

Information paper on  
25 October 2005

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

**Summary of offences in the Marriage Ordinance (Cap. 181) and the**  
**Marriage (Introduction of Civil Celebrants of Marriages and General**  
**Amendments) Bill**

Pursuant to the Bills Committee's request, we have prepared the following summaries for Members' information –

- (a) new offences and their respective levels of penalty proposed in the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill at **Annex A**; and
- (b) existing offences and their respective levels of penalty provided in the Marriage Ordinance (Cap. 181) at **Annex B**.

Security Bureau  
18 October 2005

**Summary of new offences in the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill (“the Bill”)**

	<b>New offence</b>	<b>Level of penalty proposed in the Bill</b>	<b>Level of penalty proposed in CSAs</b>
1.	Proposed section 30, clause 14 <ul style="list-style-type: none"><li>• A civil celebrant or a minister wilfully celebrates a marriage in case of a minor without a written consent as required</li><li>• A civil celebrant or a minister wilfully celebrates a marriage contrary to any other provisions in the Ordinance, or knowing that any provision has not been complied with</li></ul>	Level 1 fine (\$2,000 <sup>1</sup> ) <u>or</u> 2-year imprisonment	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment
2.	Proposed section 31(2)(a), clause 15 <ul style="list-style-type: none"><li>• Failure for a civil celebrant to transmit, as soon as practicable, documents specified in the proposed section 6A(1)(c) to the Registrar</li></ul>	Level 1 fine (\$2,000)	-
3.	Proposed section 31(2)(b), clause 15 <ul style="list-style-type: none"><li>• Failure for a civil celebrant to transmit a certificate of marriage and the declaration signed by the parties to the</li></ul>	Level 1 fine (\$2,000)	-

<sup>1</sup> Schedule 8 to the Criminal Procedure Ordinance, Cap. 221

	<b>New offence</b>	<b>Level of penalty proposed in the Bill</b>	<b>Level of penalty proposed in CSAs</b>
	Registrar within 7 days after a marriage		
4.	Proposed section 31A(1), clause 16 <ul style="list-style-type: none"> <li>Failure for a civil celebrant to deliver his notice of appointment/reappointment, notices of intended marriage and marriage certificates to the Registrar within 14 days after cancellation or suspension of his appointment</li> </ul>	Level 3 fine (\$10,000)	-
5.	Proposed section 31A(2), clause 16 <ul style="list-style-type: none"> <li>Failure for a civil celebrant to provide, as soon as practicable, to the Registrar such information in relation to his practice</li> </ul>	Level 1 fine (\$2,000)	-
6.	Proposed section 31A(3), clause 16 <ul style="list-style-type: none"> <li>Failure for a civil celebrant to notify the Registrar within 14 days of his cessation to meet any criterion prescribed in the proposed Schedule 4 as in force at the time of his appointment or the latest renewal of his appointment</li> </ul>	Level 3 fine (\$10,000)	-

	<b>New offence</b>	<b>Level of penalty proposed in the Bill</b>	<b>Level of penalty proposed in CSAs</b>
7.	<p>Proposed section 31A(5), clause 16</p> <ul style="list-style-type: none"> <li>Failure for a civil celebrant to forward the certificate of the Registrar to either of the proposed parties as soon as practicable</li> </ul>	Level 4 fine (\$25,000)	-
8.	<p>Proposed section 33A(1), clause 17</p> <ul style="list-style-type: none"> <li>A civil celebrant provides false information to the Registrar to procure appointment/renewal of appointment, avoid cancellation/suspension of appointment or avoid the prohibition notice under the proposed section 5D(7)</li> </ul>	Level 5 fine (\$50,000) <u>and</u> 1-year imprisonment	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment
9.	<p>Proposed section 33B, clause 17</p> <ul style="list-style-type: none"> <li>Any person who, not being a civil celebrant, falsely holds out as a civil celebrant</li> </ul>	Level 4 fine (\$25,000)	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment

**Summary of existing offences in the Marriage Ordinance (Cap. 181)**  
**("the Ordinance")**

	<b>Existing offence</b>	<b>Level of penalty provided in the Ordinance</b>	<b>Level of penalty proposed in CSAs</b>
1.	Section 29 of the Ordinance, slightly revised by Clause 50 of the Bill <ul style="list-style-type: none"><li>Any person who knowing that a consent under section 14 is required in respect of the marriage of a party under 21 years of age; and no such consent has been produced, marries, or assists or procures any other person to marry the person referred above</li></ul>	2-year imprisonment	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment
2.	Section 31 of the Ordinance, (equivalent to proposed section 31(1), clause 15 of the Bill) <ul style="list-style-type: none"><li>Failure for a minister to transmit a certificate of marriage to the Registrar within 7 days after a marriage</li></ul>	Level 1 fine (\$2,000)	-
3.	Section 32 of the Ordinance <ul style="list-style-type: none"><li>Any person who wilfully removes or alters any notice, certificate, licence or other documents kept or filed by the Registrar</li></ul>	Level 1 fine (\$2,000) <u>and</u> 6-month imprisonment	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment

	<b>Existing offence</b>	<b>Level of penalty provided in the Ordinance</b>	<b>Level of penalty proposed in CSAs</b>
4.	<p>Section 33 of the Ordinance</p> <ul style="list-style-type: none"> <li>Any person who knowingly and wilfully celebrates or pretends to celebrate a marriage, not being legally competent to do so</li> </ul>	2-year imprisonment	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment
5.	<p>Section 39(3)(a) of the Ordinance</p> <ul style="list-style-type: none"> <li>Any person who knowingly celebrates any marriage in purported pursurance of s.39 contrary to or not in accordance with any provision thereof</li> </ul>	Level 1 fine (\$2,000) <u>or</u> 2-year imprisonment	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment
6.	<p>Section 39(3)(b) of the Ordinance</p> <ul style="list-style-type: none"> <li>Any person who not being legally competent, celebrates any marriage under s.39</li> </ul>	Level 1 fine (\$2,000) <u>or</u> 2-year imprisonment	Propose a CSA to revise the penalty to level 5 (\$50,000) and 2-year imprisonment
7.	<p>Section 39(4) of the Ordinance</p> <ul style="list-style-type: none"> <li>Failure for a minister to transmit a certificate of marriage to the Registrar within 7 days after a marriage under s.39</li> </ul>	Level 1 fine (\$2,000)	-