

## LEGISLATIVE COUNCIL BRIEF

Marriage Ordinance  
(Chapter 181)

### MARRIAGE (INTRODUCTION OF CIVIL CELEBRANTS OF MARRIAGES AND GENERAL AMENDMENTS) BILL

#### INTRODUCTION

A At the meeting of the Executive Council on 17 May 2005, the Council ADVISED and the Acting Chief Executive ORDERED that the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill (the Bill), at **Annex A**, should be introduced into the Legislative Council to empower the Registrar of Marriages to appoint civil celebrants of marriages.

#### JUSTIFICATIONS

2. Celebration of marriages in Hong Kong is governed by the Marriage Ordinance, Cap. 181 ("the Ordinance"), under which marriages can be celebrated at marriage registries by the Registrar of Marriages<sup>1</sup> or deputy registrars ("the Registrar") between 9 am and 7 pm, or at licensed places of worship by competent ministers between 7 am and 7 pm. Apart from these arrangements, the Chief Executive may grant a special one-off licence to authorize the celebration by the Registrar or a competent minister of a marriage for a couple at a time and place other than those specified above. Such licences will normally be granted to marrying parties, for example persons who are imprisoned or hospitalised, who are unable to celebrate their marriages at marriage registries or licensed places of worship.

3. Under existing legislation, any person who intends to get married has to give a notice of intended marriage ("notice") to the Registrar who shall then exhibit a copy of the notice at his office. One of the marrying parties also has to make affidavit before the Registrar that there

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<sup>1</sup> The Director of Immigration has been appointed by the Chief Executive as the Registrar of Marriages.

is no impediment of kindred or alliance or any other lawful hindrance to the marriage. The Registrar will then issue a certificate of the Registrar under section 9 of the Ordinance so that celebration of marriage before the Registrar or a competent minister can proceed.

4. There is increasing public demand for the Government to provide more flexible marriage solemnization services and to make use of private sector resources in providing such services. After an in-depth study, we propose to meet this demand by enabling the Registrar to appoint eligible persons as civil celebrants. Solicitors and notaries public who meet specified criteria (i.e. those set out at Schedule 4 to the Bill) will provide the pool of candidates for appointment at the initial stage, as their legal knowledge and familiarity with the administration of oaths and taking of declarations will enable them to perform the duties of a civil celebrant competently.

5. We have considered, but concluded against, setting up an appointment system which involves open examination and the independent monitoring of the situation pertaining to each candidate to ensure that they are persons of proper standing to carry out the functions of a civil celebrant. Such an approach will be costly and require substantial manpower and financial resources from the Registrar, and is difficult to justify at this early stage when the exact demand for the new service remains uncertain. Our proposed approach, which takes advantage of the capabilities of the Law Society of Hong Kong and Hong Kong Society of Notaries in the screening of appropriate candidates as well as monitoring of service standards<sup>2</sup>, represents a cost-effective manner of kickstarting the civil celebrant arrangement in the near future.

## **THE LEGISLATIVE PROPOSAL**

6. We propose to amend the Ordinance to enable the Registrar to appoint civil celebrants to accept notices, take affidavit of no impediment for marrying parties, celebrate marriages and witness the parties making declaration before a marriage is celebrated. We also propose to enable civil celebrants to celebrate marriages at any time and at any place; regulate the practice of civil celebrants; set up a Civil Celebrant of Marriages Appointment Appeal Board to hear and determine appeals against the decisions of the Registrar to refuse, cancel or suspend an appointment; and modernize the drafting style of certain provisions of the Ordinance so as to facilitate comprehension and to ensure smooth implementation.

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<sup>2</sup> We have consulted the two professional bodies which have both agreed in principle that the performance of their members when acting in the capacity of civil celebrants will be covered by the codes of practice for the two professions.

## **THE BILL**

7. The main provisions of the Bill are -

- (a) Part 1, Clause 2 provides that the Amendment Ordinance shall come into operation on a day to be appointed by the Secretary for Security.
- (b) Part 2 deals with appointment of civil celebrants, regulation of their practice, celebration of marriages by civil celebrants and transfer of the Chief Executive's power to amend Schedules 1 and 3 to the Ordinance to the Secretary for Security. Specifically, major amendments are -
  - (i) Clause 3 adds a number of definitions to define expressions used in the Ordinance as amended;
  - (ii) Clause 4, the proposed section 5A stipulates that persons who meet the criteria set out in the new Schedule 4 (added by Clause 24), i.e. practising solicitors with 7 years' post-qualification experience and notaries public, are eligible for appointment as civil celebrants for five years;
  - (iii) Clause 4, the proposed section 5B makes provisions for application for appointment as civil celebrants. The Registrar may consult the relevant professional body on the eligibility of an applicant;
  - (iv) Clause 4, the proposed section 5C empowers the Registrar to issue and revise the code of practice for civil celebrants. A breach of such code may lead to cancellation of appointment (the proposed section 5D(1)(c)) or suspension of appointment (the proposed section 5E(1));
  - (v) Clause 4, the proposed sections 5D and 5E, provide for cancellation and suspension of appointment on prescribed grounds. The civil celebrant concerned has an opportunity to make representations;

- (vi) Clause 4, the proposed section 5F makes it clear that the validity of a marriage celebrated by a civil celebrant shall not be affected by any irregularity in the appointment or renewal of appointment of the civil celebrant by the Registrar or defects in the qualification of the civil celebrant;
- (vii) Clause 4, the proposed sections 5J to 5M provide for the setting up of a Civil Celebrant of Marriages Appointment Appeal Board to hear and determine appeals lodged against the decisions of the Registrar to refuse, cancel or suspend an appointment, set out the power of the Appeal Board and stipulate that the decision of the Appeal Board on an appeal shall be final;
- (viii) Clauses 5 and 6 provide that a notice of intended marriage may be given by a marrying party to the Registrar through a civil celebrant and in that event a civil celebrant shall transmit to the Registrar as soon as practicable the notice, the prescribed fee for filing and exhibition of such a notice and an affidavit of no impediment or hindrance to the marriage made by a marrying party before him (clause 9). A civil celebrant shall have power to take such an affidavit;
- (ix) Clause 8 amends section 9 of the Ordinance to specify the conditions under which the Registrar may refuse to issue a certificate of the Registrar and to empower the Registrar to issue a certificate of the Registrar to either of the marrying parties through a civil celebrant nominated by either of the parties;
- (x) Clause 10 amends section 14 of the Ordinance to stipulate that if one of the marrying parties is of or over 16 and under 21 years old, the written consent shall be produced to the Registrar or a civil celebrant and to clarify that the relevant date for determining the age at which marriage can be contracted without the consent of the third party is the date of marriage;

- (xi) Clause 12 stipulates that a marriage celebrated by a civil celebrant can take place at any time and at any place in Hong Kong other than the office of the Registrar and a licensed place of worship. The civil celebrant shall witness the marrying parties making declaration before a marriage is celebrated and deliver a certificate of marriage to the marrying parties immediately after it has been signed by all relevant parties and transmit the other certificate of marriage to the Registrar within seven days after the marriage. Clause 12 also provides that if a party is not able to make the declaration because of physical disability or because the party cannot speak Chinese or English, the declaration can be made on behalf of the party and the party must signify his/her wish to marry through an interpreter or by other means;
- [xii] Clauses 14 to 17 provide for penalty provisions to ensure that a civil celebrant properly discharges the functions of his office which may have serious implications for the marrying parties. For example, a civil celebrant shall be guilty of an offence if he fails to provide such information as reasonably required by the Registrar or to notify the Registrar that he ceases to meet the specified eligibility criteria (the proposed section 5H in clause 4). In addition, the proposed section 33B in clause 17 prohibits any person who is not a civil celebrant from advertising/representing himself as a civil celebrant;
- [xiii] Clause 18 confers the power to make regulations for the due carrying out of the Ordinance, which is currently vested in the Chief Executive, to the Secretary for Security. The Secretary for Security is also empowered to make regulations to provide for the operation of the Appeal Board;
- [xiv] Clause 19 transfers the power of the Chief Executive to amend Schedule 1 (which contains forms related to marriages) and Schedule 3 (which specifies the persons whose consent is required when either of the marrying parties is of or over 16 and under 21 years old) to the Secretary for Security. The Secretary for Security is also empowered to amend the new Schedule 4;

- [xv] Clause 20 adds the proposed section 44 to empower the Registrar to provide information relating to a civil celebrant's performance of his function or the conduct of an applicant for such appointment to professional bodies for use in connection with disciplinary proceedings or prospective disciplinary proceedings;
  - [xvi] Clause 21 amends Schedule 1 to the Ordinance to amend Form 1 and Form 5 in the light of the introduction of civil celebrants; and adds a new form (Form 7) of marriage certificate for marriages celebrated by the Registrar or a civil celebrant;
  - [xvii] Clause 22 imposes an application fee (\$650) on all applicants and an appointment fee (\$350) on successful applicants; and
  - [xviii] Clause 24 adds a new schedule (Schedule 4) which sets out the eligibility criteria for appointment as civil celebrant. The criteria also apply to renewal of appointment.
- (c) Part 3 (Clauses 25 to 27) introduces consequential amendments to -
- (i) The Specification of Public Offices (Cap. 1 sub.leg. C) to allow the Secretary for Security to delegate his power to determine the remuneration of the members of the Appeal Board;
  - (ii) The Immigration Service Ordinance (Cap. 331) to enable members of the Immigration Service to investigate and prosecute offences committed by civil celebrants; and
  - (iii) The Electronic Transactions Ordinance (ETO) (Cap. 553) to exempt the application of certain sections of the ETO to the proceedings of the Appeal Board respectively.

- (d) Part 4 (Clauses 28 to 59) is technical in nature which aims to modernize the drafting style of certain provisions of the Ordinance without changing their legal effect by providing a clear definition of terms in the Ordinance, setting out some archaic provisions in a clear and simple language, achieving terminological consistency, reflecting the policy that both English and Chinese may be used and updating the prescribed forms.

B

8. The existing Ordinances being amended are at **Annex B**.

### **LEGISLATIVE TIMETABLE**

9. The legislative timetable will be -

Publication in the Gazette	20 May 2005
First Reading and commencement of Second Reading debate	1 June 2005
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

### **IMPLICATIONS OF THE PROPOSAL**

10. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no sustainability implications. The proposal has economic, financial and civil service implications as set out at **Annex C**.

C

11. The Bill does not affect the existing binding effect of the Ordinance.

### **PUBLIC CONSULTATION**

12. We consulted the Legislative Council Panel on Security on our legislative proposal on 15 April 2005. Members supported our proposal. In 2003, the Immigration Department conducted a survey at four marriage registries to gauge the opinions of the marrying parties on the proposal for appointing civil celebrants. The response was generally positive. In the course of our study, we also consulted the Law Society of

Hong Kong and the Hong Kong Society of Notaries, which indicated support to our proposal.

**PUBLICITY**

13. A press release will be issued on 18 May 2005. A spokesman will be available to answer enquiries.

**ENQUIRY**

14. Enquiries may be directed to Mr Alan K M CHU, Principal Assistant Secretary for Security at 2810 2506 or Mr H K TSOI, Assistant Director of Immigration at 2829 3839.

Security Bureau  
18 May 2005



**MARRIAGE (INTRODUCTION OF CIVIL CELEBRANTS  
OF MARRIAGES AND GENERAL AMENDMENTS) BILL**

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A BILL

To

Amend the Marriage Ordinance to -

- (a) provide for appointment of civil celebrants of marriages;
- (b) enable marriages to be celebrated by civil celebrants;
- (c) regulate the practice of civil celebrants;
- (d) transfer the power of the Chief Executive to make subsidiary legislation under that Ordinance to the Secretary for Security;
- (e) transfer the power of the Chief Executive to amend two Schedules to that Ordinance to the Secretary for Security;
- (f) modernize the drafting style of certain provisions of that Ordinance,

and to make related and consequential amendments to the Marriage Ordinance and other Ordinances.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

**1. Short title**

This Ordinance may be cited as the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance.

## **2. Commencement**

This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

### **PART 2**

#### **APPOINTMENT OF CIVIL CELEBRANTS, REGULATION OF CIVIL CELEBRANTS, CELEBRATION OF MARRIAGE BY CIVIL CELEBRANT AND TRANSFER OF POWERS TO AMEND SCHEDULES AND MAKE SUBSIDIARY LEGISLATION**

#### **Amendments to the Marriage Ordinance**

## **3. Interpretation**

Section 2 of the Marriage Ordinance (Cap. 181) is amended by adding -

"“Appeal Board” (上訴委員會) means the Civil Celebrant of Marriages Appointment Appeal Board established under section 5J;

“civil celebrant” (婚姻監禮人) means a civil celebrant of marriages appointed under section 5A whose appointment is for the time being valid;

“code of practice” (實務守則) means a code of practice issued under section 5C(1);

“prescribed fee” (訂明費用) means, in relation to any matter provided for in this Ordinance, the fee specified in Schedule 2 in respect of the matter;

“proposed date of marriage” (預定結婚日期) means the date on which an intended marriage is proposed to be contracted;

“Secretary” (局長) means the Secretary for Security;”.



**4. Parts 3 and 4 added**

The following are added after section 5 -

"PART 3

CIVIL CELEBRANTS OF MARRIAGES

**5A. Appointment of civil celebrant  
and renewal of appointment**

(1) The Registrar may, upon application, appoint any person who meets all criteria prescribed for the time being in Schedule 4 as a civil celebrant of marriages.

(2) The Registrar may, upon application of a civil celebrant, renew his appointment as a civil celebrant if he meets all criteria prescribed for the time being in Schedule 4.

(3) An appointment -

(a) made under subsection (1); or

(b) renewed under subsection (2),

is valid for 5 years. This period of 5 years shall not be affected by any suspension under section 5E.

(4) The Registrar shall -

(a) effect an appointment by giving the applicant concerned a written notice;

(b) effect a renewal of appointment by giving the civil celebrant concerned a written notice; and

(c) publish an appointment or a renewal of appointment by general notice in the Gazette.

**5B. Application for appointment as  
civil celebrant or renewal  
of appointment**

(1) An application for appointment or renewal of appointment under section 5A shall be -

- (a) in such form as the Registrar may specify;
- (b) submitted in such manner as the Registrar may specify;
- (c) accompanied by such information or documents as the Registrar may specify or as he may reasonably require;
- (d) accompanied by the prescribed fee for application processing; and
- (e) accompanied by the prescribed fee for -
  - (i) appointment as civil celebrant; or
  - (ii) renewal of appointment as civil celebrant,as may be appropriate.

(2) The Registrar may refuse to process an application if subsection (1) is not complied with in relation to it.

(3) The Registrar shall refuse an application if -

- (a) the applicant does not meet any criterion prescribed in Schedule 4; or
- (b) a notice given under section 5D(7) is in force in relation to the applicant.

(4) If an application is refused by the Registrar -

(a) he shall give the applicant a written notice of -

(i) the refusal; and

(ii) the reason for the refusal; and

(b) the prescribed fee for -

(i) appointment as civil celebrant; or

(ii) renewal of appointment as civil celebrant,

as may be appropriate, shall be refunded to the applicant.

(5) Where -

(a) a person applies for appointment or renewal of appointment by virtue of a professional

qualification prescribed in Schedule 4; and

(b) he is a member of a professional body which has statutory authority to regulate the relevant profession,

the Registrar may consult the body on whether the applicant meets any criterion prescribed in Schedule 4.

#### **5C. Code of practice for civil celebrants**

(1) The Registrar may issue such code of practice as he considers appropriate for the purpose of providing practical guidance in respect of the professional conduct of civil celebrants.

(2) The Registrar may from time to time revise a code of practice.

(3) The Registrar shall publish by general notice in the Gazette -

- (a) a code of practice and its commencement date;  
and
- (b) the particulars of any revision under subsection (2) and its commencement date.

**5D. Cancellation of appointment of civil celebrant**

(1) The Registrar may cancel the appointment of a civil celebrant -

- (a) if the civil celebrant ceases to meet any criterion prescribed in Schedule 4 as in force at -
  - (i) the time of the appointment; or
  - (ii) the time of the latest renewal of the appointment,as may be appropriate;
- (b) if he is satisfied that at the time of the appointment or renewal of appointment, as may be appropriate, the civil celebrant did not meet any criterion so prescribed;
- (c) if the civil celebrant contravenes a code of practice;

- (d) if the civil celebrant is convicted of an offence under this Ordinance;
- (e) upon a written request of the civil celebrant; or
- (f) if the civil celebrant dies.

(2) The Registrar may cancel the appointment of a civil celebrant under subsection (1) notwithstanding that the appointment has already been suspended under section 5E(1).

(3) Where a civil celebrant is a member of a professional body, the Registrar may consult the body on whether -

- (a) the civil celebrant ceases to meet any criterion prescribed in Schedule 4 as in force at -
  - (i) the time of his appointment; or
  - (ii) the time of the latest renewal of his appointment,as may be appropriate; or
- (b) the civil celebrant met any criterion so prescribed when -
  - (i) he was appointed a civil celebrant; or
  - (ii) his appointment was renewed,as may be appropriate.

(4) Except where subsection (5) applies, if the Registrar intends to cancel the appointment of a person under subsection (1)(a), (b), (c) or (d), the Registrar -

(a) shall give the person a written notice of the intention and the reason for the proposed cancellation;

(b) shall not cancel the appointment of the person until -

(i) the expiry of a period of 14 days after the date of posting the notice; and

(ii) the Registrar has considered the representation (if any) made by the person.

(5) If -

(a) a civil celebrant -

(i) was appointed by virtue of meeting the criterion prescribed in paragraph 1(a) of Schedule 4; and

(ii) has his name struck off from the roll of the solicitors of the High Court; or

(b) a civil celebrant -

(i) was appointed by virtue of meeting the criterion prescribed in paragraph 1(b) of Schedule 4; and

(ii) has his name struck off from the register of notaries public,

his appointment as a civil celebrant is deemed to be cancelled under subsection (1).

(6) If the Registrar cancels the appointment of a person, he shall -

- (a) publish the cancellation by general notice in the Gazette; and
- (b) give the person a written notice of the cancellation.

(7) If the Registrar cancels the appointment of a person under subsection (1)(c) or (d), he may, by giving the person a written notice, prohibit the person from applying for appointment under section 5B in such period as he may specify in the notice.

(8) A period specified under subsection (7) shall not be longer than 3 years.

(9) If an appointment is cancelled, no fee paid in accordance with section 5B(1)(e) in respect of the appointment or the renewal of it shall be refunded.

#### **5E. Suspension of appointment**

(1) If a civil celebrant contravenes a code of practice, the Registrar may, by giving the person a written notice, suspend the appointment of the civil celebrant for such period as the Registrar may specify in the notice.

(2) Subsection (1) is without prejudice to section 5D(1)(c).

