

立法會
Legislative Council

Ref : CB2/BC/12/02

LC Paper No. CB(2)2682/03-04
(These minutes have been seen by
the Administration)

Bills Committee on Adoption (Amendment) Bill 2003

Minutes of the tenth meeting
held on Thursday, 13 May 2004 at 4:30 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-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
- Member absent** : 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 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 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

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 consider setting out the composition of the Matching Panel in subsidiary legislation subject to negative vetting by the Legislative Council;
 - (b) to provide information on the mechanism in the United Kingdom (UK) for handling appeals against decisions regarding accreditation;
 - (c) to consider whether the scope of the proposed new section 23A of the Adoption Ordinance (AO) and the meaning of the term "arrangements" in the proposed section were too broad;

- (d) to provide information about relevant cases in UK regarding the interpretation of the expression "arrangements for the adoption of an infant"; and
- (e) to consider improving the drafting of the proposed section 5(8) of AO to reflect that the three scenarios as specified in the proposed section did not constitute an exhaustive list.

3. In connection with paragraph 2(c) above, the Chairman asked the legal adviser to the Bills Committee to examine the drafting of the relevant provisions in the UK legislation.

4. In connection with the Administration's response to issues raised in the submissions from Caritas - Hong Kong (Caritas), Dr LAW Chi-kwong declared that he was a member of the Social Work Committee of Caritas.

5. The Chairman said that the subject of establishment of a mechanism for adoption in Hong Kong of Mainland children might be referred to the Panel on Welfare Services for follow-up.

6. As the Chairman would be out of town on 20 May 2004, the Bills Committee agreed that the meeting originally scheduled for 20 May 2004 at 4:30 pm be cancelled. The Bills Committee noted that the next meeting would be held on 27 May 2004 at 4:30 pm.

7. The meeting ended at 6:15 pm.

**Proceedings of the meeting of the
Bills Committee on Adoption (Amendment) Bill 2003
on Thursday, 13 May 2004 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000210	Chairman	Opening remarks; cancellation of meeting on 20 May 2004	
000211 - 001142	Admin	Briefing on the Administration's paper entitled "Outcome of Consultation with Non-Governmental Organisations on the Proposal to involve them in Local Adoption" (LC Paper No. CB(2)2315/03-04(01))	
001143 - 001656	Chairman Admin	Setting out the composition of the Matching Panel in subsidiary legislation subject to negative vetting by the Legislative Council (LegCo)	Admin to consider the suggestion
001657 - 003046	Hon Miriam LAU Admin SALA1 Chairman	Whether the list of accredited bodies should be set out in subsidiary legislation subject to negative vetting by LegCo; mechanism for handling appeals against decisions relating to accreditation	Admin to provide information on the mechanism in the United Kingdom (UK) for handling appeals against decisions regarding accreditation
003047 - 003853	Admin	Briefing on the Administration's paper entitled "Sanctions for Making Private Arrangements for Adoption by Unrelated Persons" (LC Paper No. CB(2)2315/03-04(02))	
003854 - 005008	Chairman Hon Audrey EU Dr Hon LAW Chi- kwong Admin	Whether the scope of the proposed new section 23A of the Adoption Ordinance (AO) and the meaning of the term "arrangements" in the proposed section were too broad; information on relevant cases in UK regarding the interpretation of the expression "arrangements for the adoption of an infant"	Admin to provide the relevant information and response; SALA1 to examine the drafting of the relevant provisions in the UK legislation

Time marker	Speaker	Subject(s)	Action Required
005009 - 005834	Admin Chairman	Briefing on the Administration's paper entitled "Response to the Submissions from The Caritas - Hong Kong" (LC Paper No. CB(2)2179/03-04(02))	
005835 - 010353	Hon CHAN Yuen-han Dr Hon LAW Chi- kwong Chairman Admin	Declaration by Hon LAW Chi- kwong as a member of the Social Work Committee of Caritas; developments of discussions between Caritas and the Administration on the proposals in the Bill	
010354 - 010644	Admin	Briefing on the Administration's paper entitled "Effect of an Adoption Order on a Will made prior to the Order" (LC Paper No. CB(2)2179/03-04(04))	
010645 - 011222	Hon LI Fung-ying Hon Miriam LAU Chairman Admin	Situations where an adopted child would generally be entitled to a share in the estate of his/her birth parents	
011223 - 011747	Admin	Briefing on the Administration's paper entitled "Requirement of "Continuous Actual Custody" before the Making of an Adoption Order" (LC Paper No. CB(2)2179/03-04(03))	
011748 - 012259	Chairman SALA1 Admin	Improving the drafting of the proposed section 5(8) of AO to reflect that the three scenarios as specified in the proposed section did not constitute an exhaustive list	Admin to consider the suggestion
012300 - 012714	Admin	Briefing on the Administration's paper entitled "Residence Requirements for Adoption in the relevant legislation of the United States" (LC Paper No. CB(2)2315/03-04(03))	

Time marker	Speaker	Subject(s)	Action Required
012715 - 013251	Chairman Admin	Referral of the subject of establishment of a mechanism for adoption in Hong Kong of Mainland children to the Panel on Welfare Services	
013252 - 013343	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
8 June 2004