

**MARRIAGE (INTRODUCTION OF CIVIL CELEBRANTS
OF MARRIAGES AND GENERAL AMENDMENTS) BILL**

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A BILL

To

Amend the Marriage Ordinance to—

- (a) provide for appointment of civil celebrants of marriages;
- (b) enable marriages to be celebrated by civil celebrants;
- (c) regulate the practice of civil celebrants;
- (d) transfer the power of the Chief Executive to make subsidiary legislation under that Ordinance to the Secretary for Security;
- (e) transfer the power of the Chief Executive to amend two Schedules to that Ordinance to the Secretary for Security;
- (f) modernize the drafting style of certain provisions of that Ordinance,

and to make related and consequential amendments to the Marriage Ordinance and other Ordinances.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title

This Ordinance may be cited as the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance.

2. Commencement

This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

PART 2

APPOINTMENT OF CIVIL CELEBRANTS, REGULATION OF CIVIL
CELEBRANTS, CELEBRATION OF MARRIAGE BY CIVIL
CELEBRANT AND TRANSFER OF POWERS TO AMEND
SCHEDULES AND MAKE SUBSIDIARY LEGISLATION

Amendments to the Marriage Ordinance

3. Interpretation

Section 2 of the Marriage Ordinance (Cap. 181) is amended by adding—
““Appeal Board” (上訴委員會) means the Civil Celebrant of Marriages
Appointment Appeal Board established under section 5J;

“civil celebrant” (婚姻監禮人) means a civil celebrant of marriages
appointed under section 5A whose appointment is for the time being
valid;

“code of practice” (實務守則) means a code of practice issued under
section 5C(1);

“prescribed fee” (訂明費用) means, in relation to any matter provided for
in this Ordinance, the fee specified in Schedule 2 in respect of the
matter;

“proposed date of marriage” (預定結婚日期) means the date on which an
intended marriage is proposed to be contracted;

“Secretary” (局長) means the Secretary for Security;”.

4. Parts 3 and 4 added

The following are added after section 5—

“PART 3

CIVIL CELEBRANTS OF MARRIAGES

**5A. Appointment of civil celebrant
and renewal of appointment**

(1) The Registrar may, upon application, appoint any person who
meets all criteria prescribed for the time being in Schedule 4 as a civil
celebrant of marriages.

(2) The Registrar may, upon application of a civil celebrant, renew
his appointment as a civil celebrant if he meets all criteria prescribed for
the time being in Schedule 4.

(3) An appointment—
 (a) made under subsection (1); or
 (b) renewed under subsection (2),
 is valid for 5 years. This period of 5 years shall not be affected by any suspension under section 5E.

(4) The Registrar shall—
 (a) effect an appointment by giving the applicant concerned a written notice;
 (b) effect a renewal of appointment by giving the civil celebrant concerned a written notice; and
 (c) publish an appointment or a renewal of appointment by general notice in the Gazette.

5B. Application for appointment as civil celebrant or renewal of appointment

(1) An application for appointment or renewal of appointment under section 5A shall be—

- (a) in such form as the Registrar may specify;
- (b) submitted in such manner as the Registrar may specify;
- (c) accompanied by such information or documents as the Registrar may specify or as he may reasonably require;
- (d) accompanied by the prescribed fee for application processing; and
- (e) accompanied by the prescribed fee for—
 - (i) appointment as civil celebrant; or
 - (ii) renewal of appointment as civil celebrant, as may be appropriate.

(2) The Registrar may refuse to process an application if subsection (1) is not complied with in relation to it.

(3) The Registrar shall refuse an application if—
 (a) the applicant does not meet any criterion prescribed in Schedule 4; or
 (b) a notice given under section 5D(7) is in force in relation to the applicant.

(4) If an application is refused by the Registrar—
 (a) he shall give the applicant a written notice of—
 (i) the refusal; and
 (ii) the reason for the refusal; and
 (b) the prescribed fee for—
 (i) appointment as civil celebrant; or
 (ii) renewal of appointment as civil celebrant, as may be appropriate, shall be refunded to the applicant.

(5) Where—

- (a) a person applies for appointment or renewal of appointment by virtue of a professional qualification prescribed in Schedule 4; and
- (b) he is a member of a professional body which has statutory authority to regulate the relevant profession,

the Registrar may consult the body on whether the applicant meets any criterion prescribed in Schedule 4.

5C. Code of practice for civil celebrants

(1) The Registrar may issue such code of practice as he considers appropriate for the purpose of providing practical guidance in respect of the professional conduct of civil celebrants.

- (2) The Registrar may from time to time revise a code of practice.
- (3) The Registrar shall publish by general notice in the Gazette—
 - (a) a code of practice and its commencement date; and
 - (b) the particulars of any revision under subsection (2) and its commencement date.

5D. Cancellation of appointment of civil celebrant

- (1) The Registrar may cancel the appointment of a civil celebrant—
 - (a) if the civil celebrant ceases to meet any criterion prescribed in Schedule 4 as in force at—
 - (i) the time of the appointment; or
 - (ii) the time of the latest renewal of the appointment, as may be appropriate;
 - (b) if he is satisfied that at the time of the appointment or renewal of appointment, as may be appropriate, the civil celebrant did not meet any criterion so prescribed;
 - (c) if the civil celebrant contravenes a code of practice;
 - (d) if the civil celebrant is convicted of an offence under this Ordinance;
 - (e) upon a written request of the civil celebrant; or
 - (f) if the civil celebrant dies.

(2) The Registrar may cancel the appointment of a civil celebrant under subsection (1) notwithstanding that the appointment has already been suspended under section 5E.

(3) Where a civil celebrant is a member of a professional body, the Registrar may consult the body on whether—

- (a) the civil celebrant ceases to meet any criterion prescribed in Schedule 4 as in force at—

- (i) the time of his appointment; or
 - (ii) the time of the latest renewal of his appointment,
as may be appropriate; or
- (b) the civil celebrant met any criterion so prescribed when—
 - (i) he was appointed a civil celebrant; or
 - (ii) his appointment was renewed,
as may be appropriate.
- (4) Except where subsection (5) applies, if the Registrar intends to cancel the appointment of a person under subsection (1)(a), (b), (c) or (d), the Registrar—
 - (a) shall give the person a written notice of the intention and the reason for the proposed cancellation;
 - (b) shall not cancel the appointment of the person until—
 - (i) the expiry of a period of 14 days after the date of posting the notice; and
 - (ii) the Registrar has considered the representation (if any) made by the person.
- (5) If—
 - (a) a civil celebrant—
 - (i) was appointed by virtue of meeting the criterion prescribed in paragraph 1(a) of Schedule 4; and
 - (ii) has his name struck off from the roll of the solicitors of the High Court; or
 - (b) a civil celebrant—
 - (i) was appointed by virtue of meeting the criterion prescribed in paragraph 1(b) of Schedule 4; and
 - (ii) has his name struck off from the register of notaries public,
his appointment as a civil celebrant is deemed to be cancelled under subsection (1).
- (6) If the Registrar cancels the appointment of a person, he shall—
 - (a) publish the cancellation by general notice in the Gazette; and
 - (b) give the person a written notice of the cancellation.
- (7) If the Registrar cancels the appointment of a person under subsection (1)(c) or (d), he may, by giving the person a written notice, prohibit the person from applying for appointment under section 5B in such period as he may specify in the notice.
- (8) A period specified under subsection (7) shall not be longer than 3 years.
- (9) If an appointment is cancelled, no fee paid in accordance with section 5B(1)(e) in respect of the appointment or the renewal of it shall be refunded.