(3) If the Registrar intends to suspend the appointment of a person under subsection (1), the Registrar -

- (a) shall give the person a written notice of -
  - (i) the intention;
  - (ii) the reason for the proposed suspension; and
  - (iii) the length of the proposed suspension period;
- (b) shall not suspend the appointment until -
  - (i) the expiry of a period of 14 days after the date of posting the notice; and
  - (ii) the Registrar has considered the representation (if any) made by the person.
- (4) A period specified under subsection (1) -
  - (a) may be longer or shorter than the proposed suspension period referred to in subsection (3)(a)(iii); and
  - (b) shall not be longer than 18 months.
- (5) If -
  - (a) a person -
    - (i) was appointed as a civil celebrant by virtue of meeting the criterion prescribed in paragraph 1(a) of Schedule 4; and
    - (ii) is suspended from practice as a solicitor for any period by a Solicitors Disciplinary Tribunal



under section 10 of the Legal  
Practitioners Ordinance (Cap. 159);  
or

(b) a person -

(i) was appointed as a civil celebrant  
by virtue of meeting the criterion  
prescribed in paragraph 1(b) of  
Schedule 4; and

(ii) is suspended from practice as a notary  
public for any period by a Notaries  
Public Disciplinary Tribunal under  
section 40J of the Legal  
Practitioners Ordinance (Cap. 159),

his appointment as a civil celebrant shall be suspended during  
that period.

(6) An appointment suspended under this section shall  
not be regarded as valid for the purposes of the definition  
of "civil celebrant" in section 2.

(7) If the appointment of a civil celebrant is suspended,  
the Registrar shall publish the suspension by general notice  
in the Gazette.

(8) If an appointment is suspended, no fee paid in  
accordance with section 5B(1)(e) in respect of the appointment  
or the renewal of it shall be refunded.

**5F. Marriage not affected by defect  
in civil celebrant's appointment**

The validity of a marriage celebrated by a civil celebrant shall not be affected by -

- (a) any irregularity in the appointment of the civil celebrant by the Registrar;
- (b) the fact that the civil celebrant was not -
  - (i) eligible for appointment at the time of his appointment; or
  - (ii) eligible for having his appointment renewed at the time of renewal of his appointment,as may be appropriate; or
- (c) the fact that the appointment of the civil celebrant was, at the time of the celebration, liable to be cancelled or suspended.

**5G. Return documents to Registrar  
in case of cancellation or  
suspension**

(1) A civil celebrant whose appointment is cancelled under section 5D(1) or suspended under section 5E shall deliver -

- (a) the notice of appointment or renewal of appointment given to him by the Registrar;
- (b) all notices of intended marriage supplied to him under section 8 (including those which have been cancelled); and

(c) all marriage certificates supplied to him under section 20A that have not been issued (including those which have been cancelled),  
to the Registrar within 14 days after such cancellation or suspension.

(2) Where -

(a) the appointment of a civil celebrant is suspended for a period; and  
(b) the civil celebrant delivers any notice of appointment or renewal of appointment to the Registrar in accordance with subsection (1)(a),  
the Registrar shall return such notice to the civil celebrant as soon as practicable after the expiry of that period.

**5H. Civil celebrant shall provide information**

(1) Upon a request by the Registrar, a civil celebrant shall, as soon as practicable, provide the Registrar with such information as the Registrar may reasonably require in relation to the practice of the civil celebrant.

(2) If a civil celebrant ceases to meet any criterion prescribed in Schedule 4 as in force at -

(a) the time of his appointment; or  
(b) the time of the latest renewal of his appointment,

as may be appropriate, he shall, within 14 days of such cessation, notify the Registrar in writing of such cessation.

**5I. Manner of giving notice**

A written notice that may be given or is required to be given under this Part to a person shall be sent by post to the person's last address known to the Registrar.

PART 4

APPEALS RELATING TO APPOINTMENT  
OF CIVIL CELEBRANTS

**5J. Civil Celebrant of Marriages  
Appointment Appeal Board**

(1) There shall be a Civil Celebrant of Marriages Appointment Appeal Board.

(2) The Appeal Board comprises -

- (a) a Chairperson;
- (b) such number of Deputy Chairpersons as the Secretary considers necessary; and
- (c) such number of members as the Secretary considers necessary.

(3) The Chairperson, Deputy Chairpersons and members of the Appeal Board shall be appointed by the Secretary for a term specified in the instrument of appointment.

(4) A public officer shall not be appointed under subsection (3).

(5) The Secretary shall give notice of all appointments made under subsection (3) in the Gazette.

(6) The function of the Appeal Board is to hear and determine appeals lodged under section 5K.

(7) The Chairperson, Deputy Chairpersons and members of the Appeal Board shall be paid such remuneration as the Secretary may determine.

**5K. Registrar's decisions subject to appeal**

(1) An applicant who is aggrieved by the refusal of his application under section 5B(3) may appeal to the Appeal Board against the decision of the Registrar.

(2) A civil celebrant who is aggrieved by the cancellation of his appointment under section 5D(1) (except by virtue of section 5D(5)) may appeal to the Appeal Board against the decision of the Registrar.

(3) A person who is aggrieved by a notice issued in respect of him under section 5D(7) may appeal to the Appeal Board against the decision of the Registrar.

(4) A civil celebrant who is aggrieved by a suspension of his appointment under section 5E(1) may appeal to the Appeal Board against the decision of the Registrar.

(5) An appeal under subsection (2), (3) or (4) does not suspend the decision of the Registrar appealed against.

**5L. Decisions of Appeal Board**

(1) The Appeal Board may, on an appeal lodged under section 5K against a decision of the Registrar -

- (a) confirm the decision appealed against and dismiss the appeal accordingly;
- (b) revoke the decision appealed against and substitute any decision that the Registrar could have made for the decision appealed against; or
- (c) revoke the decision appealed against.

(2) An appointment cancelled under subsection (1)(b) shall, for the purposes of other provisions of this Ordinance (except section 5K), be regarded as being cancelled under section 5D(1).

(3) If the Appeal Board gives under subsection (1)(b) a notice that the Registrar could have given under section 5D(7), the notice shall, for the purposes of other provisions of this Ordinance (except section 5K), be regarded as a notice given under section 5D(7).

(4) An appointment suspended under subsection (1)(b) shall, for the purposes of other provisions of this Ordinance (except section 5K), be regarded as being suspended under section 5E(1).

**5M. Decision of Appeal Board  
is final**

The decision of the Appeal Board on an appeal shall be final."

**5. Giving of notice of intended marriage**

(1) Section 6(1) is amended by repealing "the prescribed form" and substituting "Form 1 in Schedule 1 either directly or through a civil celebrant".

(2) Section 6 is amended by adding -

"(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."

**6. Section added**

The following is added -

**"6A. Provisions applicable where notice  
of intended marriage is given  
through civil celebrant**

(1) Where a civil celebrant agrees to be a civil celebrant through whom a notice of intended marriage is given to the Registrar, the civil celebrant shall, as soon as practicable -

- (a) accept the notice if it is duly completed and accompanied by the prescribed fee for filing and exhibition of the notice;
- (b) collect the prescribed fee on behalf of the Registrar; and
- (c) transmit -
  - (i) the notice;
  - (ii) the prescribed fee;
  - (iii) the affidavit taken under section 12 in respect of the intended marriage; and
  - (iv) (where applicable) the written consent produced to him under section 14(1A),to the Registrar.

(2) A civil celebrant shall not charge any fee for any acceptance, collection and transmission under subsection (1).".

## **7. Supply of forms**

Section 8 is amended by adding "and civil celebrants" before the full stop.

## **8. Issue of certificate of the Registrar**

Section 9 is amended by adding -

"(1A) The Registrar may refuse to issue a certificate of the Registrar in relation to an intended marriage if -



- (a) any prescribed fee that is due is not paid; or
- (b) the affidavit taken under section 12 in respect of the intended marriage or (where applicable) the written consent produced to him under section 14(1A) is not in order.

(1B) If the issue of a certificate of the Registrar is forbidden under section 16(1), it shall not be issued.

(1C) If the intended marriage is to be contracted before a minister, the certificate of the Registrar shall be issued to either of the proposed parties.

(1D) If the intended marriage is to be contracted before a civil celebrant, the certificate of the Registrar shall be issued to either of the proposed parties through a civil celebrant nominated by either of the proposed parties.

(1E) A civil celebrant through whom a certificate of the Registrar is issued under subsection (1D) shall forward it as soon as practicable to either of the proposed parties.".

## **9. Section substituted**

Section 12 is repealed and the following substituted -

### **"12. Affidavit prior to issue of certificate of the Registrar or special licence**

(1) After a notice of intended marriage is given but before a certificate of the Registrar is issued or a special licence is granted in respect of an intended marriage, one of the proposed parties to the intended marriage shall -

(a) appear personally before the Registrar or a civil celebrant; and

(b) make before the Registrar or the civil celebrant, as the case may be, an affidavit -

(i) that the party believes that there is not any impediment of kindred or alliance or any other lawful hindrance to the marriage; and

(ii) that -

(A) the consent to the marriage required by section 14 has been obtained; or

(B) the marriage does not require any consent under section 14.

(2) The Registrar and any civil celebrant shall have power to take an affidavit referred to in subsection (1)(b).".

#### **10. Production of written consent**

Section 14(1) is repealed and the following substituted -

"(1) This section applies in relation to an intended marriage if any proposed party to the intended marriage -

(a) is of or over 16 and under 21 years of age as at the date of marriage; and

(b) is not a widower or widow.

(1A) The written consent of the relevant person specified in Schedule 3 to the intended marriage -

- (a) shall be produced to the Registrar or a civil celebrant before a certificate of the Registrar may be issued; or
- (b) shall be produced to the Registrar before a special licence may be granted."

**11. Section added**

The following is added -

**"20A. Certificates of marriage to be supplied to civil celebrant**

The Registrar shall cause to be prepared and supplied upon request to any civil celebrant books of marriage certificates in Form 7 in Schedule 1 in duplicate and with butts in such form as may be specified by the Registrar."

**12. Marriage before Registrar or civil celebrant**

(1) Section 21(1) is amended by repealing everything after "of a certificate" and substituting "of the Registrar or the grant of a special licence, the parties may, subject to subsection (1A), contract a marriage before the Registrar or a civil celebrant."

(2) Section 21 is amended by adding -

"(1A) Before a marriage is -

- (a) celebrated by the Registrar, each of the parties shall sign a written declaration in the presence of the Registrar;

(b) celebrated by a civil celebrant, each of the parties shall sign a written declaration in the presence of the civil celebrant.

(1B) If a declaration is signed before the Registrar or a civil celebrant, he shall witness the signature.

(1C) A declaration referred to in subsection (1A) shall be in Form 5 in Schedule 1."

(3) Section 21(2) is amended by repealing "Such declaration" and substituting "A declaration referred to in subsection (1A)".

(4) Section 21(2) is amended by adding "or a civil celebrant, as the case may be" after "the Registrar".

(5) Section 21(3) is amended by repealing "The marriage shall take place in the office of the Registrar" and substituting "A marriage celebrated by the Registrar shall take place in his office".

(6) Section 21 is amended by adding -

"(3A) A marriage celebrated by a civil celebrant -

(a) may take place at any hour; and

(b) shall take place at any place which is a place in Hong Kong other than the office of the Registrar and a licensed place of worship."

(7) Section 21(4)(a) is amended by repealing "The marriage" and substituting "A marriage celebrated by the Registrar or a civil celebrant".

(8) Section 21(4)(a)(i) is amended by adding "or the civil celebrant, as the case may be," after "the Registrar".

(9) Section 21(4)(a)(i) is amended by repealing "in this Registry (or place)" and substituting "contracted under the Marriage Ordinance".

(10) Section 21(4)(a)(i) is amended by repealing "A.B., and C.D." and substituting "[*name of the male party*], and [*name of the female party*]".

(11) Section 21(4)(a)(ii) is repealed and the following substituted -

"(ii) the male party shall then say to the female party either -

(A) in Chinese -

"我請在場各人見證：我[*男方姓名*]願以妳[*女方姓名*]為我合法妻子。"; or

(B) in English -

"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 either -

(A) in Chinese -

"我請在場各人見證：我[*女方姓名*]願以你[*男方姓名*]為我合法丈夫。"; or

(B) in English -

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

(12) Section 21(4)(b) is amended by repealing everything after "the Registrar" and substituting -

"or the civil celebrant, as the case may be -

- (i) is satisfied that the parties and witnesses all understand the Chinese language, the marriage may be celebrated in the Chinese language; or
- (ii) is satisfied that the parties and witnesses all understand the English language, the marriage may be celebrated in the English language."

(13) Section 21 is amended by adding -

"(4A) Where a male party is unable to make the statement required by subsection (4)(a)(ii) because of any physical disability (whether permanent or temporary) or because he is neither Chinese-speaking nor English-speaking, if -

- (a) a person other than the male party, the female party, the Registrar or the civil celebrant says to the female party either -

- (i) in Chinese -

"現代表[男方姓名]聲明如下：我請在場各人  
見證：我[男方姓名]願以妳[女方姓名]為我合  
法妻子。"; or

- (ii) in English -

"It is declared on behalf of [*name of the male party*] as follows: 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

(b) upon inquiry by the Registrar or the civil celebrant, the male party signifies, in whatever manner and by whatever means, to the satisfaction of the Registrar or the civil celebrant, as the case may be, that what was said reflects his will to marry the female party, the male party shall be regarded as having complied with subsection (4)(a)(ii).

(4B) Where a female party is unable to make the statement required by subsection (4)(a)(iii) because of any physical disability (whether permanent or temporary) or because she is neither Chinese-speaking nor English-speaking, if -

(a) a person other than the female party, the male party, the Registrar or the civil celebrant says to the male party either -

(i) in Chinese -

“我代表[ 女方姓名]聲明如下：我請在場各人見證：我[ 女方姓名]願以你[ 男方姓名]為我合法丈夫。”; or

(ii) in English -

"It is declared on behalf of [*name of the female party*] as follows: 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."; and

(b) upon inquiry by the Registrar or the civil celebrant, the female party signifies, in whatever manner and by whatever means, to the satisfaction of the Registrar or the civil celebrant, as the case may be, that what was said reflects her will to marry the male party, the female party shall be regarded as having complied with subsection (4)(a)(iii).".

(14) Section 21(5) is repealed and the following substituted -

"(5) Upon subsection (4) being complied with -

(a) the Registrar or the civil celebrant, as may be appropriate;

(b) the parties; and

(c) the witnesses referred to in subsection (4)(a), shall sign a certificate of marriage in Form 7 in Schedule 1 in duplicate.".

(15) Section 21(6) is repealed and the following substituted -

"(6) If a marriage is celebrated by the Registrar, he shall -



- (a) deliver one certificate of marriage signed in accordance with subsection (5) to the parties immediately after it has been signed; and
- (b) file the other certificate of marriage in his office."

(16) Section 21 is amended by adding -

"(7) If a marriage is celebrated by a civil celebrant -

(a) the civil celebrant shall -

- (i) deliver one certificate of marriage signed in accordance with subsection (5) to the parties immediately after it has been signed;
- (ii) enter in the butt the names of the parties and the date of marriage; and
- (iii) transmit -
  - (A) the other certificate of marriage; and
  - (B) the declaration signed by the parties in accordance with subsection (1A)(b),to the Registrar within 7 days after the marriage; and

(b) the Registrar shall file the certificate transmitted to him in accordance with paragraph (a)(iii) in his office."

### 13. Invalid marriage

Section 27(2) is amended by repealing everything after "A marriage shall be" and substituting -

"null and void -

(a) 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;

(b) if the marriage is celebrated under a false name;

(c) if neither a certificate of the Registrar has  
been issued nor a special licence has been  
granted in respect of the marriage; or

(d) if at the time of its celebration any party is  
under 16 years of age."

**14. Offences by minister or civil celebrant**

Section 30 is amended by adding "or civil celebrant" after "Any minister".

**15. Section substituted**

Section 31 is repealed and the following substituted -

**"31. Offences for failure to transmit certificate, etc.**

(1) Any minister who fails to transmit a certificate of marriage to the Registrar in accordance with section 20(3) shall be guilty of an offence and shall be liable to a fine at level 1.

(2) Any 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), shall be guilty of an offence and shall be liable to a fine at level 1."

**16. Section added**

The following is added -

**"31A. Offences by civil celebrant**

(1) Any civil celebrant who contravenes section 5G(1) shall be guilty of an offence and shall be liable to a fine at level 3.

(2) Any civil celebrant who without reasonable excuse contravenes section 5H(1) shall be guilty of an offence and shall be liable to a fine at level 1.

(3) Any civil celebrant who contravenes section 5H(2) shall be guilty of an offence and shall be liable to a fine at level 3.

(4) Any civil celebrant who contravenes section 6A(2) shall be guilty of an offence and shall be liable to a fine at level 3.

(5) Any civil celebrant who contravenes section 9(1E) shall be guilty of an offence and shall be liable to a fine at level 4."

**17. Sections added**

The following are added -

**"33A. Offence for providing false information in relation to appointment of civil celebrants**

- (1) Any person who provides any false information which -
- (a) he knows to be false; or
  - (b) he has no reasonable ground to believe to be true,

to the Registrar for specified purposes shall be guilty of an offence and shall be liable to a fine at level 5 and to imprisonment for 1 year.

(2) In subsection (1), "specified purposes" (指明目的) means -

- (a) procuring the appointment of any person as a civil celebrant or renewal of such appointment;
- (b) avoiding the cancellation or suspension of the appointment of any civil celebrant; or
- (c) avoiding the issue of a notice under section 5D(7) in respect of any person.

**33B. Offence of falsely holding out as civil celebrant**

Any person who, not being a civil celebrant -

- (a) advertises or represents himself as a civil celebrant; or
- (b) knowingly permits himself to be advertised or represented as a civil celebrant,

shall be guilty of an offence and shall be liable to a fine at level 4."

**18. Section substituted**

Section 42 is repealed and the following substituted -

**"42. Regulations**

The Secretary may make regulations -

- (a) to provide for the composition of the Appeal Board for hearing appeals;
- (b) to provide for the operation of the Appeal Board;
- (c) to provide for the practice and procedure for handling of appeals by the Appeal Board;
- (d) to provide for legal representation of parties to an appeal;
- (e) to provide for the appointment and function of the Secretary of the Appeal Board;
- (f) to provide for the delegation of functions of the Appeal Board to the Secretary of the Appeal Board;
- (g) to provide for the powers that the Appeal Board may exercise in relation to appeals;
- (h) to provide for matters ancillary or incidental to the matters specified in paragraph (a), (b), (c), (d), (e), (f) or (g); and
- (i) generally for the better carrying out of this Ordinance."

**19. Section added**

The following is added -

**"42A. Amendment of Schedules**

The Secretary may, by notice published in the Gazette, amend Schedule 1, Schedule 3 or Schedule 4."

**20. Section added**

The following is added -

**"44. Registrar may provide information relating to civil celebrant, etc. to professional bodies**

The Registrar may provide -

(a) any information relating to the performance of any function as a civil celebrant by any person who -

(i) is a civil celebrant; or

(ii) has been a civil celebrant; or

(b) any information relating to any improper conduct of any person in his application for appointment or renewal of appointment as civil celebrant, to any professional body for its use in connection with any disciplinary proceedings or prospective disciplinary proceedings against the person on such terms as the Registrar may specify."

