

立法會
Legislative Council

Ref : CB2/BC/12/02

LC Paper No. CB(2) 1184/03-04
(These minutes have been seen by
the Administration)

**Bills Committee on
Adoption (Amendment) Bill 2003**

**Minutes of meeting
held on Wednesday, 7 January 2004 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Yuen-han, JP
Hon Miriam LAU Kin-ye, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Dr Hon LAW Chi-kwong, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Hon Audrey EU Yuet-mee, SC, JP
- Public Officers attending** : Ms Susie HO, JP
Deputy Secretary for Health, Welfare and Food
(Welfare)
- Miss Diane WONG
Principal Assistant Secretary for Health, Welfare and
Food (Welfare)
- Mr FUNG Pak-yan
Assistant Director of Social Welfare (Family and Child
Welfare)
- Mr Peter NG
Chief Social Work Officer (Family and Child Welfare) 2
- Ms Grace WONG
Senior Social Work Officer (Child Welfare)

Ms Fanny IP
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2)2

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Joanne MAK
Senior Council Secretary (2)2

I. Election of Chairman

Miss Margaret NG was elected Chairman of the Bills Committee.

II. Meeting with the Administration

[LC Paper Nos. CB(3)706/02-03 and CB(2)811/03-04(02) & (03)]

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. The Administration was requested to provide a written response to the following issues raised by members at the above meeting -

- (a) differences in the role of the Social Welfare Department (SWD) and the non-governmental organisations (NGOs) brought about by changes to the adoption system as proposed in the Bill;
- (b) administrative arrangements for adoptions involving local children by Mainland and overseas adopters and the role of SWD and NGOs in such adoptions;
- (c) an account of the most serious shortcomings in the existing private arrangements for adoption by unrelated persons, and the rationale of the proposal to criminalise such arrangements and whether similar legislation was in place in other jurisdictions;
- (d) any shortfalls in the number of children available for adoption to meet demands in the past few years;
- (e) the Administration's policy on overseas adoption and the measures in place to facilitate such adoption;

- (f) whether there were cases of adoption overseas which did not require consent of both birth parents in the case of a divorced couple and whether such adoptions were recognised by Hong Kong;
- (g) in case of a divorced mother who had removed her children from Hong Kong and re-married without adoption of the children by her current husband, what legal rights the natural father had if he wanted to claim back the children;
- (h) how SWD followed up cases of children being taken by one of their parents without the other's consent to the Mainland for adoption;
- (i) in case of adoption of a child by his/her relative, whether the objective of "best interests of the children" could be met given the broad definition of "relative" in the Adoption Ordinance;
- (j) details of the procedures (e.g. assessment of the suitability of the adoptive families) for adoption by overseas parents;
- (k) the adoptive parents' responsibility to their adopted children as intended by the Administration, and whether the Court's ruling that Mainland children adopted by Hong Kong residents were not regarded as these residents' children by birth under Article 24 of the Basic Law had created difficulty for adoptive parents in fulfilling their responsibility in this regard; and
- (l) details of the arrangements made for the public consultation on the proposed amendments and the views received.

III. Date of next meeting

4. Members agreed that the next meeting be held on 19 January 2004 at 10:45 am. The Clerk would fix the dates of further meetings, in consultation with members and the Administration, after the meeting.

5. The meeting ended at 1:00 pm.

**Proceedings of the meeting of the Bills Committee on
Adoption (Amendment) Bill 2003
on Wednesday, 7 January 2004 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0326 - 0426	Members and the Clerk	Election of Chairman	
0427 - 4002		Suspension of the meeting	
4003 - 012513	Chairman Admin	PowerPoint presentation on the content of the Bill	
012514 - 012603	Chairman	Differences in the role of the Social Welfare Department (SWD) and the non-governmental organisations (NGOs) brought about by changes to the adoption system as proposed in the Bill	Admin to provide information
012604 - 013125	Ms Cyd HO Admin Chairman	Administrative arrangements for adoptions involving local children by Mainland and overseas adopters and the role of SWD and NGOs in such adoptions	Admin to provide information
013126 - 014434	Mr Michael MAK Admin Chairman Ms Miriam LAU	<ul style="list-style-type: none"> - An account of the most serious shortcomings in the existing private arrangements for adoption by unrelated persons - Any shortfalls in the number of children available for adoption to meet demands in the past few years 	Admin to provide information
014435 - 014637	Ms Miriam LAU Chairman	The Administration's policy on overseas adoption and whether any measures were in place to facilitate such adoption	Admin to provide information

014638 - 015357	Dr LAW Chi-kwong Chairman Admin	<ul style="list-style-type: none"> - Whether there were cases of adoption overseas which did not require consent of both birth parents in the case of a divorced couple and whether such adoptions were recognised by Hong Kong - In case of a divorced mother who had removed her children from Hong Kong and re-married without adoption of the children by her current husband, what legal rights the natural father had if he wanted to claim back the children 	Admin to provide information
015358 - 015658	Ms Audrey EU Chairman	The rationale of the proposal to criminalise private arrangements for adoption by unrelated persons and whether similar legislation was in place in other jurisdictions	Admin to provide information
015659 - 015821	Ms LI Fung-ying Chairman	<ul style="list-style-type: none"> - How SWD followed up cases of children being taken by one of their parents without the other's consent to the Mainland for adoption - In case of adoption of a child by his/her relative, whether the objective of "best interests of the children" could be met given the broad definition of "relative" in the Adoption Ordinance 	Admin to provide information
015822 - 015917	Ms Cyd HO Chairman Admin	Details of the procedures (e.g. assessment of the suitability of the adoptive families) for adoption by overseas parents	Admin to provide information

015918 - 010130	Chairman	The adoptive parents' responsibility to their adopted children as intended by the Administration, and whether the Court's ruling that Mainland children adopted by Hong Kong residents were not regarded as these residents' children by birth under Article 24 of the Basic Law had created difficulty for adoptive parents in fulfilling their responsibility in this regard	Admin to provide information
010131 - 020153	Dr LAW Chi-kwong	Details of the arrangements made for the public consultation on the proposed amendments and the views received	Admin to provide information
020154 - 020643	Chairman, Clerk and members	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
3 February 2004