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聖保祿中學
St Paul's Secondary School

「The Time of Concubinage - a Review of the History of
Marriage in Hong Kong」

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The 5th Inter-school Competition of Project Learning on Hong Kong's History and Culture – Clash and convergence-The fusion of Chinese and Western cultures in Hong Kong

Participant: St. Paul's Secondary School

Topic: “The time of concubinage-a review the history of marriage in Hong Kong (1842-1972)”

Written Report

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St. Paul's Secondary School

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1.Introduction:

Marriage is a lifelong commitment to love and cherish the other spouse, in both good and bad times, even when they are not capable of giving you everything that you wish for. In imperial China, the major concern of families was to continue their family line by expanding their family name by bearing a son, hence the families would always carefully arrange the eldest son to marry in order to bear a son, if the wife could not bear a son, a family would force the son to have a concubine, to bear a son. A man could have as many concubines as he or family would like to have.

According to the anthropologist Ruby Watson, concubines (*qie*) were recognized as sexual partners who lived in their mate's household and whose offspring were legitimate.¹ Legally speaking, a Chinese man could have only one wife (*qi*) in traditional China. In contrast to wives, concubines were not endowed with property when they moved to their consort's household; their families received no dowries.² Perpetuating the male line was the only respectable reason for taking a concubine. Concubines continued to have a legal status well into the Republican period in China, and in Hong Kong until 1971 when a new law was introduced by the British Colonial Government in Hong Kong to ban concubinage.

Concubinage was a feature of many wealthy Chinese households and that in such households women came from vastly different backgrounds and often with very different goals. Concubinage in most cases was purchased outright for life and they may have been purchased from a brothel, from dealers in concubines and maids, or from her parents. When a woman became a concubine she was cut off from the outside world and became enmeshed in the private domain of her consort and his household. The children of concubines were accepted as members of their consorts' families.

In this research, we would like to investigate the changes and continuities of the marriage system in the specific context of Hong Kong colonial history, especially the coexistence of traditional Chinese marriage and western marriage in Hong Kong during the colonial period as

¹ " Wives, Concubines, and Maids: Servitude and kinship in the Hong Kong Region, 1900-1940," *Village Life in Hong Kong: Politics, Gender, and Ritual in the New Territories*, By James L. Watson and Rubie S. Watson. Hong Kong: The Chinese University, p.169-198

²

https://books.google.com.hk/books?id=gAlcwz3V_JsC&pg=PA236&lpg=PA236&dq=partners+who+lived+in+their+mate%E2%80%99s+household+and+whose+offspring+were+legitimate.Legally,+a+Chinese+man+could+have+only+one+wife.+In+contrast+to+wives,+concubines+were+not+endowed+with+property+when+they+moved+to+their+consort%E2%80%99s+household;their+families&source=bl&ots=EfrwE9jrGO&sig=MvuGpgruZWQ2dHDzaLWBSnEEvvc&hl=en&sa=X&ved=0ahUKEwiFpe7aw7_NAhULnpQKHZW3CK0Q6AEIHDA#v=onepage&q=partners%20who%20lived%20in%20their%20mate%E2%80%99s%20household%20and%20whose%20offspring%20were%20legitimate.Legally%2C%20a%20Chinese%20man%20could%20have%20only%20one%20wife.%20In%20contrast%20to%20wives%2C%20concubines%20were%20not%20endowed%20with%20property%20when%20they%20moved%20to%20their%20consort%E2%80%99s%20household%3Btheir%20families&f=false

we think that marriage would be an excellent case to show how Chinese and Western cultures clashed and converged with each other in colonial Hong Kong. This paper will be focusing on three main factors:

1. How did the British and Chinese definition of marriage conflict and coexist with each ?
2. Why did the British colonial administrators tolerate the system of concubinage which contradicted their religious belief in their colony?
3. How did the children interact with more than one mother and their feelings towards this?
4. Why did concubinage lasted for so long in colonial Hong Kong from 1842 till 1971?

Investigation method:

Personal interviews

We interviewed a Honorary Professor from Hong Kong University, Dr. Elizabeth Sin, who is a historian with a general research interest in Modern China and Hong Kong and special interest in the history of charity, business, culture, the press and migration. Before retiring in 2004, she was the Deputy Director of the Centre of Asian Studies (University of Hong Kong) and a member of the Humanities Panel of the Hong Kong Research Grants Council. For many years she served on the Antiquities Advisory Board and the Council of the Royal Asiatic Society (Hong Kong Branch), and is an Hon. Advisor to the Hong Kong Museum of History. Since 2006, she has been leading the Hong Kong Memory Project which aims to create a website for materials on Hong Kong's history, culture and heritage. She gave us a lot of information regarding concubinage and her opinions regarding this topic, this was very useful for us in our research.

