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To: The relevant Committee From: YIP Ming, Edward

Legislative Council

Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill

- 1. In 5.3, repeal the definition of "Secretary"(局長) and add: -
 - "marriage" (婚姻) means a contract ordained by a ceremony recognised by the law, or by way of a proper legal procedure, between a man and a woman, who at the time of the contract being made, are free in law to marry and to be married, as involving the voluntary union for life of that man and that woman;"
- 2. Replace 5.5 by : -

"Amendment to section 6

Repeal section 6 and substitute –

- "6. Giving notice of intended marriage
 - (1) whenever any persons desire to marry, one of the proposed parties to the intended marriage shall, either in person or through a civil celebrant, give a notice of intended marriage to the Registrar in Form 1 in Schedule 1 and at the same time, produce his or their identity cards or travel documents for inspection, the photocopy of identity card or travel document of the absent party, or absolute decree (if appropriate).
 - (2) Every notice of intended marriage shall be signed by the party giving the notice.
 - (3) A notice of intended marriage given through a civil celebrant shall
 - (a) be accompanied by the prescribed fee for filing and exhibition of the notice; and

- (b) subject to section 6A(1)(c), be given within the period of 3 months preceding the proposed date of marriage.
- (4) A notice of intended marriage shall not be invalidated by any change in any information contained in it, but the Registrar may require the parties to make appropriate amendment to it."
- 3. Replace s.12(7) by : -
 - "(7) section 21(4)(a) is amended by replacing the whole sentence by –

"A marriage celebrated by the Registrar or a civil celebrant shall be conducted in English, Cantonese, Putonghua or other language (including sign language) or dialect chosen by the parties to the marriage and shall take place in the presence of 2 or more witnesses and in the following manner—"

- 4. In s.12(10), repeal the "." and substitute ",", and add " and replacing the word "man" by "husband" ".
- 5. Replace s.12(11) by
 - "(11) section 21(4)(a)(ii) is repealed and the following substituted ——
 - "(ii) the male party shall then say to the female party in the language or dialect chosen:-

"I call upon all persons here present to witness that I, [name of the male party], do take thee, [name of the female party], to be my lawful wedded wife."; and

"(iii) the female party shall then say to the male party in the language or dialect chosen;-

"I call upon all persons here present to witness that I, [name of the female party], do take thee, [name of the male party], to be my lawful wedded husband.".

- 6. Replace s.12(12) by :-
 - "(12) Repeal section 21(4)(b) and substitute :-
 - (b) where the Registrar or the civil celebrant is satisfied that the parties and most of the witnesses understand the language or dialect the parties chosen, the marriage shall be celebrated in that language or dialect."

- 7. Replace s.12(13) by :-
 - "(13) section 21 is amended by adding
 - (4A) where either party or both of the parties to the marriage cannot convey the statement required either by section 4(a)(ii) or (iii), verbally or by sign language, the Registrar or the civil celebrant shall convey the statement on behalf of either or both parties. Either or both parties shall signify, in whatever manner and by whatever means, to the satisfaction of the Registrar or the civil celebrant, as the case may be, that he or she approves the statement."
- 8. Replace s.14 by:-
 - "14. Offences by minister or civil celebrant

Repeal section 30 and substitute –

- 30. A minister or civil celebrant who
 - (a) knowing that -
 - (i) a consent under section 14 is required in respect of the marriage of a party under 18 years of age; and
 - (ii) no such consent has been produced in accordance with section 14(1A) in respect of the party,

wilfully celebrates the marriage of the party;

- (b) wilfully celebrates a marriage contrary to any other provision of this ordinance; or
- (c) wilfully celebrates a marriage knowing that any provision of this ordinance has not been compiled with, commits an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 2 years."
- 9. Replace s.15 by :-
 - "15. section substituted –

section 31 is repealed and the following substitute –

- 31. Offences for failure to transmit certificate, etc.
 - (1) A minister who fails to transmit a certificate of marriage to the Registrar in accordance with section 20(3), commits an offence and shall be liable on summary conviction to a fine at level 1.
 - (2) A civil celebrant who
 - (a) fails to transmit the documents referred to in section 6A(1)(c) in accordance with that section; or
 - (b) fails to transmit a certificate or declaration in accordance with section 21(7)(a)(iii);

commits an offence and shall be liable on summary conviction to a fine at level 1."

