

Diocesan Committee on Bioethics, Catholic Diocese of Hong Kong

Petition to the Bills Committee on Marriage (Amendment) Bill 2014

The Diocesan Committee on Bioethics of the Catholic Diocese of Hong Kong was formed in June 2005, comprising lay representatives of various Catholic medical and healthcare professional organizations as well as priests and religious personnel, to communicate with the curia to make timely and appropriate response on healthcare issues, especially in the field of medical ethics. In its terms of reference, the Committee has been charged with making known the position of the Catholic Church on bioethics issues. It is in the discharge of this duty that the Committee is petitioning the Bills Committee on Marriage (Amendment) Bill 2014.

Without any disrespect to the Court of Final Appeal (CFA), which we recognize to be the highest judicial authority in Hong Kong, we nevertheless believe that there exist a Judge above all human judges, namely Jesus Christ our Lord, who “will come again in glory to judge the living and the dead”, (The Nicene Creed) to whom all humans (of any faith or none) must answer. It is in the light of this undeniable reality that we feel compelled to make the position of the Catholic Church clear to all.

The Catholic Church does not recognize that sex reassignment surgery can fundamentally alter the sex of an individual and considers such surgery immoral, because it disguises the true sex of the person who has undergone it, and because it mutilates and sterilizes. (“Except when performed for strictly therapeutic medical reasons, directly intended amputations, mutilations, and sterilizations performed on innocent persons are against the moral law.” Catechism of the Catholic Church (CCC), No 2297).

The Catholic Church also believes that procreation is an essential part of marriage, a position contrary to that taken by their Justices in the CFA ruling:

The matrimonial covenant ... is by its nature ordered toward the good of the spouses and the procreation and education of offspring (Catechism of the Catholic Church (CCC) 1601)

The spouses' union achieves the twofold end of marriage: the good of the spouses themselves and the transmission of life. These two meanings or values of marriage cannot be separated ... (CCC2363)

Fecundity is ... an end of marriage, ... "each and every marriage act must remain open 'per se' to the transmission of life." "... man on his own initiative may not break, ... the unitive significance and the procreative significance ... inherent to the

marriage act. (CCC2366)

... Married couples should regard it as their proper mission to transmit human life
(CCC2367)

Noting that this amendment is occasioned by the ruling of the CFA in the case of *W v The Registrar of Marriages (FACV 4/2012)*, we find little further to comment on the proposed amendments which merely brings the Laws of Hong Kong in line with the judgment of the CFA, and applies the effect of that judgment to all who might in the future find themselves in the same situation as the litigant in the case already noted.

On a more practical note, we would however like to petition the Committee NOT to consider expanding the scope of any change in the way Hong Kong Law views the gender of transsexual persons, but to adopt strictly what is proposed to become section 40A of the Marriage Ordinance (Cap. 181), ie that only those who have undergone a full sex re-assignment surgery (as subsequently defined in subsection 2 of the said Section 40A) can have their sex status re-assigned.

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