**21. Forms**

(1) The First Schedule is amended by repealing -

"FIRST SCHEDULE [s. 35]"

and substituting -

"SCHEDULE 1 [ss. 2, 6, 9, 11, 20, 20A, 21, 35, 39 & 42A]

FORMS".

(2) Schedule 1 is amended by repealing Form 1 and substituting -

## NOTICE OF INTENDED MARRIAGE 擬 結 婚 通 知 書

(Marriage Ordinance (Cap. 181))  
(《婚姻條例》(第181章))

To: The Registrar of Marriages, Hong Kong.  
致：香港婚姻登記官

Take notice that the parties named in this notice intend to contract a marriage within 3 months from the date of this notice.  
現謹通告名列本通知書的雙方擬在自本通知書日期起計的3個月內結婚。

Part I 第 I 部分		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Marital condition 婚姻現況	Bachelor/Widower/Divorced person 未婚 / 鰥夫 / 離婚	Spinster/Widow/Divorced person 未婚 / 寡婦 / 離婚
Occupation 職業		
Date of birth 出生日期		
Residential address (Street name & district) 住址(街道名稱及地區)		
Consent of the third party (if any) 第三者的同意(如有)		
Part II 第 II 部分		
HK identity card no. / Travel document type and no. 香港身分證號碼/ 旅行證件類別及號碼		
Residential address in full 詳細住址		
Daytime telephone no. 日間電話號碼		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		

[Where applicable] This notice is given through (*name of civil celebrant*), Civil Celebrant of Marriages.  
[如適用]本通知書透過婚姻監禮人 (*婚姻監禮人的姓名*) 發出。

I and the other party named above intend to contract a marriage at (*place of celebration of marriage*) on the      day of      , 20      .  
本人與名列上表的另一方擬於      年      月      日在 (*舉行婚禮地點*)  
before      the Registrar.  
在      登記官  
a civil celebrant.      主持下締結婚姻。  
婚姻監禮人  
a competent minister.  
合資格的神職人員

Dated this      day of      , 20      .  
年      月      日

(*Signature of the party giving the notice*)  
(發出通知書的一方簽署)

\_\_\_\_\_  
(*Name of the party*)  
(該方姓名)”。



(3) Schedule 1 is amended by repealing Form 5 and substituting -

"FORM 5

[s. 21]

DECLARATION

(Section 21 of the Marriage Ordinance (Cap. 181))

I, [*name of the person making the declaration*] of [*address*]  
hereby declare that I fully understand that -

- (a) by taking [*name of spouse*] as my \*wife/\*husband in the presence of \*the Registrar of Marriages/\*a Deputy Registrar of Marriages/\*a Civil Celebrant of Marriages in accordance with the Marriage Ordinance (Cap. 181), I shall become legally married and bound to [*name of spouse*], although there will be no other rite of a civil or religious nature;
- (b) the effect of my taking [*name of spouse*] as my \*wife/\*husband is to create between us a marriage which cannot be dissolved during our joint lives except by a valid judicial decree; and
- (c) if I contract, during the lifetime of my \*wife/\*husband, another marriage while this marriage subsists, I commit the offence of bigamy and will be liable for the penalty for that offence.

Dated this                      day of                      , 20                      .

*(Signature of the person  
making this declaration)*\_\_\_\_\_

*(Name of the person making  
this declaration)*

Witness,

*(Signature of the person  
taking this declaration)*\_\_\_\_\_

*(Name of the person taking  
this declaration)*

\*Registrar of Marriages/\*Deputy  
Registrar of Marriages/\*Civil  
Celebrant of Marriages

Interpreted to the person making this declaration in the  
language in the presence of the person taking this  
declaration.

*(Signature of the  
interpreter)*\_\_\_\_\_

*(Name of the interpreter)*

\* Delete where inappropriate.".

(4) Schedule 1 is amended by adding -

“FORM 7

[ss. 2, 20A &amp; 21]

## CERTIFICATE OF MARRIAGE

## 結婚證書

(Marriage Ordinance (Cap. 181))  
(《婚姻條例》(第181章))

Registration No. 登記編號		
Date of Marriage 結婚日期		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition before marriage 結婚前婚姻狀況	Bachelor/Widower/Divorced person 未婚 / 鰥夫 / 離婚	Spinster/Widow/Divorced person 未婚 / 寡婦 / 離婚
Occupation 職業		
Residential address 住址		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		

Married at (*place of celebration of marriage*), Hong Kong in accordance with the provisions of the Marriage Ordinance (Cap. 181) before me.  
婚禮在本人主持下於香港（舉行婚禮地點）按照《婚姻條例》(第181章) 舉行。

(*Signature of the person celebrating the marriage*)  
(主持婚禮的人的簽署)

(*Name and title of the person  
celebrating the marriage*)  
(主持婚禮的人的姓名及稱銜)

The marriage was solemnized  
between us  
結婚雙方

(*Signature of bridegroom*)  
(新郎簽署)

and  
與

(*Signature of bride*)  
(新娘簽署)

in the presence of us  
證婚人

(*Signature of the first witness*)  
(第一見證人簽署)  
(*Name of the first witness*)  
(第一見證人姓名)

and  
及

(*Signature of the second witness*)  
(第二見證人簽署)  
(*Name of the second witness*)  
(第二見證人姓名)

## 22. Fees

(1) The Second Schedule is amended by repealing -

"Second Schedule [s. 36]"

and substituting -

"Schedule 2 [ss. 2 & 36]".

(2) Schedule 2 is amended by adding -

"10. Processing application for appointment as civil celebrant or for renewal of such appointment .....	650
11. Appointment as civil celebrant .....	350
12. Renewal of appointment as civil celebrant .....	350".

## 23. Consent required to the marriage of a party of or over 16 and under 21 years of age

The Third Schedule is amended by repealing -

"Third Schedule [ss. 14, 18A & 42]"

and substituting -

"Schedule 3 [ss. 14, 18A & 42A]".

## 24. Schedule 4 added

The following is added -

"SCHEDULE 4 [ss. 5A, 5B, 5D,  
5E, 5H & 42A]

### ELIGIBILITY CRITERIA FOR CIVIL CELEBRANTS

1. Being -

(a) a solicitor -

- (i) holding a current practising certificate issued under section 6 of the Legal Practitioners Ordinance (Cap. 159) which is unconditional save as to the condition of compliance with the Continuing Professional Development Rules (Cap. 159 sub. leg. W); and
  - (ii) having not less than 7 years of post-qualification experience; or
- (b) a notary public -
  - (i) who holds a current practising certificate issued under section 40E of the Legal Practitioners Ordinance (Cap. 159) which is unconditional; or
  - (ii) who is qualified to practise as a notary public under subsection (1) of section 40D of the Legal Practitioners Ordinance (Cap. 159) by virtue of subsection (2) of that section.

2. Has not been -

- (a) the subject of a valid order made under section 10(2) of the Legal Practitioners Ordinance (Cap. 159) by a Solicitors Disciplinary Tribunal constituted under section 9B of that Ordinance;

- (b) removed from or struck off the register of notaries public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance (Cap. 159) as then in force;
- (c) suspended from practice as a notary public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance (Cap. 159) as then in force; or
- (d) the subject of a valid order made under section 40J(2) of the Legal Practitioners Ordinance (Cap. 159) by a Notaries Public Disciplinary Tribunal constituted under section 40I of that Ordinance,

during the 3 years immediately preceding the date of the application for appointment as civil celebrant or renewal of appointment as civil celebrant, as may be appropriate.

3. Having completed such training organized for the purposes of this Ordinance as the Registrar may specify."

### PART 3

#### CONSEQUENTIAL AMENDMENTS

#### **Specification of Public Offices**

## 25. Schedule amended

The Schedule to the Specification of Public Offices (Cap. 1 sub. leg. C) is amended by adding –

"Secretary for Security                      Marriage Ordinance (Chapter  
181), section 5J(7)".

## Immigration Service Ordinance

## 26. Scheduled offences

(1) Schedule 2 to the Immigration Service Ordinance (Cap. 331) is amended, in Part II, in item 5, in column 2, by repealing "section 31" and substituting "section 31(1) or (2)".

(2) Schedule 2 is amended, in Part II, in item 5, by adding –

"section 31A(1)	failure by civil celebrant to return notice of appointment, etc. upon cancellation or suspension of appointment
section 31A(2)	failure by civil celebrant to provide information
section 31A(3)	failure by civil celebrant to notify cessation of compliance with appointment criteria
section 31A(4)	civil celebrant charging prohibited fee
section 31A(5)	failure by civil celebrant to forward certificate of the Registrar to parties"

before –

"section 32                      removing, etc. record".



(3) Schedule 2 is amended, in Part II, in item 5, by adding -

"section 33A(1) providing false information in  
relation to appointment of civil  
celebrant

section 33B false advertisement or representation  
as regards status of civil celebrant"

after -

"section 33 unauthorized person celebrating  
marriage".

### **Electronic Transactions Ordinance**

#### **27. Proceedings in relation to which sections 5, 5A, 6, 7 and 8 of this Ordinance do not apply under section 13(1) of this Ordinance**

(1) Schedule 2 to the Electronic Transactions Ordinance (Cap.  
553) is amended, in paragraph (zo), by repealing " ; 或 " and substituting  
a semicolon.

(2) Schedule 2 is amended, in paragraph (zp), by repealing  
the full stop and substituting a semicolon.

(3) Schedule 2 is amended by adding -

"(zq) the Civil Celebrant of Marriages Appointment Appeal Board  
established under the Marriage Ordinance (Cap. 181)".

### **PART 4**

#### **MODERNIZING THE DRAFTING STYLE OF CERTAIN PROVISIONS OF THE MARRIAGE ORDINANCE AND MISCELLANEOUS AMENDMENTS**

**28. Part heading added  
(Part 1)**

The Marriage Ordinance (Cap. 181) is amended by adding before section 1 -

"PART 1  
PRELIMINARY".

**29. Interpretation**

(1) Section 2 is amended, in the definition of "Registrar" -

- (a) by adding "(登記官)" before "means";
- (b) by adding "includes" before "any deputy";
- (c) by repealing the full stop and substituting a semicolon.

(2) Section 2 is amended by adding -

"certificate of marriage" (結婚證書) means a certificate of marriage in Form 4, Form 6 or Form 7, as may be applicable, in Schedule 1;

"certificate of the Registrar" (登記官證明書) means a Certificate of Registrar of Marriages issued under section 9(1);

"licensed place of worship" (特許禮拜場所) means a place licensed under section 4;

"notice of intended marriage" (擬結婚通知書) means a notice given under section 6(1);

"special licence" (特別許可證) means a special licence granted under section 11(1).".

**30. Part heading added  
(Part 2)**

The following is added before section 3 -

"PART 2

AUTHORITIES FOR CELEBRATION  
OF MARRIAGE".

**31. Licensing of places of worship**

Section 4 is amended by repealing everything after "Chief Executive" and substituting -

"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."

**32. Notification of licence**

Section 5 is amended by repealing "such licence" and substituting "licence under section 4".

**33. Part heading added  
(Part 5)**

The following is added before section 6 -

"PART 5

REQUIREMENTS RELATING TO  
PRE-CELEBRATION PROCEDURES".

**34. Giving of notice of intended marriage**

(1) Section 6(1) is amended by adding "proposed" before "parties".

(2) Section 6(1) is amended by repealing "notice thereof" and substituting "a notice of intended marriage".

(3) Section 6(2) is amended by repealing "such notice" and substituting "notice of intended marriage".

(4) Section 6 is amended by adding -

"(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 an appropriate amendment to it.".

**35. Filing, exhibition and inspection of notice of intended marriage**

(1) Section 7(1) is amended by repealing "such notice" and substituting "notice of intended marriage given to him".

(2) Section 7(2) is amended by repealing "such notice" and substituting "Part I of a notice of intended marriage".

(3) Section 7(3) is amended by repealing "the notices" and substituting "all notices of intended marriage".

(4) Section 7(4) is amended by adding "of intended marriage" after "inspect any notice".

**36. Supply of forms**

Section 8 is amended by repealing "notice" and substituting "notice of intended marriage".

**37. Issue of certificate of the Registrar**

(1) Section 9(1) is amended by repealing "such notice," and substituting "a notice of intended marriage,".

(2) Section 9(1) is amended by repealing "certificate in the prescribed form" and substituting "Certificate of Registrar of Marriages in Form 2 in Schedule 1".

(3) Section 9(2) is amended by repealing "certificate under subsection (1)" and substituting "certificate of the Registrar".

(4) Section 9(2) is amended by repealing "such notice" and substituting "the notice of intended marriage".

(5) Section 9(2) is amended by adding "of the Registrar" before "had been issued".

**38. Notice of intended marriage void  
unless marriage within  
3 months**

(1) Section 10 is amended by repealing "above-mentioned notice, the notice given" and substituting "notice of intended marriage, the notice".

(2) Section 10 is amended by repealing "utterly".

(3) Section 10 is amended by repealing "fresh notice will be required before any marriage can be had between the parties" and

substituting "another notice of intended marriage will be required before the parties can contract a marriage".

**39. Grant of special licence**

(1) Section 11(1) is repealed and the following substituted -

"(1) The Chief Executive 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 the 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) Section 11(2) is amended by repealing "such licence" and substituting "a special licence".

(3) Section 11(2) is amended by repealing "any fee" and substituting "the prescribed fee".

**40. No licence or certificate if either party under 16**

Section 13 is amended by repealing "licence of the Chief Executive and no certificate of the Registrar shall be issued under this Ordinance

if either party" and substituting "certificate of the Registrar may be issued or special licence may be granted if any proposed party".

**41. Right to forbid issue of certificate of the Registrar**

(1) Section 16(1) is amended by repealing everything after "whose consent" and substituting -

"to an intended marriage is required under section 14 may, before the issue of a certificate of the Registrar in respect of the intended marriage, forbid the issue of the certificate by -

- (a) writing the characters "不准" or the word "Forbidden";
- (b) signing his name; and
- (c) stating the capacity in which he forbids the issue,

on the copy of the notice of intended marriage produced for inspection under section 7(4).".

(2) Section 16(2) is amended by repealing "any certificate is so forbidden, the notice" and substituting "a certificate of the Registrar is so forbidden, the notice of intended marriage".

**42. Registrar may inquire into right to forbid**

(1) Section 17(1) is amended by repealing "parties to the intended marriage alleges that the person forbidding the issue of the certificate is not authorized by law" and substituting "proposed parties to an intended marriage alleges that a person forbidding

the issue of a certificate of the Registrar in respect of the intended marriage has no right under section 16".

(2) Section 17(1) is amended by repealing "is not so authorized" and substituting "has no such right".

#### **43. Appeal against decision of Registrar**

Section 18(1) is amended by repealing "considers that the person forbidding the issue of the certificate is authorized to do so, either of the parties" and substituting "is satisfied that a person forbidding the issue of a certificate of the Registrar in respect of an intended marriage has a right under section 16 to do so, either of the proposed parties".

#### **44. District Judge may give consent**

(1) Section 18A(1) is amended by repealing "the Third Schedule" and substituting "Schedule 3".

(2) Section 18A(1) is amended by adding "of the Registrar" before "had been withdrawn".

#### **45. Part heading added (Part 6)**

The following is added before section 19 -

"PART 6

CELEBRATION OF MARRIAGE, CERTIFICATE OF MARRIAGE  
AND VALIDITY OF MARRIAGE".



**46. Celebration of marriage in  
licensed place of worship**

Section 19(2) is amended by repealing "the Chief Executive's special" and substituting "a special".

**47. Certificates of marriage for marriage  
celebrated in licensed place  
of worship**

(1) Section 20(1) is amended by repealing "delivered to the several licensed places of worship books of marriage certificates in duplicate and with butts in the prescribed form" and substituting "supplied to all licensed places of worship books of marriage certificates in Form 4 in Schedule 1 in duplicate and with butts in such form as may be specified by the Registrar".

(2) Section 20(2) is amended by adding "of marriage" after "The certificate".

(3) Section 20(3) is amended by adding "of marriage" before "to the parties".

**48. Marriage by special licence at  
other place**

Section 22 is amended by repealing "the Chief Executive's" and substituting "a".

**49. Part heading added  
(Part 7)**

The following is added before section 29 -

"PART 7

OFFENCES AND PENALTY".

**50. Marrying, etc., person under  
21 without required consent**

Section 29 is amended by repealing everything before "guilty of an offence" and substituting -

"Any person who, knowing that -

(a) a consent under section 14 is required in respect of the marriage of a party under 21 years of age; and

(b) no such consent has been produced in accordance with section 14(1A) in respect of the party, marries or assists or procures any other person to marry the person referred to in paragraph (a) shall be".

**51. Offences by minister or  
civil celebrant**

Section 30(a) is repealed and the following substituted -

"(a) knowing that -

(i) a consent under section 14 is required in respect of the marriage of a party under 21 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; or".

**52. Offence of tampering with records**

Section 32 is amended by adding "shall be guilty of an offence and" after "this Ordinance".

**53. Part heading added  
(Part 8)**

The following is added before section 35 -

"PART 8  
MISCELLANEOUS".

**54. Use of forms**

Section 35 is amended by repealing "the First Schedule" and substituting "Schedule 1".

**55. Fees**

(1) Section 36 is amended by renumbering it as section 36(1).

(2) Section 36(1) is amended by repealing "the Second Schedule" and substituting "Schedule 2".

(3) Section 36(1) is amended by repealing everything after "to the Registrar" and substituting "for the respective matters specified opposite to the fees in that Schedule.".

(4) Section 36 is amended by adding -

"(2) The Chief Executive in Council may by order published in the Gazette amend Schedule 2."

**56. Marriage under this Ordinance of persons customarily married**

Section 38 is amended by repealing "the appointed day under the Marriage Reform Ordinance (Cap. 178)" and substituting "7 October 1971".

**57. Cases in which marriage of a dying person may be celebrated, and conditions of its celebration**

(1) Section 39(1) is amended by repealing "the Registrar has not issued a certificate under the provisions of section 9 and that the Chief Executive has not granted a special licence under the provisions of section 11" and substituting "no certificate of the Registrar has been issued and that no special licence has been granted".

(2) Section 39(1) is amended, in the proviso, in paragraph (d), by repealing "the prescribed form" and substituting "Form 6 in Schedule 1".

(3) Section 39(4) is amended by adding "shall be guilty of an offence and" before "shall be liable".

**58. Forms**

(1) Schedule 1 is amended by repealing Form 2 and substituting -

"FORM 2

[s. 9]

CERTIFICATE OF REGISTRAR OF MARRIAGES  
婚姻登記官證明書

(Marriage Ordinance (Cap. 181))  
(《婚姻條例》(第181章))

I hereby certify that on the                      day of                      ,  
20                      , a notice of intended marriage was entered in the Marriage  
Notice Book of Hong Kong in respect of the marriage intended  
to be contracted between the parties named below.

現證明一份擬結婚通知書已就下述人士擬締結的婚姻已於                      年  
月                      日載入香港結婚通知冊。

	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition 婚姻狀況	Bachelor/Widower/ Divorced person 未婚 / 鰥夫 / 離婚	Spinster/Widow/ Divorced person 未婚 / 寡婦 / 離婚
Occupation 職業		
Residential address 住址		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		

The issue of this certificate has not been forbidden by any  
person who is entitled under law to forbid the issue of it.



