

LEGISLATIVE COUNCIL BRIEF

Marriage Ordinance (Chapter 181)

Marriage (Amendment) Bill 2014

INTRODUCTION

A At the meeting of the Executive Council on 18 February 2014, the Council **ADVISED** and the Chief Executive **ORDERED** that the Marriage (Amendment) Bill 2014 (the Bill), at **Annex A**, should be introduced into the Legislative Council (LegCo) to implement the Court of Final Appeal (CFA)’s order in the case of *W v the Registrar of Marriages* (FACV 4/2012) (the W Case).

JUSTIFICATIONS

The CFA judgment and Order made in the W Case

2. The CFA ruled in the W Case that it is correct (as a matter of statutory construction) in construing section 40 of the MO¹ and section 20(1)(d) of the Matrimonial Causes Ordinance (MCO)² that biological factors were the only appropriate criteria for assessing the sex of an individual for the purposes of marriage, but such restrictive construction is inconsistent with, and fails to give proper effect to, the constitutional right to marry protected by Article 37 of the Basic Law³

¹ Section 40 of the MO provides that every marriage under the Ordinance shall be a “Christian marriage or the civil equivalent of a Christian marriage”, which “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”.

² Section 20(1)(d) of the MCO provides that a marriage which takes place after 30 June 1972 shall be void, among other things, on the ground that “the parties [to the marriage] are not respectively male and female [at the time of marriage registration]”. A marriage that is void in law is taken as not having taken place and no status of matrimony as ever having been conferred.

³ Article 37 of the Basic Law provides that the freedom of marriage of Hong Kong residents and their right to raise a family freely shall be protected by law.

(BL 37) and Article 19(2) of the Hong Kong Bill of Rights⁴ (HKBOR 19(2)).

3. Accordingly, the CFA further held that “a transsexual in W’s situation, that is, one who has gone through a full SRS⁵, should in principle be granted a declaration that, consistently with BL 37 and HKBOR 19(2), she is in law entitled to be included as ‘a woman’ within the meaning of section 40 of the MO and section 20(1)(d) of the MCO and therefore eligible to marry a man”⁶. A person in W’s post-operative situation does qualify as a “woman” for the purposes of the relevant provisions of the MO and the MCO⁷.

B

4. In its Order made on 16 July 2013 (at **Annex B**), the CFA allowed the appeal⁸, but suspended effect of the declaration in its final orders for 12 months (i.e. until 16 July 2014)⁹ in order to allow time for any corrective legislative amendments to be considered.

Sex re-assignment surgeries in Hong Kong

5. At present, transsexual persons in Hong Kong having received hormonal treatment and gone through real-life experience in the opposite sex may be recommended for undergoing SRS in public hospitals under the Hospital Authority (HA). A person who has gone through a full SRS (i.e. for male to female, removal of the penis and testes and construction of a vagina; for female to male, removal of the uterus and ovaries and

⁴ Article 19(2) of the HKBOR provides that the right of men and women of marriageable age to marry and to found a family shall be recognized.

⁵ In his affirmation made on 28 January 2010 in relation to the W Case, the Consultant surgeon and the Chief of Surgical Service of the Ruttonjee Hospital of the Hospital Authority affirmed that insofar as the practice in Hong Kong is concerned, a person should have **removed the original genital organs** and **constructed some form of genital organs of the opposite sex** in order to be provided with the certificate that he/she has undergone SRS. These procedures as essential steps of the SRS are generally accepted among the medical profession.

⁶ Paragraph 124 of the judgment in the W Case.

⁷ Paragraph 137 of the judgment in the W Case.

⁸ Among other things, the CFA granted a Declaration that, consistently with BL 37 and HKBOR 19(2), section 40 of the MO and section 20(1)(d) of the MCO must be read and given effect so as to include within the meaning of the words “women” and “female” a post-operative male-to-female transsexual person whose gender has been certified by an appropriate medical authority to have changed as a result of SRS.

