

"Mendy Chong"  
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12/07/2005 18:20

To  
cc  
bcc  
Subject Marriage (Introduction of Civil Celebrants of Marriages and  
General Amendments) Bill

Dear Mrs. Li,

I refer to the above Bill and the meeting of the Legco Bills Committee tomorrow (Wed) at 8.30 am. Please note that the Chairman of our Family Committee, Ms. Jacqueline Leong S.C., has prepared a note in relation to the Bill and I would be obliged if you could table Ms. Leong's comments at the meeting.

The comments of Ms. Jacqueline Leong on the Bill are as follows :-

Section 5D (4)

The registered celebrant should not be permitted to perform any ceremony after being served with a written notice of intended cancellation of appointment.

Section 5D (8)

The period of 3 years is too short and should be not less than 5 years.

Section 5E (3)

The registered celebrant should not be permitted to perform any ceremony after being served with a written notice of suspension of appointment.

Section 5E (4)

The period of 18 months is too short and should be not less than 3 years.

Section 5E (5)

The appointment should be cancelled (not suspended) if a celebrant has been convicted of a professional disciplinary offence.

Schedule 1, Form 5

The declaration should include an additional paragraph that the person is not lawfully married to any other person.

Schedule 4, Section 1 (a)

A solicitor should have not less than 12 years of post-qualification experience.

Schedule 4, Section 2

The period should be 5 years to be consistent with Section 5D (8) of the Bill.

Questions raised by the Bills Committee

1. Post-qualification experience of solicitors

The powers to be exercised by celebrants potentially affect status, legitimacy of children, inheritance rights and other important areas. It is important that celebrants be established and experienced individuals who will not be tempted to perform marriages as an easy source of income and / or as a means to secure other types of professional work. More senior solicitors are generally presumed to be less likely to conduct themselves in that way.

2. Services to relatives of celebrant

There is no apparent impediment to this provided all the requirements are met.

3. Professional indemnity

There is no good reason why celebrants should be covered by professional indemnity. They are performing their duties as registered celebrants, not qua solicitors.

4. Fees

There should only be one fixed fee with no power vested in the celebrant to increase, decrease or waive the same.

5. Others

The Registrar should have the sole power to approve any advertising by celebrants. The Registrar should set high standards for the test to avoid unseemly advertising of the " Las Vegas type " including advertising in inappropriate formats such as mini-buses.

Thanks and Regards,

Mendy Chong  
Administrator  
Hong Kong Bar Association