

**立法會**  
**Legislative Council**

Ref : CB2/BC/12/04

LC Paper No. CB(2) 2195/04-05  
(These minutes have been seen by  
the Administration)

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

**Minutes of the first meeting  
held on Tuesday, 21 June 2005 at 4:30 pm  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Margaret NG (Chairman)  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Andrew CHENG Kar-foo  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LI Kwok-ying, MH  
Hon Albert Jinghan CHENG

**Public Officers attending** : Mr Michael WONG  
Deputy Secretary for Security

Mr Alan CHU  
Principal Assistant Secretary for Security

Ms Anne TENG  
Assistant Secretary for Security

Mr Gilbert MO  
Deputy Law Draftsman (Bilingual Drafting and Administration)  
Department of Justice

Ms Grace LEUNG  
Government Counsel  
Department of Justice

Mr SHAM Hi-keung  
Acting Assistant Director (Personal Documentation)  
Immigration Department

Mr CHOW Kun-wah  
Assistant Principal Immigration Officer  
(Births, Deaths and Marriage Registration)  
Immigration Department

**Clerk in attendance** : Mrs Constance LI  
Chief Council Secretary (2)5

**Staff in attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Miss Betty MA  
Senior Council Secretary (2)1

---

## **I. Election of Chairman**

Ms Margaret NG was elected Chairman of the Bills Committee.

## **II. Meeting with the Administration**

[LC Paper Nos. CB(2)1984/04-05(01) to (05)]

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. The Administration briefed the Bills Committee on the policy objectives of the Bill and the proposed arrangements for the appointment of civil celebrants of marriages.
4. Ms Miriam LAU and Mr Andrew CHENG declared that they possessed the proposed requirements for appointment as civil celebrants. The Chairman added that six Legislative Council (LegCo) Members, including herself, would be eligible for appointment as civil celebrants under the proposed arrangements.
5. Mr Albert CHENG enquired whether the Administration would consider including LegCo Members or Justices of Peace in the categories eligible for appointment as civil celebrants. Some members asked about the rationale for adopting seven-year post-qualification experience as the eligibility criterion for a solicitor to be appointed as civil celebrant.
6. Deputy Secretary for Security explained that the proposed seven-year post qualification experience for solicitors to be eligible for appointment as civil celebrants

was the same as that required for appointment as notaries public. The purpose was to ensure that only qualified persons with sufficient maturity and professional experience would be appointed as civil celebrants. The Administration would review the civil celebrant scheme, including the years of experience for appointment as civil celebrants, one year after it had come into operation.

7. The Administration was requested to provide the following information –
- (a) overseas experience of celebration of marriages by civil celebrants, and the monitoring by the respective governments;
  - (b) the impact of the legislative proposal on the Government's revenue (including loss of revenue at the Marriage Registries);
  - (c) the criteria and procedures for non-Hong Kong residents to get married and have their marriage celebrated before civil celebrants in Hong Kong;
  - (d) a flowchart showing the steps/procedures to be followed by civil celebrants of marriages;
  - (e) provisions in other legislation regarding the calculation of validity period of appointment where there was a period of suspension; and
  - (f) criteria for counting the years of post-qualification experience of a solicitor, e.g. the experience of in-house lawyers; and
  - (g) the draft Code of Practice for civil celebrants of marriages, when available.
8. Members agreed that the Law Society of Hong Kong, the Hong Kong Bar Association and the Hong Kong Society of Notaries should be invited to attend a future meeting to give views on the Bill, including the following aspects –
- (a) the proposed seven-years post-qualification experience for solicitors to be eligible for appointment as civil celebrants;
  - (b) guidelines on providing services by members of these professional bodies for their own relatives;
  - (c) whether celebration of marriages would be covered by the professional indemnity; and
  - (d) fees to be charged by civil celebrants of marriages.

Clause-by-clause examination

9. The Bills Committee started clause-by-clause examination of the Bill and completed scrutiny of clauses 1, 2, 3 and the new sections 5A and 5B under clause 4 of the Bill.

Date of future meetings

10. Members agreed that the next three meetings would be scheduled for 4, 13 and 21 July 2005.

11. The meeting ended at 6:25 pm.

Council Business Division 2  
Legislative Council Secretariat  
6 July 2005

**Proceedings of the meeting of the Bills Committee on  
Marriage (Introduction of Civil Celebrants of Marriages and  
General Amendments) Bill  
on Thursday, 21 June 2005 at 4:30 pm  
in Conference Room B of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
0001-0538	Margaret NG Andrew CHENG Albert CHENG	Election of Chairman	
0539-0820	Admin	Policy objectives of and background to the Bill	
0821-1105	Albert CHENG Admin Chairman	Proposal to include LegCo Members and Justices of Peace as civil celebrants	
1106-2353	Chairman Admin Andrew CHENG	Adoption of seven years' post-qualification as the eligibility criterion for a solicitor to be appointed as civil celebrant	
2354-2610	Miriam LAU Chairman Admin	<ul style="list-style-type: none"> <li>- Fees to be charged by civil celebrants</li> <li>- Consultation with the legal professional bodies</li> </ul>	
2611-3250	Audrey EU Chairman Admin	<ul style="list-style-type: none"> <li>- Appointment of civil celebrants</li> <li>- Celebration of marriages by civil celebrants for their own relatives</li> </ul>	Clerk to invite views from deputations
3251-4228	Andrew CHENG Admin	Overseas experience of celebration of marriages by civil celebrants	Admin to provide further information

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
4229-4318	Chairman Admin	Impact of the proposal on Government's revenue	Admin to provide further information
4319-010155	Miriam LAU Admin Chairman Audrey EU	<ul style="list-style-type: none"> <li>- Fees to be charged by civil celebrants</li> <li>- Procedures to be followed by civil celebrants of marriages</li> <li>- Criteria and procedures for non-Hong Kong residents to have their marriages celebrated before civil celebrants in Hong Kong</li> <li>- Consultation with the relevant professional bodies</li> </ul>	<p>Clerk to invite views from deputations</p> <p>Admin to provide further information</p> <p>Admin to provide further information</p> <p>Clerk to invite views from deputations</p>
010156-010233	Chairman	Date of future meetings Clause-by-clause examination of the Bill	
010234-013515	Admin Andrew CHENG Chairman	<ul style="list-style-type: none"> <li>- Long title of the Bill</li> <li>- Modernization of the drafting style of certain provisions of the Ordinance</li> <li>- Calculation of validity period of appointment where there was a period of suspension under new section 5A</li> </ul>	Admin to provide further information
013516-015106	Admin Chairman Miriam LAU	Criteria for counting the years of post-qualification experience of a solicitor	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
015107-015518	LEE Kwok-ying Admin Miriam LAU	Eligibility criteria for appointment as civil celebrants	
015519-015638	Chairman	Concluding remarks	

Council Business Division 2  
Legislative Council Secretariat  
4 July 2005