⁹ With liberty for both parties to apply in relation to the period of suspension.

construction of some form of a penis) will be issued a medical certificate certifying the surgeries that person has received (a sample at **Annex C**). The transsexual person may then submit the medical certificate to the Commissioner of Registration to apply for a change of the sex entry on his/her Hong Kong Identity Card (HKIC). Under Regulations 18(1)(a) and 19 of the Registration of Persons Regulations (Cap. 177A), any person who, without reasonable excuse, fails to report a change of particulars (including his or her sex) previously submitted for the purpose of registering and applying for an HKIC is guilty of an offence liable to a fine at Level 3 and imprisonment for one year. For consistency, the administrative guidelines for considering applications to change the sex entry on an HKIC were updated in April 2012 to reflect the above advice of the HA and the medical sector (including Hong Kong Medical Council and Hong Kong Academy of Medicine). The Administration will maintain these existing administrative guidelines, pending the study mentioned in paragraphs 12 and 13 below.

Legislative Proposals

6. To implement the CFA's Order mentioned in paragraph 4 above, we will introduce the Bill to provide that, for determining the sex of a party to a marriage under the MO, a person who has received a full SRS will be treated as being of the sex to which the person is re-assigned after the surgery. The references to the terms "man" and "woman" in section 40(2) of the MO will be construed accordingly.

7. We will also set out in the MO that references to the terms "male" and "female" in section 20(1)(d) of the MCO will also be construed in the same manner, to ensure that marriage celebrated under the MO between a person who has received a full SRS and his or her opposite-sex partner will not be void on the ground that they are not respectively male and female.

8. On the advice of experts in this field within the HA, a full SRS should mean the following surgical procedures –

(a) for re-assigning the sex of a person from male to female:

(i) removing the person's penis and testes; and

(ii) constructing a vagina in the person;

(b) for re-assigning the sex of a person from female to male:

(i) removing the person's uterus and ovaries; and

(ii) constructing a penis or some form of a penis in the person.

According to the HA's expert advice, the levels of complexity of the two types of surgeries set out in sub-paragraphs (a) and (b) above are different, hence the difference in description between sub-paragraphs (a)(ii) and (b)(ii) above. This meaning of a full SRS is consistent with the prevailing administrative guidelines for considering applications to change the sex entry on an HKIC mentioned in paragraph 5 above.

9. To obviate the need for transsexual persons who have received a full SRS and already had the sex entry on their identification document (i.e. HKIC or a valid travel document) changed to present the relevant medical certificate to the Registrar of Marriages at the point of marriage registration, we will make it clear in the MO that the sex of any party to a marriage as stated at the time of the marriage in his or her identification document shall, in the absence of evidence to the contrary, be presumed as the sex of that party.

10. A widowed person with a full SRS and intends to re-marry may not be appropriately described as a "widow" (寡婦) or a "widower" (鰥夫). Technical amendments to the various forms under Schedule 1 to the MO will be made to change these terms to become gender neutral, i.e. "widowed person" (喪偶).

11. The CFA made it clear that nothing in the W Case judgment was intended to address the question of same sex marriage. The legislative proposal above, which is intended to implement the CFA's Order made in the W Case, will not affect the existing heterosexual nature of marriage in Hong Kong.

Gender recognition

12. In the judgment, the CFA also made some comments on problems facing transsexuals in other areas of law and treatment of transsexuals who have not undertaken any SRS or have not fully

completed SRS in these areas. The CFA remarked that the Administration should consider how best to address problems facing transsexuals in all areas of law by drawing reference to overseas practice, such as the United Kingdom's Gender Recognition Act 2004.

13. Since this subject goes beyond the scope of the CFA judgment in the W Case and involves complicated legal, medical and social issues, carrying wide-ranging policy implications, it is appropriate to consider the matter outside the current legislative exercise. In this regard, a high level inter-departmental working group, chaired by the Secretary for Justice, has been formed to undertake a detailed study on gender recognition.

OTHER OPTIONS

14. Even if we do not amend the MO, the Appellant W (and others in the exact same position as she is) will still be entitled to marry in her re-assigned sex after the 12-month period. Nonetheless, there would be less clarity in statute law.

THE BILL

15. The main provisions are summarized below -

(a) **Clause 1** sets out the short title, and provides for commencement, of the Marriage (Amendment) Ordinance 2014, if enacted.

(b) **Clause 3** adds to the MO –

(i) a new section 40A which –

- provides that, for construing the references to “man” and “woman” in section 40(2) of the Ordinance and the references to “male” and “female” in section 20(1)(d) of the MCO, a person who has received a full SRS is treated as being of the sex to which the person is re-assigned after completion of the surgery; and

- defines what a full SRS is; and
- (ii) a new section 40B which provides for a presumption about the sex stated on a person's identification document at the time of the person's marriage; and
- (c) **Clause 4** contains technical amendments made to various forms under Schedule 1 to the MO.