Furthermore, we had interviewed a professor from HKU. Dr. David .M. Pomfret who is interested in researching on topics such as British and French history, Histories of Childhood and Youth, Urban and planning history Comparative history of modern Europe and its empires. He also helped us by giving us ideas and his opinions which were very helpful and useful in our research paper

Study of Various Second Hand Materials

We have integrated the materials and identified the issues from different perspectives about Concubinage. Difference sources of reference materials were used to research about the topic, including :

- Reference books
- Newspaper articles
- Web passages
- Reports

- Statistics
- Audio visual materials
- **Content:**

3.1 How did the different views of marriages co-exist in the British Colony Hong Kong?

When Hong Kong became a British colony in 1841, the traditional Chinese cultural norm footbinding for women still existed, and Chinese women still had no definable social, economic and political rights in the colony, particularly for choice of marriage. Polygamous marriage or more specifically concubinage (*qi*) and other traditional Chinese customs were still acceptable in colonial Hong Kong; women were precluded from inheritance and property ownership, and young girls could be bought and sold. Most women did not have access to education because uneducated women were considered as virtuous (*de*) in traditional Chinese culture. The British Government's undertaking to allow the customary laws of the local Chinese community to remain in operation. The British preferred not to interfere with China's traditions and beliefs, particularly for family matters such as concubinage in order to avoid any clashes with the local community. The Chinese customary law was effectively based upon the Great Qing Dynasty's Codes.

Bertrand Russell once said "Its coexistence or no existence". In 1950, the Communist Government in Mainland China had banned any man from having concubines and each man could have only one wife with marriage reform laws that recognized the equality not only of all men, but of all women, under communism. Concubinage was condemned as "feudalistic" and "backward."

When Captain Elliot first took possession on Hong Kong Island in 1841. 'The natives of the Island of Hong Kong,' he said grandly, 'and all the natives of China thereto resorting, shall be governed according to the laws and customs of China, every description of torture excepting.' He said this to establish two systems of law-one for chinese and one for the foreigners,he had decided that when it comes to chinese customs,the British would step back. No matter that British Foreign Secretary Lord Palmerston immediately disavowed the speech. And no matter that until the early 1910s torturous punishments like the stocks continued to be used.³

After this was said, when it came to interfering in Chinese customs the British tended to stand back, although they reluctantly banned the practices of slave girls (*mui tsai*) and opium-smoking, after huge protests

Before 1971's, a women who was married under the old customary law could be divorced for reasons such as not being able to bear a son, jealousy, talkativeness. The rights of concubines 'married' before October 7, 1971, and their children were protected by law.

³ <http://www.scmp.com/article/300963/law-aside-concubine-still-popular-accessory>

To a lot of people these days, marriage between different cultures can be an amazing thing as it can be a fantastic opportunity as it can seem like a whole new world, as the couple is being able to understand the true beauty behind another culture and being able to share their own cultures. For thousands of years, law and custom enforced the subordination of wives to husbands. But as the women's-rights movement gained strength in the late 19th and 20th centuries, wives slowly began to insist on being regarded as their husbands' equals, rather than their property.⁴

The feminist movement (also known as the women's liberation movement, the women's movement, or simply feminism) refers to a series of political campaigns for reforms on issues such as reproductive rights, domestic violence, maternity leave, equal pay, women's suffrage, sexual harassment, and sexual violence, all of which fall under the label of feminism and the feminist movement. The movement's priorities vary among nations and communities, and range from opposition to female genital mutilation in one country, to opposition to the glass ceiling in another.

Feminism in parts of the western world has gone through three waves. First-wave feminism was oriented around the station of middle- or upper-class white women and involved suffrage and political equality. Second-wave feminism attempted to further combat social and cultural inequalities. Third-wave feminism is continuing to address the financial, social and cultural inequalities and includes renewed campaigning for greater influence of women in politics and media. In reaction to political activism, feminists have also had to maintain focus on women's reproductive rights, such as the right to abortion⁵

There is an old saying “a great marriage is not when the “perfect couple” comes together. Its when an imperfect couple comes together and learns to enjoy the differences.

