



17 March 2015

Mr Colin CHUI
Clerk to the Panel on Welfare Services
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Chui,

**Panel on Welfare Services
Follow-up to the Meeting on 9 February 2015**

At the meeting on 9 February 2015, the Panel on Welfare Services requested the Administration to provide supplementary information on the following three items:

- (a) Legislative provisions and policy guidelines in relation to the criteria and requirements for adoption;
- (b) The number of cases under which adoption could not be arranged for children who had not been visited by their parents for one or two years; and
- (c) The number of cases under which a court order was obtained for adoption of a child without the consent of his/her parents.

The Administration's response to the three items above is set out at

Annex.

Yours sincerely,

(FUNG Man-chung)
for Director of Social Welfare

Encl

I. Legislative provisions and policy guidelines in relation to the criteria and requirements for adoption

Legislative provisions

The legislative provisions concerning applicants for adoption of infants include the followings:

- (i) As stipulated in section 4 of the Adoption Ordinance (Cap. 290), the Court¹ may, upon an application made in the prescribed manner, make an order authorizing the sole applicant; or the applicants who apply jointly as 2 spouses, to adopt an infant.
- (ii) Under section 5(1) of Cap. 290, the Court shall not make an adoption order authorizing a sole applicant to adopt an infant unless the applicant (a) is the mother or father of the infant; (b) is a relative of the infant and has attained the age of 21 years; (c) is a person who is married to a parent of the infant; or (d) has attained the age of 25 years.
- (iii) Under section 5(2) of Cap. 290, the Court shall not make an adoption order authorizing applicants who apply jointly as 2 spouses to adopt an infant unless (a) one of the applicants is the mother or father of the infant; or (b) one of the applicants has attained the age of 21 years and the other applicant is either a relative of the infant and has attained the age of 21 years or a person having attained the age of 25 years.
- (iv) As specified in section 5(3) of Cap. 290, an adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male, unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

¹ The "Court" in Cap. 290 refers to the Court of First Instance or the District Court except that it refers to the Court of First Instance in Part 5 which deals with adoptions to which the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption apply and section 23B in relation to the passing of care and control of an infant to a prospective overseas adopter.

- (v) Pursuant to sections 5AA, 27 and 27A(2)(b) of Cap. 290, any applicant for an adoption order shall provide a written authorization to the Commissioner of Police for criminal record check.

Policy guidelines

2. Section 29 of Cap. 290 stipulates that the Director of Social Welfare or the accredited body may decide that an applicant is suitable, or is not suitable, to be an adoptive parent. In addition to the legislative provisions referred to in paragraph 1 above, SWD and the accredited bodies will assess the suitability of applicant(s) who apply for the adoption of an infant according to the following criteria:

- (i) maturity to make a life-long commitment to adopt a child and to take up parental responsibilities;
- (ii) physical and mental health conditions to raise the child till independence;
- (iii) stability of family life (stable marriage at least for 3 years for joint applicants) to provide the child with stable home;
- (iv) capacity (with education level of primary 6 or above) to provide necessary guidance to the child;
- (v) stability of employment and financial sufficiency as well as stability of accommodation to bring up the child;
- (vi) preceding residency in Hong Kong for 12 months or above to get familiar with the knowledge of the social environment and community resources before proceeding for adoption (only applicable to local adoption); and
- (vii) continuous residency in Hong Kong for a period of 12 months or above to complete the adoption process (only applicable to local adoption).

II. The number of cases under which adoption could not be arranged for children who had not been visited by their parents for one or two years

3. Social Welfare Department has not captured the above statistical information.

III. The number of cases under which a court order was obtained for adoption of a child without the consent of his/her parents

4. Out of a total of 96 adoption orders granted in 2014, there were 14 cases without the consent of the parents of the children being adopted.

**Social Welfare Department
March 2015**