

LEGISLATIVE COUNCIL

Acts between consenting men over 21 decriminalised

HOMOSEXUALITY BILL

THE Legislative Council yesterday passed legislation decriminalising homosexual acts between consenting men aged 21 and above in private, ending an 11-year debate.

The Crime (Amendment) Bill 1991 also extended protection from sexual exploitation of women and girls to cover men and boys.

The crime of bestiality will now be subject to a fine of \$50,000 and imprisonment for 10 years.

The convener of the *ad hoc* group scrutinising the bill, Mrs Selina Chow Liang Shuk-ye, outlined the background of the bill to fend off criticisms that there had been insufficient public consultation.

The review on the existing laws governing homosexual conduct in Hongkong could be traced back to a request made by the then Attorney-General and the Chief Justice in 1980, Mrs Chow said, just after the formation of the Law Reform Commission.

A sub-committee was formed to collect public opinion.

After three years of discussion, the committee concluded that: "It should not be a function of law to enforce moral judgements in areas where there is no need to protect others; but that where conduct harms people or offends the public, then the law should impose sanctions."

No legislation was introduced until 1988 when a consultative document on whether the law should intrude into immoral behaviour in private between con-

senting adults was published, Mrs Chow said.

The Legislative Council then voted 31 to 13 on a motion proposed by the Chief Secretary, Sir David Ford, paving the way for the introduction of the law in 1990, Mrs Chow said.

While hailing the bill, Mrs Chow pointed out some flaws, including: different age limits for criminal liability and protection in the Crimes Ordinance; whether marriage implied consent for sexual acts; use of premises for illegal sexual purposes; criminal liability on men under the age of 21 who committed buggery; and

the level of penalties for various offences.

Speaking against the bill, Mr David Cheung Chi-kong said homosexuality was a kind of deviant behaviour which could not be condoned socially.

"A teacher in a sex education class can no longer straightforwardly tell two boys or two girls engaged in homosexuality that they are wrong," he said.

Homosexual behaviour should be cured and corrected and researchers had shown that cases could be remedied, he added.

"Do we want to see our own

children engaged in homosexuality?" Mr Cheung asked.

Mr Kingsley Sit Ho-yin said the spirit of the bill was against the Chinese tradition, and accused the Government of not opening it for wider consultation.

In contrast, Mr Martin Lee Chu-ming argued that the problem was whether a person wanted to see his children who were born to be homosexual be punished or fined for such acts.

Although the Catholic church did not approve of homosexual acts, Mr Lee said it had support-

ed decriminalising such activities among consenting adults.

Secretary for Security Mr Alistair Asprey said the bill had not been introduced to encourage homosexual acts but to maintain standards of public decency and provide safeguards against sexual exploitation and corruption of others, especially the young and vulnerable.

The bill prohibited public display of homosexual acts, corruption of young persons and homosexual acts committed other than in private.

Six councillors voted against the bill.