According to Ruby. S. Watson, social identity and social personhood depends on one's kin's state. Kinship to her has economic, political, social, cultural and personal significance .To be without kin in a society absorbed by kinship was no small matter. Kin ties define, integrate, locate and socialize the unformed, undefined and unregulated. Because of their ambiguous kin status, especially concubines lived at the edge of the social world.

Although a wife might not have enjoyed the legal protections granted her brothers or husband, the possession of a dowry was an important economic expression of the differences that set her apart from concubines and maids. Although women may have been categorically alienated from full membership in the family estate and although their legal rights to a dowry were ill defend, qi were not without property altogether. In fact , one might say that the dowry, and the property-holding status is legitimated, was a defining characteristic of a wifely rank. It is perhaps ironically fitting that in late imperial and Republican China the status of wife was contingent on such a tenuous hold over what were often minuscule amounts of property .Compared with men,

⁴ <http://theweek.com/articles/475141/how-marriage-changed-over-centuries>

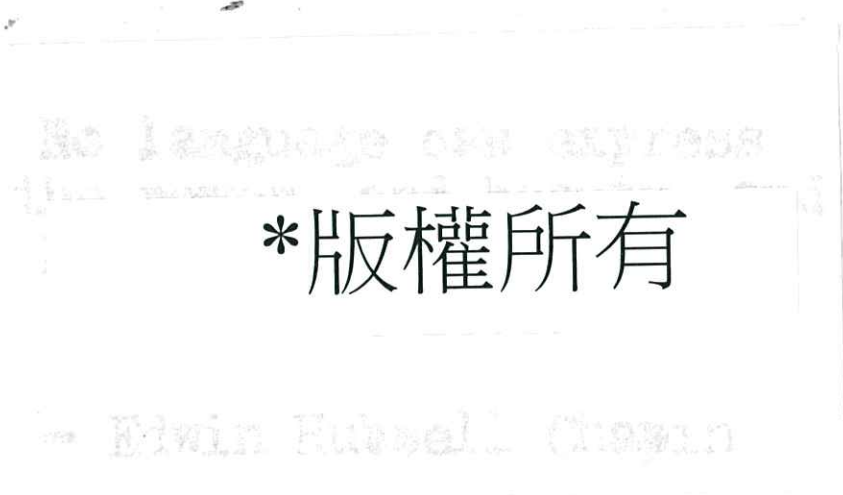
⁵ https://en.wikipedia.org/wiki/Feminist_movement

all women were less than full members of their families, but wives occupied a privileged position denied to concubines and maids.⁶

One flesh (Gen 2:24). "One flesh" involves the unity of the whole person: purpose, physical, and life unity whereby the two become a new, God-designed, balanced life. They counterbalance each other's strengths and weaknesses. Sexually the two become "one flesh" physically as reflected in their offspring. God's ideal exclusiveness of the "one flesh" relationship disallows any other relationship: homosexuality, polygamy, adultery, premarital sex, concubinage, incest, bestiality, cultic prostitution. These and other sexual perversions violate the "oneness" of the marriage relationship and were often punishable by death (Lev 20:1-19 ; Deut 22:13-27 ; cf. Rom 1:26-32). Becoming "one flesh" is used in Scripture for the consummating sexual act of marriage.⁷

3.2 How did the children interact with more than one mother and their feelings towards this?

It is said by Edwin Hubbell Chapin "no language can express the power, the beauty, and heroism, and majesty of a mother's love. But for a person who has two mothers, which one are they supposed to love?"



⁶ Watson, Rubie S, "wives, concubines, and Maids: Servitude and Kinship in the Hong Kong Region, 1900-19400- p.169-198. Edited by James L. Watson and Rubie S. Watson. Village life in 1st Ed (Hong Kong: Chinese University of Hong Kong, 2004)

⁷ <http://www.biblestudytools.com/dictionary/marriage/>

Sources state that in China, the children of concubines may have suffered from a 'weak social condition' not only because they lacked matrilineal kin, but also because their biological mothers had no dowry, nor were they likely to have private funds to bestow upon them. The children of concubines achieve their personhood solely through their father. Concubines' children do not have the power to speak up and defend themselves just like the concubines. They are easily discriminated.

Gender discrimination is a situation in which someone is treated less well because of their sex, usually when a woman is treated less well than a man. According to Rubie S. Watson, both wives and concubines were brought into the household as sexual partners and performed domestic tasks, but wives were expected to manage domestic tasks, while concubines were themselves managed. Although, a concubine's offspring had the same status as the children of the principal wife, it was unknown for a concubine's children to suffer discrimination and banishment of their half brothers once their father was out of the way.⁸ If a concubine bears a son, the son is obligated to mourn his biological mother for a requisite of three years after death; however no one else in the family is expected to mourn her. If at the time of her death the concubine has not produced heirs, no one is obligated to mourn.