5E. Suspension of appointment

(1) If a civil celebrant contravenes a code of practice, the Registrar may, by giving the person a written notice, suspend the appointment of the civil celebrant for such period as the Registrar may specify in the notice.

(2) Subsection (1) is without prejudice to section 5D(1)(c).

(3) If the Registrar intends to suspend the appointment of a person under subsection (1), the Registrar—

(a) shall give the person a written notice of—

- (i) the intention;
- (ii) the reason for the proposed suspension; and
- (iii) the length of the proposed suspension period;

(b) shall not suspend the appointment until—

- (i) the expiry of a period of 14 days after the date of posting the notice; and
- (ii) the Registrar has considered the representation (if any) made by the person.

(4) A period specified under subsection (1)—

(a) may be longer or shorter than the proposed suspension period referred to in subsection (3)(a)(iii); and

(b) shall not be longer than 18 months.

(5) If—

(a) a person—

- (i) was appointed as a civil celebrant by virtue of meeting the criterion prescribed in paragraph 1(a) of Schedule 4; and
- (ii) is suspended from practice as a solicitor for any period by a Solicitors Disciplinary Tribunal under section 10 of the Legal Practitioners Ordinance (Cap. 159); or

(b) a person—

- (i) was appointed as a civil celebrant by virtue of meeting the criterion prescribed in paragraph 1(b) of Schedule 4; and
- (ii) is suspended from practice as a notary public for any period by a Notaries Public Disciplinary Tribunal under section 40J of the Legal Practitioners Ordinance (Cap. 159),

his appointment as a civil celebrant shall be suspended during that period.

(6) An appointment suspended under this section shall not be regarded as valid for the purposes of the definition of “civil celebrant” in section 2.

(7) If the appointment of a civil celebrant is suspended, the Registrar shall publish the suspension by general notice in the Gazette.

(8) If an appointment is suspended, no fee paid in accordance with section 5B(1)(e) in respect of the appointment or the renewal of it shall be refunded.

**5F. Marriage not affected by defect in
civil celebrant's appointment**

The validity of a marriage celebrated by a civil celebrant shall not be affected by—

- (a) any irregularity in the appointment of the civil celebrant by the Registrar;
- (b) the fact that the civil celebrant was not—
 - (i) eligible for appointment at the time of his appointment; or
 - (ii) eligible for having his appointment renewed at the time of renewal of his appointment,as may be appropriate; or
- (c) the fact that the appointment of the civil celebrant was, at the time of the celebration, liable to be cancelled or suspended.

**5G. Return documents to Registrar in case
of cancellation or suspension**

(1) A civil celebrant whose appointment is cancelled under section 5D(1) or suspended under section 5E shall deliver—

- (a) the notice of appointment or renewal of appointment given to him by the Registrar;
- (b) all notices of intended marriage supplied to him under section 8 (including those which have been cancelled); and
- (c) all marriage certificates supplied to him under section 20A that have not been issued (including those which have been cancelled),

to the Registrar within 14 days after such cancellation or suspension.

(2) Where—

- (a) the appointment of a civil celebrant is suspended for a period; and
- (b) the civil celebrant delivers any notice of appointment or renewal of appointment to the Registrar in accordance with subsection (1)(a),

the Registrar shall return such notice to the civil celebrant as soon as practicable after the expiry of that period.

5H. Civil celebrant shall provide information

(1) Upon a request by the Registrar, a civil celebrant shall, as soon as practicable, provide the Registrar with such information as the Registrar may reasonably require in relation to the practice of the civil celebrant.

(2) If a civil celebrant ceases to meet any criterion prescribed in Schedule 4 as in force at—

(a) the time of his appointment; or

(b) the time of the latest renewal of his appointment,

as may be appropriate, he shall, within 14 days of such cessation, notify the Registrar in writing of such cessation.

5I. Manner of giving notice

A written notice that may be given or is required to be given under this Part to a person shall be sent by post to the person's last address known to the Registrar.

PART 4

APPEALS RELATING TO APPOINTMENT OF CIVIL CELEBRANTS

5J. Civil Celebrant of Marriages Appointment Appeal Board

(1) There shall be a Civil Celebrant of Marriages Appointment Appeal Board.

(2) The Appeal Board comprises—

(a) a Chairperson;

(b) such number of Deputy Chairpersons as the Secretary considers necessary; and

(c) such number of members as the Secretary considers necessary.

(3) The Chairperson, Deputy Chairpersons and members of the Appeal Board shall be appointed by the Secretary for a term specified in the instrument of appointment.

(4) A public officer shall not be appointed under subsection (3).

(5) The Secretary shall give notice of all appointments made under subsection (3) in the Gazette.

(6) The function of the Appeal Board is to hear and determine appeals lodged under section 5K.

(7) The Chairperson, Deputy Chairpersons and members of the Appeal Board shall be paid such remuneration as the Secretary may determine.

5K. Registrar's decisions subject to appeal

(1) An applicant who is aggrieved by the refusal of his application under section 5B(3) may appeal to the Appeal Board against the decision of the Registrar.

(2) A civil celebrant who is aggrieved by the cancellation of his appointment under section 5D(1) (except by virtue of section 5D(5)) may appeal to the Appeal Board against the decision of the Registrar.

(3) A person who is aggrieved by a notice given to him under section 5D(7) may appeal to the Appeal Board against the decision of the Registrar.

(4) A civil celebrant who is aggrieved by a suspension of his appointment under section 5E(1) may appeal to the Appeal Board against the decision of the Registrar.

(5) An appeal under subsection (2), (3) or (4) does not suspend the decision of the Registrar appealed against.

5L. Decisions of Appeal Board

(1) The Appeal Board may, on an appeal lodged under section 5K against a decision of the Registrar—

(a) confirm the decision appealed against and dismiss the appeal accordingly;

(b) revoke the decision appealed against and substitute any decision that the Registrar could have made for the decision appealed against; or

(c) revoke the decision appealed against.

(2) An appointment cancelled under subsection (1)(b) shall, for the purposes of other provisions of this Ordinance (except section 5K), be regarded as being cancelled under section 5D(1).

(3) If the Appeal Board gives under subsection (1)(b) a notice that the Registrar could have given under section 5D(7), the notice shall, for the purposes of other provisions of this Ordinance (except section 5K), be regarded as a notice given under section 5D(7).

(4) An appointment suspended under subsection (1)(b) shall, for the purposes of other provisions of this Ordinance (except section 5K), be regarded as being suspended under section 5E(1).

5M. Decision of Appeal Board is final

The decision of the Appeal Board on an appeal shall be final.”.

5. Giving of notice of intended marriage

(1) Section 6(1) is amended by repealing “the prescribed form” and substituting “Form 1 in Schedule 1 either directly or through a civil celebrant”.

(2) Section 6 is amended by adding—

“(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.”.

6. Section added

The following is added—

“6A. Provisions applicable where notice of intended marriage is given through civil celebrant

(1) Where a civil celebrant agrees to be a civil celebrant through whom a notice of intended marriage is given to the Registrar, the civil celebrant shall, as soon as practicable—

- (a) accept the notice if it is duly completed and accompanied by the prescribed fee for filing and exhibition of the notice;
- (b) collect the prescribed fee on behalf of the Registrar; and
- (c) transmit—
 - (i) the notice;
 - (ii) the prescribed fee;
 - (iii) the affidavit taken under section 12 in respect of the intended marriage; and
 - (iv) (where applicable) the written consent produced to him under section 14(1A),
to the Registrar.

(2) A civil celebrant shall not charge any fee for any acceptance, collection and transmission under subsection (1).”.

7. Supply of forms

Section 8 is amended by adding “and civil celebrants” before the full stop.

