檔案編號: SB CR 1/3231/13

立法會參考資料摘要

《婚姻條例》 (第 181 章)

《2014年婚姻(修訂)條例草案》

引言

在二零一四年二月十八日的會議上,行政會議**建議**,行政長官**指令**向立法會提交《2014年婚姻(修訂)條例草案》(條例草案)(載於附件A),以落實終審法院於 W 訴 婚姻登記官 (FACV 4/2012)一案(簡稱「W 案」)下達的命令。

理據

Α

終審法院於 W 案中的判決及命令

2. 終審法院於 W 案中裁定,雖然在詮釋《婚姻條例》第40條 1 及《婚姻訴訟條例》第20(1)(d)條 2 時,就結婚而言,只以生理因素評定某人的性別,乃屬正確;但此限制性的詮釋與受《基本法》第37條 3 及《香港人權法案》第19(2)條 4 所保護的結婚權利相抵觸,未有使該項憲法權利得以恰當地施行。

^{1 《}婚姻條例》第 40 條訂明,根據該條例所締結的婚姻,「均屬基督教婚禮或相等的世俗婚禮」,即 「經舉行正式儀式,獲法律承認,是一男一女自願終身結合,不容他人介入的婚姻」。

² 《婚姻訴訟條例》第 20(1)(d)條訂明,關於在一九七二年六月三十日之後締結的婚姻,若「(於結婚登記時)婚姻雙方,並非一方為男,一方為女」,則可為其中一個婚姻無效的理由。在法律下被視為無效的婚姻,即被當作從無發生,亦從未賦予雙方夫婦地位。

^{3 《}基本法》第 37 條訂明,香港居民的婚姻自由和自願生育的權利受法律保護。

^{4 《}香港人權法案》第 19(2)條訂明,男女已達結婚年齡者,其結婚及成立家庭之權利應予確認。

- 3. 因此,終審法院進一步裁定,「一名與 W 同一處境、即已接受整項性別重置手術⁵的變性人,根據《基本法》第37條及《香港人權法案》第19(2)條,她原則上應當被宣告為符合《婚姻訴訟條例》第20(1)(d)條及《婚姻條例》第40條中『女』人的定義,並因此可與一名男性結婚」⁶。若一名人士接受手術後的情況與 W 一樣,則她在《婚姻條例》及《婚姻訴訟條例》的相關條文下應被視為符合「女」人的定義⁷。
- _B 4. 終審法院於二零一三年七月十六日下達命令(載於附件B),裁定有關上訴得直⁸,但同時宣布暫緩執行該最終命令十二個月至二零一四年七月十六日⁹,以便有關當局考慮進行修改法例的工作。

香港進行性別重置手術的情況

5. 目前,在香港的變性人士,經接受荷爾蒙治療及以異性角色進行實際生活體驗後,可獲推薦於醫院管理局轄下公立醫院接受性別重置手術。已接受整項性別重置手術的人士(就男性重置為女性面言,有關手術包括切除該人的陰莖及睪丸,和在該人身上建造其種形式的陰莖內。該名變性人上。與巢,和在該人身上建造某種形式的陰莖)會獲發醫學證明人士已接受的手術程序(樣本見附件C)。該名變性人上別,不可應醫學證明向人事登記處處長申請更改香港身分證上性別人與第19條,任何人如無合理辯解,而未有報告其先前為人事登記及申請香港身分資而提供的資料已變更,即屬犯罪,可處第3級罰款及監禁一年。為了保持一致性,處理更改香港身分證上性別的申請的行政指引已於三醫務可與性,處理更改香港身分證上性別的申請的行政指引已於三醫務可與性,處理更改香港身分證上性別的申請的行政指引。

C

根據二零一零年一月二十八日,由醫院管理局轄下律敦治醫院的外科部門主管及顧問醫生為W案所作的誓章顯示,就香港而言,有關人士須切除原生性別的生殖器官及建造某種形式的異性的生殖器官,方會獲發已完成性別重置手術的醫學證明。這些步驟為性別重置手術的必要程序,並廣為醫學界所接納。

