

立法會
Legislative Council

Ref : CB2/BC/12/04

LC Paper No. CB(2) 2644/04-05
(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 fifth meeting
held on Wednesday, 7 September 2005 at 10:45 am
in Conference Room A 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

Members absent : 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

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 Lolita SHEK
Senior Council Secretary (2)7

I. Confirmation of minutes of meeting
[LC Paper Nos. CB(2) 2460 & 2461/04-05]

The minutes of meetings on 13 and 21 July 2005 were confirmed.

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

II. Meeting with the Administration

Administration's response to outstanding issues
[LC Paper Nos. CB(2) 2530/04-05(01) to (03), CB(2) 2239/04-05(01) and CB(2) 2266/04-05(01)]

3. Members noted the Administration's papers responding to issues raised at the meetings on 13 and 21 July 2005, and also to the submissions from the Hong Kong Bar Association and Mr YIP Ming.

Admin

4. The Administration was requested to provide written response to the following suggestions –
 - (a) reviewing/revising the penalty in the proposed section 30 in clause 14 of the Bill to achieve overall consistency with that for other offences in the Bill, having regard to the severity of the offences; and

- (b) reviewing/revising the penalties for offences in other provisions in the Marriage Ordinance which were not amended by the Bill, to maintain overall consistency with those proposed in the Bill.

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5. Members noted the submission from Mr Simon PATKIN of “Capitalist Solutions”. Members agreed that the issue of “gay marriage” raised in the submission was not within the scope of the Bill, and that the submission should be referred to the Home Affairs Bureau and the Panel on Home Affairs for consideration.

Clause-by-clause examination
(from C1349 – clause 20 onwards)

6. The Bills Committee completed clause-by-clause examination of the Bill.

Admin

7. The Administration was requested to provide response to the outstanding issues raised at previous meetings and the draft Committee Stage amendments proposed by the Administration for the Bills Committee’s consideration at the next meeting.

III. Any Other Business

Date of future meetings

8. Members agreed to hold the next two meetings on 4 and 25 October 2005 at 8:30 am.

9. There being no other business, the meeting ended at 12:16 pm.

Council Business Division 2
Legislative Council Secretariat
29 September 2005

**Proceedings of the meeting of the Bills Committee on
Marriage (Introduction of Civil Celebrants of Marriages and
General Amendments) Bill
on Wednesday, 7 September 2005 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
0001 - 0042	Chairman	Confirmation of minutes of meetings on 13 and 21 July 2005	
0043 - 0503	Chairman Miriam LAU Clerk Andrew CHENG	Dates of future meetings	
0504 - 0929	Chairman Admin	Administration's response to the submission from the Hong Kong Bar Association [Annex A to LC Paper No. CB(2) 2530/04-05(02)] Items 1 to 5 of Annex A to the above LC Paper	
0930 - 2309	Chairman Admin Audrey EU Miriam LAU	Item 4 of Annex A to the above LC Paper Whether the appointment of the civil celebrant should be suspended for a period not longer than 18 months or three years for contravening a code of practice under the proposed section 5E in clause 4 of the Bill	
2310 - 2529	Admin Chairman	Items 6 to 8 of Annex A to the above LC Paper	
2530 - 2818	Chairman Admin	Administration's response to the submission from Mr YIP	

Time Marker	Speaker(s)	Subject(s)	Action required
	SALA1	Ming [Annex B to LC Paper No. CB(2) 2530/04-05(02)]	
2819 - 3436	Chairman Admin Audrey EU	Administration's response to issues raised at the meeting on 13 July 2005 [LC Paper No. CB(2) 2530/04-05(02)] Suggestion of including a schedule to the Marriage Ordinance (Cap. 181) to specify the impediment of kindred or alliance referred to in sections 12 and 27(1) of the Ordinance	Admin to provide the schedule in the CSAs, on the understanding that the merit/demerit of individual items therein would reflect ImmD's current practice, since their amendment should be the subject of a separate law reform exercise
3437 - 4629	Chairman Admin Andrew CHENG Audrey EU	Administration's response to issues raised at the meeting on 21 July 2005 [LC Paper No. CB(2) 2530/04-05(03)] Consistency of the penalties in the proposed section 30 in clause 14 of the Bill and in other provisions in the Marriage Ordinance which were not amended by the Bill	Admin to provide response (paragraph 4(a) and (b) of the minutes refers)
4630 - 5259	Audrey EU Admin Chairman	Arrangements to facilitate the celebration of the intended marriage when the	

Time Marker	Speaker(s)	Subject(s)	Action required
		civil celebrant originally nominated for the marriage was not available for celebrating the marriage	
5300 - 5549	Chairman Admin	Submission from Mr Simon PATKIN of “Capitalist Solutions” - Legalising “gay marriages”	The submission will be referred to the Home Affairs Bureau and the Panel on Home Affairs for consideration (paragraph 5 of the minutes refers)
5500 - 5729	Chairman Admin	Clause-by-clause examination of the Bill Clause 20	
5730 - 10323	Admin Chairman Andrew CHENG	Clause 21 Form 1 “NOTICE OF INTENDED MARRIAGE” Reasons for including additional personal data of the bridegroom and bride in the revised Form 1	
10324 - 10610	Miriam LAU Admin	The requirement for the person desired to marry to specify in Form 1 whether the intended marriage would be contracted before the Registrar, a civil celebrant or a minister	
10611 - 10920	Chairman Admin Andrew CHENG	Form 5 “DECLARATION”	

Time Marker	Speaker(s)	Subject(s)	Action required
10921 - 11019	Chairman Admin	Form 7 "CERTIFICATE OF MARRIAGE"	
11020 - 11229	Chairman Admin Andrew CHENG Audrey EU	Clause 22 Fees	
11230 - 12639	Admin Chairman SALA1	Clauses 23 to 57	
12640 - 12922	Admin Chairman SALA1	Clause 58 Form 6 - revised certificate of marriage of a dying person	
12923 - 13026	Chairman	Next meeting on 4 October 2005	Admin to provide response to outstanding issues and draft CSAs (paragraph 7 of the minutes refers)