

**立法會**  
**Legislative Council**

Ref : CB2/BC/12/02

LC Paper No. CB(2) 2193/03-04  
(These minutes have been seen by  
the Administration)

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

**Minutes of the eighth meeting  
held on Thursday, 15 April 2004 at 4:30 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)  
Hon CHAN Yuen-han, JP  
Hon Miriam LAU Kin-ye, JP  
Dr Hon LAW Chi-kwong, JP  
Hon LI Fung-ying, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Cyd HO Sau-lan  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Michael MAK Kwok-fung
- 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 Peter NG  
Chief Social Work Officer (Family and Child Welfare) 2  
Social Welfare Department
- Ms Grace WONG  
Senior Social Work Officer (Child Welfare)  
Social Welfare Department  
Ms Fanny IP

Law Drafting Division  
Senior Assistant Law Draftsman  
Department of Justice

**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

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## **I. Meeting with the Administration**

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

2. The Bills Committee requested the Administration -

### Clause 13

(a) to consider substituting "by virtue of" in the proposed section 8(1)(a) of the Adoption Ordinance (AO) with "under";

### Clause 18

(b) to explain, in relation to a will made by a birth parent prior to an adoption order being granted, the effect of an adoption order on an adopted child's entitlements under the will;

### Clause 23

(c) to reconsider whether there was a need to substitute "The Court" in the proposed section 20(1) of AO with "The Court by which an adoption order has been made"; and

### Clause 27

(d) to consider substituting "reasonably incurred" in the proposed section 22(1)(b) of AO with "approved by the Director of Social Welfare".

## **II. Any other business**

3. The Bills Committee noted that the next meeting had been scheduled for 30 April 2004 at 10:45 am.
4. The meeting ended at 6:15 pm.

Council Business Division 2  
Legislative Council Secretariat  
28 April 2004

**Proceedings of the meeting of the  
Bills Committee on Adoption (Amendment) Bill 2003  
on Thursday, 15 April 2004 at 4:30 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000026	Chairman	Opening remarks	
000027 - 000556	Chairman SALA1 Admin	Examination of clause 9 of the Bill	
000557 - 000701	Chairman Admin	Examination of clause 10 of the Bill	
000702 - 000911	Chairman Admin	Examination of clause 11 of the Bill; cross references in the Bill	
000912 - 001209	Chairman Hon Miriam LAU Admin	Examination of clause 12 of the Bill; intent and effect of shortening the six-week period referred to in the proposed section 7(3)(a) of the Adoption Ordinance (AO) to four weeks	
001210 - 002207	Chairman Hon Miriam LAU Admin	Examination of clause 13 of the Bill; whether the phrase "by virtue of" in the proposed section 8(1)(a) of the Adoption Ordinance should be replaced by "under"; determination of whether an applicant was a fit and proper person in the proposed section 8(1)(ba) of AO	<b>Admin to consider substituting "by virtue of" in the proposed section 8(1)(a) of AO with "under"</b>
002208 - 002253	Chairman Admin	Examination of clause 14 of the Bill	
002254 - 002310	Chairman	Examination of clause 15 of the Bill	
002311 - 003543	Chairman SALA1 Admin	Examination of clause 16 of the Bill; effects of an adoption order on the rights of birth parents	
003544 - 003600	Chairman Admin	Examination of clause 17 of the Bill	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
003601 - 004609	Chairman Hon Miriam LAU Admin	Examination of clause 18 of the Bill; effect of an adoption order on a will made by a birth parent prior to an adoption order being granted	<b>Admin to explain, in relation to a will made by a birth parent prior to an adoption order being granted, the effect of an adoption order on an adopted child's entitlements under the will</b>
004610 - 004740	Chairman Admin	Examination of clause 19 of the Bill	
004741 - 004751	Chairman	Examination of clause 20 of the Bill	
004752 - 004954	Chairman Admin	Examination of clause 21 of the Bill	
004955 - 005328	Chairman Admin	Examination of clause 22 of the Bill	
005329 - 005635	Chairman SALA1 Admin	Examination of clause 23 of the Bill; whether the proposed amendment to section 20(1) of AO was necessary	<b>Admin to reconsider whether there was a need to substitute "The Court" in the proposed section 20(1) of AO with "The Court by which an adoption order has been made"</b>
005636 - 012047	Chairman Hon Miriam LAU Admin SALA1	Examination of clause 24 of the Bill; consequences of contravention of provisions in the Convention on Protection of Children and Co-operation in respect of Inter-country Adoption; meaning of "habitually resides" in the proposed section 20C(5)	
012048 - 012119	Chairman	Examination of clause 25 of the Bill	
012120 - 012215	Chairman Admin	Examination of clause 26 of the Bill	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
012216 - 012809	Chairman Hon LI Fung-ying Hon Miriam LAU SALA1 Admin	Examination of clause 27 of the Bill; whether "reasonably incurred" in the proposed section 22(1)(b) of AO should be replaced by "approved by the Director of Social Welfare"	<b>Admin to consider substituting "reasonably incurred" in the proposed section 22(1)(b) of AO with "approved by the Director of Social Welfare"</b>
012810 - 012835	Chairman Admin	Examination of clause 28 of the Bill	
012836 - 013303	Chairman Admin	Examination of clause 29 of the Bill; examination of the proposed sections 23A and 23C(2) and 23C(3) in the future	
013304 - 013531	Chairman	Date of next meeting	

Council Business Division 2  
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28 April 2004