⁶ W 案 判 辭 第 124 段。

⁷ W 案 判 辭 第 137 段。

該命令包括宣告《婚姻訴訟條例》第20(1)(d)條及《婚姻條例》第40條中的「女」及「女方」等字詞的涵義,必須解釋為包括接受手術後由男性變為女性的變性人,而該人的性別須由適當的醫療組織證明在接受性別重置手術後已經改變,這種涵義必須給予法律效力。

⁹ 雙方可就暫緩執行的期限提出申請。

立法建議

- 6. 為落實上文第 4 段所述終審法院的命令,我們提交的條例草案訂明,在斷定根據《婚姻條例》結婚的雙方的性別時,已接受整項性別重置手術的人的重置性別,須視為該人的性別。《婚姻條例》第40(2)條提述的「男」及「女」須據此解釋。
- 7. 我們亦將於《婚姻條例》中訂明,《婚姻訴訟條例》第20(1)(d)條提述的「男」及「女」亦須同樣解釋,確保已接受整項性別重置手術的人根據《婚姻條例》與一名異性所締結的婚姻,不會因為婚姻雙方被視為非一男一女而被視作無效。
- 8. 按醫院管理局內有關方面的專家的意見,整項性別重置手術應包括以下外科程序
 - (a) 將某人的性別由男性重置為女性:
 - (i) 切除該人的陰莖及睪丸;及
 - (ii) 在該人身上建造陰道;
 - (b) 將某人的性別由女性重置為男性:
 - (i) 切除該人的子宮及卵巢;及
 - (ii) 在該人身上建造陰莖或某種形式的陰莖。

根據醫院管理局的專家意見,由於以上(a)及(b)分段的手術複雜程度有所不同,故以上(a)(ii)及(b)(ii)分段的描述並非完全一致。上述整項性別重置手術的定義,與上文第 5 段所述、處理更改香港身分證上性別的申請的行政指引相符。

- 9. 關於已接受整項性別重置手術並已更改身分證明文件(香港身分證或有效旅行證件)上的性別的人士,為免他們需於進行婚姻登記時向婚姻登記官出示相關醫學證明,我們會於《婚姻條例》訂明,婚姻一方的身分證明文件上顯示的性別,在沒有相反證據的情況下,將推定為該人的性別。
- 10. 已喪偶又接受整項性別重置手術的人士如打算再婚,未必適合以「寡婦」或「鰥夫」說明其婚姻狀況。我們會提出技術修訂, 更改《婚姻條例》附表1中若干表格內的有關用詞,改以性別中立的用詞(即「喪偶」)取代。
- 11. 終審法院表明,無意透過 W 案的判決處理同性婚姻問題。以上的立法建議旨在落實終審法院於 W 案下達的命令,不會影響現時香港一男一女的婚姻制度。

性別承認

- 12. 就變性人士在其他法律範疇所面對的困難,以及如何在這些範疇處理未完成整項性別重置手術或未進行任何性別重置手術的人士,終審法院亦有在判辭中給予意見。終審法院認為,當局應參考外國做法,例如英國的「2004年性別承認法令」,以決定該如何妥善地解決變性人士在所有法律範疇內所面對的困難。
- 13. 由於這課題超越 W 案的判決範圍,並牽涉複雜的法律、醫學及社會問題,對不同的政策範疇有廣泛的影響,有關課題宜與目前的立法工作分開處理。就此,政府已成立了一個由律政司司長擔任主席的高層跨部門工作小組,負責就涉及性別承認的議題進行詳細研究。