- 10. Amend s.16 by replacing "Any" by "A" and "shall be guilty of" by "commits" and adding "on summary conviction" after "liable".
- 11. Amend s.17:-

In s.33A(1) and 33B replace "Any" by "A" and "shall be guilty of" by "commits" and adding "on summary conviction" after "liable".

12. Amend s.18 and 19: -

In s.18 and 19, replace "The Secretary" by "The Secretary for Security".

13. Amend s.27 : -

Replace "21" by "18" and "schedule 3" by "SCHEDULE 3".

14. Amend s.27A: -

"Protection of Children and Juvenile Ordinance

27A. In section 34(6) of the Protection of Children and Juvenile Ordinance (Cap. 213), replace "21" by "18"."

- 15. Amend s.31 by : -
 - "31. Licensing of places of worship

Repeal section 4 and substitute:-

"4. Licensing of places of worship

The Registrar may –

- (a) by granting a licence in respect of any place of public worship, license such place to be a place for celebration of marriages; and
- (b) cancel any such licence at any time."
- 16. Replace s.32 by : -
 - "32. Notification of licence

Repeal section 5 and substitute:-

"5. Notification of licence

Whenever the Registrar grants or cancels any licence under section 4, he shall give public notice thereof in the Gazette."

- 17. Repeal s.34.
- 18. Replace s.35(2) by : -
 - "(2) Repeal section 7(2) and substitute :-

"The Registrar shall post the copy of Part 1 of a notice of intended marriage to the Government Website for the view of the public until he issues a certificate of Registrar or until the 3 months referred to in section 10 expire."

- 19. Replace s.39 by : -
 - "39. Grant of special licence

Repeal section 11 and substitute:-

- "11. Grant of special licence
 - (1) The Registrar may by granting a special licence in Form 3 in Schedule 1 –

- (a) dispense with
 - (i) the notice of intended marriage;
 - (ii) the certificate of Registrar; or
 - (iii) both such notice and such certificate;

in relation to any intended marriage; and

- (b) authorize the celebration of a marriage between the parties named in the licence at the place and time specified in the licence.
- (2) The Registrar may grant a special licence without payment of the prescribed fee, or on payment of such reduced fee as, in the special circumstances of the case, he may think sufficient."
- 20. Add s.48A: Repeal sections 26 and in 27 (1), repeal "in England or Wales".
- 21. Replace s.50 by :-
 - "50. Marrying etc. person under 18 without required consent

Repeal section 29 and substitute:-

"29. Marrying etc. person under 18 without required consent.

A person who, knowing that –

- (a) a consent under section 14 is required in respect of the marriage of a party under 18 years of age; and
- (b) no such consent has been produced in accordance with section 14(1A) in respect of the party, names or assists or procures other person to marry the person referred to in paragraph (a), commits an offence and shall be liable on conviction to imprisonment for 2 years."
- 22. Repeal s.51
- 23. Repeal s.52 by :-
 - "52. Offence of tampering with records

Section 32 is amended by replacing "Any" by "A", "this ordinance, commits an offence and shall be liable" by "this ordinance, commits an offence and shall be liable on summary conviction.""

24. Add s.52A:-

"52. Amendment to section 33

Replace "Any" by "A" and "shall be guilty of"

25. Add s.57(2A)

- "(2A) In the provision of section 39(1), replace "affinity, in England or Wales" by "alliance."
- (2B) section 39(3) is amended by replacing "Any" by "A" and "shall be guilty" by "commits" and adding "on summary conviction" after "liable"."

26. Replace s.57(3) by :-

"(3) section 39(4) is amended by replacing "Any" and "A" and "shall be guilty" by "commits" and adding "on summary conviction" after "liable"."

27. Add s.57A

"57A Amendment to section 40

Repeal section 40"

28. In s.58

"In Form 4 and 6, repeal items "Marital condition before marriage", "Occupation", "Residential address", "Surname and name of father" and "Surname and name of mother".

29. In s.21

"In Form 7, repeal items "Marital condition before marriage", "Occupation", "Residential address", "Surname and name of father" and "Surname and name of mother".