\* the requirement to issue a Certificate of Registrar of Marriages under section 9 of the Marriage Ordinance (Cap. 181).

\* authorize the celebration of a marriage between [name  
of a party to the intended marriage] and [name of the  
other party] at [place of celebration of marriage]  
between [period of time] on the                      day of  
  
                                , 20         .

Dated this                      day of                      , 20       .

(Signature of the issuer)  
(Name and title  
of the issuer)

\* Delete where inapplicable."

(3) Schedule 1 is amended by repealing Form 4 and substituting

"FORM 4

[ss. 2 &amp; 20]

## CERTIFICATE OF MARRIAGE

## 結婚證書

(Marriage Ordinance (Cap. 181))

(《婚姻條例》(第181章))

Registration No. 登記編號		
Date of Marriage 結婚日期		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition before marriage 結婚前婚姻狀況	Bachelor/Widower/ Divorced person 未婚 / 鰥夫 / 離婚	Spinster/Widow/ Divorced person 未婚 / 寡婦 / 離婚
Occupation 職業		
Residential address 住址		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		



Married at (*place of celebration of marriage*), Hong Kong according to \_\_\_\_\_ rites and ceremonies before me.  
 婚禮在本人主持下於香港(舉行婚禮地點)以 \_\_\_\_\_ 儀式舉行。

(*Signature of minister*)

( 神職人員的簽署) \_\_\_\_\_

(*Name and title  
of minister*)

( 神職人員的姓名及稱銜)

The marriage  
was  
solemnized  
between us  
結婚雙方

(*Signature of  
bridegroom*)  
( 新郎簽署)

and  
與

(*Signature of bride*)  
( 新娘簽署)

in the  
presence of  
us  
證婚人

(*Signature of the  
first witness*)  
( 第一見證人簽署) \_\_\_\_\_

(*Name of the first  
witness*)  
( 第一見證人姓名)

and  
及

(*Signature of the  
second witness*)  
( 第二見證人簽署) \_\_\_\_\_

(*Name of the second  
witness*)  
( 第二見證人姓名)

”;

(4) Schedule 1 is amended by repealing Form 6 and substituting -

"FORM 6

[ss. 2 &amp; 39]

## CERTIFICATE OF MARRIAGE

## 結婚證書

(Marriage Ordinance (Cap. 181))

(《婚姻條例》(第181章))

Registration No. 登記編號		
Date of Marriage 結婚日期		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Age 年齡		
Marital condition before marriage 結婚前婚姻狀況	Bachelor/Widower/ Divorced person 未婚 / 鰥夫 / 離婚	Spinster/Widow/ Divorced person 未婚 / 寡婦 / 離婚
Occupation 職業		
Residential address 住址		
Surname and name of father 父親姓名		
Surname and name of mother 母親姓名		

Married at (*place of celebration of marriage*), Hong Kong in accordance with the provisions of the Marriage Ordinance (Cap. 181) according to \_\_\_\_\_ rites and ceremonies before me.

婚禮在本人主持下於香港(舉行婚禮地點)按照《婚姻條例》(第181章)以儀式舉行。

(*Signature of the person celebrating the marriage*)

(主持婚禮的人的簽署)

(*Name and title of the person celebrating the marriage*)

(主持婚禮的人的姓名及稱銜)

\* The marriage was solemnized between us  
結婚雙方

(*Signature of bridegroom*)  
(新郎簽署)

and  
與

(*Signature of bride*)  
(新娘簽署)

\* The marriage was solemnized between us  
結婚雙方

(*Signature and name of one party*)  
(一方的簽署及姓名)

and  
與

(*Name of the other party*)  
(另一方的姓名)

in the presence of us  
證婚人

(*Signature of the first witness*)  
(第一見證人簽署)  
(*Name of the first witness*)  
(第一見證人姓名)

and  
及

(*Signature of the second witness*)  
(第二見證人簽署)  
(*Name of the second witness*)  
(第二見證人姓名)

\* I hereby certify that the said (*name of the party who was unable to sign*) was unable to sign this certificate owing to \*the state of health/\*[*other ground as may be applicable*].

本人現核證上述(不能簽署的一方的姓名)由於\*健康狀況/\*[適用的其他理由]而不能在本證書上簽署。

(*Signature of the person  
celebrating the marriage*)

(*主持婚禮的人的簽署*)

---

(*Name of the person celebrating  
the marriage*)

(*主持婚禮的人的姓名*)

\* Complete where applicable.

只在適用時填寫。 ” .

## **59. Fees**

(1) Schedule 2 is amended, in item 1, by adding "intended" after "notice of".

(2) Schedule 2 is amended, in item 2 -

(a) by repealing "Certificate of notice" and substituting "Certificate of the Registrar";

(b) by repealing "section 9" and substituting "section 9(1)".

(3) Schedule 2 is amended, in item 9 -

(a) by repealing "of Marriages";

(b) by repealing "每宗婚姻" where it twice appears and substituting "每次婚禮".

### **Explanatory Memorandum**

The object of this Bill is to amend the Marriage Ordinance (Cap. 181) ("the principal ordinance") to -

(a) provide for the appointment of civil celebrants of marriages ("civil celebrant") and regulation of their practice;

(b) enable marriages to be celebrated by civil celebrants;

(c) transfer the powers of the Chief Executive to make subsidiary legislation and to amend two Schedules to the principal ordinance to the Secretary for Security;

(d) modernize the drafting style of certain provisions of the principal ordinance; and

- (e) make related or consequential amendments to the principal ordinance and several pieces of other legislation.

## Background

2. After the reformation of laws relating to marriage in 1971, marriages in Hong Kong can only be celebrated under the principal ordinance by -

- (a) the Registrar of Marriages ("Registrar");
- (b) a deputy registrar of marriages (who falls within the definition of "Registrar" in the principal ordinance); or
- (c) a competent minister at a place of worship that is licensed under the principal ordinance.

3. Marriages celebrated by the Registrar take place at marriage registries. The Chief Executive may grant a special licence to authorize the celebration of a marriage at a place other than a marriage registry or licensed place of worship. A dying person who satisfies several conditions (see section 39(1) of the principal ordinance) may also have his or her marriage celebrated at a place other than a marriage registry or licensed place of worship.

4. The principal ordinance was first enacted in 1875. A number of its provisions are not consistent with contemporary legislative drafting practice and need modernization.

## The Bill

5. The Bill comprises 4 parts. The main provisions are highlighted below.

#### Part 1 of the Bill

6. Clause 1 provides for the short title of the Bill.

7. Under clause 2, the Ordinance will come into operation on a date appointed by the Secretary for Security. This arrangement allows time for preparatory work.

#### Part 2 of the Bill

8. Part 2 of the Bill deals with -

- (a) appointment of civil celebrants;
- (b) regulation of the practice of civil celebrants;
- (c) celebration of marriage by civil celebrants; and
- (d) transfer of the Chief Executive's powers to make subsidiary legislation and to amend two Schedules to the principal ordinance to the Secretary for Security.

9. Clause 3 adds a number of definitions to define expressions used in the principal ordinance as amended.

10. Clause 4 adds 2 new parts to the principal ordinance. The proposed Part 3 (sections 5A to 5I) deals with appointment of civil celebrants and regulation of their practice. The proposed Part 4 (sections 5J to 5M) prescribes an appeal mechanism to handle appeals against decisions of the Registrar.

11. The proposed section 5A stipulates that people who meet the criteria set out in the proposed Schedule 4 (added by clause 24) are eligible for appointment as civil celebrants by the Registrar.

12. People who are eligible are practising solicitors with 7 years' post-qualification experience and notaries public. They must be of good professional standing. They have to complete the required training.

13. The proposed section 5B makes provisions for application for appointment as civil celebrant and renewal of appointment. The Registrar may consult the relevant professional body on the eligibility of an applicant.

14. Under the proposed section 5C, the Registrar may issue a code of practice for civil celebrants. Although a contravention of such code is not a criminal offence in itself, it may lead to cancellation of appointment (the proposed section 5D(1)(c)) or suspension of appointment (the proposed section 5E(1)).

15. The proposed section 5D provides for cancellation of appointment on prescribed grounds. The civil celebrant concerned has an opportunity to make representation. The Registrar is empowered to prohibit a person whose appointment is cancelled from applying again for a period not exceeding 3 years.

16. The proposed section 5E provides for suspension of appointment on the ground of contravention of code of practice. The civil celebrant has an opportunity to make representation.



17. Under the proposed section 5F, defects in the qualification of a civil celebrant will not undermine the validity of marriages celebrated by him.

18. A civil celebrant whose appointment is cancelled or suspended is required by the proposed section 5G to deliver certain documents to the Registrar.

19. The proposed section 5H imposes a duty on civil celebrants to provide certain information to the Registrar.

20. The proposed section 5I prescribes manner of giving notice to civil celebrants.

21. The proposed Part 4 (sections 5J to 5M) makes provisions for handling of appeals relating to appointment of civil celebrants.

22. The proposed section 5J provides for the composition and function of the Civil Celebrant of Marriages Appointment Appeal Board ("the Appeal Board").

23. The proposed section 5K sets out the decisions of the Registrar that can be appealed against.

24. The proposed section 5L prescribes the decisions that the Appeal Board can make. Namely, confirming the decision appealed against, revoking that decision and replacing it with the Appeal Board's own decision.

25. Under the proposed section 5M, no further appeal can be lodged against the decision of the Appeal Board.

26. Clause 5 amends section 6 of the principal ordinance to allow the parties to a proposed marriage to give a notice of intended marriage through a civil celebrant.

27. Clause 6 adds the proposed section 6A to provide for a civil celebrant's functions relating to a notice of intended marriage.

28. Clause 7 amends section 8 of the principal ordinance to require the Registrar to supply forms to civil celebrants.

29. Before the parties to a proposed marriage can contract the marriage, they normally have to obtain a certificate from the Registrar. Clause 8 amends section 9 of the principal ordinance to empower the Registrar to refuse to issue a certificate of the Registrar under certain circumstances. If the marriage is to be celebrated by a civil celebrant, the certificate of the Registrar will be issued to either of the proposed parties through a civil celebrant nominated by either of them.

30. Clause 9 repeals and re-enacts section 12 of the principal ordinance. The section requires the parties to a marriage to make an affidavit before the Registrar or the civil celebrant before the marriage can be celebrated.

31. A person aged 16 or above but below 21 can only marry with the consent of his or her parent or guardian unless the person is a widow or widower. Clause 10 amends section 14 of the principal ordinance to -

- (a) clarify that the relevant date for determining the age at which marriage can be contracted without the consent of the third party is the date of marriage; and

- (b) stipulate that consent should be produced to the Registrar before a certificate of the Registrar or

a special licence for marriage can be issued or granted.

32. Clause 11 adds the proposed section 20A to require the Registrar to provide blank marriage certificates to civil celebrants.

33. Section 21 of the principal ordinance provides for the procedure of marriage before the Registrar. Clause 12 amends section 21 to include procedural provisions for celebration of marriages by civil celebrants.

34. The procedure of a marriage celebrated by a civil celebrant is basically the same as that of a marriage contracted before the Registrar. The main difference is that a marriage celebrated by a civil celebrant can take place at any time and at any place other than a marriage registry or a licensed place of worship. (See subclause (6) of clause 12.)

35. Clause 12 also introduces an amendment to adjust the order in which the parties declares their wishes to marry. If a party is not able to make the declaration because of physical disability or because the party cannot speak Chinese or English, the declaration can be made on behalf of the party. The party must signify his or her wish to marry to the satisfaction of the Registrar or the civil celebrant (the proposed section 21(4A) and (4B)) through an interpreter or by other means.

36. Section 30 of the principal ordinance prescribes an offence. Clause 14 amends the section to extend its application to civil celebrants.

37. Clause 15 replaces section 31 of the principal ordinance to require a civil celebrant to transmit certain documents to the Registrar. Failure to comply with this requirement is an offence.

38. Clause 16 adds the proposed section 31A to prescribe a number of offences for non-compliance with statutory requirements by civil celebrants.

39. Clause 17 adds another two offence-creating provisions. The proposed section 33A prohibits any person from providing any information which the person knows to be false or does not have reasonable ground to believe to be true in relation to appointment of civil celebrants or regulation of their practice. The proposed section 33B prohibits any person who is not a civil celebrant from advertising or representing himself as a civil celebrant.

40. Clause 18 amends section 42 of the principal ordinance to confer power on the Secretary for Security to make regulations to make provisions for matters relating to appeal to the Civil Celebrant of Marriages Appointment Appeal Board and generally for the purposes of the principal ordinance. Under the existing section 42, the power to make subsidiary legislation for due carrying out of the principal ordinance is vested in the Chief Executive.

41. Clause 19 adds the proposed section 42A to empower the Secretary for Security to amend Schedule 1 and Schedule 3 to the principal ordinance. Under the existing section 42 of the principal ordinance, this power is vested in the Chief Executive.

42. Clause 20 adds the proposed section 44 to empower the Registrar of Marriages to provide information to professional bodies for use

in connection with disciplinary proceedings or prospective disciplinary proceedings.

43. Clause 21 amends Schedule 1 to the principal ordinance to -

- (a) amend Form 1 and Form 5 in the light of the introduction of civil celebrants; and
- (b) add a new form (Form 7) of marriage certificate for marriages celebrated by the Registrar or a Deputy Registrar or civil celebrant.

44. Clause 22 amends Schedule 2 to the principal ordinance to prescribe the fees for -

- (a) processing of application for appointment and renewal of appointment as civil celebrant; and
- (b) such appointment and renewal.

45. Clause 23 contains a technical amendment to Schedule 3 to the principal ordinance.

46. Clause 24 adds a new Schedule (Schedule 4) which sets out the eligibility criteria for appointment as civil celebrant. The criteria also apply to renewal of appointment. To be successful in an application for appointment or renewal of appointment, a person must -

- (a) be a solicitor with not less than 7 years' post-qualification experience or a notary public;
- (b) hold a valid unconditional practising certificate;
- (c) be of good professional standing; and
- (d) have completed specified training.

### Part 3 of the Bill

47. Part 3 of the Bill contains consequential amendments to 3 other pieces of legislation.

48. Clause 25 adds the Secretary for Security to the Schedule to the Specification of Public Offices (Cap. 1 sub. leg. C) to allow the Secretary to delegate his power to determine the remuneration of the Chairperson, Deputy Chairpersons and members of the Civil Celebrant of Marriages Appointment Appeal Board.

49. Clause 26 amends Schedule 2 to the Immigration Service Ordinance (Cap. 331) to confer several law enforcement power on officers of the Immigration Department in relation to offences under the principal ordinance as amended.

50. Clause 27 adds the Civil Celebrant of Marriages Appointment Appeal Board to Schedule 2 to the Electronic Transactions Ordinance (Cap. 553). The effect is sections 5, 5A, 6, 7 and 8 of that Ordinance do not apply in relation to proceedings before the Appeal Board.

### Part 4 of the Bill

51. Part 4 of the Bill contains miscellaneous amendments and amendments that aim at modernizing the drafting style of certain provisions of the principal ordinance without changing their legal effect.

52. The principal ordinance is to be divided into 8 parts for easy reference. Parts 3 and 4 are to be added by clause 4 of the Bill. Clauses 28, 30, 33, 45, 49 and 53 add the part headings of the remaining parts.

53. Clause 29 adds a number of definitions to section 2 of the principal ordinance to make the references to the defined expressions more precise. A number of provisions in the principal ordinance are amended to replace the references with the defined terms concerned.

54. Amendments are also proposed to -

- (a) achieve terminological consistency (e.g. clauses 31 and 38(2));
- (b) identify the prescribed form referred to in the provision (e.g. clauses 39(1) and 47(1));
- (c) reflect the policy that both Chinese and English may be used (e.g. clause 41(1));
- (d) clarify the nature of certain prohibited acts (e.g. clause 52);
- (e) change the nomenclature of the Schedules (e.g. clause 54);
- (f) update the prescribed forms (e.g. clause 58).

Chapter:	181	MARRIAGE ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To provide for the celebration of Christian marriages or the civil equivalent thereof, and for matters connected therewith.

(Replaced 1 of 1960 s. 2)

[1 March 1876] Proc. No. 3 of 1876

(Originally 14 of 1875; 3 of 1893; 5 of 1916 (Cap 181, 1950))

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Marriage Ordinance.

(Amended 5 of 1924 s. 6)

Section:	2	Interpretation		30/06/1997
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In this Ordinance, unless the context otherwise requires-  
"Registrar" means the Registrar of Marriages appointed under section 3 and any deputy registrar of marriages so appointed.

(Added 20 of 1948 s. 4)

Section:	3	Registrar of Marriages and deputy registrars	71 of 1999	01/07/1997
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#### Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) It shall be lawful for the Chief Executive from time to time to appoint such person as he may please to be Registrar of Marriages, and to appoint deputy registrars of marriages.  
(Amended 71 of 1999 s. 3)

(2) It shall not be necessary in any such appointment to name any particular individual and



the appointment may be of the holder of an office in the name of the office, in which case the person for the time being performing the duties of such office shall be deemed to have been appointed to be Registrar or a deputy registrar, as the case may be, and all the powers and duties expressed by this or any other Ordinance to be conferred or imposed on the Registrar or on a deputy registrar, as the case may be, shall from time to time be deemed to have been conferred or imposed on the person for the time being performing the duties of such office.

(Replaced 14 of 1926 s. 2. Amended 20 of 1948 s. 4)

Section:	4	Licensing of places of worship	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

The Chief Executive may license any place of public worship to be a place for the celebration of marriages, and may at any time cancel any such licence.

(Amended 71 of 1999 s. 3)

Section:	5	Notification of such licence	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

Whenever the Chief Executive grants or cancels any such licence, the Registrar shall give public notice thereof in the Gazette.

(Amended 14 of 1926 s. 5; 20 of 1948 s. 4; 71 of 1999 s. 3)

Section:	6	Giving of notice of intended marriage		30/06/1997
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(1) Whenever any persons desire to marry, one of the parties to the intended marriage shall give notice thereof to the Registrar in the prescribed form. (See First Schedule, Form 1)  
(Amended 14 of 1926 s. 5; 20 of 1948 s. 4; 1 of 1960 s. 3)

(2) Every such notice shall be signed by the party giving the notice.

Section:	7	Filing, exhibition and inspection of notice of intended marriage		30/06/1997
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(1) The Registrar shall file every such notice in his office. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

(2) He shall exhibit one copy of such notice at the office of the Registrar and may, if he thinks fit, exhibit copies in other conspicuous places open to the public, and shall keep every such copy so exhibited until he issues a certificate as hereinafter mentioned or until the 3 months referred to in section 10 expire. (Amended 50 of 1911; 51 of 1911; 62 of 1911 Schedule; 63 of 1911 Schedule; 14 of 1926 s. 5; 20 of 1948 s. 4)

(3) The Registrar may cause the notices filed in his office under this section and copies of such notices produced for inspection under subsection (4) to be recorded on microfilm. (Replaced 80 of 1997 s. 73)

(4) The Registrar shall, upon request by any person to inspect any notice filed under this section, produce to such person for inspection a copy of such notice (including any copy in the form of a reader-printer hard copy of the microfilm of such notice) and such copy shall be the same copy to be produced for inspection by any person who makes a request under this subsection. (Replaced 80 of 1997 s. 73)

Section:	8	Supply of forms		30/06/1997
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The Registrar shall supply forms of notice gratuitously to persons applying for the same.

(Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

Section:	9	Issue of certificate		30/06/1997
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(1) At any time not more than 3 months or less than 15 days after the giving of such notice, the Registrar shall, on the request of either of the parties, issue a certificate in the prescribed form: (See First Schedule, Form 2) (Amended 14 of 1926 s. 5; 20 of 1948 s. 4; 1 of 1960 s. 4)

Provided that, where he is satisfied that there are special circumstances justifying his doing so, the Registrar may issue such certificate at any time within the period of 15 days after the giving of such notice. (Added 1 of 1960 s. 4)

(2) Where the Registrar is satisfied that the parties intend to contract the marriage before him, he may, in lieu of issuing a certificate under subsection (1), endorse on such notice a statement to the effect that the issue of the certificate has not been forbidden by any person

authorized by law to do so; and such endorsement shall, in relation to the celebration of the marriage by the Registrar, take effect as if a certificate had been issued. (Added 3 of 1975 s. 2)

Section:	10	Notice void unless marriage within 3 months		30/06/1997
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If the marriage does not take place within 3 months after the giving of the above-mentioned notice, the notice given and all proceedings thereupon shall be utterly void, and fresh notice will be required before any marriage can be had between the parties.

Section:	11	Grant of special licence	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) The Chief Executive may, when he sees fit, grant a special licence in the prescribed form dispensing with notice as aforesaid, or with the certificate of the Registrar or with both, and authorizing the celebration of a marriage between the parties named at a place and at a time specified in the licence. (See First Schedule, Form 3) (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

(2) The Chief Executive may grant such licence without payment of any fee, or on payment of such reduced fee as, in the special circumstances of the case, he may think sufficient. (Amended 50 of 1911; 62 of 1911 Schedule)

(Amended 1 of 1960 s. 6; 71 of 1999 s. 3)

Section:	12	Affidavit before issue of certificate or grant of licence	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

Before the Registrar issues any certificate and before the Chief Executive grants any licence, one of the parties to the intended marriage shall appear personally before the Registrar and make affidavit (which the Registrar is hereby authorized to take) that he or she believes that there is not any impediment of kindred or alliance or any other lawful hindrance to the marriage, and either that the consent of the parties required by law to consent to the marriage has been obtained or that

no such consent is required.

(Amended 14 of 1926 s. 5; 20 of 1948 s. 4; 71 of 1999 s. 3)

Section:	13	No licence or certificate if either party under 16	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

No licence of the Chief Executive and no certificate of the Registrar shall be issued under this Ordinance if either party to the intended marriage is under the age of 16 years.

(Added 13 of 1934 s. 2. Amended 20 of 1948 s. 4; 71 of 1999 s. 3)

Section:	14	Production of written consent	25 of 1998; 71 of 1999	01/07/1997
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Remarks:

Amendments retroactively made - see 25 of 1998 s. 2; 71 of 1999 s. 3

(1) If either party to the intended marriage, not being a widower or a widow, is of or over 16 and under 21 years of age, the written consent of the relevant person or persons specified in the Third Schedule must be produced to the Registrar before he issues a certificate or to the Chief Executive before he grants a licence. (Amended 14 of 1926 s. 5; 13 of 1934 s. 3; 20 of 1948 s. 4; 80 of 1997 s. 28; 71 of 1999 s. 3)

(2) Nothing in this section shall be read as dispensing with the necessity of obtaining the consent of the Court of First Instance to the marriage of a ward of court. (Added 80 of 1997 s. 28. Amended 25 of 1998 s. 2)

Section:	15	(Repealed)		30/06/1997
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(Repealed 80 of 1997 s. 29)

Section:	16	Right to forbid issue of certificate		30/06/1997
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(1) Any person whose consent is required as aforesaid may forbid the issue of the certificate of the Registrar by writing the word "Forbidden" on the copy of the notice produced by the Registrar for inspection under section 7(4), and by signing his name and the character in which he forbids the issue. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4, 80 of 1997 s. 74)

(2) If the issue of any certificate is so forbidden, the notice and all proceedings thereupon shall be void.

Section:	17	Registrar may inquire into right to forbid		30/06/1997
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(1) If either of the parties to the intended marriage alleges that the person forbidding the issue of the certificate is not authorized by law to do so, the Registrar shall inquire into the matter, and if he is satisfied that the person is not so authorized, he may proceed to issue the certificate in due course, without reckoning the time that has elapsed since the issue was forbidden.

(2) For the purposes of such inquiry the Registrar may administer an oath to any person. (Amended 80 of 1997 s. 30)

(Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

Section:	18	Appeal against decision of Registrar	25 of 1998 s. 2	01/07/1997
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Remarks:

Amendments retroactively made-see 25 of 1998 s. 2

(1) If the Registrar considers that the person forbidding the issue of the certificate is authorized to do so, either of the parties to the intended marriage may appeal by petition to the Court of First Instance, and the Court or judge may hear and determine the matter of the petition in a summary way. (Amended 50 of 1911; 62 of 1911 Schedule; 14 of 1926 s. 5; 20 of 1948 s. 4; 92 of 1975 s. 59; 25 of 1998 s. 2)

(2) Such determination shall be final; and the Registrar shall proceed in accordance therewith, without reckoning the time that has elapsed since the issue was forbidden. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

Section:	18A	Consent of a District Judge		30/06/1997
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(1) If consent is required under section 14 from the relevant person or persons specified in

the Third Schedule with respect to a party to an intended marriage, and-

- (a) in the case of such person or any of such persons being a guardian, there is no guardian or such guardian is dead;
- (b) after diligent enquiry, the party is unable to trace such person or any of such persons;
- (c) such person or any of such persons refuses to give consent;
- (d) such person or any of such persons is of unsound mind; or
- (e) such person or any of such persons has forbidden the issue of the certificate of the Registrar,

a District Judge may, on application being made, consent to the marriage and the consent so given shall have the same effect as if it had been given by such person or any of such persons or as if the forbidding of the issue of the certificate had been withdrawn. (Replaced 80 of 1997 s. 31)

(1A) For the avoidance of doubt, it is hereby declared that where consent is required under section 14 from either parent of the party, subsection (1) shall apply only if the party is unable to obtain such consent from both of his parents. (Added 80 of 1997 s. 31)

(2) The power to make civil procedure rules under section 72 of the District Court Ordinance (Cap 336) shall extend to-

- (a) prescribing the method of application for consent;
- (b) prescribing the service of copies of the application and any ancillary documents, if any;
- (c) prescribing the procedure to be followed at the hearing of the application including provision for the application to be heard in chambers; and
- (d) authorizing the District Judge to call for and receive a report from an officer of the Social Welfare Department or other suitably qualified person before giving consent to a marriage under subsection (1).

(3) In this section-

"guardian" (監護人) includes-

- (a) any person to whose custody the party is committed by order of the court, other than a parent; and
- (b) all of the guardians, if more than one guardian is appointed to act jointly. (Added 80 of 1997 s. 31)

(Added 32 of 1990 s. 17)

Section:	19	Celebration of marriage in licensed place of worship	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) Marriages may be celebrated in any licensed place of worship by any competent minister of the church, denomination, or body to which such place of worship belongs, and according to the rites or usages of marriage observed in such church, denomination, or body, provided that the marriage is celebrated with open doors, and (except in case of a special licence) between 7 a.m. and 7 p.m., and in the presence of 2 or more witnesses, besides the officiating minister. (Amended 50 of 1911 s. 4; 51 of 1911 s. 4; 1 of 1960 s. 9)

(2) No minister shall celebrate any marriage until the parties deliver to him the certificate of the Registrar or the Chief Executive's special licence. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4; 71 of 1999 s. 3)

Section:	20	Certificates of marriage		30/06/1997
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(1) The Registrar shall cause to be prepared and delivered to the several licensed places of worship books of marriage certificates in duplicate and with butts in the prescribed form. (See First Schedule, Form 4) (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

(2) The certificate shall be signed in duplicate by the officiating minister, by the parties, and by 2 or more witnesses to the marriage.

(3) The minister shall deliver one certificate to the parties immediately after the marriage, and shall within 7 days thereafter transmit the other to the Registrar who shall file the same in his office. (Amended 51 of 1911; 63 of 1911 Schedule; 14 of 1926 s. 5; 20 of 1948 s. 4; 1 of 1960 s. 10)

(4) The officiating minister shall enter in the butt the names of the parties and the date of the marriage.

Section:	21	Marriage before Registrar	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) After the issue of a certificate by the Registrar, or the grant of a special licence by the Chief Executive, the parties may, if they think fit, contract a marriage before the Registrar: (Amended 71 of 1999 s. 3)

Provided that, before they are permitted to do so, each of the parties shall sign a written declaration in the presence of the Registrar, which he shall witness, in the prescribed form. (See First Schedule, Form 5) (Replaced 34 of 1932 s. 2. Amended 20 of 1948 s. 4)

(2) Such declaration shall, if necessary, be interpreted to both or either of the parties in their or his or her own language in the presence of the Registrar, and the person interpreting such declaration shall subscribe his name to it as interpreter. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

(3) The marriage shall take place in the office of the Registrar, with open doors, between 9 a.m. and 7 p.m.:

Provided-

- (a) in the case of a marriage by special licence, the Registrar may celebrate the marriage in his office or elsewhere as, and at any time, specified in the licence; and
- (b) the Registrar may, where, having regard to the number of persons desiring to be married at a particular place on a particular date, he thinks fit and he has given not less than 7 days' notice of his intention to marry such persons at that place on that date by exhibiting a notice to that effect in his office, celebrate the marriages of such persons at that place on that date between 9 a.m. and 9 p.m. (Added 1 of 1960 s. 11)

(4) (a) The marriage shall take place in the presence of 2 or more witnesses, and in the following manner-

- (i) the Registrar shall first address the parties to the following effect-

"Before you are joined in matrimony, it is my duty to remind you of the solemn and binding character of a marriage in this Registry (or place), which is in law the voluntary union for life of one man and one woman to the exclusion of all others. Know ye, therefore, A.B., and C.D., that, by the public taking of each other as man and wife in my presence and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally married to each other, although no other rite of a civil or religious nature shall take place. "; and

- (ii) each of the parties shall then say to the other-

"I call upon all persons here present to witness that A.B., do take thee, C.D., to be my lawful wedded wife (or husband)". (Replaced 1 of 1960 s. 11)

- (b) Where the Registrar is satisfied that he and the parties and witnesses all understand the Chinese language or the same dialect thereof, the marriage may be celebrated wholly in that language or that dialect. (Replaced 1 of 1960 s. 11)

(5) The Registrar and the parties and witnesses shall thereupon sign duplicate certificates in the form and manner hereinbefore prescribed. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)

(6) The Registrar shall deliver one certificate to the parties and shall file the other in his office. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4)



Section:	22	Marriage by special licence at other place	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

Whenever the Chief Executive's special licence authorizes the celebration of a marriage at a place other than a licensed place of worship or the office of the Registrar and such marriage is not to be celebrated by the Registrar, the Registrar, on taking the affidavit of one of the parties to the marriage, shall deliver to him or her a blank certificate of marriage in duplicate, and the minister celebrating the marriage, the parties, and 2 or more witnesses shall sign the same, in manner hereinbefore prescribed, and the minister shall deliver one certificate to the parties, immediately after the marriage, and shall transmit the other to the Registrar within 7 days thereafter, and the Registrar shall file the same in his office.

(Amended 14 of 1926 s. 5; 27 of 1937 Schedule; 20 of 1948 s. 4; 1 of 1960 s. 12; 71 of 1999 s. 3)

Section:	23	Registration of certificates of marriage		30/06/1997
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(1) The Registrar shall register all certificates of marriage filed in his office in such order and manner as he thinks best suited for easy reference thereto. (Amended 14 of 1926 s. 5; 20 of 1948 s. 4, 80 of 1997 s. 75)

(2) Without prejudice to the generality of subsection (1), the Registrar may cause the certificates of marriage to be recorded on microfilm. (Added 80 of 1997 s. 75)

Section:	24	Effect of certificate of marriage or certified copy thereof		30/06/1997
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Any certificate of marriage filed in the office of the Registrar, or a copy of it (including any copy in the form of a reader-printer hard copy of the microfilm of a certificate of marriage), provided it purports to be signed and certified as a true copy by the Registrar and to be sealed or stamped with his official seal, shall be admissible as evidence of the marriage to which the same relates in any court or before any person having by law or by consent of parties authority to hear, receive, and examine evidence.

(Amended 50 of 1911; 62 of 1911 Schedule; 14 of 1926 s. 5; 20 of 1948 s. 4, 80 of 1997 s.

Section:	25	Correction of error in certificate of marriage		30/06/1997
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The Registrar may correct any clerical error in any certificate of marriage on production to him of the certificate delivered to the parties, and shall authenticate every such correction by his signature, or by marking the same with his initials, and the date of making the correction.

(Amended 14 of 1926 s. 5; 20 of 1948 s. 4; 1 of 1960 s. 13)

Section:	26	Searches may be made, and certified copies granted	5 of 1999	05/02/1999
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(1) The Registrar may allow searches to be made amongst all certificates, licences, registers, and indexes in his possession and give a certified copy of any entry therein, and issue a certificate to the effect that there is no record of any marriage of the person named having taken place. (Amended 5 of 1999 s. 3)

(2) A certificate issued or purporting to be issued under this section before the commencement of the Marriage (Certificate of Absence of Marriage Record) Ordinance 1999 (5 of 1999) shall be deemed to have been issued as if that Ordinance had been in force at the time of its issued. (Added 5 of 1999 s. 3)

(15 of 1902 s. 4 incorporated. Amended 50 of 1911 s. 4; 8 of 1912 s. 22; 14 of 1926 s. 5; 20 of 1948 s. 4; 1 of 1960 s. 14)

Section:	27	Invalid marriages		30/06/1997
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(1) No marriage shall be valid which would be null and void on the ground of kindred or affinity in England or Wales.

(2) A marriage shall be null and void if both parties knowingly and wilfully acquiesce in its celebration in any place other than the office of the Registrar or a licensed place of worship (except when authorized by a special licence, or when celebrated under the provisions of paragraph (b) of the proviso to section 21(3), or when celebrated under the provisions of section 39), or under a false name or without a certificate of notice or licence duly issued, or by a person not being a competent minister or the Registrar or his deputy, or if either party to the marriage is at the time of its celebration under the age of 16 years. (Replaced 13 of 1934 s. 4; 20 of 1948 s. 4;

1 of 1960 s. 15)

(3) But no marriage shall, after celebration, be deemed invalid by reason that any provision of this Ordinance, other than the foregoing, has not been complied with.

Section:	28	Validity of marriages		30/06/1997
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All marriages celebrated under this Ordinance shall be good and valid in law to all intents and purposes.

Section:	29	Marrying, etc., minor without consent of proper person		30/06/1997
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Any person who, knowing that the written consent of the proper person as herein prescribed has not been obtained, marries, or assists or procures any other person to marry, a person under the age of 21 years, not being a widow or widower, shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1911; 51 of 1911; 62 of 1911 Schedule;  
63 of 1911 Schedule; 22 of 1950 s. 3; 50 of 1991 s. 4)

Section:	30	Offences by minister		30/06/1997
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Any minister who-

(a) wilfully celebrates a marriage in the case of a minor, without such written consent as herein prescribed; or  
(b) wilfully celebrates a marriage contrary to any other provision of this Ordinance, or knowing that any provision of this Ordinance has not been complied with,  
shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to a fine at level 1 or to imprisonment for 2 years.

(Amended 30 of 1911 s. 5; 50 of 1911; 62 of 1911 Schedule; 24 of 1936 s. 2; 22 of 1950 s. 3 & Schedule; 50 of 1991 s. 4; L.N. 25 of 1996)

Section:	31	Penalty for failing to transmit certificate		30/06/1997
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Any minister who, after celebrating a marriage, fails to transmit the certificate thereof to the Registrar within 7 days thereafter shall be liable to a fine at level 1.

(Amended 14 of 1926 s. 5; 20 of 1948 s. 4; 22 of 1950 Schedule;  
L.N. 25 of 1996)

Section:	32	Penalty for removing, etc. records		30/06/1997
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Any person who wilfully removes or alters any notice, certificate, licence or other document kept or filed by the Registrar pursuant to, or for the purposes of, the provisions of this Ordinance shall be liable to a fine at level 1 and to imprisonment for 6 months.

(Replaced 1 of 1960 s. 16. Amended 48 of 1972 s. 4; L.N. 25 of 1996)

Section:	33	Penalty on unauthorized person celebrating marriage		30/06/1997
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Any person who knowingly and wilfully celebrates or pretends to celebrate a marriage, not being legally competent to do so, shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1911; 62 of 1911 Schedule; 22 of 1950 s. 3; 50 of 1991 s. 4)

Section:	34	Fines		30/06/1997
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All fines for offences against this Ordinance may be recovered in a summary way before a magistrate.

(Amended 30 of 1911; 50 of 1911)

Section:	35	Use of forms		30/06/1997
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The forms in the First Schedule may be used in the cases to which they are applicable with such alterations as circumstances may render necessary.

(Amended 50 of 1911 s. 4)

Section:	36	Fees	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

The fees specified in the Second Schedule shall be paid to the Registrar for the several matters to which they are applicable:

Provided that it shall be lawful for the Chief Executive in Council to make such alterations therein, including alterations increasing or decreasing fees, as shall be deemed advisable.

(Amended 50 of 1911 s. 4; 62 of 1911 Schedule; 8 of 1912 s. 22; 14 of 1926 s. 5; 15 of 1947 s. 2; 20 of 1948 s. 4; 1 of 1960 s. 17; 71 of 1999 s. 3)

Section:	37	Reduction or remission of fees		30/06/1997
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The Registrar may, in any case where he is satisfied of the poverty of the parties, reduce the amount of the said fees or remit them altogether.

(Amended 14 of 1926; 20 of 1948 s. 4)

Section:	38	Marriage under Ordinance of persons customarily married		30/06/1997
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The parties to any non-Christian customary marriage duly celebrated according to the personal law and religion of the parties before the appointed day under the Marriage Reform Ordinance (Cap 178) may, unless the husband has any other wife, contract with each other a marriage under this Ordinance; and such a marriage shall not invalidate the previous customary marriage.