其他方案

14. 即使我們不對《婚姻條例》作出任何修改,案中上訴人 W 及其他與她同一處境的人士,仍有權在十二個月限期後以重置的性別結婚。不過,相關法例將有欠清晰。

條例草案

- 15. 主要條款如下:
 - (a) 第1條列出簡稱,並就《2014年婚姻(修訂)條例》(如 予以制定)的生效日期訂定條文;
 - (b) 第3條在《婚姻條例》中加入一
 - (i) 新的第40A條,以—
 - 規定在解釋該條例第40(2)條提述的「男」 及「女」,以及《婚姻訴訟條例》第20(1)(d) 條提述的「男」及「女」時,已接受整項 性別重置手術的人在手術完成後的重置性 別,須視為該人的性別;及
 - 界定何謂整項性別重置手術;及
 - (ii) 新的第40B條,以就某人在婚禮舉行時該人身 分證明文件上顯示的性別,訂定推定條文;以 及

- (c)第4條載有就《婚姻條例》附表1載列的表格所提出的技術修 訂。
- _D 被修訂的現行條文載於附件D。

立法程序時間表

16. 立法程序時間表如下:

刊登憲報 二零一四年二月二十八日

首讀和開始二讀辯論 二零一四年三月十九日

恢復二讀辯論、委員會 另行通知

審議階段和三讀

建議的影響

- 17. 建議對人員配備、經濟、生產力、環境、可持續發展、財政和公務員沒有影響。建議符合《基本法》,包括有關人權的條文。 建議對相關條例現有的約束力沒有影響。
- 18. 就對家庭的影響方面,已接受整項性別重置手術的變性人士,將能以重置的性別結婚。儘管如此,婚姻依然會維持「一男一女自願終身結合,不容他人介入的婚姻」的基礎。

公眾諮詢

19. 我們已於二零一四年一月七日向立法會保安事務委員會簡介當局就終審法院 W 案判決的跟進工作。委員大致歡迎有關立法建議及就性別承認的議題成立跨部門工作小組進行詳細研究。

宣傳安排

20. 我們會刊登憲報。此外,我們會安排發言人回答傳媒查詢。

背景

21. 申訴人(「W」)是一名已於香港醫院管理局轄下醫院接受整項性別重置手術,由男性重置為女性的變性人士,並已於其香港身分證上將性別一欄更改為「女性」。其後,她與男性伴侶打算註冊結婚,但由於婚姻登記官認為她並不符合《婚姻條例》下「女」人的定義,故並未接納有關婚姻登記申請。入境事務處處長(作為婚姻登記官)認為就結婚而言,婚姻雙方的性別應以出生時的生理性別為依據。申訴人認為她在婚姻法例下應被視為女性,因此就婚姻登記官的上述決定提請司法覆核。有關司法覆核案先後被高等法院原訟法庭及上訴法庭駁回。終審法院則裁定上訴得直。

查詢

22. 如就本摘要有任何查詢,請致電 2810 2506 與保安局首席助理秘書長(D)胡德英先生聯絡。

保安局

二零一四年二月二十六日

第1條

本條例草案

旨在

修訂《婚姻條例》,訂明在斷定婚姻雙方的性別時,已接受整項性別重置 手術的人的重置性別,須視為該人的性別;以及就相關事宜訂定 條文。

由立法會制定。

1. 簡稱及生效日期

- (1) 本條例可引稱為《2014年婚姻(修訂)條例》。
- (2) 本條例自保安局局長以憲報公告指定的日期起實施。

2. 修訂《婚姻條例》

《婚姻條例》(第181章)現予修訂,修訂方式列於第3及4條。

3. 加入第 40A 及 40B 條

在第 40 條之後 —

加入

"40A. 經重置的性別狀況

- (1) 如某人已接受整項性別重置手術,則就本條例而言,該 人在手術後的重置性別,須視為該人的性別,而第 40(2)條提述"男"及"女",及《婚姻訴訟條例》(第 179 章)第 20(1)(d)條提述"男"及"女",均須據此解釋。
- (2) 符合以下說明的外科程序,即屬整項性別重置手術 —