"Kinship is everywhere bilateral". Although Mui Jai and concubines did not pass on their status to their children, their children were liable to suffer from social handicaps not imposed on the children of a wife (qi). Those who lack of matrilineal kin and of a mother's dowry may have created disadvantages for offspring, especially those born into elite families. In households where the children of concubines were competing for favor and resources with the children of wives, it would hardly be surprising to find nuanced but nevertheless important differences in their children's education or marriage opportunities.⁹

The past cannot be changed, forgotten, edited or erased, it can only be accepted. This is the only thing that the children can do.

3 Factors leading to the end of concubinage in the 1970 Feminist movement

⁸ Watson, Rubie S, "wives, concubines, and Maids: Servitude and Kinship in the Hong Kong Region, 1900-1940- p.169-198. Edited by James L. Watson and Rubie S. Watson. Village life in 1st Ed (Hong Kong: Chinese University of Hong Kong, 2004)

⁹ Watson, Rubie S, "wives, concubines, and Maids: Servitude and Kinship in the Hong Kong Region, 1900-1940- p.169-198. Edited by James L. Watson and Rubie S. Watson. Village life in 1st Ed (Hong Kong: Chinese University of Hong Kong, 2004)

The Hong Kong's feminist movements also known as the woman's movement addresses a wide range of issues economic (employment discrimination, valuation of women's work), family (household division of labor, maternity and parental leave, provision of childcare, reproductive rights), and sexual (domestic sex workers' rights, and engage in various violence, rape, sexual harassment, strategies-lobbying and policy formation, public education, research and publications, and service provision. Due the influence of the first wave feminism in United States, the Chinese were inspired to strike for what they their rights, their freedom and equality.

Marriage law reform

The campaign for marriage law reform and, in particular, the debatable issue of abolishing concubinage, was initiated in the 1940s, with the Hong Kong Council of Women (HKCW) at the forefront and joined with more than 140 women's groups, Hong Kong Council of Women was in established in 1947 to fight for women's rights in the economic, legal, and social areas. In Hong Kong, the most common forms of marriage were: marriage contracted in accordance with the Chinese custom that existed and was recognized in 1843 in Qing law, which, amongst other practices, allowed men to take concubines marriage contracted in conformity with the 1930 Civil Code of the Nationalist Government of China, which and marriage contracted accordance with did not allow for polygamy the Marriage ordinance in Hong Kong, which was monogamous in nature.

With reference to HKU MA dissertation on Chinese customary marriage and polygamy, customary forms of marriages have now no legal effect in Hong Kong. The Marriage Reform Ordinance has laid down that after October 7th, 1971 marriages may only be entered into in accordance with the Marriage Ordinances; it follows that all marriages taking place in Hong Kong after that date are monogamous and the parties thereto will have access to the supreme court in its matrimonial jurisdiction.

The marriage law reform campaign lastly ended with the passage of marriage reform bill suggesting all men should only have one wife, to conclude this important movement made Hong Kong the last society to practice concubinage.

3. Factors leading to the end of polygamy in the 1970

3.1 Feminist movement and the passing of the New Marriage Law

May Fourth Feminism was the first China women's movement during the 1910s to 1920s due to the western ideas of the marriage patterns, family and of the society, it inspired the Chinese to have new ways of thinking, for example of free love and marriage, equality before men and women also the education and employment opportunities for women. This feminist movement is an important turning point in Chinese history, it enlightened women in China to pursue their self-realization and knowing that they were not less than man and could do what men could do as well.

The new government of the People's Republic made a firm commitment to guarantee the equality between women and men. The famous quotation by Mao Zedong reflects the

determination by the government to raise women's status: "Women hold up half the sky." The basic law implemented when the People's Republic of China was first established in 1949 stated: The People's Republic of China shall abolish the feudal system which holds women in bondage. Women shall enjoy equal rights with men in political, economic, cultural, educational and social life. Freedom of marriage for men and women shall be put into effect (Article 6)¹ In accordance with the law, the Chinese Communist Party adopted two of the most important legislative documents in 1950: the Marriage Law and the Land Law. Prostitution, arranged marriage, child betrothal and concubinage were outlawed according to the Marriage Law. Marriage was to be based on love and mutual consent. Free marriage, free divorce, economic independence and other concepts that were foreign to the majority of the population became the advocated codes. There were constant and intensive campaigns by the government to educate the population about the Marriage Law²

