

立法會
Legislative Council

Ref : CB2/BC/12/04

LC Paper No. CB(2) 2461/04-05
(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 fourth meeting
held on Thursday, 21 July 2005 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon Miriam LAU Kin-yee, 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

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 TSOI Hon-kuen
Assistant Director (Personal Documentation)
Immigration Department

Mr SHAM Hi-keung

Principal Immigration Officer (Documents)
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. Confirmation of minutes of meeting
[LC Paper Nos. CB(2) 2307/04-05]

The minutes of meeting on 4 July 2005 were confirmed.

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

II. Meeting with the Administration

3. Members noted the Administration's paper on the criteria and procedures for non-Hong Kong residents to get married and have their marriages celebrated before civil celebrants of marriages in Hong Kong [LC Paper No. CB(2) 2344/04-05(01)].

Clause-by-clause examination

4. Members noted that two replacement sheets for pages 16 and 21 of the English version of the marked-up copy of the Bill were tabled at the meeting.

5. The Bills Committee continued clause-by-clause examination of the Bill, and completed scrutiny up to clause 19 of the Bill.

6. The Administration was requested to consider the following suggestions and provide a response -

- (a) Hon Andrew CHENG's suggestion of providing flexibility for civil celebrants to celebrate marriages inside licensed places of worship, and whether they would be allowed to do so under the proposed new section 21(3A) or by obtaining special licences under section 11 of the Marriage Ordinance;
- (b) in relation to section 27(2)(a)(i)(C), the legal effect of the word "and" linking (a) and (b) under the new section 21(3A) in clause 12;
- (c) circumstances under which a marriage would be regarded as invalid, and whether marriages celebrated by civil celebrants would be affected by defects in the appointment process under the amended section 27(2) in clause 13;
- (d) whether civil celebrants would be subject to double jeopardy for non-compliance with the statutory requirements, i.e. disciplinary hearings of their respective professional bodies and penalty under the Bill;
- (e) Hon Audrey EU's suggestion of providing a reasonable excuse defence provision for offences under the new section 31A in clause 16;
- (f) whether the proposed levels of penalty for non-compliance with the statutory requirements by civil celebrants were proportionate to the gravity of the offences; and
- (g) consider moving a Committee Stage amendment to delete the proposed new section 31A(4) following the deletion of the proposed new section 6A(2).

Date of future meeting

- 7. Members agreed to hold the next meeting on 7 September 2005 at 10:45 am.
- 8. The meeting ended at 4:25 pm.

Council Business Division 2
Legislative Council Secretariat
18 August 2005

**Proceedings of the meeting of the Bills Committee on
Marriage (Introduction of Civil Celebrants of Marriages and
General Amendments) Bill
on Thursday, 21 July 2005 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
0001-0152	Chairman	Confirmation of minutes of meeting on 4 July 2005	
0153-0921	Chairman Admin Miriam LAU	Administration's paper on "Criteria and procedures for non-Hong Kong residents to get married and have their marriages celebrated before civil celebrants of marriages in Hong Kong" [LC Paper No. CB(2) 2344/04-05(01)]	
0922-1705	Chairman Admin	Clause-by-clause examination of the Bill (clause 12(1) to (5) of the Bill)	
1706-2628	Chairman Admin Andrew CHENG Miriam LAU	Clause 12(6) - Suggestion of providing flexibility for civil celebrants to celebrate marriages inside licensed places of worship	Admin to provide response
2629-3152	Chairman Admin	Clause 12(7) to (12)	
3153-4109	Chairman Admin Andrew CHENG Audrey EU	Clause 12(13) - Arrangement for making declaration by either marrying party who was unable to do so because of physical disability or because the party could not speak Chinese or English	

Time Marker	Speaker(s)	Subject(s)	Action required
4110-4548	Chairman Admin Miriam LAU	Clause 13 – Inclusion of a schedule to the Marriage Ordinance to specify the ground of kindred or affinity in England or Wales which would make a marriage null and void as referred to in section 27 of the Ordinance	
4549-5747	Andrew CHENG Chairman Admin Miriam LAU	Circumstances under which a marriage would be regarded as invalid under clause 13	Admin to provide response
5748-011317	Chairman Andrew CHENG Admin SALA1 Miriam LAU	Celebration of marriages under special licences	
011318-011520	Chairman Admin Miriam LAU Andrew CHENG	Civil celebrants to celebrate marriages inside licensed places of worship under special licences	Admin to provide response
011521-012117	Admin Chairman Miriam LAU	Clauses 15 and 16 - Offences and penalty for non-compliance with statutory requirements by civil celebrants Concern about double jeopardy	Admin to provide response
012118-013538	Audrey EU Admin Chairman	Defence provision for non-compliance with statutory requirements by civil celebrants Circumstances under which marriages would be affected by defects in the	Admin to provide response Admin to provide response

Time Marker	Speaker(s)	Subject(s)	Action required
		appointment of civil celebrants	
013539-014404	Miriam LAU Chairman Admin Andrew CHENG	Deletion of the proposed new section 31A(4) Levels of penalty to be proportionate to the gravity of the offence	Admin to provide CSAs Admin to provide response
014405-015246	Albert CHENG Admin Chairman	Clauses 17 to 19	
015247-015500	Chairman	Date of next meeting	

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