- (a) 該程序的效果,是將某人的性別由男性重置為女性,其方式是
 - (i) 切除該人的陰莖及睪丸;及
 - (ii) 在該人身上建造陰道;或
- (b) 該程序的效果,是將某人的性別由女性重置為男性,其方式是
 - (i) 切除該人的子宮及卵巢;及
 - (ii) 在該人身上建造陰莖或某種形式的陰莖。

40B. 推定

- (1) 就第 40(2)條而言,在婚禮進行時,婚姻一方的身分證 明文件上顯示的性別,在沒有相反證據的情況下,須推 定為該方的性別。
- (2) 身分證明文件即《入境條例》(第 115 章)第 2(1)條所指的身分證或有效旅行證件。"。

4. 修訂附表 1(表格)

- (1) 附表 1
 - (a) 表格 1;
 - (b) 表格 2;
 - (c) 表格 4;
 - (d) 表格 6;
 - (e) 表格 7 —

廢除

"Widower"

代以

2

第4條

"Widowed person" •

- (2) 附表1—
 - (a) 表格 1;
 - (b) 表格 2;
 - (c) 表格 4;
 - (d) 表格 6;
 - (e) 表格7—

廢除

"鰥夫"

代以

"喪偶"。

- (3) 附表1-
 - (a) 表格 1;
 - (b) 表格 2;
 - (c) 表格 4;
 - (d) 表格 6;
 - (e) 表格7—

廢除

"Widow"

代以

"Widowed person" •

- (4) 附表1-
 - (a) 表格 1;
 - (b) 表格 2;

(c) 表格 4;

(d) 表格 6;

(e) 表格7—

廢除

"寡婦"

代以

"喪偶"。

摘要說明

本條例草案的主要目的,是修訂《婚姻條例》(第 181 章)(**條 例**),以執行香港終審法院在 **W** 對婚姻登記官(終院民事上訴 2012 年第 4 號)一案中所頒的命令,並就相關事宜訂定條文。

- 2. 草案第1條列出簡稱,並就生效日期訂定條文。
- 3. 草案第3條在《條例》中加入
 - (a) 新的第 40A 條,以
 - (i) 規定在解釋 (條例) 第 40(2)條提述的"男"及 "女",以及 (婚姻訴訟條例) (第 179 章)第 20(1)(d)條提述的"男"及"女"時,已接受整項性別 重置手術的人的重置性別,須視為該人的性別; 及
 - (ii) 界定何謂整項性別重置手術;及
 - (b) 新的第 40B 條,以就一項推定訂定條文。
- 4. 草案第4條載有相關修訂。

FACV No. 4 of 2012

IN THE COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

FINAL APPEAL NO. 4 OF 2012 (CIVIL) (ON APPEAL FROM CACV NO. 266 OF 2010)

Between:	\mathbf{W}	Appellant				
	- AND -	rippoliulit				
THE R	EGISTRAR OF MARRIAGES	Respondent				
Before:	Chief Justice Ma					
Belore.		Mr Justice Chan PJ, Mr Justice stice Bokhary NPJ and Lord				
Date of Judgment:	16 July 2013	16 July 2013				
	ORDERS AND	COSTS				
Chief Justice Ma and Mr Justice Ribeiro PJ:						

1. When the Court handed down judgment on 13 May 2013, the parties were, at their request, afforded the opportunity to make further submissions as to the terms of the declaration to be granted and whether it should have immediate effect.

- 2. At the same time, the Court indicated that subject to any modifications which may be warranted in the light of such submissions and subject to the question of costs, we would make the following Orders, namely:
 - (a) That the appeal be allowed;
 - (b) That a Declaration be granted that, consistently with Article 37 of the Basic Law and Article 19(2) of the Hong Kong Bill of Rights, section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance must be read and given effect so as to include within the meaning of the words "woman" and "female" a post-operative male-to-female transsexual person whose gender has been certified by an appropriate medical authority to have changed as a result of sex reassignment surgery;
 - (c) That a Declaration be granted that the appellant is in law entitled to be included as "a woman" within the meaning of section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance and is accordingly eligible to marry a man;
 - (d) That the Declarations in paragraphs (b) and (c) shall not come into effect until the expiry of 12 months from the date of this Order.
- 3. Submissions have now been received from the parties. We shall deal first with the proposed orders set out above.