8. Issue of certificate of the Registrar

Section 9 is amended by adding—

“(1A) The Registrar may refuse to issue a certificate of the Registrar in relation to an intended marriage if—

- (a) any prescribed fee that is due is not paid; or
- (b) the affidavit taken under section 12 in respect of the intended marriage or (where applicable) the written consent produced to him under section 14(1A) is not in order.

(1B) If the issue of a certificate of the Registrar is forbidden under section 16(1), it shall not be issued.

(1C) If the intended marriage is to be contracted before a minister, the certificate of the Registrar shall be issued to either of the proposed parties.

(1D) If the intended marriage is to be contracted before a civil celebrant, the certificate of the Registrar shall be issued to either of the proposed parties through a civil celebrant nominated by either of the proposed parties.

(1E) A civil celebrant through whom a certificate of the Registrar is issued under subsection (1D) shall forward it as soon as practicable to either of the proposed parties.”.

9. Section substituted

Section 12 is repealed and the following substituted—

“12. Affidavit prior to issue of certificate of the Registrar or grant of special licence

(1) After a notice of intended marriage is given but before a certificate of the Registrar is issued or a special licence is granted in respect of an intended marriage, one of the proposed parties to the intended marriage shall—

- (a) appear personally before the Registrar or a civil celebrant; and
- (b) make before the Registrar or the civil celebrant, as the case may be, an affidavit—
 - (i) that the party believes that there is not any impediment of kindred or alliance or any other lawful hindrance to the marriage; and
 - (ii) that—
 - (A) the consent to the marriage required by section 14 has been obtained; or
 - (B) the marriage does not require any consent under section 14.

(2) The Registrar and any civil celebrant shall have power to take an affidavit referred to in subsection (1)(b).”.

10. Production of written consent

Section 14(1) is repealed and the following substituted—

“(1) This section applies in relation to an intended marriage if any proposed party to the intended marriage—

(a) is of or over 16 and under 21 years of age as at the date of marriage; and

(b) is not a widower or widow.

(1A) The written consent of the relevant person specified in Schedule 3 to the intended marriage—

(a) shall be produced to the Registrar or a civil celebrant before a certificate of the Registrar may be issued; or

(b) shall be produced to the Registrar before a special licence may be granted.”.

11. Section added

The following is added—

“20A. Certificates of marriage to be supplied to civil celebrant

The Registrar shall cause to be prepared and supplied upon request to any civil celebrant books of marriage certificates in Form 7 in Schedule 1 in duplicate and with butts in such form as may be specified by the Registrar.”.

12. Marriage before Registrar or civil celebrant

(1) Section 21(1) is amended by repealing everything after “of a certificate” and substituting “of the Registrar or the grant of a special licence, the parties may, subject to subsection (1A), contract a marriage before the Registrar or a civil celebrant.”.

(2) Section 21 is amended by adding—

“(1A) Before a marriage is—

(a) celebrated by the Registrar, each of the parties shall sign a written declaration in the presence of the Registrar;

(b) celebrated by a civil celebrant, each of the parties shall sign a written declaration in the presence of the civil celebrant.

(1B) If a declaration is signed before the Registrar or a civil celebrant, he shall witness the signature.

(1C) A declaration referred to in subsection (1A) shall be in Form 5 in Schedule 1.”.

(3) Section 21(2) is amended by repealing “Such declaration” and substituting “A declaration referred to in subsection (1A)”.

(4) Section 21(2) is amended by adding “or a civil celebrant, as the case may be” after “the Registrar”.

(5) Section 21(3) is amended by repealing “The marriage shall take place in the office of the Registrar” and substituting “A marriage celebrated by the Registrar shall take place in his office”.

(6) Section 21 is amended by adding—

“(3A) A marriage celebrated by a civil celebrant—

(a) may take place at any hour; and

(b) shall take place at any place which is a place in Hong Kong other than the office of the Registrar and a licensed place of worship.”.

(7) Section 21(4)(a) is amended by repealing “The marriage” and substituting “A marriage celebrated by the Registrar or a civil celebrant”.

(8) Section 21(4)(a)(i) is amended by adding “or the civil celebrant, as the case may be,” after “the Registrar”.

(9) Section 21(4)(a)(i) is amended by repealing “in this Registry (or place)” and substituting “contracted under the Marriage Ordinance”.

(10) Section 21(4)(a)(i) is amended by repealing “A.B., and C.D.” and substituting “[*name of the male party*], and [*name of the female party*]”.

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

“(ii) the male party shall then say to the female party either—

(A) in Chinese—

“我請在場各人見證：我 [*男方姓名*] 願以妳 [*女方姓名*] 為我合法妻子。”; or

(B) in English—

“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 either—

(A) in Chinese—

“我請在場各人見證：我 [*女方姓名*] 願以你 [*男方姓名*] 為我合法丈夫。”; or

(B) in English—

“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.”.”.

(12) Section 21(4)(b) is amended by repealing everything after “the Registrar” and substituting—

“or the civil celebrant, as the case may be—

- (i) is satisfied that the parties and witnesses all understand the Chinese language, the marriage may be celebrated in the Chinese language; or
- (ii) is satisfied that the parties and witnesses all understand the English language, the marriage may be celebrated in the English language.”.

(13) Section 21 is amended by adding—

“(4A) Where a male party is unable to make the statement required by subsection (4)(a)(ii) because of any physical disability (whether permanent or temporary) or because he is neither Chinese-speaking nor English-speaking, if—

(a) a person other than the male party, the female party, the Registrar or the civil celebrant says to the female party either—

(i) in Chinese—

“現代表 [男方姓名] 聲明如下：我請在場各人見證：我 [男方姓名] 願以妳 [女方姓名] 為我合法妻子。”; or

(ii) in English—

“It is declared on behalf of [*name of the male party*] as follows: 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

(b) upon inquiry by the Registrar or the civil celebrant, the male party signifies, in whatever manner and by whatever means, to the satisfaction of the Registrar or the civil celebrant, as the case may be, that what was said reflects his will to marry the female party,

the male party shall be regarded as having complied with subsection (4)(a)(ii).

(4B) Where a female party is unable to make the statement required by subsection (4)(a)(iii) because of any physical disability (whether permanent or temporary) or because she is neither Chinese-speaking nor English-speaking, if—

(a) a person other than the female party, the male party, the Registrar or the civil celebrant says to the male party either—

(i) in Chinese—

“現代表 [女方姓名] 聲明如下：我請在場各人見證：我 [女方姓名] 願以你 [男方姓名] 為我合法丈夫。”; or

(ii) in English—

“It is declared on behalf of [*name of the female party*] as follows: 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.”; and

(b) upon inquiry by the Registrar or the civil celebrant, the female party signifies, in whatever manner and by whatever means, to the satisfaction of the Registrar or the civil celebrant, as the case may be, that what was said reflects her will to marry the male party,

the female party shall be regarded as having complied with subsection (4)(a)(iii).”.

(14) Section 21(5) is repealed and the following substituted—

“(5) Upon subsection (4) being complied with—

- (a) the Registrar or the civil celebrant, as may be appropriate;
- (b) the parties; and
- (c) the witnesses referred to in subsection (4)(a),

shall sign a certificate of marriage in Form 7 in Schedule 1 in duplicate.”.

(15) Section 21(6) is repealed and the following substituted—

“(6) If a marriage is celebrated by the Registrar, he shall—

- (a) deliver one certificate of marriage signed in accordance with subsection (5) to the parties immediately after it has been signed; and
- (b) file the other certificate of marriage in his office.”.

