

立法會
Legislative Council

Ref : CB2/BC/12/02

LC Paper No. CB(2)2803/03-04
(These minutes have been seen by
the Administration)

Bills Committee on Adoption (Amendment) Bill 2003

**Minutes of the eleventh meeting
held on Thursday, 27 May 2004 at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
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 Cyd HO Sau-lan
Hon CHAN Yuen-han, JP
Hon Miriam LAU Kin-yee, 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 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 amending the expression "in such amount as may be approved by the Director" in the proposed section 22(1)(b) of the Adoption Ordinance (AO) along the lines of "in accordance with the fees set by the Director from time to time";
 - (b) to explain the intent of the proposed section 23A(1B) of AO, the definition of the expressions such as "duly authorized" and "competent authority" in the proposed section, and how the proposed section was to be implemented;
 - (c) to consider amending the expression "any negotiations of which the purpose or effect is" in the proposed section 23A(3)(b) of AO along the lines of "negotiations the purpose or effect of which is";

- (d) to consider defining the term "natural relative" in the proposed section 23C(1) of AO;
- (e) to consider deleting the expression "on the ground that" in the proposed section 26(4)(b) of AO;
- (f) to consider amending the expression "outside Hong Kong" in the proposed section 28(4)(a) of AO along the lines of "outside the People's Republic of China";
- (g) to consider amending the proposed section 29A of AO to differentiate between -
 - (i) placement by the Director of Social Welfare and placement by an accredited body;
 - (ii) cases where specific consent was given and those where there was no specific consent; and
- (h) to consider amending paragraph 2 of the proposed Schedule 4 of AO, having regard to the views expressed by members.

3. The Bills Committee agreed that the following meetings would be scheduled to continue discussion with the Administration -

- (a) Monday, 7 June 2004 at 10:45 am; and
- (b) Thursday, 10 June 2004 at 4:30 pm.

4. The meeting ended at 6:40 pm.

**Proceedings of the meeting of the
Bills Committee on Adoption (Amendment) Bill 2003
on Thursday, 27 May 2004 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000441	Chairman	Opening remarks and dates of further meetings	
000442 - 000800	Admin	Briefing on the Administration's paper entitled "Draft Committee Stage amendments (CSAs) - Part I" (LC Paper No. CB(2)2489/03-04(01))	
000801 - 000907	Chairman Admin SALA1	Examination of the CSA to the proposed section 2 of the Adoption Ordinance (AO)	
000908 - 000949	Chairman Admin SALA1	Examination of the CSA to the proposed section 5AA of AO	
000950 - 001155	Chairman Admin SALA1	Examination of the CSA to the proposed section 5A(4)(b) of AO	
001156 - 001536	Chairman Admin SALA1	Examination of the CSA to the proposed section 5B of AO	
001537 - 001615	Admin Chairman SALA1	Examination of the CSA to the proposed section 8 of AO	
001616 - 002313	Admin Chairman SALA1	Examination of the CSA to the proposed section 22 of AO; amending the expression "in such amount as may be approved by the Director" in the proposed section 22(1)(b) of AO along the lines of "in accordance with the fees set by the Director from time to time"	Admin to consider the suggestion

Time marker	Speaker	Subject(s)	Action Required
002314 - 005719	Admin Chairman Dr Hon LAW Chi- kwong Hon LI Fung-ying SALA1	Examination of the CSA to the proposed section 23A of AO; intent of the proposed section 23A(1B) of AO, definition of the expressions such as "duly authorized" and "competent authority" in the proposed section; how the proposed section was to be implemented; amending the expression "any negotiations of which the purpose or effect is" in the proposed section 23A(3)(b) of AO along the lines of "negotiations the purpose or effect of which is"	Admin to provide the requested information and consider the suggestion
005720 - 010024	Admin SALA1 Chairman	Examination of the CSA to the proposed section 23C of AO; defining the term "natural relative" in the proposed section 23C(1) of AO	Admin to consider defining the term "natural relative"
010025 - 010054	Admin Chairman	Examination of the CSA to renumber section 25 of AO as section 30	
010055 - 010612	Admin Chairman	Examination of the CSA to the proposed section 25 of AO	
010613 - 013126	Admin Chairman Dr Hon LAW Chi- kwong	Examination of the CSA to the proposed section 26 and Schedule 4 to AO; deleting the expression "on the ground that" in the proposed section 26(4)(b) of AO; amending paragraph 2 of the proposed Schedule 4 of AO, having regard to the views expressed by members	Admin to consider deleting the expression "on the ground that" in the proposed section 26(4)(b) of AO; to consider amending paragraph 2 of the proposed Schedule 4 of AO, having regard to the views expressed by members
013127 - 013322	Chairman Admin SALA1	Examination of the CSA to the proposed section 26A of AO	
013323 - 013635	Admin Chairman SALA1	Examination of the CSA to the proposed section 27 of AO	

Time marker	Speaker	Subject(s)	Action Required
013636 - 014349	Admin Chairman	Examination of the CSA to the proposed section 27A of AO	
014350 - 014751	Admin Chairman	Examination of the CSA to the proposed section 28 of AO; amending the expression "outside Hong Kong" in the proposed section 28(4)(a) of AO along the lines of "outside the People's Republic of China"	Admin to consider amending the expression "outside Hong Kong" in the proposed section 28(4)(a) of AO along the lines of "outside the People's Republic of China"
014752 - 014912	Admin Chairman	Examination of the CSA to the proposed section 29 of AO	
014913 - 021139	Admin Chairman Dr Hon LAW Chi- kwong SALA1	Examination of the CSA to the proposed section 29A of AO; drafting of the proposed section	Admin to consider amending the proposed section 29A of AO to differentiate between placement by the Director of Social Welfare and placement by an accredited body, and cases where specific consent was given and those where there was no specific consent