3.2 Marriage reform ordinance

Before the Marriage reform ordinance in the 1970, there were as many as six forms of marriage were legally accepted in Hong Kong, and the following three were the most common of them all:

1. Chinese customary marriage was marriage contracted in accordance with the Chinese custom that existed and was recognized in 1843 in Qing Law, which, among other things, allowed men to take in concubines
2. Chinese modern marriage or open marriage was marriage contracted in conformity with the 1930 Civil Code of the Nationalist Government of China, and did not allow for polygamy, and
3. registry marriage was contracted in accordance with Hong Kong's Marriage ordinance and was monogamous in nature.

Because of all the confusion and chaos of the different forms of marriage in 1953, the Strickland Committee published its report on various Chinese laws and customs. The scarcity of response from the public allowed the government postpone any policy revision until the publication of the 1960 White Paper on Chinese Marriages and the McDouall-Heenan Report of 1965. Both reports were in response to steady demands made by the Hong Kong Council of Women and other organizations for the abolition of concubinage and for new marriage laws. The McDouall-Heenan Report contained the recommendations jointly submitted by the Attorney General, the Secretary for Chinese Affairs and the Chinese unofficial members of the Executive and Legislative councils, and was later endorsed by the Executive Council. Debates in Hong Kong were intensified during the sixties, coinciding with a series of related reforms in England, leading to the Marriage Reform Law in 1970. This law provided that after 7 October 1971, all marriages must be monogamous. It banned concubinage after that date and made registered marriage the only legal form of marriage in Hong Kong. The status and rights of concubines (and their children) lawfully taken before that date would be protected by law. In the two years after the passage of the Bill, a series of ordinances were enacted, giving legal protection to women in the family and children born out of wedlock.³¹⁰

¹⁰ [http://essay.utwente.nl/65493/1/Yihan%20Bachelor%20thesis%20\(final%20version\).pdf](http://essay.utwente.nl/65493/1/Yihan%20Bachelor%20thesis%20(final%20version).pdf)

Forms of feminist movement in Europe and China: Yihan p.22-23

<http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1626&context=jiws> P 31

Conclusion:

In conclusion, this term has two different significations; sometimes it means a species of marriage which took place among the ancients, and which is yet in use in some countries. In this country it means the act or practice of cohabiting as man and woman, in sexual commerce, without the authority of law, or a legal marriage.¹¹ Successful men often had concubines until the practice was outlawed after the Communist Party of China came to power in 1949. The position of the concubine was generally inferior to that of the wife. Although a concubine could produce heirs, her children would be inferior in social status to "legitimate" children. And the child of a concubine had to show filial duty to two women, their biological mother and legal mother—the wife of their father. Allegedly, concubines were occasionally buried alive with their masters to "keep them company in the afterlife". After the death of a concubine her sons would make an offering to her, but these offerings were not continued by her grandsons, who only made offerings to their grandfather's wife, Until the Song dynasty (960–1276), it was treated as a serious breach of social ethics to promote a concubine to a wife.

Concubines and maids were once sold and were thus incorporated into their master's house with very little links to the outside world, as the household prefers keeping the concubine hidden from the outside world in order to keep their family from being humiliated. Because concubines severed for life, they tend to have less capability than Mui jai of ever attaining any emancipation through a proper marriage along with a ceremony.

Social identity and social personhood, we are told, depend on one's kin status. Most definitions of slavery stress that a slave could lack the endowment of kinship. If slavery is an inherited status, Chinese concubines and maids were not slaves, but shared with them a marginal kin status and were in this sense less than full power.¹² In many other present societies, servile women often ranked below servile men. According to sources, concubines and mui jai's are said to be like family member's, yet their status was clearly defined.

To a lot of people, marriage is the union of two people who love each other with paperwork. Polygyny, on the other hand, rewards males who have access to greater wealth and resources than others. It takes a lot of work and money to support a large number of wives and the

¹¹ <http://legal-dictionary.thefreedictionary.com/concubinage>

¹² Watson, Rubie S, "wives, concubines, and Maids: Servitude and Kinship in the Hong Kong Region, 1900-19400- p.169-198. Edited by James L. Watson and Rubie S. Watson. Village life in 1st Ed (Hong Kong: Chinese University of Hong Kong, 2004)

children they produce. In biological terms, such a man is an excellent choice for reproducing and passing his genes on to the next generation, which could be expected to be similarly successful. A man can father many children in a short period, while a woman is limited to one pregnancy every nine months. If a successful man has many wives, he can pass on his genes more often. This is also an advantage in societies where rapid and frequent reproduction is vital for survival.¹³

Marriage is the intimate union and equal partnership of a man and a woman. It comes to us from the hand of God, who created male and female in his image, so that they might become one body and might be fertile and multiply (See Genesis chapters 1 and 2). Though man and woman are equal as God's children, they are created with important differences that allow them to give themselves and to receive the other as a gift.

