) by :-  
" (3) Section 39(4) is amended by replacing "Any" by "A" and "shall be guilty" by "commits" and adding "on summary conviction" after "liable".
  27. Add s. 57A  
" 57A Amendment to section 40  
Repeal section 40 "
  28. In s. 58 :-  
" In Form 4 and 6, repeal items "Marital condition before marriage", "occupation", "Residential address", "surname and name of father" and "surname and name of mother".
  29. In s. 71 :-  
" In Form 7, repeal items "Marital condition before marriage", "occupation", "Residential address", "surname and name of father" and "surname and name of mother".

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30. In s. 58 add: —

(5) Amend the Marriage Reform (Forms) Regulations (Cap 178C) by repealing items in forms 5 and 6, namely "condition at the time of marriage", "Rank at the time of marriage", "Residence at the time of marriage", "Surname and name of father" and "Rank or Profession of father". "

31. Repeal s. 13 and substitute: —

" 13. Invalid marriages

Repeal section 27 and substitute: —

27. Invalid marriage

(1) A marriage is null and void: —

- (a) on grounds of kindred or alliance;
- (b) if at the time of its celebration any party is under 16 years of age;
- (c) if the marriage is celebrated under a false name;
- (d) if at the time of its celebration either party or both parties are not truly represented in sex against the identity card or travel document that either party or both parties are holding at that time;
- (e) if neither a certificate of the Registrar has been issued nor a special licence has been granted in respect of the marriage; or
- (f) if —

- (i) the marriage is not celebrated —
  - (A) by the Registrar in the office of the Registrar;
  - (B) by a competent minister in a licensed place of worship; or
  - (C) by a civil celebrant in accordance with section 21(3A); and
- (ii) the parties knowingly and willfully acquiesce in its celebration, unless the marriage —
  - (iii) is authorized by a special licence;
  - (iv) is celebrated under paragraph (b) of the proviso to section 21(3); or
  - (v) is celebrated under section 39.

(2) No marriage shall, after celebration, be deemed invalid by reason that any provision of this ordinance, other than those specified in section 27(1), has not been complied with. " "

32. Repeal s. 10 and substitute: —

10. Production of written consent

Repeal section 14 and substitute: —

14. Production of written consent

- (1) This section applies in relation to an intended marriage if any proposed party to the intended marriage is of or over 16 and under 18 years of age as at the date of marriage
- (1A) The written consent of the relevant person specified in schedule 3 to the intended marriage shall be produced to —
  - (a) the Registrar or a civil celebrant before a certificate of the Registrar may be issued; or
  - (b) the Registrar before a special licence may be granted. " "

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