(Replaced 68 of 1970 s. 26)

Section:	39	Cases in which marriage of a dying person may be celebrated, and conditions of its celebration	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) Where 2 persons who have lived together in unlawful concubinage desire to marry and one of them is dying, the Registrar or any competent minister may celebrate the marriage at any place and at any time notwithstanding that the Registrar has not issued a certificate under the provisions of section 9 and that the Chief Executive has not granted a special licence under the provisions of section 11: (Amended 80 of 1997 s. 32; 71 of 1999 s. 3)

Provided that no such marriage shall be valid unless the following conditions are observed-

- (a) no such marriage shall be celebrated unless both the parties are able to signify their consent thereto and do so in the presence of 2 witnesses;
- (b) no such marriage shall be celebrated where either of the parties is under 21 years of age, not being a widower or widow, unless either the written consent of the relevant person or persons whose consent is required under section 14 is produced to the Registrar or minister, or such person or persons gives or give consent verbally in the presence of the Registrar or minister; (Amended 80 of 1997 s. 32)
- (c) no such marriage shall be valid which would be null and void, on the ground of kindred or affinity, in England or Wales;
- (d) a certificate in the prescribed form shall be signed by the Registrar or minister, and by the witnesses to the marriage, and, where practicable, by the persons so married, and, if either of the parties is unable to sign, the Registrar or minister shall certify accordingly;
- (e) where the marriage is celebrated by a minister, the minister shall, within 7 days from the celebration thereof, forward such certificate to the Registrar, to be filed in his office. (Replaced 1 of 1960 s. 18)

(2) If a marriage under subsection (1) takes place such marriage shall not revoke any will or codicil previously made by either of the parties to such marriage, but such will or codicil shall have the same validity as if such marriage had not taken place. (3 of 1893 s. 3 incorporated. Amended 80 of 1997 s. 32)

(3) Any person who-

- (a) knowingly celebrates any marriage in purported pursuance of this section contrary to or not in accordance with any provision thereof; or
- (b) not being legally competent, celebrates any marriage under this section,

shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to a fine at level 1 or to imprisonment for 2 years. (3 of 1893 s. 4(1) incorporated. Amended 30 of 1911 s. 2; 50 of 1911; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 27 of 1937 Schedule; 20 of 1948 s. 4; 22 of 1950 s. 3 & Schedule; 1 of 1960 s. 18; 50 of 1991 s. 4; L.N. 25 of 1996)

(4) Any minister who, after celebrating a marriage under this section, fails to transmit the

certificate thereof in accordance with the provisions of paragraph (e) of the proviso to subsection (1) shall be liable to a fine at level 1. (3 of 1893 s. 4(2) incorporated. Amended 50 of 1911; 21 of 1912 s. 2; 5 of 1924 Schedule; 20 of 1948 s. 4; 22 of 1950 Schedule; 1 of 1960 s. 18; L.N. 25 of 1996)

Section:	40	Marriages under this Ordinance are Christian or equivalent thereto		30/06/1997
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(1) Every marriage under this Ordinance shall be a Christian marriage or the civil equivalent of a Christian marriage.

(2) The expression "Christian marriage or the civil equivalent of a Christian marriage" implies a formal ceremony recognized by the law as involving the voluntary union for life of one man and one woman to the exclusion of all others.

(Replaced 34 of 1932 s. 3)

Section:	41	(Repealed 28 of 1998 s. 2(1))	28 of 1998 s. 2(1)	01/07/1997
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Remarks:

Amendments retroactively made-see 28 of 1998 s. 2(1)

Section:	42	Regulations and amendment of Schedules	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

The Chief Executive may by order published in the Gazette provide for- (Amended 71 of 1999 s. 3)

- (a) the amendment of the First Schedule and the Third Schedule; and (Amended 80 of 1997 s. 33)
- (b) the due carrying out of the Ordinance.

(Added 13 of 1976 s. 2)

Section:	43	Disposal of documents when microfilmed		30/06/1997
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The Registrar may, where any document has been recorded on microfilm under this Ordinance, destroy or otherwise dispose of such document in such manner as he thinks fit.

(Added 80 of 1997 s. 77)

Schedule:	1			30/06/1997
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[section 35]

# FORM 1

[section 6]

## NOTICE OF MARRIAGE

To the Registrar of Marriages, Hong Kong

I hereby give you notice that a marriage is intended to be had, within 3 months from the date hereof, between me and the other party herein named.

Bridegroom

Bride

Surname and name

Condition

(Bachelor/Widower/  
Divorced person)

(Spinster/Widow/  
Divorced person)

Rank or profession

Age

Dwelling place

By whom consent  
(if any) given \



Witness my hand this                      day of                      , 19                      .

Party giving the notice.

(Replaced L.N. 502 of 1995)

FORM 2

[section 9]

### CERTIFICATE OF REGISTRAR OF MARRIAGES

I,                      , Registrar of Marriages of Hong Kong, do hereby certify that on the  
day of                      , 19                      , notice was duly entered in the Marriage Notice Book of Hong Kong  
of the marriage intended to be had between the parties herein named and described.

Bridegroom

Bride

Surname and Name

Condition

(Bachelor/Widower/  
Divorced person)

(Spinster/Widow/  
Divorced person)

Rank or profession

Age

Dwelling place

Date of notice entered                      , 19                      . Date of certificate given                      , 19                      .

The issue of this certificate has not been forbidden by any person authorized to forbid the issue thereof.

Witness my hand this                      day of                      , 19                      .

Registrar of Marriages.

This certificate will be void unless the marriage is solemnized on or before the                      day  
of                      , 19                      .

This certificate was issued under the provisions of the proviso to section 9.

(Replaced L.N. 502 of 1995)

FORM 3

[section 11]

Special Licence

HONG KONG.

The Marriage Ordinance, section 11.

Whereas A.B. and C.D. desire to marry, and sufficient cause has been shown to me why such marriage should be allowed without the formalities prescribed by the Marriage Ordinance, Chapter 181: Now, therefore, in pursuance of the said Ordinance, I do dispense with the giving of notice and the issue of the certificate thereby prescribed [or as the case may be] and do hereby authorize any competent person to celebrate marriage between the said A.B. and C.D. at [place of celebration] on the                      day of                      , 19                      , between the hours of                      o'clock in the forenoon and                      o'clock in the afternoon.

Dated the                      day of                      , 19                      .

(Signed)

(Amended 13 of 1976 s. 3)

## CERTIFICATE OF MARRIAGE

Date \_\_\_\_\_ Butt  
Registration No. \_\_\_\_\_

Name of Bridegroom \_\_\_\_\_ Name of Bride \_\_\_\_\_  
Marriage Ordinance , section 20.

19 \_\_\_\_\_ , Marriage solemnized in the \_\_\_\_\_  
in Hong Kong.

## Certificate of Marriage

Registration No.  
When married

Bridegroom

Bride

Surname and  
name

Age

Condition

(Bachelor/ Widower/  
Divorced person)

(Spinster/Widow/  
Divorced person)

Rank or  
profession  
Residence at the  
time of marriage

Surname and  
name of father  
Surname and  
name of mother

at 19 \_\_\_\_\_ , Marriage solemnized in the \_\_\_\_\_  
in Hong Kong.

## Certificate of Marriage

Registration No.  
When married

Bridegroom

Bride

Surname and  
name

Age

Condition

(Bachelor/ Widower/  
Divorced person)

(Spinster/Widow/  
Divorced person)

Rank or  
profession  
Residence at the  
time of marriage

Surname and  
name of father  
Surname and  
name of mother

Married in the ceremonies of the \_\_\_\_\_ by \_\_\_\_\_ according to the rites and ceremonies of the \_\_\_\_\_ by/before me.

Married in the ceremonies of the \_\_\_\_\_ by \_\_\_\_\_ according to the rites and ceremonies of the \_\_\_\_\_ by/before me.

The marriage was solemnized between us \_\_\_\_\_ and \_\_\_\_\_

in the presence of us \_\_\_\_\_ and \_\_\_\_\_

The marriage was solemnized between us \_\_\_\_\_ and \_\_\_\_\_

in the presence of us \_\_\_\_\_ and \_\_\_\_\_

(Replaced L.N. 502 of 1995)

I. A.B., of \_\_\_\_\_ do hereby declare that I fully understand that by publicly taking C.D. as my wife [or husband, as the case may be] in the presence of the Registrar of Marriages, I shall become legally married and bound to the said C.D., although no other rite of a civil or religious nature shall take place, and I also understand that the effect of my publicly taking the said C.D., as my wife [or husband, as the case may be] as aforesaid is to create between us a marriage which cannot be dissolved during our joint lives except by a valid judgment of divorce, and that if either of us, during the lifetime of the other, shall contract another marriage while this one remains undissolved, he or she will be guilty of bigamy and will be liable to the punishment for that offence.

(Signed) A.B.

Witness, (Signed)  
W.X., Registrar of Marriages.

Interpreted to the said A.B. in the \_\_\_\_\_ language, in the  
presence of \_\_\_\_\_

W.X., Registrar of Marriages.

(Signed) Y.Z., Interpreter.

## FORM OF CERTIFICATE

## 證書格式

(Marriage of a Dying Person)

(臨終的人的婚禮)

Butt  
存根

Date

Registration No.

日期 \_\_\_\_\_ 登記編號 \_\_\_\_\_

Name of Bridegroom

新郎姓名 \_\_\_\_\_

Name of Bride

新娘姓名 \_\_\_\_\_

Marriage Ordinance, section 39.

婚姻條例第39條

19 \_\_\_\_\_, Marriage solemnized in the  
in Hong Kong.  
19 \_\_\_\_年 \_\_\_\_月 \_\_\_\_日在香港 \_\_\_\_的  
行婚禮。

Certificate of Marriage  
結婚證書

Registration No.

登記編號

When married

結婚日期

Bridegroom

Bride

Marriage Ordinance, section 39.

婚姻條例第39條

at 19 \_\_\_\_\_, Marriage solemnized in the at  
in Hong Kong.  
19 \_\_\_\_年 \_\_\_\_月 \_\_\_\_日在香港 \_\_\_\_的  
舉行婚禮。

Certificate of Marriage  
結婚證書

Registration No.

登記編號

When married

結婚日期

Bridegroom

Bride

	新郎	新娘		新郎	新娘
Surname and name 姓名			Surname and name 姓名		
Age 年齡			Age 年齡		
Condition 現況	(Bachelor / Widower / Divorced person) (未婚/鰥夫/離婚)	(Spinster / Widow / Divorced person) (未婚/寡婦/離婚)	Condition 現況	(Bachelor / Widower / Divorced person) (未婚/鰥夫/離婚)	(Spinster / Widow / Divorced person) (未婚/寡婦/離婚)
Rank or profession 職位或職業			Rank or profession 職位或職業		
Residence at the time of marriage 結婚時住址			Residence at the time of marriage 結婚時住址		
Surname and name of father 父親姓名			Surname and name of father 父親姓名		
Surname and name of mother 母親姓名			Surname and name of mother 母親姓名		
Married at ceremonies of the me. 男女雙方在	by	according to the rites and by / before 儀式結婚，婚禮按	Married at ceremonies of the / before me. 男女雙方在	by	according to the rites and by 儀式結婚，婚禮按
	以 由本人主持。			以 由本人主持。	
The marriage was solemnized between us 結婚人		and	The marriage was solemnized between us 結婚人		and
[or between me [或本人		and	[or between me [或本人		and
in the presence	與	]	in the presence	與	]

of us  
證婚人 \_\_\_\_\_ 及 \_\_\_\_\_ and in the presence  
of \_\_\_\_\_ us  
證婚人 \_\_\_\_\_ 及 \_\_\_\_\_

NOTE-If either of the parties married is unable to sign, the Registrar or minister is to certify to the same and to give the reason for such omission as follows-

And I, the said \_\_\_\_\_, do hereby certify that the said \_\_\_\_\_ was unable to sign this certificate owing to the state of his health [or as the case may be].

(Signed) .....

Registrar or Minister celebrating marriage.

註：如任何一方不能簽署，登記官或主禮神職人員須加以核證並提出欠簽名的理由如下—

本人(即上述的 \_\_\_\_\_) 現核證該 \_\_\_\_\_ 因健康狀況(或其他情形)而不能在此證書上簽署。

(簽署) .....

主持婚禮的登記官或神職人員

(Replaced L.N. 502 of 1995. Amended 80 of 1997 s. 34)



Schedule:	2	Fees	L.N. 510 of 1997	31/10/1997
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[section 36]

Item	Particular	Fee \$
1.	Filing and exhibition of notice of marriage .....	305
2.	Certificate of notice when issued under the proviso to section 9.....	3010
3.	Search under section 26- (a) made during any number of successive hours not exceeding 6, without the object of the search being specified .....	680
	(b) for a specified entry whether the search is made by the applicant or by the Registrar on his behalf ...	140
4.	Certified copy of any entry given under section 26 .....	280
	and in addition where the application is by post from outside Hong Kong .....	70 together with, where the applicant requests the copy to be sent by airmail, a sum equivalent to the airmail postage at the normal rate.
	Note: A search fee is also payable unless the copy is being given at the same time as the original is issued or made. Where 2 or more copies of the same entry are applied for at the same time only one search fee is payable.	
5.	Certificate under section 26 of absence of any record ..	680
	and in addition where the application is by post from outside Hong Kong .....	70 together with, where the applicant requests the copy to be sent by airmail, a sum equivalent to the airmail postage at the normal rate.
	Note: A search fee is also payable.	
6.	Special licence under section 11 .....	10785
7.	Marriage at the office of the Registrar- (a) during normal office hours .....	715 1935
	(b) outside normal office hours .....	

8. Celebration by the Registrar, elsewhere than in his office, of marriage by special licence or of a dying person ..... 5015
9. Celebration by the Registrar of Marriages under paragraph (b) of the proviso to section 21(3), per marriage ..... 2380
- .
- and
- in addition (to be paid proportionately by the parties being married) ..... 3610 or 475 per marriage, whichever is the greater.

(Replaced L.N. 72 of 1991. Amended L.N. 210 of 1993; L.N. 343 of 1994; L.N. 207 of 1995; L.N. 230 of 1996; 80 of 1997 s. 35; L.N. 437 of 1997)

Schedule:	3	CONSENT REQUIRED TO THE MARRIAGE OF A PARTY OF OR OVER 16 AND UNDER 21 YEARS OF AGE		30/06/1997
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[sections 14, 18A & 42]

In this Schedule-

"guardian" (監護人) has the same meaning as in section 18A(3);

"illegitimate person" (非婚生人士) means a person who was born illegitimate and has not been legitimated under the Legitimacy Ordinance (Cap 184) nor recognized as legitimated by or under any law.

## PART I

### WHERE THE PARTY IS A LEGITIMATE PERSON

	Circumstances	Person or persons whose consent is required
1.	Where both parents are alive- (a) if the marriage of the parents is subsisting (b) if the parents are divorced or separated by order of any court or by agreement	Subject to paragraphs (b), (c) and (d), either parent. Subject to paragraph (c)- (1) the parent to whose custody the party is committed by order of the court or by agreement; or (2) both parents, if they jointly have custody of the party by order of the court or by agreement; or (3) in any other cases and subject to paragraph (d), either parent.

- |    |  |  |
|----|--|--|
|    | (c) if both parents have been deprived of custody of the party by order of any court | The guardian.  |
|    | (d) if neither of the parents can be traced  | The guardian.  |
| 2. | Where both parents of the party are dead   | The guardian.  |
| 3. | Where a parent of the party is dead  | (1) The other parent and any guardian having custody of the party jointly with such other parent; or<br>(2) the other parent or the guardian, whoever is the sole guardian of the party; or<br>(3) the other parent, if the appointment of such guardian ceases. |

## PART II

### WHERE THE PARTY IS AN ILLEGITIMATE PERSON

- |    |                                     |   |
|----|-------------------------------------|---|
|    | Circumstances                       | Person or persons<br>whose consent is required  |
| 1. | If the mother of the party is alive | (1) The mother; or<br>(2) if she has by order of any court been deprived of the custody of the party, the guardian. |
| 2. | If the mother of the party is dead  | The guardian.   |

(Added 80 of 1997 s. 36)

Chapter:	1C	SPECIFICATION OF PUBLIC OFFICES	Gazette Number	Version Date
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Schedule:		SCHEDULE	L.N. 6 of 2005	10/03/2005
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Public Office	Ordinance or section of Ordinance for which specified
Chief Justice	Bankruptcy Ordinance (Chapter 6), section 99A(7)(c). (L.N. 270 of 1979)
Chief Justice	Companies Ordinance (Chapter 32), section 222A(7)(c). (L.N. 270 of 1979)
Chief Justice	Evidence Ordinance (Chapter 8), sections 27(2) and 29A(2). (L.N. 229 of 1979)
Chief Justice	Juvenile Offenders Ordinance (Chapter 226), section 3A(2). (L.N. 229 of 1979)
Chief Secretary for Administration (L.N. 362 of 1997)	Abbot of the Order of Cistercians of the Strict Observance Incorporation Ordinance (Chapter 1107), section 6(2). (L.N. 368 of 1984; 1 of 2001 s. 8)
Chief Secretary for Administration (L.N. 362 of 1997)	Air Passenger Departure Tax Ordinance (Chapter 140). (L.N. 318 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Basel Evangelical Missionary Society Incorporation Ordinance (Chapter 1002), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Betting Duty Ordinance (Chapter 108). (L.N. 211 of 1980)
Chief Secretary for Administration (L.N. 362 of 1997)	Catholic Mission of Macao Incorporation Ordinance (Chapter 1006), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Chater (Cathedral and St. Andrew's) Endowment Funds Incorporation Ordinance (Chapter 1050), section 4(3). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	China Peniel Missionary Society Incorporation Ordinance (Chapter 1011), Section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Church of Christ in China, Wanchai Church, Incorporation Ordinance (Chapter 1063), section 6(3). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Colony Armorial Bearings (Protection) Ordinance (Chapter 315), section 3. (L.N. 103 of 1966)
Chief Secretary for Administration (L.N. 362 of 1997)	Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation Ordinance (Chapter 1084), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Criminal Procedure Ordinance (Chapter 221), section 85(1). (L.N. 3 of 1986)
Chief Secretary for Administration (L.N. 362 of 1997)	Daughters of Charity of the Canossian Institute Incorporation Ordinance (Chapter 1016), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Daughters of Mary Help of Christians Incorporation Ordinance (Chapter 1070), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Education Scholarships Fund Ordinance (Chapter 1085), section 6(2). (L.N. 7 of 1992)
Chief Secretary for Administration	Evidence Ordinance (Chapter 8), sections 19A(1) and 40(5).