Marriage is both a natural institution and a sacred union because it is rooted in the divine plan of creation.

The mutual love of a married couple should always be open to new life. This openness is expressed powerfully in the sexual union of husband and wife. The power to create a child with God is at the heart of what spouses share with each other in sexual intercourse. Mutual love includes the mutual gift of fertility. Couples who are not able to conceive or who are beyond their child-bearing years can still express openness to life. They can share their generative love with grandchildren, other children and families, and the wider community.¹⁴ that bonds two people together, something that cannot be simply be disregarded.

Marriage is a legal contract

The Marriage Law is a weapon to be used when marital relations are affected, but nothing can be done if the parties involved choose to give up their rights.

The traditional Chinese acceptance of polygamy, where a man could take multiple wives, became amplified in imperial households because of the importance of having a pool of potential heirs to the throne. All dynasties had written provisions for the different ranks and the maximum number of consorts the emperor could have in addition to the empress, his principal wife, but these were not strictly adhered to.

A common appellation used to describe the emperor's family life, "3,000 [women] in the inner palace", underlies the historical fact that there were a few emperors who really did have thousands of consorts. Emperor Xiaozong, of the Ming dynasty (reigned 1487-1505), was an exception; Empress Zhang was his only wife, from when he was a prince to his death. Despite entreaties by his ministers to procure consorts for the sake of producing sons, Xiaozong refused to be unfaithful to his empress.¹⁵

¹³ <http://people.howstuffworks.com/polygamy.htm>

¹⁴ <http://www.foryourmarriage.org/catholic-marriage/catholic-beliefs/meaning-and-purpose/>

¹⁵ <http://www.scmp.com/magazines/post-magazine/article/1896752/why-polygamy-was-component-imperial-chinas-game-thrones>

Jeanne Tripplehorn said “the government doesn’t really prosecute for polygamy anymore, but a lot of the arrests are of groups supporting themselves through welfare scams or for child abuse.”



The government doesn't really
prosecute for polygamy anymore
but a lot of the arrests are of

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Most people today view polygamy as immoral while the Bible nowhere explicitly condemns it. The first instance of polygamy/bigamy in the Bible was that of Lamech in Genesis 4:19: “Lamech married two women.” Several prominent men in the Old Testament were polygamists. Abraham, Jacob, David, Solomon, and others all had multiple wives. In 2 Samuel 12:8, God, speaking through the prophet Nathan, said that if David’s wives and concubines were not enough, He would have given David even more. Solomon had 700 wives and 300 concubines (essentially wives of a lower status), according to 1 Kings 11:3.¹⁶

God may have allowed polygamy to take place because he taught it was a way for women to be protected from danger. A man would take multiple wives and serve as the provider and protector of all of them. polygamy enabled a much faster expansion of humanity, fulfilling God’s command to “be fruitful and increase in number; multiply on the earth”

Usually these days, a lot of people would say that gender inequality isn’t a women’s issue, it’s a human issue as it affects all of us. Gender is between your ears not your lips.

¹⁶ <http://www.gotquestions.org/polygamy.html>

We are allowed to believe in any religion as we desire, in Hong Kong, there are 1.5 million Buddhists, 1 million Taoists, 480,000 protestants, 350,000 Catholics, 220,000 muslims, 40,000 hindus, 10,000 Sikhs, and other are small communities. These numbers change each day by perhaps millions, now there are very little religious conflicts regarding marriage compared to 1970's. Those who wish for religious conflicts are small in number and usually are too self centered with their own religion. All religious, cultural, belief should be respected even if you are not from the same group. We don't all need to be the same but we all do want to be respected and treated properly. Hence the topic we worked on has a lot of moral and history. Concubinage enable people to look at the world differently, to respect women and not be sexist. "The woman who follows the crowd will usually go no further than the crowd. The woman who walks alone is likely to find herself in places no one has ever been before." This is the times of concubinage.

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