The proposed orders

4. In the initial submissions lodged, the Registrar indicated that he is agreeable to such orders. In her initial submissions, the appellant sought

modification only of the proposed Order suspending the Declarations for 12 months. It was submitted on her behalf that the period should be restricted to the minimum possible, consistent with the Court's objective of giving the legislature an opportunity to address the areas highlighted in the judgment. It was argued in particular that:

- "... none of the issues for legislative consideration could form a basis for denying the appellant the right to marry which as been recognized by the Court: she is a post-operative transsexual, she was not previously married, and her partner is aware of her history..."
- 5. In a reply lodged by the Registrar, it was accepted that the suspension should not be longer than necessary but submitted that the period of 12 months is not at all beyond what is necessary. It was pointed out that any corrective enactments to render the impugned provisions constitutional, would require the Government and Legislature to consider issues significantly broader than those arising specifically in relation to the appellant, having a possible impact on the institution of marriage and beyond. It was indeed submitted that a 12-month suspension may be optimistic taking into account the various stages of the legislative process that would have to be gone through. The Registrar added that out of an abundance of caution, he would ask for liberty to apply in case for good reason, more time is needed.
- 6. In our judgment, the proposed orders set out in paragraph 2(a) to (d) above should now be made as final orders of the Court, with the addition of a direction that the parties be at liberty to apply in relation to the period of suspension.
- 7. We accept that the suspended Declarations have ramifications going beyond the specific circumstances of the appellant, making it desirable that the

Government and Legislature be afforded a proper opportunity to put in place a constitutionally compliant scheme capable of addressing the position of broader classes of persons potentially affected. We consider the 12-month suspension appropriate. While we are prepared to grant the parties liberty to apply in relation to that period, we should make it clear that it must not be assumed that any application for an extension would be viewed favourably in the absence of compelling reasons.

Costs

- 8. The appellant seeks an Order that the Registrar pay her costs of and occasioned by the proceedings here and below (including the costs of her present written submissions) with a certificate for three counsel throughout; and that her own costs be taxed in accordance with the Legal Aid Regulations.
- 9. The Registrar does not oppose the certificate for three counsel but submits that the appellant should be deprived of 50% of her costs at all levels to reflect her failure on the construction issue.
- 10. We do not think that there is any justification for depriving the appellant of any part of her costs. The construction and constitutional issues were intrinsically linked. The Court had first to decide what, on their true construction, the impugned provisions meant. Only then could the Court decide whether and how any issue as to their constitutionality required to be determined. We would therefore accede to the appellant's submission as to costs.

Orders

11. We would accordingly make the following Orders in disposing of this appeal, namely:

- (a) That the appeal be allowed;
- (b) That a Declaration be granted that, consistently with Article 37 of the Basic Law and Article 19(2) of the Hong Kong Bill of Rights, section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance must be read and given effect so as to include within the meaning of the words "woman" and "female" a post-operative male-to-female transsexual person whose gender has been certified by an appropriate medical authority to have changed as a result of sex reassignment surgery;
- (c) That a Declaration be granted that the appellant is in law entitled to be included as "a woman" within the meaning of section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance and is accordingly eligible to marry a man;
- (d) That the Declarations in paragraphs (b) and (c) shall not come into effect until the expiry of 12 months from the date of this Order;
- (e) That the parties have liberty to apply in relation to the period of suspension of the Declarations referred to in the preceding paragraph; and
- (f) That the Registrar pay the appellant's costs of occasioned by the proceedings here and below (including the costs of her written submissions) with a certificate for three counsel throughout; and that her own costs be taxed in accordance with the Legal Aid Regulations.