D The existing provisions being amended are at **Annex D**.

LEGISLATIVE TIMETABLE

16. The legislative timetable will be -

Publication in the Gazette	28 February 2014
First Reading and commencement of Second Reading debate	19 March 2014
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

17. The proposal has no staffing, economic, productivity, environmental, sustainability, financial or civil service implications. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the relevant Ordinance.

18. As regards family implications, transsexuals who have received a full SRS will be allowed to marry in the re-assigned sex under the proposal. Nonetheless, marriage remains to be “voluntary union for life of one man and one woman to the exclusion of all others”.

PUBLIC CONSULTATION

19. We briefed the Panel on Security of the LegCo on 7 January 2014 on the Administration's follow-up actions to the CFA judgment in the W Case. Members generally supported the proposed legislative amendment to the MO and the establishment of a high level inter-departmental working group to undertake a detailed study on gender recognition.

PUBLICITY

20. We will publish the Bill in the Gazette. A spokesperson will be available to answer media and public enquiries.

BACKGROUND

21. The Appellant ("W") is a post-operative male-to-female transsexual person who has received a full SRS at a hospital managed by the HA in Hong Kong and her HKIC was changed to "female". She and her male partner wished to get married but the Registrar of Marriages refused to celebrate their marriage, deciding that she did not qualify as "a woman" under the MO. The Director of Immigration (as the Registrar of Marriages) took the view that, for the purpose of marriage, the sex of a person referred to biological sex by birth. The Appellant brought judicial review proceedings to challenge that decision, contending that she ought in law to be counted as a woman for the purposes of marriage. Both the Court of First Instance and Court of Appeal dismissed the Appellant's application. The CFA allowed the appeal.

ENQUIRIES

22. Enquiries relating to the brief can be directed to Mr Billy Woo, Principal Assistant Secretary for Security (D) at 2810 2506.

Security Bureau
26 February 2014

A BILL To

Amend the Marriage Ordinance to provide that, for determining the sex of the parties to a marriage, a person who has received a full sex re-assignment surgery is to be treated as being of the sex to which the person is re-assigned; and to provide for related matters.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Marriage (Amendment) Ordinance 2014.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Marriage Ordinance amended

The Marriage Ordinance (Cap. 181) is amended as set out in sections 3 and 4.

3. Sections 40A and 40B added

After section 40—

Add

“40A. Re-assigned sex status

- (1) 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, and the references to man and woman in section 40(2), and the references to male and female in section 20(1)(d) of the Matrimonial Causes Ordinance (Cap. 179), are construed accordingly.

- (2) 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.

40B. Presumption

- (1) For section 40(2), in the absence of evidence to the contrary, the sex of a party to a marriage as shown on an identification document of the party at the time of the marriage is presumed to be the sex of the party.
- (2) An identification document is an identity card, or a valid travel document, within the meaning of section 2(1) of the Immigration Ordinance (Cap. 115).”

4. Schedule 1 amended (forms)

- (1) Schedule 1—
 - (a) Form 1;
 - (b) Form 2;
 - (c) Form 4;

- (d) Form 6;
- (e) Form 7—

Repeal

“Widower”

Substitute

“Widowed person”.

(2) Schedule 1—

- (a) Form 1;
- (b) Form 2;
- (c) Form 4;
- (d) Form 6;
- (e) Form 7—

Repeal

“鰥夫”

Substitute

“喪偶”.

(3) Schedule 1—

- (a) Form 1;
- (b) Form 2;
- (c) Form 4;
- (d) Form 6;
- (e) Form 7—

Repeal

“Widow”

Substitute

“Widowed person”.

(4) Schedule 1—

- (a) Form 1;
- (b) Form 2;
- (c) Form 4;
- (d) Form 6;
- (e) Form 7—

Repeal

“寡婦”

Substitute

“喪偶”.

Explanatory Memorandum

The main object of this Bill is to amend the Marriage Ordinance (Cap. 181) (*Ordinance*) to implement an order made by the Hong Kong Court of Final Appeal in the case of *W v The Registrar of Marriages (FACV 4/2012)* and provide for related matters.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3 adds to the Ordinance—
 - (a) a new section 40A which—
 - (i) provides that, for construing the references to man and woman in section 40(2) of the Ordinance and the references to male and female in section 20(1)(d) of the Matrimonial Causes Ordinance (Cap. 179), a person who has received a full sex re-assignment surgery is to be treated as being of the sex to which the person is re-assigned; and
 - (ii) defines what a full sex re-assignment surgery is; and
 - (b) a new section 40B which provides for a presumption.
4. Clause 4 contains related amendments.

