

**Legislative Council Bills Committee on
Marriage (Amendment) Bill 2014
Follow-up to the eighth meeting
on 16 June 2014**

This paper responds to Members' enquiries raised at the eighth Bills Committee meeting on 16 June 2014 about the procedures for marriage registration including the making of affidavit.

2. Under the Marriage Ordinance (Cap. 181), marrying parties (regardless of nationality and residency) who wish to solemnize a marriage in Hong Kong will have to go through the following procedures –

- (a) To give a Notice of Intended Marriage ("the notice") to the Registrar of Marriages ("the Registrar") (Annex A) either directly or through a civil celebrant of marriages, and make before the Registrar or the civil celebrant an affidavit in accordance with section 12 of the Marriage Ordinance (Annex B).
- (b) The Registrar shall exhibit the notice in his office until the issue of a Certificate of Registrar of Marriages (Annex C) or the expiry of the 3-month period.
- (c) The Registrar may, at least 15 days after the giving of a notice, issue the Certificate of Registrar of Marriages to enable the marrying parties to celebrate their marriage within three months from the date of notice provided that all the statutory requirements are met.
- (d) A marriage has to take place at a marriage registry by a Registrar; or in a licensed place of worship by a competent minister or at any other place in Hong Kong by a civil celebrant of marriages.
- (e) The marriage should take place within three months upon giving of the notice.

3. In accordance with the Bill, we intend to amend the affidavit in Annex B to specify the legal requirement under the Marriage Ordinance that every marriage must be the union of one man and one woman, and to set out for persons who have received a full sex re-assignment surgery, they are to be treated as being of the sex to which they are re-assigned after the surgery. The proposed revised affidavit is at Annex D.

擬結婚通知書
NOTICE OF INTENDED MARRIAGE

Annex A

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

申請書檔案條碼
Application reference barcode

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

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。
Take notice that the parties named in this notice intend to contract a marriage within 3 months from the date of this notice.

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

[如適用] 本通知書透過婚姻監禮人

[Where applicable] This notice is given through

發出。

, Civil Celebrant of Marriages.

本人與名列表的另一方擬於.....年.....月.....日在.....
I and the other party named above intend to contract a marriage at.....
on.....

- 在 before
- 登記官。
the Registrar.
 - 婚姻監禮人
a civil celebrant. 主持下締結婚姻。
 - 合資格的神職人員。
a competent minister.

SPECIMEN

日期
Dated this

.....
(發出通知書的一方簽署及姓名)
(Signature and name of the party giving the notice)

《婚姻條例》(第181章)第12條

Section 12 of the Marriage Ordinance (Cap. 181)

SPECIMEN

本人... 為背頁擬結婚通知書的一方，現謹宣誓／謹以至誠確認：

- (一) 本人擬與該擬結婚通知書上所敘明的另一方互相締結婚姻。
(二) 本人相信此項婚姻並無任何血親或姻親關係的障礙或其他法律上的阻礙及
* (三) 此項婚姻，依法無須任何其他人士同意。
* (三) 此項婚姻已獲得法律上規定須予同意的人士同意。

本人明瞭，倘上述任何一項聲明或在該擬結婚通知書上所填的任何事項係虛構者，則依據刑事罪行條例的規定，本人可能會被檢控。

我／我們同意為辦理本人／我們的申請而進行任何有關查詢。

I, ... described in the Notice of Intended Marriage on the reverse hereof, make oath and say/solemnly and sincerely affirm,

- (1) that it is my intention to be joined in marriage to the other party described in the said Notice of Intended Marriage.
(2) that I believe that there is no impediment of kindred or affinity as provided in section 27(1) of the Marriage Ordinance or any other lawful hindrance to the marriage, and
* (3) that no consent to the marriage is required by law from any other party.
* (3) that the consent of the parties required by law to consent to the marriage has been obtained.