(16) Section 21 is amended by adding—

“(7) If a marriage is celebrated by a civil celebrant—

(a) the civil celebrant shall—

- (i) deliver one certificate of marriage signed in accordance with subsection (5) to the parties immediately after it has been signed;
- (ii) enter in the butt the names of the parties and the date of marriage; and
- (iii) transmit—

(A) the other certificate of marriage; and

(B) the declaration signed by the parties in accordance with subsection (1A)(b),

to the Registrar within 7 days after the marriage; and

(b) the Registrar shall file the certificate transmitted to him in accordance with paragraph (a)(iii) in his office.”.

13. Invalid marriage

Section 27(2) is amended by repealing everything after “A marriage shall be” and substituting—

“null and void—

(a) 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;

(b) if the marriage is celebrated under a false name;

(c) if neither a certificate of the Registrar has been issued nor a special licence has been granted in respect of the marriage; or

(d) if at the time of its celebration any party is under 16 years of age.”.

14. Offences by minister or civil celebrant

Section 30 is amended by adding “or civil celebrant” after “Any minister”.

15. Section substituted

Section 31 is repealed and the following substituted—

“31. Offences for failure to transmit certificate, etc.

(1) Any minister who fails to transmit a certificate of marriage to the Registrar in accordance with section 20(3) shall be guilty of an offence and shall be liable to a fine at level 1.

(2) Any 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),

shall be guilty of an offence and shall be liable to a fine at level 1.”.

16. Section added

The following is added—

“31A. Offences by civil celebrant

(1) Any civil celebrant who contravenes section 5G(1) shall be guilty of an offence and shall be liable to a fine at level 3.

(2) Any civil celebrant who without reasonable excuse contravenes section 5H(1) shall be guilty of an offence and shall be liable to a fine at level 1.

(3) Any civil celebrant who contravenes section 5H(2) shall be guilty of an offence and shall be liable to a fine at level 3.

(4) Any civil celebrant who contravenes section 6A(2) shall be guilty of an offence and shall be liable to a fine at level 3.

(5) Any civil celebrant who contravenes section 9(1E) shall be guilty of an offence and shall be liable to a fine at level 4.”.

17. Sections added

The following are added—

“33A. Offence for providing false information in relation to appointment of civil celebrants

(1) Any person who provides any false information which—
(a) he knows to be false; or
(b) he has no reasonable ground to believe to be true,
to the Registrar for specified purposes shall be guilty of an offence and shall be liable to a fine at level 5 and to imprisonment for 1 year.

(2) In subsection (1), “specified purposes” (指明目的) means—
(a) procuring the appointment of any person as a civil celebrant or renewal of such appointment;
(b) avoiding the cancellation or suspension of the appointment of any civil celebrant; or
(c) avoiding the giving of a notice under section 5D(7) in respect of any person.

33B. Offence of falsely holding out as civil celebrant

Any person who, not being a civil celebrant—
(a) advertises or represents himself as a civil celebrant; or
(b) knowingly permits himself to be advertised or represented as a civil celebrant,
shall be guilty of an offence and shall be liable to a fine at level 4.”.

18. Section substituted

Section 42 is repealed and the following substituted—

“42. Regulations

The Secretary may make regulations—

- (a) to provide for the composition of the Appeal Board for hearing appeals;
- (b) to provide for the operation of the Appeal Board;
- (c) to provide for the practice and procedure for handling of appeals by the Appeal Board;
- (d) to provide for legal representation of parties to an appeal;
- (e) to provide for the appointment and function of the Secretary of the Appeal Board;
- (f) to provide for the delegation of functions of the Appeal Board to the Secretary of the Appeal Board;
- (g) to provide for the powers that the Appeal Board may exercise in relation to appeals;
- (h) to provide for matters ancillary or incidental to the matters specified in paragraph (a), (b), (c), (d), (e), (f) or (g); and
- (i) generally for the better carrying out of this Ordinance.”.

19. Section added

The following is added—

“42A. Amendment of Schedules

The Secretary may, by notice published in the Gazette, amend Schedule 1, Schedule 3 or Schedule 4.”.

20. Section added

The following is added—

“44. Registrar may provide information relating to civil celebrant, etc. to professional bodies

The Registrar may provide—

- (a) any information relating to the performance of any function as a civil celebrant by any person who—
 - (i) is a civil celebrant; or
 - (ii) has been a civil celebrant; or

(b) any information relating to any improper conduct of any person in his application for appointment or renewal of appointment as civil celebrant, to any professional body for its use in connection with any disciplinary proceedings or prospective disciplinary proceedings against the person on such terms as the Registrar may specify.”.

21. Forms

(1) The First Schedule is amended by repealing—

“FIRST SCHEDULE [s. 35]”

and substituting—

“SCHEDULE 1 [ss. 2, 6, 9, 11, 20, 20A,
21, 35, 39 & 42A]

FORMS”.

(2) Schedule 1 is amended by repealing Form 1 and substituting—

“FORM 1
NOTICE OF INTENDED MARRIAGE
擬結婚通知書

[s. 6]

(Marriage Ordinance (Cap. 181))
(《婚姻條例》(第181章))

To: The Registrar of Marriages, Hong Kong.
致: 香港婚姻登記官

Take notice that the parties named in this notice intend to contract a marriage within 3 months from the date of this notice.
現謹通告名列本通知書的雙方擬在自本通知書日期起計的3個月內結婚。

Part I 第 I 部分		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Marital condition 婚姻現況	Bachelor/Widower/Divorced person 未婚 / 鰥夫 / 離婚	Spinster/Widow/Divorced person 未婚 / 寡婦 / 離婚
Occupation 職業		
Date of birth 出生日期		
Residential address (Street name & district) 住址(街道名稱及地區)		
Consent of the third party (if any) 第三者的同意(如有)		
Part II 第 II 部分		
HK identity card no. / Travel document type and no. 香港身分證號碼/ 旅行證件類別及號碼		
Residential address in full 詳細住址		
Daytime telephone no. 日間電話號碼		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		

[Where applicable] This notice is given through (name of civil celebrant), Civil Celebrant of Marriages.
[如適用]本通知書透過婚姻監禮人(婚姻監禮人的姓名)發出。

I and the other party named above intend to contract a marriage at (place of celebration of marriage) on the _____ day of _____, 20____
本人與名列上表的另一方擬於 _____ 年 _____ 月 _____ 日在(舉行婚禮地點)
before _____ the Registrar.
在 _____ 登記官
 a civil celebrant. _____ 主持下締結婚姻。
 婚姻監禮人
 a competent minister.
合資格的神職人員

Dated this _____ day of _____, 20____
年 _____ 月 _____ 日

(Signature of the party giving the notice)
(發出通知書的一方簽署)

(Name of the party)
(該方姓名) *

Interpreted to the person making this declaration in the
language in the presence of the person taking this declaration.

*(Signature of the
interpreter)*

(Name of the interpreter)

* Delete where inappropriate.”.

(4) Schedule 1 is amended by adding—

“FORM 7
CERTIFICATE OF MARRIAGE
結婚證書

[ss. 2, 20A & 21]

(Marriage Ordinance (Cap. 181))
(《婚姻條例》(第181章))

Registration No. 登記編號		
Date of Marriage 結婚日期		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition before marriage 結婚前婚姻狀況	Bachelor/Widower/Divorced person 未婚 / 寡夫 / 離婚	Spinster/Widow/Divorced person 未婚 / 寡婦 / 離婚
Occupation 職業		
Residential address 住址		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		
<p>Married at (<i>place of celebration of marriage</i>), Hong Kong in accordance with the provisions of the Marriage Ordinance (Cap. 181) before me. 婚禮在本人主持下於香港 (<i>舉行婚禮地點</i>) 按照《婚姻條例》(第181章) 舉行。</p> <p style="text-align: center;">(Signature of the person celebrating the marriage) (主持婚禮的人的簽署) _____ (Name and title of the person celebrating the marriage) (主持婚禮的人的姓名及稱銜)</p> <p>The marriage was solemnized between us 結婚雙方</p> <p style="text-align: center;">(Signature of bridegroom) (新郎簽署)</p> <p style="text-align: center;">and 與</p> <p style="text-align: center;">(Signature of bride) (新娘簽署)</p> <p>in the presence of us 證婚人</p> <p style="text-align: center;">(Signature of the first witness) (第一見證人簽署) _____ (Name of the first witness) (第一見證人姓名)</p> <p style="text-align: center;">and 及</p> <p style="text-align: center;">(Signature of the second witness) (第二見證人簽署) _____ (Name of the second witness) (第二見證人姓名)</p>		

22. Fees

(1) The Second Schedule is amended by repealing—

“Second Schedule [s. 36]”

and substituting—

“Schedule 2 [ss. 2 & 36]”.

