

《婚姻監禮人實務守則》

(由婚姻登記官根據《婚姻條例》(第 181 章)

第 5C(1)條發出)

1. 本實務守則的釋義

除文意另有所指外，本實務守則所用的字及詞句的涵義與《婚姻條例》(第 181 章)中該等字及詞句的涵義相同。

2. 遵守《婚姻條例》及其他法例

2.1 婚姻監禮人在執行婚姻監禮人職能時須遵守 —

(a) 《婚姻條例》(第 181 章)中適用於婚姻監禮人的條文；及

(b) 所有其他就舉行婚禮而適用的法律。

2.2 如在有關場地舉行婚禮會構成罪行，婚姻監禮人不得主持該婚禮。

3. 專業操守

3.1 本身為律師的婚姻監禮人，須遵守香港律師會訂明的規定及關於律師專業操守的法律。

3.2 本身為公證人的婚姻監禮人，須遵守香港國際公證人協會訂明的規定及關於公證人專業操守的法律。

3.3 婚姻監禮人不得作出任何會損害婚姻監禮人職位的聲譽的事情。

4. 確保不存在失效因素的責任

4.1 婚姻監禮人在執行婚姻監禮人職能前，必須採取合理步驟以確保並不存在任何會導致有關婚姻在法律上無效或可使無效的情況。

4.2 就第 4.1 段而言，在有疑問的情況下，婚姻監禮人不得主持婚禮。

5. 保障私隱及保密

5.1 婚姻監禮人須保障結婚雙方的私隱，以及(除任何具有司法管轄權的法院的命令另有規定外)為結婚雙方的事務保密。

5.2 儘管有第 5.1 段的規定，婚姻監禮人可為主持有關的婚禮的目的，向結婚的其中一方披露該婚姻監禮人為主持該婚禮而獲得的關於另一方的個人資料。

6. 服務標準

婚姻監禮人須在合理地切實可行的範圍內盡量按照結婚雙方的意願，迅速有效地並以應有的謹慎履行其職能。

7. 確保婚姻莊嚴

婚姻監禮人主持婚禮時執行婚姻監禮人職能的形式，不得破壞婚姻應有的莊嚴。

8. 無能力執行職能

8.1 婚姻監禮人如得知自己相當可能不能執行任何婚姻監禮人的職能，他須在合理地切實可行的範圍內，盡快通知結婚的任何一方。

8.2 結婚雙方如提出要求，婚姻監禮人須作出合理努力，協助另覓一名婚姻監禮人執行有關的職能。

9. 費用

9.1 在同意主持婚禮前，婚姻監禮人須向結婚雙方發出關於以下事項的書面通知 —

- (a) 他會收取的服務費金額；
- (b) (如適用的話)該等服務費的計算方法；
- (c) 繳付該等服務費的時間及方式；及
- (d) 在何種情況下(如有的話)會退還或不退還已付費用。

9.2 婚姻監禮人收取的任何費用，不得與根據第 9.1 段發出的通知書所示者不符。

10. 提供資料予結婚雙方

婚姻監禮人同意主持婚禮後，應向結婚雙方提供 —

(a) 本實務守則一份；及

(b) 任何由婚姻登記官擬備及為施行本段而指定的資料單張一份。

11. 文件的處理

11.1 本段適用於婚姻監禮人為婚禮或擬舉行的婚禮收取、收集、擬備或發出的所有文件。

11.2 婚姻監禮人須小心保管由他管有的所有文件及將該等文件按照香港法律及本實務守則的規定處理。

11.3 婚姻監禮人如無合法理據，不得扣起結婚雙方的任何文件。

11.4 婚姻監禮人在他的任期屆滿前，須將下述文件交還登記官 —

- (a) 所有根據《婚姻條例》(第 181 章)第 8 條已供應予該婚姻監禮人而該婚姻監禮人不需為執行其職能而使用的擬結婚通知書；及
- (b) 所有根據該條例第 20A 條已供應予該婚姻監禮人而該婚姻監禮人未發出的及不需使用的結婚證書。

11.5 如婚姻監禮人的委任獲續期並在現行的委任屆滿後立即生效，第 11.4 段並不適用。

12. 宣傳方式

婚姻監禮人不得就其執業以下述方式作出宣傳或容許其他人為其執業以下述方式作出宣傳 —

- (a) 暗示或表示其提供的服務的質素較任何其他婚姻監禮

人提供的服務的質素為佳；或

(b) 損害公眾對婚姻監禮人職位的尊重。

13. 更改地址通知

如婚姻監禮人提供予婚姻登記官的有關該婚姻監禮人的地址有任何更改，該婚姻監禮人須在沒有不當延誤下，通知婚姻登記官。

14. 在收到通知書後通知結婚雙方

婚姻監禮人如在主持婚禮前收到根據《婚姻條例》(第 181 章)第 5D(4)條發出的通知(擬將婚姻監禮人的委任撤銷的通知)或第 5E(3)條發出的通知(擬將婚姻監禮人的委任暫時吊銷的通知)，須在沒有不當延誤下，將收到該通知一事通知擬結婚的任何一方。

**CODE OF PRACTICE
FOR CIVIL CELEBRANTS OF MARRIAGES**

(Issued by the Registrar of Marriages under section 5C(1)
of the Marriage Ordinance (Cap. 181))

1. Interpretation of this Code of Practice

Words and expressions used in this Code of Practice shall, unless the context otherwise requires, have the same meaning as in the Marriage Ordinance (Cap. 181).