30. In s.58 add :-

"(5) Amend the Marriage Reform (Forms) Regulations (Cap. 178C) by repealing items in forms 5 and 6, namely "Condition at the time of marriage", "Rank at the time of marriage", "Residence at the time of marriage", "Surname and name of father" and "Rank or profession of father"."

31. Repeal s.13 and substitute :-

"13. Invalid Marriages

Repeal section 27 and substitute:-

- (i) A marriage is null and void:-
 - (a) on grounds of kindred or alliance;
 - (b) if at the time of its celebration any party is under 16 years of age;
 - (c) if the marriage is celebrated under a false name;
 - (d) if at the time of its celebration either party or both parties are not truly represented in sex against the identity card or travel document that either party or both parties are holding at that time;
 - (e) if neither a certificate of the Registrar has been issued nor a special licence has been granted in respect of the marriage; or
 - (f) if -
 - (i) the marriage is not celebrated
 - (A) by the Registrar in the office of the Registrar;
 - (B) by a competent minister in a licensed place of worship; or
 - (C) by a civil celebrant in accordance with section 21(3A); and
 - (ii) the parties knowingly and wilfully acquiesce in its celebration, unless the marriage –

- (iii) is authorized by a special licence;
- (iv) is celebrated under paragraph (b) of the proviso to section 21(3); or
- (v) is celebrated under section 39.
- (2) No marriage shall, after celebration, be deemed invalid by reason that any provision of this ordinance, other than those specified in section 27(1), has not been compiled with."
- 32. Repeal s.10 and substitute :-
 - "10. Production of written consent

Repeal section 14 and substitute –

- "14. Production of written consent
 - (1) This section applies in relation to an intended marriage if any proposed party to the intended marriage is of or over 16 and under 18 years of age as at the date of marriage;
 - (1A) The written consent of the relevant person specified in Schedule 3 to the intended marriage shall be produced to
 - (a) the Registrar or a civil celebrant before a certificate of the Registrar may be issued; or
 - (b) the Registrar before a special licence may be granted."

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from Lounta

To: the relevant Committee happilative Council

(4) A cuil celebrant who

11. Amend 5.17 1 -

makeplace Chimodechon of Civil belaboouts of Marriages and Chancel Amendments 1. In 5.3, repeat the deliction of "secretary" (Porks) and add:
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""maningse" (Life & B) means a contract ordained by a ceremony recognised by the best in law to merry and to be manied,
before a mean and a meaning, who at the time of the contract being made, are free in law to merry and to be membed,
as involving the columbary union for life of that man and that meman; " 2. Replace 5. 5 by: -"Amendment to section b Repeal section to and substitute -(1) whenever any persons desire to many, one of the proposed parties to the intended manipe shall either in person or through a civil celebrant, give a notice of intended manipe to the Registrer in Form 1 in Schedule 1 and at the same time, or through a civil celebrant, give a notice of intended manipe to the Registrer in Form 1 in Schedule 1 and at the same downest of produce his or their idea kin certain hand I have a first and the same of idea the certain deal has a first and the produce his or their idea kin certain hand I have a first and the same of idea to the certain and the " b. Giving while of intended manife. produce his or their identity cards or travel downants for inspection, the photocopy of identity card or travel downant of (2) Every notice of intended manings shall be signed by the panty ging the notice.

(3) A notice of intended manings given through a civil calebrant shall—

(3) A notice of intended namings given through a civil calebrant shall—

(4) So necessary with by the president fee for first and exhibition of the notice; and

(b) subject to section (0)(1)(1), be given within the period if 3 months preceding the project does not only like in the Reproduction of the parties of section (0)(1) be given within the period if 3 months preceding the project does not into the Reproduction of the section (0) subject to section (0)(1) be given within the period if 3 months preceding the project of intended manings shall not be invalidated by any change in any information contained in it, but the Reproduct of the properties are admitted to it. " the absent party, or absolute decree (if appropriate). "(7) Section 21(4)(a) is amended by replacing the whole sentence by:

"A naminge celebrated by the Registrat or a civil celebrant shell be conducted in English, Centanere, Putonghua or other language.