(2) Schedule 2 is amended by adding—

“10. Processing application for appointment as civil celebrant or for renewal of such appointment	650
11. Appointment as civil celebrant	350
12. Renewal of appointment as civil celebrant	350”.

23. Consent required to the marriage of a party of or over 16 and under 21 years of age

The Third Schedule is amended by repealing—

“Third Schedule [ss. 14, 18A & 42]”

and substituting—

“Schedule 3 [ss. 14, 18A & 42A]”.

24. Schedule 4 added

The following is added—

“SCHEDULE 4 [ss. 5A, 5B, 5D, 5E, 5H & 42A]

ELIGIBILITY CRITERIA FOR CIVIL CELEBRANTS

1. Being—

(a) a solicitor—

(i) holding a current practising certificate issued under section 6 of the Legal Practitioners Ordinance (Cap. 159) which is unconditional save as to the condition of compliance with the Continuing Professional Development Rules (Cap. 159 sub. leg. W); and

(ii) having not less than 7 years of post-qualification experience; or

(b) a notary public—

(i) who holds a current practising certificate issued under section 40E of the Legal Practitioners Ordinance (Cap. 159) which is unconditional; or

- (ii) who is qualified to practise as a notary public under subsection (1) of section 40D of the Legal Practitioners Ordinance (Cap. 159) by virtue of subsection (2) of that section.
2. Has not been—
- (a) the subject of a valid order made under section 10(2) of the Legal Practitioners Ordinance (Cap. 159) by a Solicitors Disciplinary Tribunal constituted under section 9B of that Ordinance;
 - (b) removed from or struck off the register of notaries public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance (Cap. 159) as then in force;
 - (c) suspended from practice as a notary public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance (Cap. 159) as then in force; or
 - (d) the subject of a valid order made under section 40J(2) of the Legal Practitioners Ordinance (Cap. 159) by a Notaries Public Disciplinary Tribunal constituted under section 40I of that Ordinance,
- during the 3 years immediately preceding the date of the application for appointment as civil celebrant or renewal of appointment as civil celebrant, as may be appropriate.
3. Having completed such training organized for the purposes of this Ordinance as the Registrar may specify.”.

PART 3

CONSEQUENTIAL AMENDMENTS

Specification of Public Offices

25. Schedule amended

The Schedule to the Specification of Public Offices (Cap. 1 sub. leg. C) is amended by adding—

“Secretary for Security

Marriage Ordinance (Chapter 181),
section 5J(7).”.

Immigration Service Ordinance

26. Scheduled offences

(1) Schedule 2 to the Immigration Service Ordinance (Cap. 331) is amended, in Part II, in item 5, in column 2, by repealing “section 31” and substituting “section 31(1) or (2)”.

(2) Schedule 2 is amended, in Part II, in item 5, by adding—

“section 31A(1)	failure by civil celebrant to return notice of appointment, etc. upon cancellation or suspension of appointment
section 31A(2)	failure by civil celebrant to provide information
section 31A(3)	failure by civil celebrant to notify cessation of compliance with appointment criteria
section 31A(4)	civil celebrant charging prohibited fee
section 31A(5)	failure by civil celebrant to forward certificate of the Registrar to parties”

before—

“section 32 removing, etc. record”.

(3) Schedule 2 is amended, in Part II, in item 5, by adding—

“section 33A(1)	providing false information in relation to appointment of civil celebrant
section 33B	false advertisement or representation as regards status of civil celebrant”

after—

“section 33 unauthorized person celebrating marriage”.

Electronic Transactions Ordinance

27. Proceedings in relation to which sections 5, 5A, 6, 7 and 8 of this Ordinance do not apply under section 13(1) of this Ordinance

(1) Schedule 2 to the Electronic Transactions Ordinance (Cap. 553) is amended, in paragraph (zo), by repealing “ ; 或” and substituting a semicolon.

(2) Schedule 2 is amended, in paragraph (zp), by repealing the full stop and substituting a semicolon.

(3) Schedule 2 is amended by adding—

“(zq) the Civil Celebrant of Marriages Appointment Appeal Board established under the Marriage Ordinance (Cap. 181).”.

PART 4

MODERNIZING THE DRAFTING STYLE OF CERTAIN
PROVISIONS OF THE MARRIAGE ORDINANCE
AND MISCELLANEOUS AMENDMENTS

**28. Part heading added
(Part 1)**

The Marriage Ordinance (Cap. 181) is amended by adding before section 1—

“PART 1
PRELIMINARY”.

29. Interpretation

- (1) Section 2 is amended, in the definition of “Registrar”—
- (a) by adding “(登記官)” before “means”;
 - (b) by adding “includes” before “any deputy”;
 - (c) by repealing the full stop and substituting a semicolon.

- (2) Section 2 is amended by adding—

““certificate of marriage” (結婚證書) means a certificate of marriage in Form 4, Form 6 or Form 7, as may be applicable, in Schedule 1;
“certificate of the Registrar” (登記官證明書) means a Certificate of Registrar of Marriages issued under section 9(1);
“licensed place of worship” (特許禮拜場所) means a place licensed under section 4;
“notice of intended marriage” (擬結婚通知書) means a notice given under section 6(1);
“special licence” (特別許可證) means a special licence granted under section 11(1).”.

**30. Part heading added
(Part 2)**

The following is added before section 3—

“PART 2
AUTHORITIES FOR CELEBRATION
OF MARRIAGE”.

31. Licensing of places of worship

Section 4 is amended by repealing everything after “Chief Executive” and substituting—

“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.”.

32. Notification of licence

Section 5 is amended by repealing “such licence” and substituting “licence under section 4”.

33. Part heading added (Part 5)

The following is added before section 6—

“PART 5

REQUIREMENTS RELATING TO
PRE-CELEBRATION PROCEDURES”.

34. Giving of notice of intended marriage

(1) Section 6(1) is amended by adding “proposed” before “parties”.

(2) Section 6(1) is amended by repealing “notice thereof” and substituting “a notice of intended marriage”.

(3) Section 6(2) is amended by repealing “such notice” and substituting “notice of intended marriage”.

(4) Section 6 is amended by adding—

“(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 an appropriate amendment to it.”.

35. Filing, exhibition and inspection of notice of intended marriage

(1) Section 7(1) is amended by repealing “such notice” and substituting “notice of intended marriage given to him”.

(2) Section 7(2) is amended by repealing “such notice” and substituting “Part I of a notice of intended marriage”.

(3) Section 7(3) is amended by repealing “the notices” and substituting “all notices of intended marriage”.

(4) Section 7(4) is amended by adding “of intended marriage” after “inspect any notice”.

36. Supply of forms

Section 8 is amended by repealing “notice” and substituting “notice of intended marriage”.

37. Issue of certificate of the Registrar

(1) Section 9(1) is amended by repealing “such notice,” and substituting “a notice of intended marriage,”.

