

600 firms quizzed over 'gay' policy

BY CHRISTOPHER WOOD

Six hundred firms have been sent questionnaires by the Law Reform Commission quizzing them on their policy on recruiting homosexuals.

But the document was dismissed by a lawyer yesterday as "irrelevant" and "offensive."

Its circulation coincides with the disclosure in yesterday's SCM Post that a confidential memo has been sent to heads of Government departments instructing them to report the names of known homosexuals, both male and

female, in the civil service.

The document asks 14 questions and is part of the commission's attempt to gauge public opinion in its 18-month-old review of Hongkong's homosexuality laws.

It begins with an assurance that all replies will be treated with complete confidentiality and contains a summary of the present homosexuality law in Hongkong.

Among the questions posed are:

- Does the firm require

job applicants to disclose if they are homosexuals, and if so does this apply only to males?

● How many times have males or females been refused employment because they are known to be homosexuals?

● If an "otherwise suitable" staff member is "discovered" or "believed" to be homosexual, will this lead to dismissal or affect promotion prospects?

● If the law is changed to allow homosexual acts between consenting adults, will any of the answers concerning

the company's present employment policy be different, and if so why?

● Does the company wish to make any further comments on the issue, oral or written?

The chairman of the Hongkong Branch of Justice, Mr Ian MacCallum, described the questionnaire yesterday as irrelevant in the circumstances, and offensive.

"The issue is, whether you think homosexual acts between consenting adults should remain a criminal offence.

"What companies' present policies are on hiring homosexuals is irrelevant," he said, adding that the reference to female homosexuality is "ridiculous" as this is not illegal.

In any case, said Mr MacCallum, the commission is not the right body to assess the climate of opinion on such an issue, and this was reflected in its "ham-handed" approach.

"It is not a matter of law reform but social reform."

If the questionnaires were to be sent in an attempt to

monitor business opinion, more stress should be put on asking if companies think the existing law needs to be changed, he said.

According to Mr MacCallum, the Law Reform Commission was given the job of looking into the question of changing the law as a result of public pressure following the MacLennan case.

"Somebody had to look at it. I suppose they thought this was the most convenient body to dump it on," he said.

He added that it is strange

(Cont'd on Page 8, Col 1)

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(Cont'd from Page 1)

that the Government should have chosen this moment to have released its own circular on homosexual employment in the civil service.

"When the Government is reviewing the law, it seems a little peculiar that they are now trying to toughen-up their own recruitment practices regarding homosexuals with this rather draconian approach," he said.

The secretary of the Law Reform Commission, Mr Andrew Hodge, said that questionnaires were sent to 600 firms of varying size.

Such information-gathering is necessary, he said, because nobody knows what the present attitudes on the issue are.

The forms were sent three weeks ago and replies are coming in at a rate of 60 a week.

He could not comment on answers given so far, except to say that some firms claim to have a specific policy on recruitment of homosexuals and some not.

In addition, Mr Hodge said, the Law Reform Commission has sent circulars to some 200 non-commercial organisations asking for their views on the question of changing the homosexuality laws.

He added that no individual has so far agreed to come forward and give evidence.

One leading company which has received the questionnaire is Jardine Matheson.

A company spokesman said yesterday: "We have answered it to the best of our ability."

Meanwhile, the Government Secretariat Press Office was yesterday besieged with questions from the media concerning the circular to heads of Government departments.

But, rather than answer specific questions, the Government spokesman provided a blanket statement late in the day confirming that the Secretary for Civil Service,

Mr Martin Rowlands, had issued a circular which was:

"A reminder to heads of departments on the policy on the employment in the civil service of persons who engage in homosexual practices, which may place them in breach of the law".

The statement continued: "Particularly where these actions result in a criminal conviction, the Government is obliged to review the officer's position in the civil service, as it would with all other criminal convictions."

The spokesman stressed that it was always the practice for the Civil Service Branch to consider each case on its own merits.

He added that any possible change in the law related to homosexuality "is a separate issue which is being considered by the Law Reform Commission."

"The Government, as an employer, can only take account of the law as it now stands."