

立法會
Legislative Council

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LC Paper No. CB(2)1296/03-04
(These minutes have been seen by
the Administration)

Bills Committee on Adoption (Amendment) Bill 2003

**Minutes of the second meeting
held on Monday, 19 January 2004 at 10:45 am
in Conference Room B of the Legislative Council Building**

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

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

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

Mr Raymond LAM
Senior Council Secretary (2)5

I. Meeting with the Administration

1. The Bills Committee deliberated (index of proceedings attached at **Annex**).
2. The Bills Committee requested the Administration to provide a written response to the following -
 - (a) to explain the legislative intent of section 5(3) of the Adoption Ordinance (AO), the reasons for proposing the change, the effect of the proposed deletion on the matters to be considered by the court when considering whether to make an adoption order, and whether similar legislative provisions as the existing section 5(3) were found in other jurisdictions;
 - (b) to explain the mechanism for the adoption of a child by an overseas applicant before and after the Bill was enacted, and highlight the differences between a "Convention adoption" and a "non-Convention adoption" as referred to in paragraph 13 of Annex F to the Legislative Council Brief on the Bill;
 - (c) to provide the list of organisations which had expressed views in the public consultation exercise on the Administration's proposed amendments to AO in 1998-99, the differences between the proposals in 1998-99 and those in the Bill, and the proposals in the Bill not covered by that consultation; and
 - (d) to provide information on the membership of the working group formed to consider the proposals on adoption, and the proposals in the Bill with which the working group had been consulted.
3. The Chairman requested that, as a general rule, the Administration should, when responding to issues raised by the Bills Committee on a proposal in the Bill, explain the policy behind the proposal, consultations made on the proposal and the views collected. It should also give an explanation of the proposed amendments to implement the proposal.

4. The Bills Committee agreed that the views of the following organisations should be sought on the Bill -

- (a) International Social Service (Hong Kong Branch);
- (b) Mother's Choice;
- (c) The Law Society of Hong Kong;
- (d) Hong Kong Bar Association; and
- (e) Hong Kong Family Law Association.

II. Date of next meeting

5. The Bills Committee noted that the next meeting had been scheduled for 18 February 2004 at 10:45 am.

6. The meeting ended at 11:30 am.

Council Business Division 2
Legislative Council Secretariat
11 February 2004

**Proceedings of the meeting of the
Bills Committee on Adoption (Amendment) Bill 2003
on Monday, 19 January 2004 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000310 - 000511	Chairman	Opening remarks	
000512 - 001609	Hon Miriam LAU Admin Chairman Dr Hon LAW Chi- kwong	Why section 5(3) of the Adoption Ordinance (AO) was introduced	Admin to provide a response
001610 - 001719	Chairman	Requesting that the Administration should, when responding to issues raised by the Bills Committee on a proposal in the Bill, explain the policy behind the proposal, consultations made on the proposal and the views collected, and give an explanation of the proposed amendments to implement the proposal	
001720 - 001741	Hon Miriam LAU	Whether legislative provisions similar to section 5(3) of AO were found in other jurisdictions	Admin to provide a response
001742 - 002222	SALA1 Chairman Hon Miriam LAU	Legislative intent of section 5(3) of AO; effect of the proposed deletion on the matters to be considered by the court when considering whether to make an adoption order	Admin to provide a response
002223 - 002729	Hon Miriam LAU Dr Hon LAW Chi- kwong Chairman Admin	Whether section 5(3) of AO was discriminatory or otherwise	

Time marker	Speaker	Subject(s)	Action Required
002730 - 003459	Hon Cyd HO Chairman Admin	Mechanism for the adoption of a child by an overseas applicant before and after the Bill was enacted; differences between a "Convention adoption" and a "non-Convention adoption"	Admin to explain the mechanism and differences
003500 - 003834	Chairman Admin	List of organisations which had expressed views in the public consultation exercise on the Administration's proposed amendments to AO in 1998-99; differences between the proposals in 1998-99 and those in the Bill; proposals in the Bill not covered by the consultation; membership of the working group formed to consider the proposals on adoption and proposals in the Bill with which the working group had been consulted	Admin to provide the requested information
003835 - 004109	Chairman Dr Hon LAW Chi- kwong Hon Miriam LAU	Seeking the views of International Social Service (Hong Kong Branch), Mother's Choice, the Law Society of Hong Kong, Hong Kong Bar Association and Hong Kong Family Law Association on the Bill	Clerk to follow up
004110 - 004243	Chairman	Dates of subsequent meetings	