(Geoffrey Ma)
Chief Justice

(Patrick Chan)
Permanent Judge

(RAV Ribeiro) Permanent Judge

(Kemal Bokhary) Non-Permanent Judge (Lord Hoffmann) Non-Permanent Judge

Written submissions by Lord Pannick QC, Mr Hectar Pun and Mr Earl Deng instructed by Vidler & Co and assigned by the Legal Aid Department for the appellant

Written submissions by Ms Monica Carss-Frisk QC, Ms Lisa KY Wong SC and Mr Stewart K.M. Wong SC instructed by the Department of Justice for the respondent



Reference Letter Ruttonjee & Tang Shiu Kin Hospitals

266 Queen's Road East, H.K.

Acute Surgical Tel: 2291-2000 /* /2013

Case no:

()

To: Whom it may concern

Dear Sir/Madam,

Re:

1

This is to certify that this person has undergone male to female transsexual surgery in Ruttonjee Hospital in 2013.

The surgery included removal of testes and penis and construction of vagina.

The gender should now be changed from male to FEMALE.

Signature:

簽名

Name in Block Letters:

姓名

Department of Surgery (Ward:)



Printed on

Printed by:

Page 1 of 1

章:	181	《婚姻條例》	憲報編號	版本日期
附表:	1	表格	L.N. 10 of 2006	13/03/2006

附表1

[第2、6、9、11、20、20A、 21、35、39及42A條]

表格

(由2005年第23號第22條修訂)

表格1 [第6條]

NOTICE OF INTENDED MARRIAGE 擬結婚通知書

(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。

	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
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		
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)		

1

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 throug [如適用]本通知書透過婚姻監禮人(婚姻監		Celebrant of Marriages.
I and the other party named above intend of , 20	to contract a marriage at (place	e of celebration of marriage) on the day
本人與名列上表的另一方擬於 before □ the Registrar. 在 登記官	年 月	日在(舉行婚禮地點)
□ a civil celebrant. 婚姻監禮人 □ a competent ministe 合資格的神職人員		
Dated this day 年 月	of 日	, 20
		(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) (由2005年第23號第22條代替)
	表格2	[第9條]
CERTII	FICATE OF REGISTRAR C 婚姻登記官證明書	
	(Marriage Ordinance (Cap (《婚姻條例》(第181	
I hereby certify that on the		day of ,

respect of the marriage	intended to be contracted	d between the parties	s named below.	ee Book of Hong Kong in
現證明一份擬約 結的婚姻載入香港組		年	月	日就下述人士擬締
WE 0 3 7 E 7 E 7 E 7 E 7 E 7 E 7 E 7 E 7 E 7				
	Bridegroo			Bride
	m 新郎			新娘
Surname				
and name 姓名				
Age 年齡				
Marital	Bachelor/		Sp	inster/Widow/
condition	Widower/			vorced person
婚姻狀況	Divorced		未婚	/ 寡婦/離婚
	person			
	未婚/鰥 夫/離婚			
Occupation	人/ 构此好			
職業				
Residential				
address				
住址				
Surname and				
name of				
father				
父親姓名				
Surname and				
name of mother				
母親姓名				
<u>→</u> ///// —				
The issue of this certifi	cate has not been forbidd	len by any person wh	no is entitled under l	aw to forbid the issue of it.
	給本證明書的人,並			
Dated this	day of	, 20		
年	月日			
			(,	Signature)
				_(簽署)
			(Na	me and title)

(姓名及稱銜)

This certificatof	te will	be	of no	effect	unless	the m	arriage	is sol	emnize	ed on	or	befor	e the			day
婚禮須於	, 20	年		月		日享	之前學	暑行,	否則才		月書ほ	D 告 魚	無效。			
This certificat 本證明書根持									Iarriage	e Ord					≶61條·	代替)
							表格3								[第	11條]
						特別	別許可認	證								
					(《	婚姻條	例》(第	第 181章	章))							
*根據 *授權[<i>據</i>	《婚姐 《婚姐	图條(图條(列》(5 列》(5	第181章 第181章 一方的	重)第6條 重)第9條	系發出裝 系發給婚	疑結婚遊 發烟登記 一方的第	通知書 2官證 姓 <i>名</i>]	的規定明書的	E; 勺規兌	<u> </u>		年 行婚初	豐的地	<i>杜黑</i> 引舉	月%行婚
*刪去不	適用者	之 。								(發出	者的		及稱復	 舒 第61條	代替)
							表格4								第2及	20條]
					CERT	TIFICAT	TE OF N :婚證書		IAGE							