"A naminge celebrated by the Registrat or a civil celebrant shell be conducted in English, Centanere, Putonghua or other language.

"A naminge celebrated by the Registrat or a civil celebrant shell be conducted in English. 3. Replace 5.12(7) by: -5. Replace s. in (11) by: -"(11) section 21 (4)(a)(ii) is repealed and the following substituted -"(ii) the made panty shall then say to the female punty in the language or dialect chosen: " I call upon all persons have present to witness that I, Chaine of the male porty], do take thee, Ensure of the female party], to be my larged wedded wife."; and

(iii) the female party shall then say to be make party in the language or dislect chosenium

"I had upon all persons had present to witness that I, Eneme of the female party I, do take thee, Enough of the make party I,

to be my larged wedded husband." 6. Replace 5.12(12) by: -(b) where the perinter or the civil celebrant is satisfied that the parties and most of the witnesses indentand the language or dialect the parties where the perinter or the manife shall be celebrated in that language or dialect." "(12) Repeal section 21(4)(b) and embelowhe: -151 section as is among of the parties to the manings can not convey the statement required either by section 4(a)(ii) or (iii),

"(4A) Where either porty or both of the parties to the manings can not convey the statement required either by section 4(a)(ii) or (iii), rebully a by sign language, the Repiter a the civil celebrant chall consequence on behalf of either or both parties. Either a both parties to the confidence of the Repiter or the confidence of the statement. 7 Replace 6.12613) by = -11 (13) Section 21 is animaled by adding 8. Replace 5. 14 by: -" by offered by minister a civil cataboom Repeal section 30 and substitute -"30. A minister or citil celebrant who -(a) knowing that --- (1) regulated in respect of the manippe of a party under 18 years of ape; and (1) a consent under section (4) is regulated in respect of the manippe of a party under 18 years of ape; and (ii) no such consent has been produced in accordance with section (+(1A) in respect of the party, with the celebrates the maninge of the party;

(h) writing celebrates a maninge contrary to any other provision of this ordinance for not been compiled with,

(c) writing celebrates a maninge knowing that any provision of this ordinance has not been compiled with,

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commits an offerie and shall be liable on summing constants a fine at level 1 and to impresent for 2 years. 9. Replace 5.15 by: -" 15" Section substituted sexum 31 it represed and the following indistrict -(i) A minister who fails to transmit a certificate of manings to the Repostar in accordance with each on 20(3), country an offerce and shall be trable on furning convision to a fine at level 1. 14 6 01 "31. offences for failure to transmit untitale, etc. 5: 20 DM (1) finis to transmit the documents referred to in section 6A(1)(c) in accordance with that section; or (b) finis to transmit a cartificate or declaration in accordance with rection 21(7)(A)(iii), (c) finis to transmit a cartificate or declaration in accordance with rection 21(7)(A)(iii), (c) finis to transmit a cartificate or declaration in accordance with rection 21(7)(A)(iii), (c) finish an offence and shall be table on many constant to a five at level (1).

10. Arrend 5: 16 by replacing "Ay" by "A" and "shell he grilly of "by "Counts" and addry "on summary connection" affect broke".

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at 5.18 and 19
      " In s. 18 and 19, replace" The secretary " by " The secretary for security".
      . Amend 5.23 ; -
 Replace "24" by "18" and "schedule 3" by "SCHEDULE 3"
  14. Add 5.27A:-
           27A. In section 34(6) of the Photocher of childre and Juncile ardnere (Capris), replace "21" by "18"
  15. Replace 5. 31 ing: -
        " 31. Livensing of places of morship
            Repeat section 4 and substitute: -
            "4. Licenshy of places of warrings
                    (a) by gracky alreace is respect of any place of public unship, because such place to be a place for celebration of
                  The Registrar may
                         maniager; and
                     (b) cancel any much licence at any time.
  16. Replace 5.32 by: -
         " zz. Notification of literate
               Repeal Section 5 and substitute:
                   Whenever the Registral growth or convels any brence under section 4, he shall give public notice thereof in the hazette."
            "5. Notification of limine
 17. Repeal 5.34
  18. Replace 5.35(2) M: -
            "The Registran deall part the copy of Pont I of a notice of intended manage to the Coveniment website for the even of
        "(2) Repeat section 7(1) and substitute:
         the public until he issues a certificate of Registrar or until the 3 months referred to in section to expire.
 19. Replace 1.39 hy: -
       "39. Grant of special Lience
             Repeal section 11 and substitute: -
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                       (i) the write of intended manings; or (ii) the cut fracte of the Registrar; or (iii) both such notice and each certificate,
                 in relation to any interested manage joint

