

Information paper on  
21 July 2005

**Bills Committee of the Legislative Council  
Marriage (Introduction of Civil Celebrants of Marriages and  
General Amendments) Bill**

**Criteria and Procedures for non-Hong Kong residents  
to get married and have their marriages  
celebrated before civil celebrants**

**Background**

This paper provides information on the criteria and procedures for non-Hong Kong residents to get married and have their marriages celebrated before civil celebrants of marriages (“civil celebrants”) in Hong Kong.

**Criteria for getting married in Hong Kong**

2. Marrying parties who wish to get married in Hong Kong have to meet the following criteria laid down in the Marriage Ordinance (Cap.181) (“the Ordinance”) and the Matrimonial Causes Ordinance (Cap.179)-

- (a) The marriage shall be a Christian marriage or its civil equivalent, which implies a formal ceremony recognized by the law as involving the voluntary union for life of one man and one woman to the exclusion of all others (s.40 of the Ordinance);
- (b) The marrying parties are not within the prohibited degrees of kindred or affinity (s.27(1) of the Ordinance);

- (c) The marriage has to be celebrated by the Registrar of Marriages (“the Registrar”) in the office of the Registrar, by a competent minister in a licensed place of worship or, if our legislative proposal is implemented, by a civil celebrant at any time and any place in Hong Kong other than the Registrar’s office or a licensed place of worship (section 27(2) of the Ordinance and proposed section 27(2)(a) in Clause 13 of the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill (“the Bill”));
- (d) The marriage is not celebrated under a false name (section 27(2) of the Ordinance);
- (e) The marrying parties have been issued with a certificate of the Registrar or a special license (section 27(2) of the Ordinance);
- (f) The marrying parties are not under the age of 16 at the time of its celebration (section 27(2) of the Ordinance);
- (g) Either party is not already lawfully married at the time of the marriage and both parties are respectively male and female (sections 20(1)(c) and 20(1)(d) of the Matrimonial Causes Ordinance, Cap.179); and
- (h) The marriage is not otherwise invalid by the law of Hong Kong (section 20(1)(b) of the Matrimonial Causes Ordinance, Cap. 179).

The above criteria apply to both residents of Hong Kong and/or non-residents who intend to get married in Hong Kong.

**Procedures for non-Hong Kong residents to celebrate their marriages before civil celebrants**

3. If the marrying parties reside abroad and are unable to submit the notice of intended marriage (“marriage notice”) in person to their civil celebrant in Hong Kong, one of them may send the marriage notice to the civil celebrant by mail together with the prescribed fee for its filing and exhibition. The signature of the party giving the marriage notice has to be authenticated by a notary public of the country where he/she resides. In case either of the marrying parties is of or over 16 but under 21 years of age and is not a widower or widow, a written consent of the relevant person(s) has to be produced to the civil celebrant. If the relevant person(s) reside(s) abroad, the consent has to be authenticated by a notary public of the country where the relevant person(s) reside(s). Since a certificate of the Registrar will only be issued when an affidavit of no impediment of kindred or alliance or other lawful hindrance to the marriage is available, the marrying parties have to make arrangement with their civil celebrant for making such an affidavit before the marriage takes place.

Security Bureau

19 July 2005