FACV No. 4 of 2012

**IN THE COURT OF FINAL APPEAL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

**FINAL APPEAL NO. 4 OF 2012 (CIVIL)
(ON APPEAL FROM CACV NO. 266 OF 2010)**

Between :

W

Appellant

- AND -

THE REGISTRAR OF MARRIAGES

Respondent

Before :

Chief Justice Ma, Mr Justice Chan PJ, Mr Justice
Ribeiro PJ, Mr Justice Bokhary NPJ and Lord
Hoffmann NPJ

Date of Judgment :

16 July 2013

ORDERS AND COSTS

Chief Justice Ma and Mr Justice Ribeiro PJ:

1. When the Court handed down judgment on 13 May 2013, the parties were, at their request, afforded the opportunity to make further submissions as to the terms of the declaration to be granted and whether it should have immediate effect.

2. At the same time, the Court indicated that subject to any modifications which may be warranted in the light of such submissions and subject to the question of costs, we would make the following Orders, namely:

- (a) That the appeal be allowed;
- (b) That a Declaration be granted that, consistently with Article 37 of the Basic Law and Article 19(2) of the Hong Kong Bill of Rights, section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance must be read and given effect so as to include within the meaning of the words “woman” and “female” a post-operative male-to-female transsexual person whose gender has been certified by an appropriate medical authority to have changed as a result of sex reassignment surgery;
- (c) That a Declaration be granted that the appellant is in law entitled to be included as “a woman” within the meaning of section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance and is accordingly eligible to marry a man;
- (d) That the Declarations in paragraphs (b) and (c) shall not come into effect until the expiry of 12 months from the date of this Order.

3. Submissions have now been received from the parties. We shall deal first with the proposed orders set out above.

The proposed orders

4. In the initial submissions lodged, the Registrar indicated that he is agreeable to such orders. In her initial submissions, the appellant sought

modification only of the proposed Order suspending the Declarations for 12 months. It was submitted on her behalf that the period should be restricted to the minimum possible, consistent with the Court's objective of giving the legislature an opportunity to address the areas highlighted in the judgment. It was argued in particular that:

"... none of the issues for legislative consideration could form a basis for denying the appellant the right to marry which as been recognized by the Court: she is a post-operative transsexual, she was not previously married, and her partner is aware of her history..."

5. In a reply lodged by the Registrar, it was accepted that the suspension should not be longer than necessary but submitted that the period of 12 months is not at all beyond what is necessary. It was pointed out that any corrective enactments to render the impugned provisions constitutional, would require the Government and Legislature to consider issues significantly broader than those arising specifically in relation to the appellant, having a possible impact on the institution of marriage and beyond. It was indeed submitted that a 12-month suspension may be optimistic taking into account the various stages of the legislative process that would have to be gone through. The Registrar added that out of an abundance of caution, he would ask for liberty to apply in case for good reason, more time is needed.

6. In our judgment, the proposed orders set out in paragraph 2(a) to (d) above should now be made as final orders of the Court, with the addition of a direction that the parties be at liberty to apply in relation to the period of suspension.

7. We accept that the suspended Declarations have ramifications going beyond the specific circumstances of the appellant, making it desirable that the

Government and Legislature be afforded a proper opportunity to put in place a constitutionally compliant scheme capable of addressing the position of broader classes of persons potentially affected. We consider the 12-month suspension appropriate. While we are prepared to grant the parties liberty to apply in relation to that period, we should make it clear that it must not be assumed that any application for an extension would be viewed favourably in the absence of compelling reasons.

Costs

8. The appellant seeks an Order that the Registrar pay her costs of and occasioned by the proceedings here and below (including the costs of her present written submissions) with a certificate for three counsel throughout; and that her own costs be taxed in accordance with the Legal Aid Regulations.

9. The Registrar does not oppose the certificate for three counsel but submits that the appellant should be deprived of 50% of her costs at all levels to reflect her failure on the construction issue.

10. We do not think that there is any justification for depriving the appellant of any part of her costs. The construction and constitutional issues were intrinsically linked. The Court had first to decide what, on their true construction, the impugned provisions meant. Only then could the Court decide whether and how any issue as to their constitutionality required to be determined. We would therefore accede to the appellant's submission as to costs.

