

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

List of concerns/issues raised at previous meetings

Date of meeting	Administration's response [LC Paper No.]
21 June 2005	
(a) overseas experience of celebration of marriages by civil celebrants, and the monitoring by the respective governments;	CB(2) 2155/04-05(01)
(b) the impact of the legislative proposal on the Government's revenue (including loss of revenue at the Marriage Registries);	CB(2) 2155/04-05(02)
(c) the criteria and procedures for non-Hong Kong residents to get married and have their marriage celebrated before civil celebrants in Hong Kong;	CB(2) 2344/04-05(01)
(d) a flowchart showing the steps/procedures to be followed by civil celebrants of marriages;	CB(2) 2155/04-05(03)
(e) provisions in other legislation regarding the calculation of validity period of appointment where there was a period of suspension; and	CB(2) 2251/04-05(01)
(f) criteria for counting the years of post-qualification experience of a solicitor, e.g. the experience of in-house lawyers; and	
(g) to provide the draft Code of Practice for civil celebrants of marriages, when available.	
4 July 2005	
(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;	CB(2) 2251/04-05(01)
(b) whether briefing sessions for civil celebrants would be included in the continuing legal education courses;	CB(2) 2251/04-05(01)

<p>(c) concerning the provisions in section 27 of Cap. 181, what steps/procedures 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 will be held liable for omission/non-compliance;</p>	<p>CB(2) 2251/04-05(01)</p>
<p><u>Drafting issues</u></p>	
<p>(d) 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;</p>	
<p>(e) to replace “a written notice” with “written notice” or “notice in writing” in new sections 5D and 5E and any other relevant sections;</p>	
<p>(f) to improve/simplify the drafting of new sections 5D(3)(a), 5E(5) and 5E(6); and</p>	
<p>(g) to consider grouping all relevant provisions on refund of fees under one section.</p>	
<p>13 July 2005</p>	
<p>(a) the Administration to provide a response to the submissions from the Hong Kong Bar Association and from Mr YIP Ming; and</p>	<p>CB(2) 2530/04-05(02)</p>
<p>(b) suggestion of stipulating in the legislation that a civil celebrant should not also serve as a witness to a marriage at the same time.</p>	<p>CB(2) 2530/04-05(02)</p>
<p>(c) suggestion of including a schedule to the Marriage Ordinance to specify the impediment of kindred or alliance or any other lawful hindrance to the marriage referred to in section 12;</p>	<p>CB(2) 2530/04-05(02)</p>
<p>(d) whether schedule 4 to the Bill would be amended to include ministers as being eligible for appointment as civil celebrants; and</p>	<p>CB(2) 2530/04-05(02)</p>
<p>(e) the Administration to consider moving Committee Stage amendments to amend the proposed section 12(1)(b)(i), and to delete clause 7 and the new section 6(A)2 under clause 6.</p>	<p>CB(2) 2530/04-05(02)</p>

21 July 2005	
(a) Hon Andrew CHENG's suggestion of providing flexibility for civil celebrants to celebrate marriages inside licensed places of worship, and whether they would be allowed to do so under the proposed new section 21(3A) or by obtaining special licences under section 11 of the Marriage Ordinance;	
(b) in relation to section 27(2)(a)(i)(C), the legal effect of the word "and" linking (a) and (b) under the new section 21(3A) in clause 12;	
(c) circumstances under which a marriage would be regarded as invalid, and whether marriages celebrated by civil celebrants would be affected by defects in the appointment process under the amended section 27(2) in clause 13;	
(d) whether civil celebrants would be subject to double jeopardy for non-compliance with the statutory requirements, i.e. disciplinary hearings of their respective professional bodies and penalty under the Bill;	CB(2) 2530/04-05(03)
(e) Hon Audrey EU's suggestion of providing a reasonable excuse defence provision for offences under the new section 31A in clause 16;	CB(2) 2530/04-05(03)
(f) whether the proposed levels of penalty for non-compliance with the statutory requirements by civil celebrants were proportionate to the gravity of the offences; and	CB(2) 2530/04-05(03)
(g) the Administration to consider moving a Committee Stage amendment to delete the proposed new section 31A(4) following the deletion of the proposed new section 6A(2).	CB(2) 2530/04-05(03)