(2) Section 9(1) is amended by repealing “certificate in the prescribed form” and substituting “Certificate of Registrar of Marriages in Form 2 in Schedule 1”.

(3) Section 9(2) is amended by repealing “certificate under subsection (1)” and substituting “certificate of the Registrar”.

(4) Section 9(2) is amended by repealing “such notice” and substituting “the notice of intended marriage”.

(5) Section 9(2) is amended by adding “of the Registrar” before “had been issued”.

38. Notice of intended marriage void unless marriage within 3 months

(1) Section 10 is amended by repealing “above-mentioned notice, the notice given” and substituting “notice of intended marriage, the notice”.

(2) Section 10 is amended by repealing “utterly”.

(3) Section 10 is amended by repealing “fresh notice will be required before any marriage can be had between the parties” and substituting “another notice of intended marriage will be required before the parties can contract a marriage”.

39. Grant of special licence

(1) Section 11(1) is repealed and the following substituted—

“(1) The Chief Executive 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) Section 11(2) is amended by repealing “such licence” and substituting “a special licence”.

(3) Section 11(2) is amended by repealing “any fee” and substituting “the prescribed fee”.

40. No licence or certificate if either party under 16

Section 13 is amended by repealing “licence of the Chief Executive and no certificate of the Registrar shall be issued under this Ordinance if either party” and substituting “certificate of the Registrar may be issued or special licence may be granted if any proposed party”.

41. Right to forbid issue of certificate of the Registrar

(1) Section 16(1) is amended by repealing everything after “whose consent” and substituting—

“to an intended marriage is required under section 14 may, before the issue of a certificate of the Registrar in respect of the intended marriage, forbid the issue of the certificate by—

- (a) writing the characters “不准” or the word “Forbidden”;
- (b) signing his name; and
- (c) stating the capacity in which he forbids the issue,

on the copy of the notice of intended marriage produced for inspection under section 7(4).”.

(2) Section 16(2) is amended by repealing “any certificate is so forbidden, the notice” and substituting “a certificate of the Registrar is so forbidden, the notice of intended marriage”.

42. Registrar may inquire into right to forbid

(1) Section 17(1) is amended by repealing “parties to the intended marriage alleges that the person forbidding the issue of the certificate is not authorized by law” and substituting “proposed parties to an intended marriage alleges that a person forbidding the issue of a certificate of the Registrar in respect of the intended marriage has no right under section 16”.

(2) Section 17(1) is amended by repealing “is not so authorized” and substituting “has no such right”.

43. Appeal against decision of Registrar

Section 18(1) is amended by repealing “considers that the person forbidding the issue of the certificate is authorized to do so, either of the parties” and substituting “is satisfied that a person forbidding the issue of a certificate of the Registrar in respect of an intended marriage has a right under section 16 to do so, either of the proposed parties”.

44. District Judge may give consent

(1) Section 18A(1) is amended by repealing “the Third Schedule” and substituting “Schedule 3”.

(2) Section 18A(1) is amended by adding “of the Registrar” before “had been withdrawn”.

**45. Part heading added
(Part 6)**

The following is added before section 19—

“PART 6

CELEBRATION OF MARRIAGE, CERTIFICATE OF MARRIAGE
AND VALIDITY OF MARRIAGE”.

**46. Celebration of marriage in
licensed place of worship**

Section 19(2) is amended by repealing “the Chief Executive’s special” and substituting “a special”.

**47. Certificates of marriage for marriage celebrated
in licensed place of worship**

(1) Section 20(1) is amended by repealing “delivered to the several licensed places of worship books of marriage certificates in duplicate and with butts in the prescribed form” and substituting “supplied to all licensed places of worship books of marriage certificates in Form 4 in Schedule 1 in duplicate and with butts in such form as may be specified by the Registrar”.

(2) Section 20(2) is amended by adding “of marriage” after “The certificate”.

(3) Section 20(3) is amended by adding “of marriage” before “to the parties”.

48. Marriage by special licence at other place

Section 22 is amended by repealing “the Chief Executive’s” and substituting “a”.

**49. Part heading added
(Part 7)**

The following is added before section 29—

“PART 7

OFFENCES AND PENALTY”.

**50. Marrying, etc., person under 21
without required consent**

Section 29 is amended by repealing everything before “guilty of an offence” and substituting—

“Any person who, knowing that—

(a) a consent under section 14 is required in respect of the marriage of a party under 21 years of age; and

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

marries or assists or procures any other person to marry the person referred to in paragraph (a) shall be”.

51. Offences by minister or civil celebrant

Section 30(a) is repealed and the following substituted—

“(a) knowing that—

(i) a consent under section 14 is required in respect of the marriage of a party under 21 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; or”.

52. Offence of tampering with records

Section 32 is amended by adding “shall be guilty of an offence and” after “this Ordinance”.

**53. Part heading added
(Part 8)**

The following is added before section 35—

“PART 8
MISCELLANEOUS”.

54. Use of forms

Section 35 is amended by repealing “the First Schedule” and substituting “Schedule 1”.

55. Fees

(1) Section 36 is amended by renumbering it as section 36(1).

(2) Section 36(1) is amended by repealing “the Second Schedule” and substituting “Schedule 2”.

(3) Section 36(1) is amended by repealing everything after “to the Registrar” and substituting “for the respective matters specified opposite to the fees in that Schedule.”.

(4) Section 36 is amended by adding—

“(2) The Chief Executive in Council may by order published in the Gazette amend Schedule 2.”.

**56. Marriage under this Ordinance of
persons customarily married**

Section 38 is amended by repealing “the appointed day under the Marriage Reform Ordinance (Cap. 178)” and substituting “7 October 1971”.

**57. Cases in which marriage of a dying person may be
celebrated, and conditions of its celebration**

(1) Section 39(1) is amended by repealing “the Registrar has not issued a certificate under the provisions of section 9 and that the Chief Executive has not granted a special licence under the provisions of section 11” and substituting “no certificate of the Registrar has been issued and that no special licence has been granted”.

(2) Section 39(1) is amended, in the proviso, in paragraph (d), by repealing “the prescribed form” and substituting “Form 6 in Schedule 1”.

(3) Section 39(4) is amended by adding “shall be guilty of an offence and” before “shall be liable”.

58. Forms

(1) Schedule 1 is amended by repealing Form 2 and substituting—

“FORM 2

[s. 9]

CERTIFICATE OF REGISTRAR OF MARRIAGES
婚姻登記官證明書

(Marriage Ordinance (Cap. 181))
(《婚姻條例》(第 181 章))

I hereby certify that on the _____ day of _____, 20____, a notice of intended marriage was entered in the Marriage Notice Book of Hong Kong in respect of the marriage intended to be contracted between the parties named below.

現證明一份擬結婚通知書已就下述人士擬締結的婚姻已於 _____ 年 _____ 月 _____ 日載入香港結婚通知冊。

	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition 婚姻狀況	Bachelor/Widower/ Divorced person 未婚／鰥夫／離婚	Spinster/Widow/ Divorced person 未婚／寡婦／離婚
Occupation 職業		
Residential address 住址		

* authorize the celebration of a marriage between [*name of a party to the intended marriage*] and [*name of the other party*] at [*place of celebration of marriage*] between [*period of time*] on the day of _____, 20____.

Dated this _____ day of _____, 20____.

(Signature of the issuer)
(Name and title of the issuer)

* Delete where inapplicable.”.

