

For discussion on
3 April 2007

Legislative Council Panel on Security

Civil Celebrants of Marriages Scheme

Introduction

This paper briefs Members on the outcome of the review on the operation of the Civil Celebrants of Marriages (CCM) Scheme.

Background

2. To provide more choices for flexible marriage solemnization services to the public and to make use of private sector resources in providing such services, LegCo passed the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill in 2005. The Bill amends the Marriage Ordinance, Cap. 181 (the Ordinance) to empower the Registrar of Marriages or deputy registrar of marriages (the Registrar) to appoint CCMs and to enable:-

- (a) a notice of intended marriage (MN) to be given via a CCM to the Registrar;
- (b) a certificate of the Registrar (RC) to be transmitted to the parties via a CCM before a marriage could be proceeded;
- (c) a marriage to be celebrated before a CCM at any time and place, other than the office of the Registrar or a place of public worship licensed under the Ordinance.

With the amendments, marrying parties need not attend a marriage registry if they choose all the services available at the CCM. They are also free to choose the services on (a) or (c) only or to hire different CCMs on (a) and (c).

3. The processing of applications for appointment as a CCM and of marriage applications via CCMs started on 20 March 2006 and 21 April 2006 respectively. The review covers the period since then to February 2007.

Operation of the Scheme

Overall

4. Statistics and media reports show that the Scheme is gaining popularity. More and more people are choosing the CCM services for celebrating their marriages (from 3% in May 2006 to 41% in December 2006) and for giving their MN (from 8% in May 2006 to 41% in November 2006). Over the review period, one out of four marriages involved CCM services.

5. As intended, CCM services have provided the following benefits -

(a) More choices for flexible and convenient marriage services

CCM services have provided more choices for the marrying parties, in location, timing and “theme” of celebration. For example, among the 11 652 marriages before CCMs between May 2006 and February 2007, 3 353 couples (29%) chose to have their marriage celebrated at hotels, shopping centres, private clubs, theme parks or other outdoor places. As seen from the press coverage and feedback from the marrying parties, people are also in general satisfied with the marriages arranged under the CCM Scheme.

(b) Better supply to meet demand of services

The CCM Scheme has allowed couples greater freedom from the constraint in the capacity of Government services, particularly on popular or auspicious days for marriages. There were 90 days out of 243 days during the reviewing period when the total number of marriages held exceeded the capacity of marriage registries, by some 6 000 ‘additional’ marriages in these 90 days. In view of the constraint in the

capacity of Government services, these 6 000 marriages would have to be celebrated on other dates if we had not implemented the CCM Scheme.

(c) Business opportunities to private sector

The CCM Scheme has provided many business opportunities. Business sectors have joined hands with the CCMs to provide marriage services. These include marriage consulting companies, hotel groups, theme parks and shopping malls.

Appointment of CCM

6. As at 28 February 2007, Immigration Department (ImmD) received 1 178 applications for appointment as CCMs and eventually the Department appointed 1 137 as CCMs. The names and contact details of the CCMs appointed are published via the Department's homepage.

7. ImmD and the two professional bodies, namely The Law Society of Hong Kong and The Society of Notaries Public, have implemented a series of measures to standardize and monitor the performance of the CCMs. These include -

- (a) Information is available to the public regarding the marriage services to be provided by the CCMs;
- (b) Training and support are provided to the CCMs. Moreover, the Registry has issued a code of practice on the duties and performance of CCMs, covering matters such as the statutory requirements, record keeping and protection of personal data;
- (c) Members of the public are informed via the "information leaflets for marrying parties" and the ImmD homepage that they may complain to ImmD or the two professional bodies if they are not satisfied with the performance of the CCMs.

8. As at 28 February 2007, there was no complaint on the performance of the CCMs from the public.

9. At present, only two types of professionals may apply to become CCMs, namely notary public and solicitors. They are required to have at least 7-year post qualification experience. This requirement was agreed by the two professional bodies. To determine the maturity, experience and integrity of a qualified person who can be appointed as CCMs, there is a need to look into his history of work. 7-year is the qualification for solicitors to become a notary public, we consider that the requirement is justified and should be maintained. It also helps ensure that only qualified solicitors with sufficient maturity and professional experience may be appointed as CCMs.

10. We have also reviewed whether other categories of persons, such as Justices of Peace (JPs), LegCo Members, or competent ministers, should be eligible for appointment as CCMs. In the light of the duties performed by CCMs (such as checking any legal impediment to a proposed marriage, verifying legal documents like divorce decree, administering oaths, witnessing the making of affidavits/statutory declarations and solemnizing marriage), we consider that it is important for a CCM to have professional legal knowledge, training and experience. Furthermore, we find that the two professional bodies have performed a key role in monitoring the performance of CCMs. In considering whether the appointment of CCMs should be opened to a particular profession or group of persons, we need to take into account whether there is a professional body to take up the monitoring role. Also, as noted above, with the current eligibility criterion we have already a reasonable pool of CCMs and of further candidates for appointment.

11. We therefore consider that we should maintain the current eligibility criterion that only qualified solicitors or notary public may become CCMs.

Review on the Service Level of Marriage Registries

12. Under the current legislation, the ImmD is still involved in every marriage case, irrespective of whether the MN is given via a CCM or whether the marriage is celebrated by a CCM. The involvement includes exhibition and filing of the MN, decision on whether the RC should be issued, matching of the returned duplicate marriage certificate with the MN records etc. Hence, although the CCMs have taken up one fourth of the marriage cases,

the workload at the registries has not decreased by the same proportion. Besides, due to the 26.4% increase in total number of marriages in the period, the number of marriages celebrated at the registries has decreased by 7.8% only. Also, the registries have had to take up additional work arising from the CCM Scheme, e.g. to answer inquiries by the public and the CCMs.

13. In view of the change in service demand on ImmD in respect of marriage celebration (for example, the decrease in demand for marriage solemnization service and increase in demand on work relating to the CCM Scheme), the department will continue to keep in view the trend and review the services to be provided to the public. The Department is considering closing one of the two marriage halls at the City Hall Registry.

Security Bureau

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