(L.N. 362 of 1997)	(L.N. 311 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Heung Yee Kuk Ordinance (Chapter 1097). (L.N. 71 of 1974)
Chief Secretary for Administration (L.N. 362 of 1997)	Immigration Ordinance (Chapter 115). (L.N. 198 of 1973)
Chief Secretary for Administration (L.N. 362 of 1997)	Institute of the Soeurs des Missions Etrangeres Incorporation Ordinance (Chapter 1088), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Irish Province of the Order of Franciscans Minor Incorporation Ordinance (Chapter 1028), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Jesuit Order (English Assistancy) Incorporation Ordinance (Chapter 1029), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Jesuit Order (Portuguese Province) Incorporation Ordinance (Chapter 1030), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Kowloon Union Church Incorporation Ordinance (Chapter 1032), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Maryknoll Sisters of St. Dominic Incorporation Ordinance (Chapter 1019), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Norwegian Seamen's Mission Incorporation Ordinance (Chapter 1056), section 7(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Petites Soeurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Chapter 1039), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Pontifical Foreign Missions Institute Incorporation Ordinance (Chapter 1041), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Prison Rules (Chapter 234 subsidiary legislation A), rule 222(2). (L.N. 48 of 1967)
Chief Secretary for Administration (L.N. 362 of 1997)	Probation of Offenders Rules (Chapter 298 subsidiary legislation A), rule 42. (L.N. 48 of 1967)
Chief Secretary for Administration (L.N. 362 of 1997)	Registration of Persons Ordinance (Chapter 177), section 11. (L.N. 137 of 1970; 9 of 2003 s. 23)
Chief Secretary for Administration (L.N. 362 of 1997)	Salesian Society Incorporation Ordinance (Chapter 1043), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Sisters of the Precious Blood Order Incorporation Ordinance (Chapter 1045), section 4(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Soeurs de Saint Paul de Chartres Incorporation Ordinance (Chapter 1046), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	The Rules of the Supreme Court (Chapter 4 subsidiary legislation A), Order 69, rule 2, and Order 70, rule 3. (L.N. 153 of 1967)
Chief Secretary for Administration (L.N. 362 of 1997)	Tsung Tsin Mission of Hong Kong Incorporation Ordinance (Chapter 1090), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Union Church Incorporation Ordinance (Chapter 1052), section 14(5). (L.N. 368 of 1984)
Commissioner for Labour	Employees' Compensation Ordinance (Chapter 282). (L.N. 70 of 1970)
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Chapter 59), section 7(4). (L.N. 145 of 1970)
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Chapter 59), section 9A. (L.N. 220 of 1985)
Commissioner for Labour	Pneumoconiosis (Compensation) Ordinance (Chapter 360). (L.N. 188 of 1981)

Commissioner for Transport	Eastern Harbour Crossing Ordinance (Chapter 215). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel Regulations (Chapter 215 subsidiary legislation D). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel By-laws (Chapter 215 subsidiary legislation E). (L.N. 405 of 1990)
Commissioner for Transport	Ferry Services Ordinance (Chapter 104). (L.N. 315 of 1985)
Commissioner for Transport	Ferry Services Regulations (Chapter 104 subsidiary legislation A). (L.N. 158 of 1992)
Commissioner for Transport	Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240). (L.N. 315 of 1985)
Commissioner for Transport	Fixed Penalty (Traffic Contraventions) Ordinance (Chapter 237). (L.N. 315 of 1985)
Commissioner for Transport	Kowloon-Canton Railway Corporation Ordinance (Chapter 372). (L.N. 405 of 1990)
Commissioner for Transport	Kowloon-Canton Railway Corporation Regulations (Chapter 372 subsidiary legislation A). (L.N. 405 of 1990)
Commissioner for Transport	Motor Vehicles (First Registration Tax) Ordinance (Chapter 330). (L.N. 90 of 1967)
Commissioner for Transport	Motor Vehicles Insurance (Third Party Risks) Ordinance (Chapter 272). (L.N. 90 of 1967)
Commissioner for Transport	Public Bus Services Regulations (Chapter 230 subsidiary legislation A). (L.N. 405 of 1990)
Commissioner for Transport	Public Omnibus Services Ordinance (Chapter 230). (L.N. 60 of 1978)
Commissioner for Transport	Road Traffic Ordinance (Chapter 374). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Chapter 374 subsidiary legislation A). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Driving Licences) Regulations (Chapter 374 subsidiary legislation B). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Expressway) Regulations (Chapter 374 subsidiary legislation Q). (L.N. 158 of 1992)
Commissioner for Transport	Road Traffic (Parking) Regulations (Chapter 374 subsidiary legislation C). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Parking on Private Roads) Regulations (Chapter 374 subsidiary legislation O). (L.N. 158 of 1992)
Commissioner for Transport	Road Traffic (Public Service Vehicles) Regulations (Chapter 374 subsidiary legislation D). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Registration and Licensing of Vehicles) Regulations (Chapter 374 subsidiary legislation E). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Safety Equipment) Regulations (Chapter 374 subsidiary legislation F). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Traffic Control) Regulations (Chapter 374 subsidiary legislation G). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Village Vehicles) Regulations (Chapter 374 subsidiary legislation N). (L.N. 405 of 1990)
Commissioner for Transport	Road Traffic (Driving-offence Points) Ordinance (Chapter 375). (L.N. 315 of 1985)

Commissioner for Transport	Road Tunnels (Government) Ordinance (Chapter 368). (L.N. 405 of 1990)
Commissioner for Transport	Road Tunnels (Government) Regulations (Chapter 368 subsidiary legislation A). (L.N. 405 of 1990)
Commissioner for Transport	Tate's Cairn Tunnel Ordinance (Chapter 393). (L.N. 405 of 1990)
Commissioner for Transport	Tate's Cairn Tunnel By-laws (Chapter 393 subsidiary legislation B). (L.N. 158 of 1992)
Commissioner for Transport	Tate's Cairn Tunnel Regulations (Chapter 393 subsidiary legislation A). (L.N. 158 of 1992)
Commissioner for Transport	Traffic Accident Victims (Assistance Fund) Ordinance (Chapter 229). (L.N. 315 of 1985)
Commissioner of Correctional Services	Training Centres Ordinance (Chapter 280). (L.N. 46 of 1981)
Commissioner of Customs and Excise	Control of Chemicals Ordinance (Chapter 145). (L.N. 51 of 1984; 64 of 1994 s. 18)
Commissioner of Customs and Excise	Copyright Ordinance (Chapter 528). (92 of 1997 s. 280)
Commissioner of Customs and Excise	Dutiable Commodities Ordinance (Chapter 109), except section 7. (L.N. 51 of 1984; L.N. 338 of 1987)
Commissioner of Customs and Excise	Dutiable Commodities Regulations (Chapter 109 subsidiary legislation A). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Chapter 109 subsidiary legislation C), regulations 9 and 11. (L.N. 51 of 1984; L.N. 338 of 1987)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), sections 7, 12 and 27(3). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), sections 27(3B), 28(2A) and (10) and 29A(1). (L.N. 320 of 1993)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), section 33A(1)(b). (L.N. 175 of 1997)
Commissioner of Customs and Excise	Import and Export (Carriage of Articles) Regulations (Chapter 60 subsidiary legislation I), regulation 4. (L.N. 176 of 1991)
Commissioner of Customs and Excise	Import and Export (Registration) Regulations (Chapter 60 subsidiary legislation E). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Industrial Training (Clothing Industry) Ordinance (Chapter 318). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Prevention of Copyright Piracy Ordinance (Chapter 544). (22 of 1998 s. 41)
Commissioner of Customs and Excise	Reserved Commodities Ordinance (Chapter 296), section 10. (L.N. 51 of 1984)
Commissioner of Customs and Excise	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Chapter 296 subsidiary legislation A), regulations 7A and 9(2). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Smoking (Public Health) Ordinance (Chapter 371), section 10A(4). (L.N. 225 of 1989)
Commissioner of Customs and Excise	Trade Descriptions Ordinance (Chapter 362), sections 16(3), 16C(1), (2) and (3) and 30(2), (3) and (5). (L.N. 338 of 1987)

Commissioner of Mines	Mining Ordinance (Chapter 285), sections 13, 18, 20, 21, 31 and 37. (L.N. 6 of 1967)
Director of Accounting Services	Waterworks Regulations (Chapter 102 subsidiary legislation A), regulation 50(2) and (3). (L.N. 221 of 1977)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Animals and Plants (Protection of Endangered Species) Ordinance (Chapter 187), sections 7, 10 and 15. (L.N. 49 of 1979)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Animals and Plants (Protection of Endangered Species) (Exemption) Order (Chapter 187 subsidiary legislation A), paragraphs 1A and 3. (L.N. 418 of 1991)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Country Parks and Special Areas Regulations (Chapter 208 subsidiary legislation A), regulations 4(1) and (2)(a), 5(1) and (2)(b), 8(1), 9(1), 10(1)(a) and (b) and (2), 11(1), (2) and (3)(a), 13(2), 14, 15(4) and 18(5). (L.N. 381 of 1989)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Country Parks and Special Areas Regulations (Chapter 208 subsidiary legislation A), regulation 10(1)(c) and (d). (L.N. 391 of 1982)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Dairies Regulations (Chapter 139 subsidiary legislation D), regulations 3, 8, 9, 11, 15, 16(2), 18, 19(2)(f), 21(3), 26(1) and 29(2). (L.N. 153 of 1967)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Forests and Countryside Ordinance (Chapter 96), sections 22(5) and 23. (L.N. 220 of 1993)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Kadoorie Agricultural Aid Loan Fund Ordinance (Chapter 1080), section 7. (L.N. 397 of 1996)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Marine Parks Ordinance (Chapter 476), section 22(1). (L.N. 67 of 1997)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Marine Parks and Marine Reserves Regulation (Chapter 476 subsidiary legislation A), section 17. (L.N. 67 of 1997)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Pearl Culture (Control) Ordinance (Chapter 307), section 3. (L.N. 48 of 1967)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Pesticides Ordinance (Chapter 133), the whole Ordinance except sections 5(4), 6(c), 10, 11 and 14. (L.N. 304 of 1977; 79 of 1990 s. 21)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Pesticides Regulations (Chapter 133 subsidiary legislation A). (L.N. 411 of 1992)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Plant (Importation and Pest Control) Ordinance (Chapter 207). (L.N. 360 of 1993)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Public Health (Animals and Birds) Ordinance (Chapter 139), sections 6, 7 and 10(2). (L.N. 48 of 1967)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Public Health (Animals and Birds) (Animal Traders) Regulations (Chapter 139 subsidiary legislation B), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Public Health (Animals and Birds) (Exhibitions) Regulations (Chapter 139 subsidiary legislation F), regulations 4(1), 4(3), 6(a), 6(b), 8(1) and 8(3). (L.N.



Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	94 of 1978) Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Chapter 139 subsidiary legislation C), regulations 4, 11(1) and 13. (L.N. 153 of 1967)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Public Health (Animals and Birds) Regulations (Chapter 139 subsidiary legislation A), regulations 30, 34, 35, 37, 44 and 51. (L.N. 153 of 1967)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Public Health (Animals) (Boarding Establishments) Regulations (Chapter 139 subsidiary legislation I), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Public Health (Animals) (Riding Establishments) Regulations (Chapter 139 subsidiary legislation J), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Agriculture, Fisheries and Conservation (L.N. 331 of 1999)	Wild Animals Protection Ordinance (Chapter 170), section 13. (L.N. 197 of 1979)
Director of Buildings	Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301), sections 5, 7(1), 13, 14(1), 15(1), 2(c)(ii) and (8), 16(1), (3), (6), (8) and (9), 17, 18(2) and 20(g). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Buildings Ordinance (Chapter 123). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Child Care Services Ordinance (Chapter 243), section 7(1)(b)(ii). (L.N. 303 of 1993; 32 of 2000 s. 26)
Director of Buildings as Building Authority	Education Ordinance (Chapter 279), section 12(1)(d). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Kowloon-Canton Railway Corporation Ordinance (Chapter 372), section 35(1). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Chapter 276), section 15(1). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Roads (Works, Use and Compensation) Ordinance (Chapter 370). (L.N. 303 of 1993)
Director of Civil Engineering and Development (L.N. 6 of 2005)	Ferry Services Ordinance (Chapter 104), sections 16(1)(a), 20(1) and 28(4). (L.N. 133 of 1986)
Director of Civil Engineering and Development (L.N. 6 of 2005)	Sand Ordinance (Chapter 147), sections 2 and 3. (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Aerial Ropeways (Safety) Ordinance (Chapter 211). (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Electricity Ordinance (Chapter 406). (L.N. 133 of 1986; 16 of 1990 s. 61)
Director of Electrical and Mechanical Services	Evidence Ordinance (Chapter 8), section 28(1)(b)(i). (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Peak Tramway Ordinance (Chapter 265), section 14. (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Peak Tramway Rules (Chapter 265 subsidiary legislation), rule 22. (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Tramway Ordinance (Chapter 107), sections 25 and 33. (L.N. 133 of 1986)
Director of Environmental Protection	Ozone Layer Protection Ordinance (Chapter 403). (L.N. 202 of 1989)
Director of Environmental	Waste Disposal Ordinance (Chapter 354), sections 16(1),

Protection	17, 19(1), 20 and 36(3). (L.N. 84 of 1986)
Director of Health	Animal (Control of Experiments) Ordinance (Chapter 340). (L.N. 92 of 1989)
Director of Health	Undesirable Medical Advertisements Ordinance (Chapter 231). (L.N. 92 of 1989)
Director of Highways	Peak Tramway Ordinance (Chapter 265). (L.N. 133 of 1986)
Director of Highways	Peak Tramway Rules (Chapter 265 subsidiary legislation). (L.N. 133 of 1986)
Director of Highways	Public Lighting Ordinance (Chapter 105). (L.N. 133 of 1986)
Director of Highways	Road Traffic Ordinance (Chapter 374). (L.N. 133 of 1986)
Director of Highways	Road Traffic (Expressway) Regulations (Chapter 374 subsidiary legislation Q). (L.N. 158 of 1992)
Director of Highways	Road Traffic (Traffic Control) Regulations (Chapter 374 subsidiary legislation G). (L.N. 133 of 1986)
Director of Highways	Tramway Ordinance (Chapter 107). (L.N. 133 of 1986)
Director of Immigration	Immigration Ordinance (Chapter 115). (L.N. 67 of 1972)
Director of Lands	Land (Miscellaneous Provisions) Ordinance (Chapter 28). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Lands Resumption Ordinance (Chapter 124). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Government Leases Ordinance (Chapter 40). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126), section 7(3). (L.N. 423 of 1993; 29 of 1998 s. 2)
Director of Lands	Foreshore and Sea-bed (Reclamations) Ordinance (Chapter 127). (L.N. 303 of 1993)
Director of Lands	Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301), sections 18(2), 20(g), 23(1) and (2), 24 and 25(2). (L.N. 303 of 1993)
Director of Lands	Mining Ordinance (Chapter 285). (L.N. 303 of 1993)
Director of Lands	Road Traffic Ordinance (Chapter 374), sections 123(3) and (4) and 124(1) and (2). (L.N. 303 of 1993)
Director of Marine	Dangerous Goods (Shipping) Regulations (Chapter 295 subsidiary legislation C), regulations 3, 5(1), 6, 9, 12, 13, 14, 16, 17, 19 and 21. (L.N. 6 of 1967)
Director of Marine	Merchant Shipping (Safety) Ordinance (Chapter 369), sections 31, 38(4), 51(2) and (3), 57(2) and 63. (L.N. 365 of 1981)
Director of Marketing	Agricultural Products (Marketing) Ordinance (Chapter 277). (L.N. 239 of 1988)
Director of Marketing	Marine Fish (Marketing) Ordinance (Chapter 291). (L.N. 239 of 1988)
Director of Social Welfare	Juvenile Offenders Ordinance (Chapter 226). (L.N. 79 of 1973)
Director of Social Welfare	Offences against the Person Ordinance (Chapter 212), section 44(4). (L.N. 6 of 1967)
Director of Social Welfare	Probation of Offenders Ordinance (Chapter 298). (L.N. 79 of 1973)
Director of Social Welfare	Reformatory Schools Ordinance (Chapter 225). (L.N. 79 of 1973)
Director-General of Civil Aviation	Air Passenger Departure Tax Ordinance (Chapter 140).

(L.N. 326 of 2000)	(L.N. 191 of 1983)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Export (Certificates of Origin and Commonwealth Preference Certificates) Regulations (Chapter 60 subsidiary legislation), regulations 6(2) and 8(1). (L.N. 132 of 1986)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Export (Certificates of Origin and Commonwealth Preference Certificates) Regulations (Chapter 60 subsidiary legislation), regulations 7(1)-(4), 8(3), 9(2) and 11(1)(c). (L.N. 51 of 1984)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Import and Export Ordinance (Chapter 60), sections 9(3) and 36(2). (L.N. 51 of 1984)
Director-General of Trade and Industry (L.N. 173 of 2000)	Import and Export Ordinance (Chapter 60), section 33A(1)(b). (L.N. 396 of 1996)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Import and Export (Fees) Regulations (Chapter 60 subsidiary legislation B). (L.N. 51 of 1984)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Import and Export (General) Regulations (Chapter 60 subsidiary legislation A), regulation 6(3) and (4). (L.N. 132 of 1986)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Import and Export (Strategic Commodities) Regulations (Chapter 60 subsidiary legislation G), regulation 2. (L.N. 51 of 1984)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Import (Radiation) (Prohibition) Regulations (Chapter 60 subsidiary legislation K). (L.N. 51 of 1984)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Reserved Commodities Ordinance (Chapter 296), section 6. (L.N. 51 of 1984)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Chapter 296 subsidiary legislation A). (L.N. 51 of 1984)
Director-General of Trade and Industry (L.N. 292 of 1989; L.N. 173 of 2000)	Reserved Commodities (Control of Sales by Wholesale) Regulations (Chapter 296 subsidiary legislation B). (L.N. 51 of 1984)
Financial Secretary	Companies Ordinance (Chapter 32), sections 123(4), 124(2), 126(2) and (3), 128(3), 129(3) and 129A(2); and paragraphs 6(b), 13(2), 18(4), 27(1) and 28(3) of the Tenth Schedule, only. (L.N. 86 of 1978)
Financial Secretary	Companies Ordinance (Chapter 32), section 157E(4)(a). (L.N. 57 of 1989)
Financial Secretary	Companies Ordinance (Chapter 32), section 337B(3). (L.N. 345 of 1985)
Financial Secretary	Customs and Excise Service (Welfare Fund) Regulations (Chapter 342 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Fire Services Department (Welfare Fund) Regulations (Chapter 95 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Government Lotteries Ordinance (Chapter 334). (L.N. 254 of 1973)
Financial Secretary	The Hong Kong Association of Banks Ordinance (Chapter 364), section 12(1). (L.N. 499 of 1993)

Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 12. (L.N. 92 of 1979)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 17(1). (L.N. 234 of 1980)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 24(2). (L.N. 512 of 1996)
Financial Secretary	Hong Kong Tourism Board Ordinance (Chapter 302), section 7(d). (3 of 2001 s. 43)
Financial Secretary	Immigration Service (Welfare Fund) Regulations (Chapter 331 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Legal Tender Notes Issue Ordinance (Chapter 65), section 3(2), (3) and (5). (L.N. 258 of 1996)
Financial Secretary	Money Lenders Ordinance (Chapter 163), sections 33A and 33B. (L.N. 160 of 1989)
Financial Secretary	Police (Welfare Fund) Regulations (Chapter 232 subsidiary legislation), regulation 9. (L.N. 389 of 1990)
Financial Secretary	Prison Rules (Chapter 234 subsidiary legislation A), rules 263 and 265. (L.N. 389 of 1990)
Financial Secretary	Trading Funds Ordinance (Chapter 430), section 3(1). (L.N. 36 of 1995)
Financial Secretary	Trading Funds Ordinance (Chapter 430), section 8(2). (L.N. 529 of 1994)
Gas Authority	Gas Safety Ordinance (Chapter 51). (49 of 1990 s. 38)
Insurance Authority	Insurance Companies Ordinance (Chapter 41). (L.N. 182 of 1990)
Land Registrar	Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126), sections 11(1) and (3) and 12(1) and (3). (L.N. 140 of 1993; 29 of 1998 s. 2)
Land Registrar	Land Registration Ordinance (Chapter 128). (L.N. 140 of 1993)
Land Registrar	Building Management Ordinance (Chapter 344). (27 of 1993 s. 56)
Monetary Authority	Crimes Ordinance (Chapter 200), sections 103(1) and 104(1). (L.N. 102 of 1995)
Permanent Secretary for Education and Manpower	Inland Revenue Ordinance (Chapter 112), sections 16B and 16C. (L.N. 6 of 1967; 3 of 2003 s. 41)
Permanent Secretary for Education and Manpower	Post Secondary Colleges Ordinance (Chapter 320), sections 3, 8, 9 and 10. (L.N. 6 of 1967; 3 of 2003 s. 41)
Permanent Secretary for Education and Manpower	Post Secondary Colleges Ordinance (Chapter 320), sections 11 and 12(2). (L.N. 48 of 1967; 3 of 2003 s. 41)
Principal Probation Officer	Probation of Offenders Rules (Chapter 298 subsidiary legislation A), rules 15, 20(2) and 21 only. (L.N. 213 of 1979)
Registrar of Companies	Companies Ordinance (Chapter 32). (L.N. 141 of 1993)
Registrar of Companies	Limited Partnerships Ordinance (Chapter 37). (L.N. 141 of 1993)
Registrar of Companies	Registered Trustees Incorporation Ordinance (Chapter 306). (L.N. 141 of 1993)
Registrar of Companies	Trustee Ordinance (Chapter 29). (L.N. 141 of 1993)
Registrar of Co-operative Societies	Co-operative Societies Ordinance (Chapter 33). (L.N. 8 of 1973)
Registrar of Co-operative Societies	J. E. Joseph Trust Fund Ordinance (Chapter 1067), sections 3, 4, 5, 6 and 7. (L.N. 398 of 1996)
Registrar of Credit Unions	Credit Unions Ordinance (Chapter 119). (L.N. 239 of 1979)

	1988)
Registrar of Money Lenders	Money Lenders Ordinance (Chapter 163). (L.N. 357 of 1980)
Registrar of Occupational Retirement Schemes	Occupational Retirement Schemes Ordinance (Chapter 426). (L.N. 454 of 1993)
Secretary for Broadcasting, Culture and Sport (L.N. 372 of 1996)	Books Registration Ordinance (Chapter 142). (L.N. 403 of 1995)
Secretary for Economic Development and Labour (L.N. 106 of 2002)	Merchant Shipping (Safety) Ordinance (Chapter 369), section 5. (L.N. 94 of 1984)
Secretary for Home Affairs	Clubs (Safety of Premises) Ordinance (Chapter 376). (L.N. 91 of 1992)
Secretary for Home Affairs	Heung Yee Kuk Ordinance (Chapter 1097), section 3(3). (L.N. 235 of 1995)
Secretary for Home Affairs (L.N. 262 of 1989)	New Territories Ordinance (Chapter 97), section 9(2), for the purposes of section 19. (L.N. 188 of 1973)
Secretary for Security	Auxiliary Medical Service Ordinance (Cap 517). (57 of 1997 s. 34)
Secretary for Security	Civil Aid Service Ordinance (Cap 518). (58 of 1997 s. 34)
Secretary for Security	Essential Services Corps Ordinance (Chapter 197), the whole Ordinance. (L.N. 158 of 1977)
Secretary for Security	Immigration Ordinance (Chapter 115), sections 29(1), (2) and (4), 32(2), (3) and (4)(a), 34(b). (L.N. 102 of 1980)
Secretary for Security	Immigration Ordinance (Chapter 115), section 32(2A). (L.N. 307 of 1980)
Secretary for Security	Public Order Ordinance (Chapter 245), section 31(6)(i) only. (L.N. 158 of 1977)
Secretary for the Environment, Transport and Works (L.N. 106 of 2002)	Eastern Harbour Crossing Ordinance (Chapter 215). (L.N. 308 of 1988)
Secretary for the Environment, Transport and Works (L.N. 106 of 2002)	Roads (Works, Use and Compensation) Ordinance (Chapter 370). (L.N. 133 of 1986)
Secretary for the Environment, Transport and Works (L.N. 106 of 2002)	Tate's Cairn Tunnel Ordinance (Chapter 393). (L.N. 26 of 1989)

(L.N. 280 of 1992; L.N. 84 of 1993; L.N. 303 of 1993; 94 of 1993 s. 47; 13 of 1995 s. 2; 40 of 1995 s. 10; 44 of 1995 s. 143; L.N. 198 of 1999; 78 of 1999 s. 7; 32 of 2000 s. 48; 5 of 2001 s. 40; 5 of 2002 s. 407; L.N. 25 of 2004; L.N. 125 of 2004)

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Note: Please also see the Specifications of Public Offices in L.N. 282 of 1998, L.N. 320 of 1998, L.N. 343 of 1998, L.N. 82 of 2001, L.N. 93 of 2001, 5 of 2001 s. 40, L.N. 158 of 2002, L.N. 192 of 2003, L.N. 21 of 2004 and L.N. 6 of 2005. They were made under s. 43 of Cap 1 after 1 July 1997. Their particulars are as follows-

	Public Office	Ordinance or section of Ordinance for which specified
L.N. 282 of 1998	Director of Environmental Protection Director of Environmental Protection	Environmental Impact Assessment Ordinance (Chapter 499). Environmental Impact Assessment (Appeal Board) Regulation (Chapter 499 subsidiary legislation A).
L.N. 320 of 1998	Secretary for Security	Immigration Ordinance (Chapter 115), section 35(2).
L.N. 343 of 1998	Director of Intellectual Property Director of Intellectual Property as Registrar of Trade Marks Director of Intellectual Property as Registrar of Patents	Director of Intellectual Property (Establishment) Ordinance (Chapter 412). Trade Marks Ordinance (Chapter 559). Trade Marks Rules (Chapter 559 subsidiary legislation A). (35 of 2000 s. 98) Patents Ordinance (Chapter 514). Patents (Transitional Arrangements) Rules (Chapter 514 subsidiary legislation B). Patents (General) Rules (Chapter 514 subsidiary legislation C).
L.N. 82 of 2001	Director of Intellectual Property as Registrar of Designs Director-General of Trade and Industry	Registered Designs Ordinance (Chapter 522). Registered Designs Rules (Chapter 522 subsidiary legislation A). Import and Export (General) Regulations (Chapter 60 subsidiary legislation A), regulations 5AB(1), (2), (3), (4) and (5), 5AC(1) and (3), 5AD(1) and (2) and 5AE(1)(c) and item 1 of Part I and item 13 of Part IV of the Fifth Schedule.
L.N. 93 of 2001	Chief Secretary for Administration	Scout Association of Hong Kong Ordinance (Chapter 1005), section 9(3).
5 of 2001 s. 40	Financial Secretary	Hong Kong Science and Technology Parks Corporation Ordinance (Cap 565), sections 23(6) and 24.
L.N. 158 of 2002	Secretary for Education and Manpower	Employees Retraining Ordinance (Chapter 423), sections 9(2) and (3) and 14(4). Non-local Higher and Professional Education (Regulation) Ordinance (Chapter 493), section 8(1)(a)(ii)(B). Hong Kong Council for Academic Accreditation Ordinance (Chapter 1150), sections 5(e), (g) and (l), 9(1) and (2), 10, 12, 13(1) and (2) and 17.
L.N. 192 of 2003	Secretary for Home Affairs	New Territories Ordinance (Chapter 97), sections 15, 16 and 18. Hotel and Guesthouse Accommodation Ordinance (Chapter 349), sections 19(1) and 20(1), (2)(b), (3)(b) and (4). New Territories Land (Exemption) Ordinance (Chapter 452), section 12. Sex Discrimination Ordinance (Chapter 480), section 65(3) and Schedule 6 (sections 16(2) and (3) and 17(2)). Personal Data (Privacy) Ordinance (Chapter 486), section 14(6) and Schedule 2 (sections

L.N. 21 of 2004	Collector of Stamp Revenue	2(2) and (3) and 3(2)). Heung Yee Kuk Ordinance (Chapter 1097), section 3(2)(c) and First Schedule (paragraph 6) and Second Schedule (paragraph 5(2)). Betting Duty Ordinance (Chapter 108), sections 6L(2), 6M(3), 6N(4), 6O(1), 6P, 6Q, 6R(1), 6S(4) and (7)(b), 6T(4)(a), 6V(2), (4) and (6)(b), 6ZL(1), 6ZM(1) and 7(3).
L.N. 6 of 2005	Commissioner of Mines	Betting Duty Regulations (Chapter 108 subsidiary legislation A), regulation 3(4). Dangerous Goods (Government Explosives Depots) Regulations (Chapter 295 subsidiary legislation D), regulations 3(2) and 7.

(L.N. 125 of 2004)

Chapter:	331	IMMIGRATION SERVICE ORDINANCE	Gazette Number	Version Date
Schedule:	2	SCHEDULED OFFENCES	9 of 2003	12/05/2003

[section 2]

## PART I

Column 1	Column 2	Column 3
Item	Enactment	Description of offence
1.	Registration of Persons Ordinance (Cap 177) section 5  section 7A section 7AA section 7B section 11	failure to use registered name and to submit number of identity card possession of forged identity cards transfer of identity card failure to apply for new identity cards unauthorized handling of particulars (Amended 9 of 2003 s. 24)
2.	Registration of Persons Regulations (Cap 177 sub. leg. A) regulation 11(2A) regulation 11A(2)  regulation 12(1)  regulation 12(1A) regulation 12(2)  regulation 12(2A)  regulation 13A  regulation 19	failure to carry and produce identity card obstructing public officers in verification of identity making alteration to identity card or documents tampering with chip in identity card possession of altered identity card or documents possession of identity card embodying chip tampered with furnishing false particulars of loss, etc. of identity card miscellaneous offences (Amended 9 of 2003 s. 24)
3.	Crimes Ordinance (Cap 200) section 32  section 34  section 35 section 36  section 38  section 40	false statements on oath made otherwise than in a judicial proceeding false statements, etc. with reference to marriage false statements, etc. as to births or deaths false statutory declarations and other false statements without oath aiders, abettors, suborners, etc. regarding commission of offences relating to perjury, etc. using false affidavits



section 71	forgery
section 72	copying a false instrument
section 73	using a false instrument
section 74	using a copy of a false instrument
section 75	possessing a false instrument
section 76	making or possessing equipment for making a false instrument
section 88	making false entry in register of births, etc.
section 89	making false entry in copy of register sent to registrar
section 93	aiders and abettors regarding commission of offences relating to false certification and personation, etc.

## PART II

Column 1	Column 2	Column 3
Item	Enactment	Description of offence
1.	Births and Deaths Registration Ordinance (Cap 174) section 21(3)  section 28	obstruction, etc. to inquiry of correctness of death certificate breach or infringement of any provisions of the Births and Deaths Registration Ordinance (Cap 174)
2.	Births Registration (Special Registers) Ordinance (Cap 175) section 10	loss or injury of special register of births, etc.
3.	Deaths Registration (Special Registers) Ordinance (Cap 176) section 10	loss or injury of special register of deaths, etc.
4.	Marriage Reform Ordinance (Cap 178) section 10(2)  section 23	failure to comply with a summons or requirement issued or made for purposes of determination of application for registration of customary marriage or validated marriage removal, etc. of records
5.	Marriage Ordinance (Cap 181) section 29  section 30 section 31	marrying, etc. minor without consent of proper person offences by minister failure to transmit certificate

	section 32	removing, etc. record
	section 33	unauthorized person celebrating marriage
	section 39(3)	failure to comply with conditions of celebration of marriage in articulo mortis, etc.
	section 39(4)	failure by minister to transmit certificate of marriage in articulo mortis
6.	Offences against the Person Ordinance (Cap 212)	
	section 45	bigamy

Any description of an offence is included for ease of reference only.

(Added 53 of 1996 s. 9)

Chapter:	553	ELECTRONIC TRANSACTIONS ORDINANCE	Gazette Number	Version Date
Schedule:	2	PROCEEDINGS IN RELATION TO WHICH SECTIONS 5, 5A, 6, 7 AND 8 OF THIS ORDINANCE DO NOT APPLY UNDER SECTION 13(1) OF THIS ORDINANCE	L.N. 188 of 2004	14/01/2005

[sections 13(1) & (3) & 50]

PROCEEDINGS IN RELATION TO WHICH SECTIONS 5, 5A, 6, 7 AND 8 OF THIS  
ORDINANCE DO NOT APPLY UNDER SECTION 13(1) OF THIS ORDINANCE  
(Amended 14 of 2004 s. 27)

Proceedings before any of the following-

- (a) the Court of Final Appeal;
- (b) the Court of Appeal;
- (c) the Court of First Instance;
- (d) the District Court;
- (e) the Mental Health Review Tribunal established under the Mental Health Ordinance (Cap 136);
- (f) the Lands Tribunal;
- (g) a coroner appointed under section 3 of the Coroners Ordinance (Cap 504);
- (h) the Labour Tribunal;
- (i) the Obscene Articles Tribunal established under the Control of Obscene and Indecent Articles Ordinance (Cap 390);
- (j) the Small Claims Tribunal;
- (k) a magistrate; (Amended L.N. 59 of 2000)
- (l) the Municipal Services Appeals Board established under the Municipal Services Appeals Board Ordinance (Cap 220); (Added L.N. 59 of 2000)
- (m) the Insider Dealing Tribunal established under the Securities (Insider Dealing) Ordinance (Cap 395) repealed under the Securities and Futures Ordinance (Cap 571); (Added L.N. 59 of 2000. Amended 5 of 2002 s. 407)
- (ma) the Securities and Futures Appeals Tribunal or the Market Misconduct Tribunal established under Part XI or XIII of the Securities and Futures Ordinance (Cap 571); (Added 5 of 2002 s. 407)
- (mb) any person arbitrating disputes in accordance with rules made under section 118(2) of the Securities and Futures Ordinance (Cap 571); (Added 5 of 2002 s. 407)
- (n) the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap 442); (Added L.N. 59 of 2000)
- (o) the Appeal Tribunal established under the Buildings Ordinance (Cap 123); (Added L.N. 59 of 2000)
- (p) an Appeal Board established under the Town Planning Ordinance (Cap 131); (Added L.N. 59 of 2000)
- (q) a Drainage Appeal Board established under the Land Drainage Ordinance (Cap 446); (Added L.N. 59 of 2000)
- (r) the Minor Employment Claims Adjudication Board established under the Minor Employment Claims Adjudication Board Ordinance (Cap 453); (Added L.N. 59 of 2000)
- (s) the panel and a tribunal established under the Housing Ordinance (Cap 283); (Added L.N. 59 of 2000)

- (t) the Appeal Board established under the Hotel and Guesthouse Accommodation Ordinance (Cap 349); (Added L.N. 59 of 2000)
- (u) the Appeal Board established under the Clubs (Safety of Premises) Ordinance (Cap 376); (Added L.N. 59 of 2000)
- (v) the Appeal Board established under the Bedspace Apartments Ordinance (Cap 447); (Added L.N. 59 of 2000)
- (w) the Appeal Board established under the Amusement Game Centres Ordinance (Cap 435); (Added L.N. 59 of 2000)
- (x) an appeal board established under the Amusement Rides (Safety) Ordinance (Cap 449); (Added L.N. 59 of 2000)
- (y) an Appeal Board established under the Air Pollution Control Ordinance (Cap 311); (Added L.N. 59 of 2000)
- (z) the Appeal Board established under the Noise Control Ordinance (Cap 400); (Added L.N. 59 of 2000)
- (za) an Appeal Board established under the Dumping at Sea Ordinance (Cap 466); (Added L.N. 59 of 2000)
- (zb) an Appeal Board established under the Environmental Impact Assessment Ordinance (Cap 499); (Added L.N. 59 of 2000)
- (zc) an Appeal Board established under the Waste Disposal Ordinance (Cap 354); (Added L.N. 59 of 2000)
- (zd) an Appeal Board established under the Water Pollution Control Ordinance (Cap 358); (Added L.N. 59 of 2000)
- (ze) the Immigration Tribunal established under the Immigration Ordinance (Cap 115); (Added L.N. 59 of 2000)
- (zf) the Registration of Persons Tribunal established under the Registration of Persons Ordinance (Cap 177); (Added L.N. 59 of 2000)
- (zg) the Hong Kong Special Administrative Region Passports Appeal Board established under the Hong Kong Special Administrative Region Passports (Appeal Board) Regulation (Cap 539 sub. leg. A); (Added L.N. 59 of 2000)
- (zh) the Copyright Tribunal established under the Copyright Ordinance (Cap 528); (Added L.N. 59 of 2000)
- (zi) an arbitration tribunal established under the Labour Relations Ordinance (Cap 55); (Added L.N. 59 of 2000)
- (zj) a board of inquiry established under the Labour Relations Ordinance (Cap 55); (Added L.N. 59 of 2000)
- (zk)-(zl) (Repealed 5 of 2002 s. 407)
- (zm) a Solicitors Disciplinary Tribunal established under the Legal Practitioners Ordinance (Cap 159); (Added L.N. 59 of 2000. Amended 7 of 2004 s. 55)
- (zn) the Deposit Protection Appeals Tribunal established by the Deposit Protection Scheme Ordinance (Cap 581). (Added 7 of 2004 s. 55)
- \*[(zo) *the Construction Workers Appeal Board appointed under the Construction Workers Registration Ordinance (Cap 583). (Added 18 of 2004 s. 69)*]
- (zp) the Clearing and Settlement Systems Appeals Tribunal established under the Clearing and Settlement Systems Ordinance (Cap 584). (Added 20 of 2004 s. 59)

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**Note:**

\* Paragraph (zo) has not yet come into operation.

## **ECONOMIC IMPLICATIONS**

By appointing eligible solicitors and notaries public as civil celebrants of marriages, we are able to utilize private sector resources to provide marriage solemnization services, which will bring positive impacts on the economy of Hong Kong and provide new options to marrying parties from Hong Kong or abroad.

## **FINANCIAL AND CIVIL SERVICE IMPLICATIONS**

2. Additional manpower resources arising from the appointment of civil celebrants and the establishment of the Appeal Board will be insignificant and absorbed by the Security Bureau and the Immigration Department. For the administrative costs involved in the appointment of civil celebrants incurred by the Immigration Department, they will be fully recovered from the applicants. Based on the proposed fees, an annual revenue of about \$200,000 is expected. With a simple and objective set of eligibility criteria, we also expect that the number of appeals will be small and the financial implications, if any, arising from the remuneration of the Chairman, Deputy Chairman and members of the Appeal Board and for the payment of allowances for the witness will be insignificant and absorbed by the Security Bureau. Existing services through the marriage registries will continue at the initial stage. Whether such services will eventually be reduced will depend on the extent to which the demand for existing services is diverted by the new services of the civil celebrants.