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To cli@legco.gov.hk

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Subject Marriage Bill Amendments

To the Bills Committee on Amendments to the Marriage Ordinance:

I am writing with respect to the Marriage Ordinance, which is currently being amended. I would like to comment on two points for debate among the committee:

Gay Marriage \ Civil Unions

With Canada, Holland and Spain legislating in favour of gay marriage and the current Marriage Ordinance under amendment, it is now time to discuss making gay marriage legal within Hong Kong.

Now there is regrettably great prejudice against gay marriage among the religious sects of Hong Kong and they still cling to the notion that marriage is a union made in some mystical unknowable dimension. However civilization has moved on from the Christian Dark Ages where reason was placed at the knees of faith and many today see marriage as a wonderful day-to-day experience outside the province of the church. This latter view ringing true among those Christian homosexuals who disobey biblical dogma because they want to be happy on Earth.

They along with their secular counterparts might even sympathize with a rational non-religious viewpoint that says marriage is of this world, where a man and a woman recognize wonderful physical, spiritual and mental values in each other, fall in love and make an agreement to spend the rest of their lives together. Removing the religious slant, marriage is a sacred this-worldly agreement based on one reality, where two people of the opposite sex agree to certain implicit conditions in exchange for more happiness. If they have a pre-nuptial agreement, it becomes an explicit contract.

Now, some claim homosexuality goes against nature and there may be psychological problems underlying it. However does that mean two men living together is immoral if one takes morality to mean principled individualism rather than what some angry god might say? For two men to agree to centre their physical and spiritual lives around each other, they must first determine whether their lives would be better with women or with each other and that is their choice to make. If after much soul-searching, this is what they want, then their agreement should have the full protection of law; but nothing more.

In this sense, support for gay marriage should not be taken as support for their lifestyle, which others should still be free to accept or reject on their own. This means that just as individuals who choose a gay lifestyle have a right to their choice of partner, so employers have the same personal choice of whom they wish to hire. It is the same principle applied in different situations and gay activists should not demand personal choice and protection for themselves but deny it to others. For example, the proposed Sexual Orientation Discrimination Ordinance

(SODO) violates this principle of personal choice for employers.

If your committee finds gay marriage too difficult to put onto the agenda, Civil Unions would be a much easier sell -- even the American President George Bush supports them. Such unions share many of the same characteristics of marriage. They are contracts outlining how two people can live together and what happens to their assets after they end. They can be recognized as a couple for tax and other purposes. In all secular essences except the word "marriage" and the ability to have their own children their friends and family will probably recognize them as married.

Marriage Celebrants

Lets also get rid of the other nagging point with regards to marriage celebrants. The role of marriage celebrant should be widened to include anyone capable of acting in this capacity and not just solicitors. This could include former government marriage celebrants, who may want to start their own marriage bureaus.

By exclusively allowing solicitors, the committee is pricing the service of a secular wedding outside the norms of the normal person and diminishing free choice. Marriage is ultimately a personal choice and that personal choice should also be extended so that couples are free to choose whom they will marry and who will marry them.

Follow Up

Should you have any further questions, please do not hesitate to contact me at sp@capitalist-solutions.com. Could you please note I will be on holiday from September 2-9 so I would not be able to attend the next committee meeting but would happy to meet individual members for further discussion on this issue.

Sincerely

Simon Patkin
Director
Capitalist Solutions