Orders

11. We would accordingly make the following Orders in disposing of this appeal, namely:

- (a) That the appeal be allowed;
- (b) That a Declaration be granted that, consistently with Article 37 of the Basic Law and Article 19(2) of the Hong Kong Bill of Rights, section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance must be read and given effect so as to include within the meaning of the words “woman” and “female” a post-operative male-to-female transsexual person whose gender has been certified by an appropriate medical authority to have changed as a result of sex reassignment surgery;
- (c) That a Declaration be granted that the appellant is in law entitled to be included as “a woman” within the meaning of section 20(1)(d) of the Matrimonial Causes Ordinance and section 40 of the Marriage Ordinance and is accordingly eligible to marry a man;
- (d) That the Declarations in paragraphs (b) and (c) shall not come into effect until the expiry of 12 months from the date of this Order;
- (e) That the parties have liberty to apply in relation to the period of suspension of the Declarations referred to in the preceding paragraph; and
- (f) That the Registrar pay the appellant’s costs of occasioned by the proceedings here and below (including the costs of her written submissions) with a certificate for three counsel throughout; and that her own costs be taxed in accordance with the Legal Aid Regulations.

(Geoffrey Ma)
Chief Justice

(Patrick Chan)
Permanent Judge

(RAV Ribeiro)
Permanent Judge

(Kemal Bokhary)
Non-Permanent Judge

(Lord Hoffmann)
Non-Permanent Judge

Written submissions by Lord Pannick QC, Mr Hectar Pun and Mr Earl Deng instructed by Vidler & Co and assigned by the Legal Aid Department for the appellant

Written submissions by Ms Monica Carss-Frisk QC, Ms Lisa KY Wong SC and Mr Stewart K.M. Wong SC instructed by the Department of Justice for the respondent



Reference Letter Ruttonjee & Tang Shiu Kin Hospitals

266 Queen's Road East, H.K.

Acute Surgical

Tel: 2291-2000

1/ 2013

Case no: ()

To: Whom it may concern

Dear Sir/Madam,

Re: _____

↓

This is to certify that this person has undergone male to female transsexual surgery in Ruttonjee Hospital in 2013.

The surgery included removal of testes and penis and construction of vagina.

The gender should now be changed from male to FEMALE.

Signature: _____

簽名

Name in Block Letters:

姓名

Department of Surgery

(Ward:)



Chapter:	181	MARRIAGE ORDINANCE	Gazette Number	Version Date
Schedule:	1	FORMS	L.N. 10 of 2006	13/03/2006

SCHEDULE 1

[sections 2, 6, 9, 11, 20, 20A,
21, 35, 39 & 42A]

FORMS

(Amended 23 of 2005 s. 22)

FORM 1

[section 6]

NOTICE OF INTENDED MARRIAGE

擬結婚通知書

(Marrige 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		
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 年 月 日 day of , 20 .

(*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)

(Replaced 23 of 2005 s. 22)

FORM 2

[section 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於 年 月 日就下述人士擬締結的婚姻載入香港
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.
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。

Dated this day of , 20 .
 年 月 日

(Signature)

(簽署)

(Name and title)

(姓名及稱銜)

This certificate will be of no effect unless the marriage is solemnized on or before the day of , 20 .
婚禮須於 年 月 日或之前舉行，否則本證明書即告無效。

This certificate was issued under the proviso to section 9(1) of the Marriage Ordinance (Cap 181).
本證明書根據《婚姻條例》(第181章)第9(1)條但書發給。

(Replaced 23 of 2005 s. 61)

SPECIAL LICENCE

(Marriage Ordinance (Cap 181))

I hereby-

- * dispense, in relation to the intended marriage between [*name of a party to the intended marriage*] and [*name of the other party*], with-
- * the requirement to give a notice of intended marriage under section 6 of the Marriage Ordinance (Cap 181);
- * 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.

Replaced 23 of 2005 s. 61)

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)

(Replaced 23 of 2005 s. 61)

FORM 5

[section 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.

(Replaced 23 of 2005 s. 22)

FORM 6

[sections 2 & 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)以式舉行。

儀

(*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。

(Replaced 23 of 2005 s. 61)

FORM 7

[sections 2, 20A & 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)

(Added 23 of 2005 s. 22)