(3) Schedule 1 is amended by repealing Form 4 and substituting—

“FORM 4

[ss. 2 & 20]

CERTIFICATE OF MARRIAGE
結婚證書

(Marriage Ordinance (Cap. 181))
(《婚姻條例》(第 181 章))

Registration No. 登記編號		
Date of Marriage 結婚日期		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition before marriage 結婚前婚姻狀況	Bachelor/Widower/ Divorced person 未婚／鰥夫／離婚	Spinster/Widow/ Divorced person 未婚／寡婦／離婚
Occupation 職業		

Residential address 住址			
Surname and name of father 父親姓名			
Surname and name of mother 母親姓名			
<p>Married at (<i>place of celebration of marriage</i>), Hong Kong according to rites and ceremonies before me. 婚禮在本人主持下於香港 (舉行婚禮地點) 以 儀式舉行。</p>			
<p>(<i>Signature of minister</i>) (神職人員的簽署)</p> <hr/> <p>(<i>Name and title of minister</i>) (神職人員的姓名及稱銜)</p>			
The marriage was solemnized between us 結婚雙方	(<i>Signature of bridegroom</i>) (新郎簽署)	and 與	(<i>Signature of bride</i>) (新娘簽署)
in the presence of us 證婚人	(<i>Signature of the first witness</i>) (第一見證人簽署)	and 及	(<i>Signature of the second witness</i>) (第二見證人簽署)
	<hr/> (<i>Name of the first witness</i>) (第一見證人姓名)		<hr/> (<i>Name of the second witness</i>) (第二見證人姓名)

(4) Schedule 1 is amended by repealing Form 6 and substituting—

“FORM 6

[ss. 2 & 39]

CERTIFICATE OF MARRIAGE
結婚證書

(Marriage Ordinance (Cap. 181))
(《婚姻條例》(第 181 章))

Registration No. 登記編號		
Date of Marriage 結婚日期		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition before marriage 結婚前婚姻狀況	Bachelor/Widower/ Divorced person 未婚／鰥夫／離婚	Spinster/Widow/ Divorced person 未婚／寡婦／離婚
Occupation 職業		
Residential address 住址		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		

Married at (*place of celebration of marriage*), Hong Kong in accordance with the provisions of the Marriage Ordinance (Cap. 181) according to rites and ceremonies before me.

婚禮在本人主持下於香港（舉行婚禮地點）按照《婚姻條例》（第 181 章）以儀式舉行。

(*Signature of the person celebrating the marriage*)

(主持婚禮的人的簽署)

(*Name and title of the person celebrating the marriage*)

(主持婚禮的人的姓名及稱銜)

*The marriage was solemnized between us
結婚雙方

(*Signature of bridegroom*)
(新郎簽署)

and
與

(*Signature of bride*)
(新娘簽署)

*The marriage was solemnized between us
結婚雙方

(*Signature and name of one party*)
(一方的簽署及姓名)

and
與

(*Name of the other party*)
(另一方的姓名)

in the presence of us
證婚人

(*Signature of the first witness*)
(第一見證人簽署)

and
及

(*Signature of the second witness*)
(第二見證人簽署)

(*Name of the first witness*)
(第一見證人姓名)

(*Name of the second witness*)
(第二見證人姓名)

* I hereby certify that the said (*name of the party who was unable to sign*) was unable to sign this certificate owing to *the state of health/*[*other ground as may be applicable*].
本人現核證上述 (不能簽署的一方的姓名) 由於 * 健康狀況 / * [適用的其他理由] 而不能在本證書上簽署。

(*Signature of the person
celebrating the marriage*)
(主持婚禮的人的簽署)

(*Name of the person
celebrating the marriage*)
(主持婚禮的人的姓名)

* Complete where applicable.
只在適用時填寫。”

59. Fees

- (1) Schedule 2 is amended, in item 1, by adding “intended” after “notice of”.
- (2) Schedule 2 is amended, in item 2—
 - (a) by repealing “Certificate of notice” and substituting “Certificate of the Registrar”;
 - (b) by repealing “section 9” and substituting “section 9(1)”.
- (3) Schedule 2 is amended, in item 9—
 - (a) by repealing “of Marriages”;
 - (b) by repealing “每宗婚姻” where it twice appears and substituting “每次婚禮”.

Explanatory Memorandum

The object of this Bill is to amend the Marriage Ordinance (Cap. 181) (“the principal ordinance”) to—

- (a) provide for the appointment of civil celebrants of marriages (“civil celebrant”) and regulation of their practice;
- (b) enable marriages to be celebrated by civil celebrants;
- (c) transfer the powers of the Chief Executive to make subsidiary legislation and to amend two Schedules to the principal ordinance to the Secretary for Security;
- (d) modernize the drafting style of certain provisions of the principal ordinance; and
- (e) make related or consequential amendments to the principal ordinance and several pieces of other legislation.

Background

2. After the reformation of laws relating to marriage in 1971, marriages in Hong Kong can only be celebrated under the principal ordinance by—
 - (a) the Registrar of Marriages (“Registrar”);
 - (b) a deputy registrar of marriages (who falls within the definition of “Registrar” in the principal ordinance); or
 - (c) a competent minister at a place of worship that is licensed under the principal ordinance.
3. Marriages celebrated by the Registrar take place at marriage registries. The Chief Executive may grant a special licence to authorize the celebration of a marriage at a place other than a marriage registry or licensed place of worship. A dying person who satisfies several conditions (see section 39(1) of the principal ordinance) may also have his or her marriage celebrated at a place other than a marriage registry or licensed place of worship.
4. The principal ordinance was first enacted in 1875. A number of its provisions are not consistent with contemporary legislative drafting practice and need modernization.

The Bill

5. The Bill comprises 4 parts. The main provisions are highlighted below.

Part 1 of the Bill

6. Clause 1 provides for the short title of the Bill.
7. Under clause 2, the Ordinance will come into operation on a date appointed by the Secretary for Security. This arrangement allows time for preparatory work.

Part 2 of the Bill

8. Part 2 of the Bill deals with—
 - (a) appointment of civil celebrants;
 - (b) regulation of the practice of civil celebrants;
 - (c) celebration of marriage by civil celebrants; and
 - (d) transfer of the Chief Executive’s powers to make subsidiary legislation and to amend two Schedules to the principal ordinance to the Secretary for Security.
9. Clause 3 adds a number of definitions to define expressions used in the principal ordinance as amended.

10. Clause 4 adds 2 new parts to the principal ordinance. The proposed Part 3 (sections 5A to 5I) deals with appointment of civil celebrants and regulation of their practice. The proposed Part 4 (sections 5J to 5M) prescribes an appeal mechanism to handle appeals against decisions of the Registrar.
11. The proposed section 5A stipulates that people who meet the criteria set out in the proposed Schedule 4 (added by clause 24) are eligible for appointment as civil celebrants by the Registrar.
12. People who are eligible are practising solicitors with 7 years' post-qualification experience and notaries public. They must be of good professional standing. They have to complete the required training.
13. The proposed section 5B makes provisions for application for appointment as civil celebrant and renewal of appointment. The Registrar may consult the relevant professional body on the eligibility of an applicant.
14. Under the proposed section 5C, the Registrar may issue a code of practice for civil celebrants. Although a contravention of such code is not a criminal offence in itself, it may lead to cancellation of appointment (the proposed section 5D(1)(c)) or suspension of appointment (the proposed section 5E(1)).
15. The proposed section 5D provides for cancellation of appointment on prescribed grounds. The civil celebrant concerned has an opportunity to make representation. The Registrar is empowered to prohibit a person whose appointment is cancelled from applying again for a period not exceeding 3 years.
16. The proposed section 5E provides for suspension of appointment on the ground of contravention of code of practice. The civil celebrant has an opportunity to make representation.
17. Under the proposed section 5F, defects in the qualification of a civil celebrant will not undermine the validity of marriages celebrated by him.
18. A civil celebrant whose appointment is cancelled or suspended is required by the proposed section 5G to deliver certain documents to the Registrar.
19. The proposed section 5H imposes a duty on civil celebrants to provide certain information to the Registrar.
20. The proposed section 5I prescribes manner of giving notice to civil celebrants.
21. The proposed Part 4 (sections 5J to 5M) makes provisions for handling of appeals relating to appointment of civil celebrants.