(b) authorize the celebration of a manage bothern the parties named in the livence at the place and time specified in the special (b) authorize the celebration of a manage bothern the parties the prescribed fee, or on payment of roch reduced fee as, in the special
 CI The Register may great a special transe without payment of the prescribed fee, or on payment of such reduced fee as, in the special Crown stones of the use, he may think sufficient."

10. Add 5.48 A = 1. Repeal sections 26 and in 5,27 (1), repeal "in Tayland or waters".
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           Repeal section of and words the:
         " 29. Manying etc. person under l8 without required convent
                 (a) a correct indersection it is reguled in respect of the membrye of a party under 18 years of age; and
                 (b) we such convent has been produced in accordance with section (461A) in respect of the purity,
            marries or assists or produces other person to many the person referred to in paragraphical,
            consists an offere and that be liable on consistant on rummany consistor to imprevenent for zyears. "
 12. Repeal 5.51
 23. Replace 5.52 by: -
         52. Offence of tempering with necords
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           Section 32 is amended by replacing " Any" by
 24. Add 5. 52 A = -
       "52. Amendment to section 33 Replace "By" by "A" and "shall he guilty of
ns. Add 5.57(2A)
       "(2A) In the primso of section 39(1), replace "afforty, in England or Wales" by " alliance".
        (28) Section 39 (3) is amended by replacing "they" by "A" and "shall he guilty" by "come. Is" and andley" on running conviction" after" liable".
26. Replace 5.57(3) by: - "(3) section 35(4) is annually my replacing "Any" by "A" and "shall be guilly by "counits" and adding "on summay connection" afte "biable".
27. Add 6.57A
      "57A Amendment to except 40
           Repeal weather 40
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28. ln 5.58 1 -
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     "In fam 7 regreal them, "Marthal Condition before maniage", "occupation", "Residental address", "surrouse and never of father" and "owner and name of in
ય. 125.21:
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30, la 5.58 add 1 -(5) Amend the Maninge Reform (forms) Regulations (Cap 1780) by repealing "fems in forms 5 and 6, namely "condition at the time of manige", "Fank at the time of manige", "Rendered at the time of manige", repealing "fems in forms 5 and 6, namely "condition at the time of manige", "Rank or Profession of fither " " 31 Repeal 5-13 and substitute: " 13 Invalid maniopes Repeat section 27 and sworthete:

11) A maninge is not and roid: (a) or gounds of kindred or alliance; (b) if at the time of its celebration any party is under 16 years of age; (c) if the manage is celebrated under a state name; (d) if at the the of its celebration either party or both parties are not they represented in sex against the identity could a band down the identity could a travel document that either party is both parties are holding at that time; (e) If neither a certificate of the register has been issued nor a special beaute has been granted in respect up the maninge; or G1:t-(1) the manage is not celebrated --(A) by the Registrar; in the office of the Registrar; (B) by a competent miniter in a transed place of morship; or (U) by a civil celebrart in accordance with section 21 (3A); and (1) the partier knowingly and wilfely acquiesce in its celebration, when the manage —

while is authorized by a special license;

(iv) is colobrated under perspect (b) of the previor to section 21(3); or (2) No manige shall, after celebration, be deemed invalid by reason that any provision of the ordinance, other than those specified in rection (7(1) has not been a control of the those specified in section (7(1), has not been compiled with . 32. Reped S. 10 and who kinde: -" 10 Production of withen content Repeal section 14 and outstitute: (1) This, section applies in releases to an intended maninge if any proposed party to the intended maninge " It Production of wither consent is of an over it and under 18 years of age as at the date of manife.

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(a) the Personance of the selevant person specified in schadule 3 to the intended manings. (a) the Registrar or a crit celebrant before a conficulty of the Registrar may be issued , or (b) the Registrar before a special bisme may be granted. "

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