I understand that if any of the above statements or any of the particulars entered in the said Notice of Intended Marriage is false, I may be liable to prosecution under the Crimes Ordinance.

I/We consent to the making of any enquiries necessary for the processing of my/our application.

SPECIMEN

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

上文已由... 用... 話向上述宣誓／確認的一方傳譯。
(傳譯員的姓名)

The contents having first been duly interpreted to the Deponent in the... language by...
(name of interpreter)

(傳譯員簽署)
(Signature of the interpreter)

此項宣誓／確認係於... 年... 月... 日在香港... 及在本人面前提出。

Sworn/Affirmed at... in Hong Kong on... before me.

SPECIMEN

(副婚姻登記官／婚姻監禮人簽署及姓名)
(Signature and name of Deputy Registrar of Marriages/ Civil Celebrant of Marriages)

*將不適用者刪去
Delete where inappropriate

(此欄由辦理機關填寫 FOR OFFICIAL USE ONLY)

根據《婚姻條例》第9(1)條的規定，就上述擬結婚通知書發出的證明書，依法獲授權不准發證的人，並無不准發給證明書。
The issue of a certificate under section 9(1) of the Marriage Ordinance in respect of the above Notice has not been forbidden by any person authorized to forbid the issue of this notice.

本人簽署如下為證 Witness my hand this... 日期 (Date)

副婚姻登記官
Deputy Registrar of Marriages

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

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

現證明一份擬結婚通知書已於

就下述人士擬締結的婚姻載入香港結婚通知冊。

I hereby certify that on the

, 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.

	新郎 Bridegroom	新娘 Bride
姓名 Surname and name	SPECIMEN	
年齡 Age		
婚姻狀況 Marital condition		
職業 Occupation		
住址 Residential address		
父親姓名 Surname and name of father	SPECIMEN	
母親姓名 Surname and name of mother		

根據法律有權不准發給本證明書的人，並無不准發給本證明書。

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

日期

Dated this

SPECIMEN

副婚姻登記官

Deputy Registrar of Marriages

婚禮須於

或之前舉行，否則本證明書即告無效。

This certificate will be of no effect unless the marriage is solemnized on or before

此欄由辦理機關填寫 FOR OFFICIAL USE ONLY		
	新郎 Bridegroom	新娘 Bride
香港身分證或旅行證件號碼 HK I/C or T/D No.		
登記編號 Registration No.		

核數號碼
Audit No.

A 300951

Section 12 of Marriage Ordinance (Cap.181)

I, described in the Notice of Intended Marriage on the reverse hereof, make oath and say/solemnly and sincerely affirm,

- (1) that it is my intention to be joined in marriage to the other party described in the said Notice of Intended Marriage,
- (2) that I believe that there is no impediment of kindred or affinity as provided in section 27(1) of the Marriage Ordinance or any other lawful hindrance to the marriage (including the legal requirement under section 40 of the Marriage Ordinance that every marriage must be the union of one man and one woman^{Note}), and
- * (3) that no consent to the marriage is required by law from any other party.
- * (3) that the consent of the parties required by law to consent to the marriage has been obtained.

I understand that if any of the above statements or any of the particulars entered in the said Notice of Intended Marriage is false, I may be liable to prosecution under the Crimes Ordinance.

I/We consent to the making of any enquiries necessary for the processing of my/our application.

.....
(Signature of the party giving the notice)

^{Note} Under section 40A of the Marriage Ordinance, if a person has received a full sex re-assignment surgery, the person is, for the purposes of this Ordinance, to be treated as being of the sex to which the person is re-assigned after the surgery.

A full sex re-assignment surgery is a surgical procedure that—

- (a) has the effect of re-assigning the sex of a person from male to female by—
 - (i) removing the person’s penis and testes; and
 - (ii) constructing a vagina in the person; or
- (b) has the effect of re-assigning the sex of a person from female to male by—
 - (i) removing the person’s uterus and ovaries; and
 - (ii) constructing a penis or some form of a penis in the person.