22. The proposed section 5J provides for the composition and function of the Civil Celebrant of Marriages Appointment Appeal Board (“the Appeal Board”).
23. The proposed section 5K sets out the decisions of the Registrar that can be appealed against.
24. The proposed section 5L prescribes the decisions that the Appeal Board can make. Namely, confirming the decision appealed against, revoking that decision and replacing it with the Appeal Board’s own decision.
25. Under the proposed section 5M, no further appeal can be lodged against the decision of the Appeal Board.
26. Clause 5 amends section 6 of the principal ordinance to allow the parties to a proposed marriage to give a notice of intended marriage through a civil celebrant.
27. Clause 6 adds the proposed section 6A to provide for a civil celebrant’s functions relating to a notice of intended marriage.
28. Clause 7 amends section 8 of the principal ordinance to require the Registrar to supply forms to civil celebrants.
29. Before the parties to a proposed marriage can contract the marriage, they normally have to obtain a certificate from the Registrar. Clause 8 amends section 9 of the principal ordinance to empower the Registrar to refuse to issue a certificate of the Registrar under certain circumstances. If the marriage is to be celebrated by a civil celebrant, the certificate of the Registrar will be issued to either of the proposed parties through a civil celebrant nominated by either of them.
30. Clause 9 repeals and re-enacts section 12 of the principal ordinance. The section requires the parties to a marriage to make an affidavit before the Registrar or the civil celebrant before the marriage can be celebrated.
31. A person aged 16 or above but below 21 can only marry with the consent of his or her parent or guardian unless the person is a widow or widower. Clause 10 amends section 14 of the principal ordinance to—
- (a) clarify that the relevant date for determining the age at which marriage can be contracted without the consent of the third party is the date of marriage; and
 - (b) stipulate that consent should be produced to the Registrar before a certificate of the Registrar or a special licence for marriage can be issued or granted.

32. Clause 11 adds the proposed section 20A to require the Registrar to provide blank marriage certificates to civil celebrants.
33. Section 21 of the principal ordinance provides for the procedure of marriage before the Registrar. Clause 12 amends section 21 to include procedural provisions for celebration of marriages by civil celebrants.
34. The procedure of a marriage celebrated by a civil celebrant is basically the same as that of a marriage contracted before the Registrar. The main difference is that a marriage celebrated by a civil celebrant can take place at any time and at any place other than a marriage registry or a licensed place of worship. (See subclause (6) of clause 12.)
35. Clause 12 also introduces an amendment to adjust the order in which the parties declares their wishes to marry. If a party is not able to make the declaration because of physical disability or because the party cannot speak Chinese or English, the declaration can be made on behalf of the party. The party must signify his or her wish to marry to the satisfaction of the Registrar or the civil celebrant (the proposed section 21(4A) and (4B)) through an interpreter or by other means.
36. Section 30 of the principal ordinance prescribes an offence. Clause 14 amends the section to extend its application to civil celebrants.
37. Clause 15 replaces section 31 of the principal ordinance to require a civil celebrant to transmit certain documents to the Registrar. Failure to comply with this requirement is an offence.
38. Clause 16 adds the proposed section 31A to prescribe a number of offences for non-compliance with statutory requirements by civil celebrants.
39. Clause 17 adds another two offence-creating provisions. The proposed section 33A prohibits any person from providing any information which the person knows to be false or does not have reasonable ground to believe to be true in relation to appointment of civil celebrants or regulation of their practice. The proposed section 33B prohibits any person who is not a civil celebrant from advertising or representing himself as a civil celebrant.
40. Clause 18 amends section 42 of the principal ordinance to confer power on the Secretary for Security to make regulations to make provisions for matters relating to appeal to the Civil Celebrant of Marriages Appointment Appeal Board and generally for the purposes of the principal ordinance. Under the existing section 42, the power to make subsidiary legislation for due carrying out of the principal ordinance is vested in the Chief Executive.

41. Clause 19 adds the proposed section 42A to empower the Secretary for Security to amend Schedule 1 and Schedule 3 to the principal ordinance. Under the existing section 42 of the principal ordinance, this power is vested in the Chief Executive.
42. Clause 20 adds the proposed section 44 to empower the Registrar of Marriages to provide information to professional bodies for use in connection with disciplinary proceedings or prospective disciplinary proceedings.
43. Clause 21 amends Schedule 1 to the principal ordinance to—
- (a) amend Form 1 and Form 5 in the light of the introduction of civil celebrants; and
 - (b) add a new form (Form 7) of marriage certificate for marriages celebrated by the Registrar or a Deputy Registrar or civil celebrant.
44. Clause 22 amends Schedule 2 to the principal ordinance to prescribe the fees for—
- (a) processing of application for appointment and renewal of appointment as civil celebrant; and
 - (b) such appointment and renewal.
45. Clause 23 contains a technical amendment to Schedule 3 to the principal ordinance.
46. Clause 24 adds a new Schedule (Schedule 4) which sets out the eligibility criteria for appointment as civil celebrant. The criteria also apply to renewal of appointment. To be successful in an application for appointment or renewal of appointment, a person must—
- (a) be a solicitor with not less than 7 years' post-qualification experience or a notary public;
 - (b) hold a valid unconditional practising certificate;
 - (c) be of good professional standing; and
 - (d) have completed specified training.

Part 3 of the Bill

47. Part 3 of the Bill contains consequential amendments to 3 other pieces of legislation.
48. Clause 25 adds the Secretary for Security to the Schedule to the Specification of Public Offices (Cap. 1 sub. leg. C) to allow the Secretary to delegate his power to determine the remuneration of the Chairperson, Deputy Chairpersons and members of the Civil Celebrant of Marriages Appointment Appeal Board.

49. Clause 26 amends Schedule 2 to the Immigration Service Ordinance (Cap. 331) to confer several law enforcement power on officers of the Immigration Department in relation to offences under the principal ordinance as amended.

50. Clause 27 adds the Civil Celebrant of Marriages Appointment Appeal Board to Schedule 2 to the Electronic Transactions Ordinance (Cap. 553). The effect is sections 5, 5A, 6, 7 and 8 of that Ordinance do not apply in relation to proceedings before the Appeal Board.

Part 4 of the Bill

51. Part 4 of the Bill contains miscellaneous amendments and amendments that aim at modernizing the drafting style of certain provisions of the principal ordinance without changing their legal effect.

52. The principal ordinance is to be divided into 8 parts for easy reference. Parts 3 and 4 are to be added by clause 4 of the Bill. Clauses 28, 30, 33, 45, 49 and 53 add the part headings of the remaining parts.

53. Clause 29 adds a number of definitions to section 2 of the principal ordinance to make the references to the defined expressions more precise. A number of provisions in the principal ordinance are amended to replace the references with the defined terms concerned.

54. Amendments are also proposed to—

- (a) achieve terminological consistency (e.g. clauses 31 and 38(2));
- (b) identify the prescribed form referred to in the provision (e.g. clauses 39(1) and 47(1));
- (c) reflect the policy that both Chinese and English may be used (e.g. clause 41(1));
- (d) clarify the nature of certain prohibited acts (e.g. clause 52);
- (e) change the nomenclature of the Schedules (e.g. clause 54);
- (f) update the prescribed forms (e.g. clause 58).