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

4

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 年齢		
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 according to rites and ceremonies before me. 婚禮在本人主持下於香港(學行婚禮地點)以

儀式舉行。

(Signature of minister)

<u>(神職人員的簽署)</u>
(Name and title
of minister)
(神職人員的姓名及稱銜)

The marriage was solemnized between us 結婚雙方	(Signature of bridegroom) (新郎簽署)	and 與	(Signature <i>of bride</i>) (新娘簽署)
in the presence of us 證婚人	(Signature of the first witness) <u>(第一見證人簽署)</u> (Name of the first witness) (第一見證人姓名)	and 及	(Signature of the second witness) <u>(第二見證人簽署)</u> (Name of the second witness) (第二見證人姓名)

(由2005年第23號第61條代替)

表格5 [第21條]

聲明

(《婚姻條例》(第181章)第21條)

本人[作出聲明的人的姓名],地址為[地址],現聲明:本人完全明白一

- (a) 經過在*婚姻登記官/*副婚姻登記官/*婚姻監禮人面前按照《婚姻條例》(第181章)表示以 [配偶的姓名]為我的*妻子/*丈夫後,雖然沒有其他世俗或宗教儀式,我與[配偶的姓名]即 結為合法夫妻;
- (b) 經以上過程表示以[*配偶的姓名*]為我的*妻子/*丈夫後,我倆因此而締結的婚姻,在我倆共同在生之時,非經有效的司法判令,不得解除;及
- (c) 在這段婚姻尚未解除之際,如我在我的*妻子/*丈夫在生時締結另一段婚姻,即犯重婚罪,可被處以該罪行的刑罰。

年 月 日

<u>(作出此聲明的人簽署)</u> (作出此聲明的人的姓名)

見證人,

(<u>監理此聲明的人簽署</u>) (<u>監理此聲明的人的姓名</u>) *婚姻登記官/

*副婚姻登記官/ *婚姻監禮人

上文已在監理此聲明的人在場下,用

文向作出此聲明的人傳譯。

<u>(傳譯員簽署)</u> (傳譯員的姓名)

*刪去不適用者。

(由2005年第23號第22條代替)

表格6 [第2及39條]

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) rites and ceremonies before me. according to 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 (Signature of and (Signature of 與 marriage bridegroom) bride) (新郎簽署) (新娘簽署) was solemnized between us 結婚雙方 *The (Signature and name (Name of the and 與 marriage of one party) other party) (一方的簽署及姓名) (另一方的姓名) was solemnized between us 結婚雙方 in the presence (Signature of the and (Signature of the of us first witness) 及 second witness) 證婚人 (第一見證人簽署) (第二見證人簽署) (Name of the (Name of the first witness) second witness) (第一見證人姓名) (第二見證人姓名)

(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)

(由2005年第23號第61條代替)

^{*} 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。

^{*} Complete where applicable. 只在適用時填寫。

CERTIFICATE OF MARRIAGE 結婚證書

(Mariage 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		
before me.	tion of marriage), Hong Kong in accordance with the prov 學行婚禮地點)按照《婚姻條例》(第181章)舉行。	risions of the Marriage Ordinance (Cap 181)

(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)
in the presence of us 證婚人	(Signature of the first witness) (第一見證人簽署) (Name of the first witness) (第一見證人姓名)	and 及	(Signature of the second witness) (第二見證人簽署) (Name of the second witness) (第二見證人姓名)

(由2005年第23號第22條增補)