

立法會
Legislative Council

Ref : CB2/BC/12/02

LC Paper No. CB(2) 1857/03-04
(These minutes have been seen by
the Administration)

Bills Committee on Adoption (Amendment) Bill 2003

**Minutes of the fourth meeting
held on Thursday, 4 March 2004 at 2:30 pm
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 LI Fung-ying, JP
Hon Michael MAK Kwok-fung
- Members absent** : Dr Hon LAW Chi-kwong, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
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 (Family and Child Welfare)
Social Welfare Department
- Mr Peter NG
Chief Social Work Officer (Family and Child Welfare) 2
Social Welfare Department
Ms Fanny IP
Law Drafting Division

Senior Assistant Law Draftsman
Department of Justice

Mr Stephen YAU
Chief Executive
International Social Service - Hong Kong Branch

Mrs Grace MA
Director of Programme (Intercountry Adoption and Foster Care)
International Social Service - Hong Kong Branch

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 -
 - (a) to provide statistics on the relationship between the adoptive parents and the child in adoptions by relatives in the past;
 - (b) in relation to the proposed section 23A of the Adoption Ordinance (AO) (Cap. 290) -
 - (i) to provide justifications for prohibiting private arrangements for adoption by unrelated person and empowering the Director of Social Welfare to authorise such arrangements;
 - (ii) to explain why there was a need to criminalise the making of private arrangements for adoption by unrelated persons even though no payment or reward was involved;
 - (iii) to review the penalty level in the proposed section 23A(2);

- (c) in relation to the public consultation exercise on the Administration's proposed amendments to AO in 1998-99, to provide information on the proposals in the consultation paper relating to criminalising adoption by unrelated persons under private arrangements and the views received; and
- (d) to advise whether the rights of an adopted child was the same as those of a child of the adopter born in lawful wedlock, including the right of abode in Hong Kong under Article 24(2)(3) of the Basic Law.

II. Date of next meeting

- 3. The Bills Committee noted that the next meeting had been scheduled for 11 March 2004 at 4:30 pm.
- 4. The meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
26 March 2004

**Proceedings of the meeting of the
Bills Committee on Adoption (Amendment) Bill 2003
on Thursday, 4 March 2004 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000457	Chairman Admin	Opening remarks and relevant papers	
000458 - 000611	Admin	Briefing on the Administration's paper entitled "Escorting Arrangements for Intercountry Adoptions" (LC Paper No. CB(2)1580/03-04(01))	
000612 - 002720	Chairman Hon Cyd HO Hon Michael MAK Admin	Statistics on children escorted by prospective adoptive parents and role of social workers in the escorting of children in intercountry adoptions; reasons for which prospective overseas adoptive parents could not come to escort children	
002721 - 004914	Chairman Admin	Briefing on the Administration's paper entitled "Changes arising from the Adoption (Amendment) Bill 2003 - Impact on the Current Arrangements on Local Adoption" (LC Paper No. CB(2)1566/03-04(02))	
004915 - 005637	Hon LI Fung-ying Chairman Admin	Adoption by relatives; whether the meaning of "relative" was too broad	Admin to provide statistics on the relationship between the adoptive parents and the child in adoptions by relatives in the past

Time marker	Speaker	Subject(s)	Action Required
005638 - 013121	Chairman Hon Miriam LAU Admin Hon Cyd HO SALA1	Policy intent and effect of the proposed section 23A of the Adoption Ordinance(AO); justifications for empowering the Director of Social Welfare (DSW) to authorise private arrangements for adoption penalty for an offence under the proposed section	Admin to provide justifications for prohibiting private arrangements for adoption by unrelated person and empowering DSW to authorise such arrangements ; to explain why there was a need to criminalise the making of private arrangements for adoption by unrelated persons even though no payment or reward was involved; to review the penalty level in the proposed section 23A(2)
013122 - 013315	Hon Miriam LAU Admin	Public consultation exercise on the Administration's proposed amendments to AO in 1998-99	Admin to provide information on the proposals in the consultation paper relating to criminalising adoption by unrelated persons under private arrangements and the views received
013316 - 014114	Hon CHAN Yuen-han Admin Hon Cyd HO Chairman SALA1	Provisions prohibiting commodification of children in adoption	
014115 - 014819	Admin	Briefing on the Administration's paper entitled "Adoption Orders made outside Hong Kong - Question of Recognition in Hong Kong" (LC Paper No. CB(2)1566/03-04(01))	

Time marker	Speaker	Subject(s)	Action Required
014820 - 015201	Chairman Hon CHAN Yuen-han Admin	Consent of parents or guardians for adoption in situations where the birth parents of a child had died or could not be found	
015202 - 015840	Chairman Admin	Rights of an adopted child	Admin to advise whether the rights of an adopted child was the same as those of a child of the adopter born in lawful wedlock, including the right of abode in Hong Kong under Article 24(2)(3) of the Basic Law
015841 - 015906	Chairman	Date of next meeting	

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