

立法會
Legislative Council

Ref : CB2/BC/12/02

LC Paper No. CB(2)2681/03-04
(These minutes have been seen by
the Administration)

Bills Committee on Adoption (Amendment) Bill 2003

**Minutes of the ninth meeting
held on Friday, 30 April 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 Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Dr Hon LAW Chi-kwong, JP
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon CHAN Yuen-han, JP
Hon Michael MAK Kwok-fung
- Public Officers attending** : 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

Mr James DING
Senior Government Counsel (Treaties and Law) (Ag)
International Law Division
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

I. Meeting with the Administration

1. The Bills Committee deliberated (index of proceedings attached at **Annex**).
2. The Bills Committee requested the Administration -

Clause 31

New section 28(3)

- (a) to consider the need to provide expressly that the checking of fingerprints against police records was solely for the purpose of the subsection;
- (b) to consider providing that any fingerprints obtained pursuant to the subsection should be destroyed within a specified period or immediately after the record checking had been conducted;

New section 28(4)

- (c) to consider amending "such person" along the line of "such accredited body";

- (d) to advise whether it was a usual practice to take a fingerprint from a person for criminal record checking;

New section 30

- (e) to provide information on the general procedures and scope of work of the Administrative Appeals Board;

Clause 32

New Schedule 1

- (f) to consider whether a request for an entry to be made in the Adopted Children Register could be made by persons other than the Director of Social Welfare and to consider providing that an appeal on the Director's decision on whether to make such a request could be lodged to the Administrative Appeals Board;

New Schedule 2

- (g) to provide a sample of a birth certificate and explain whether its format was consistent with that of the Form specified in new Schedule 2;

New Schedule 3

- (h) to explain the guiding principles for not incorporating provisions in the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (the Convention) in new Schedule 3 and to provide a table setting out the provisions in the Convention which were not included in new Schedule 3 and the respective reasons;

Clause 33

The proposed Rule 29(d) of the Adoption Rules

- (i) to advise on the timetable for introduction of a bill on adaptation of terms such as "Her Majesty";

Annex to Form 1 in the First Schedule to the Adoption Rules

- (j) to consider restricting the rank of public officers of the Social Welfare Department who could serve as witnesses and allowing lawyers and notaries public to serve as witnesses; and

New Form 4B in the First Schedule to the Adoption Rules

- (k) to improve the drafting by modernising the language used and minimising cross references to other parts of the Adoption Rules.

II. Any other business

- 3. As there would be a Chief Executive's Question and Answer Session on 6 May 2004 at 3:00 pm, the Bills Committee agreed that the meeting originally scheduled for 6 May 2004 at 2:30 pm be cancelled. The Bills Committee noted that the following meeting had been scheduled for 13 May 2004 at 4:30 pm.
- 4. The meeting ended at 12:25 pm.

Council Business Division 2
Legislative Council Secretariat
8 June 2004

**Proceedings of the meeting of the
Bills Committee on Adoption (Amendment) Bill 2003
on Friday, 30 April 2004 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
Administration's response to issues raised at previous meetings			
000000 - 000101	Chairman	Opening remarks	
000102 - 000252	Admin Chairman	Administration's paper entitled "Entry of Mainland Children Adopted by HKSAR Residents for Settlement in the HKSAR" (LC Paper No. CB(2)2179/03-04(01))	
Clause-by-clause examination			
000253 - 000923	Chairman Admin	Examination of clause 31 - new sections 26 and 27 of the Adoption Ordinance (AO)	
000924 - 002636	Chairman Admin SALA1 Hon Miriam LAU Hon LI Fung-ying Hon Cyd HO	Examination of clause 31 - new section 28 of AO; whether there was a need to provide expressly in subsection (3) that the checking of fingerprints against police records was solely for the purpose of the subsection and that any fingerprints obtained pursuant to the subsection should be destroyed within a specified period or immediately after the record checking had been conducted; amending "such person" in subsection (3) along the line of "such accredited body"; whether it was a usual practice to take fingerprint from a person for criminal record checking	Admin to provide a response
002637 - 002659	Chairman Admin	Examination of clause 31 - new section 29 of AO	
002700 - 003015	Chairman Admin	Examination of clause 31 - new section 30 of AO; information on the general procedures and scope of work of the Administrative Appeals Board	Admin to provide the relevant information

Time marker	Speaker	Subject(s)	Action Required
003016 - 004759	Admin Chairman SALA1 Hon Miriam LAU	Examination of clause 32 - new Schedule 1 and Schedule 2; whether a request for an entry to be made in the Adopted Children Register could be made by persons other than the Director of Social Welfare; providing that an appeal on the Director's decision on whether to make such a request could be lodged to the Administrative Appeals Board; requesting the Administration to provide a sample of a birth certificate and explain whether its format was consistent with that of the Form specified in new Schedule 2	Admin to provide a response
004800 - 005819	Chairman Hon Cyd HO Admin	Examination of clause 32 - new Schedule 3; guiding principles for not incorporating provisions in the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (the Convention) in new Schedule 3; setting out the provisions in the Convention which were not included in new Schedule 3 and the respective reasons	Admin to provide a response
005820 - 010757	Admin Chairman Hon LI Fung-ying	Examination of clause 33 - the proposed rule 9(1), rule 10(2) and rule 29 of the Adoption Rules; timetable for introduction of a bill on adaptation of terms such as "Her Majesty"	Admin to provide the requested information

Time marker	Speaker	Subject(s)	Action Required
010758 - 013059	Chairman Admin Hon Miriam LAU Hon Audrey EU SALA1	Examination of clause 33 - the First Schedule and Second Schedule to the Adoption Rules and the proposed Schedule to the Administrative Appeals Board Ordinance; restricting the rank of public officers of the Social Welfare Department who could serve as witnesses; allowing lawyers and notaries public to serve as a witness in the Annex to Form 1 in the First Schedule; drafting of New Form 4B in the First Schedule to the Adoption Rules	Admin to provide a response
013100 013346	Chairman Admin	Date of next meeting	

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