2. Compliance with Marriage Ordinance and other laws

- 2.1 A civil celebrant shall, in performing his functions as such, comply with –
- (a) the provisions of the Marriage Ordinance (Cap. 181) applicable in relation to civil celebrants; and
 - (b) all other laws applicable in relation to celebration of marriages.
- 2.2 A civil celebrant shall not celebrate a marriage if holding the marriage ceremony at the venue concerned constitutes an offence.

3. Professional conduct

- 3.1 A civil celebrant who is a solicitor shall comply with the requirements prescribed by the Law Society of Hong Kong and laws relating to the professional conduct of solicitors.
- 3.2 A civil celebrant who is a notary public shall comply with the requirements prescribed by the Hong Kong Society of Notaries and laws relating to the professional conduct of notaries public.
- 3.3 A civil celebrant shall not do anything that will bring the office of civil celebrants into disrepute.

4. Duty to ensure absence of vitiating factors

4.1 A civil celebrant must, before performing his functions as such, take reasonable steps to ensure that there do not exist any circumstances which would render the marriage concerned void or voidable under law.

4.2 For the purposes of paragraph 4.1, a civil celebrant shall not, in case of doubt, celebrate the marriage.

5. Privacy and confidentiality

5.1 A civil celebrant shall protect the privacy of the parties to the marriage and shall, subject to any order of a court of competent jurisdiction, maintain confidentiality in relation to their affairs.

5.2 Notwithstanding paragraph 5.1, a civil celebrant may disclose to a party to a marriage for the purposes of celebration of the marriage personal information of the other party obtained by the civil celebrant for the purposes of celebration of the marriage.

6. Standard of service

A civil celebrant shall perform his functions promptly, effectively and with due care in accordance with, as far as reasonably practicable, the wishes of the parties to the marriage.

7. Ensure solemnity

A civil celebrant shall perform his functions as regards celebration of marriage in such manner that does not undermine the due solemnity of marriage.

8. Inability to act

8.1 If a civil celebrant becomes aware that it is likely that he may not be able to perform any function as a civil celebrant, he shall, as soon as reasonably practicable, inform either of the parties to the marriage concerned.

8.2 If the parties to the marriage so request, the civil celebrant shall use reasonable endeavours to assist in finding another civil celebrant to perform the function concerned.

9. Fees

9.1 Before agreeing to celebrate a marriage, a civil celebrant shall give the parties to the marriage a notice in writing of –

- (a) the amount of the fees he will charge for his service;
- (b) where applicable, the method of calculation of such fees;
- (c) the time and manner of payment of such fees; and
- (d) the circumstances, if any, in which fees paid will be or will not be refunded.

9.2 A civil celebrant shall not charge any fee in a way that is inconsistent with the notice given under paragraph 9.1.

10. Provide information to parties to the marriage

Upon agreeing to celebrate a marriage, a civil celebrant shall provide to the parties to the marriage –

- (a) a copy of this Code of Practice; and
- (b) a copy of any information leaflet prepared by the Registrar of Marriages and specified by him for the purposes of this paragraph.

11. Handling of documents

11.1 This paragraph applies to all documents received, collected, prepared or issued by a civil celebrant for the purposes of a marriage or intended marriage.

11.2 A civil celebrant shall keep all documents that come into his possession in safe custody and handle them in accordance with the requirements of the laws of Hong Kong and this Code of Practice.

11.3 A civil celebrant shall not, without lawful justification, withhold any document from the parties to the marriage.

11.4 A civil celebrant shall return to the Registrar –

- (a) all notices of intended marriage supplied to him under section 8 of the Marriage Ordinance (Cap. 181) which are not required by him for the purpose of performing his function; and
- (b) all marriage certificates supplied to him under section 20A of that Ordinance which have not been issued and are not required by him, before the expiry of his appointment.

11.5 Paragraph 11.4 does not apply if the appointment of a civil celebrant is renewed and is to take effect immediately after the expiry of the current appointment.

12. Advertisements

A civil celebrant shall not advertise his practice in such manner or suffer his practice to be advertised in such manner –

- (a) that implies or suggests that the quality of the service provided by him is better than that of the service provided by any other civil celebrant; or
- (b) that is capable of undermining the respect of the public for the office of civil celebrants.

13. Notify change of address

If there is any change in the address of a civil celebrant previously supplied to the Registrar of Marriages, the civil celebrant shall, without undue delay, notify the Registrar of the change.

14. Notify the parties to the marriage of notices received

If a civil celebrant receives a notice under section 5D(4) (notice of intention to cancel appointment as civil celebrant) or section 5E(3) (notice of intention to suspend appointment as civil celebrant) of the Marriage Ordinance (Cap. 181) before celebrating a marriage, the civil celebrant shall, without undue delay, notify either of the proposed parties to the marriage of such notice.