

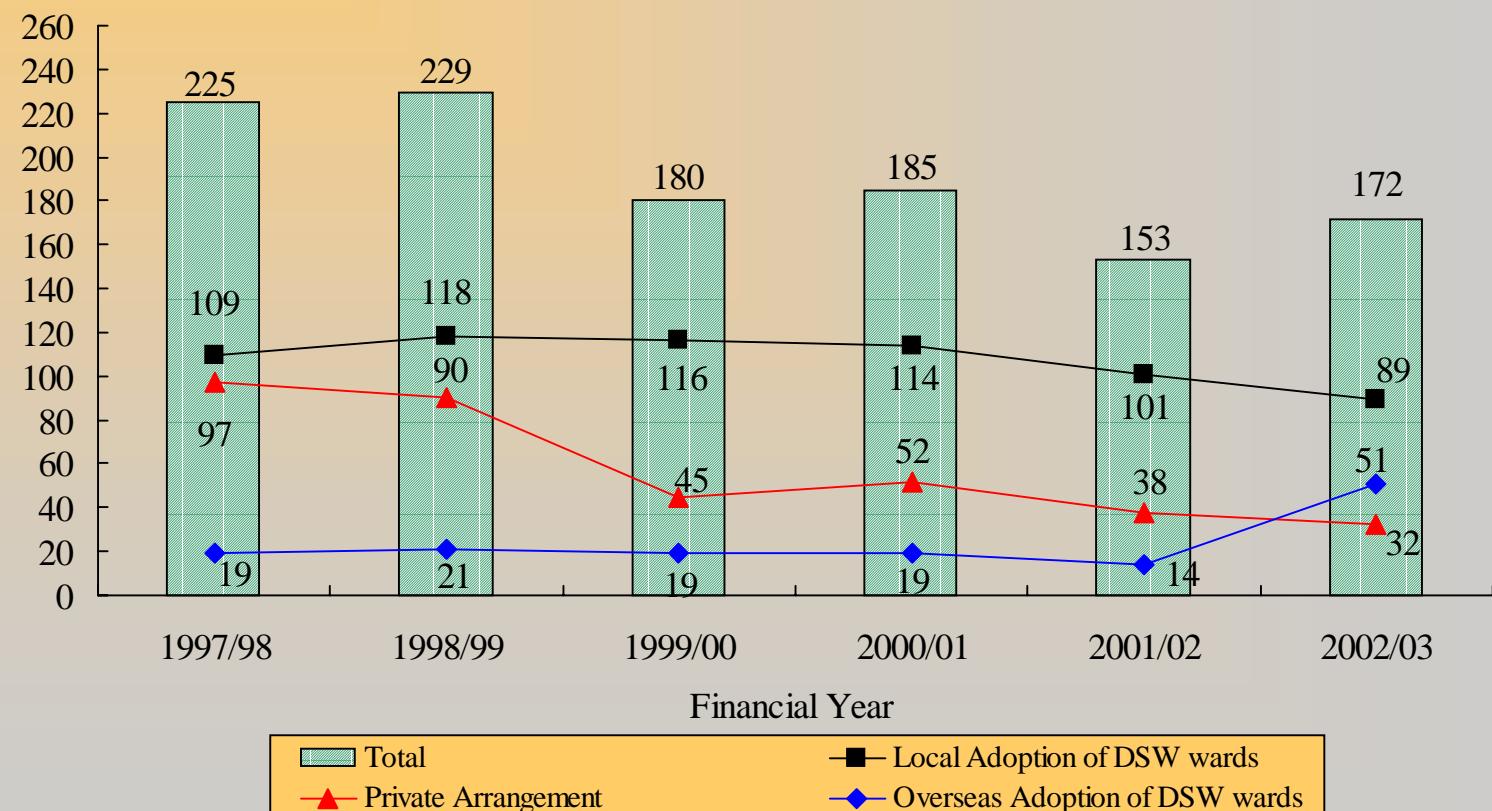


Adoption (Amendment) Bill 2003

Health, Welfare & Food Bureau

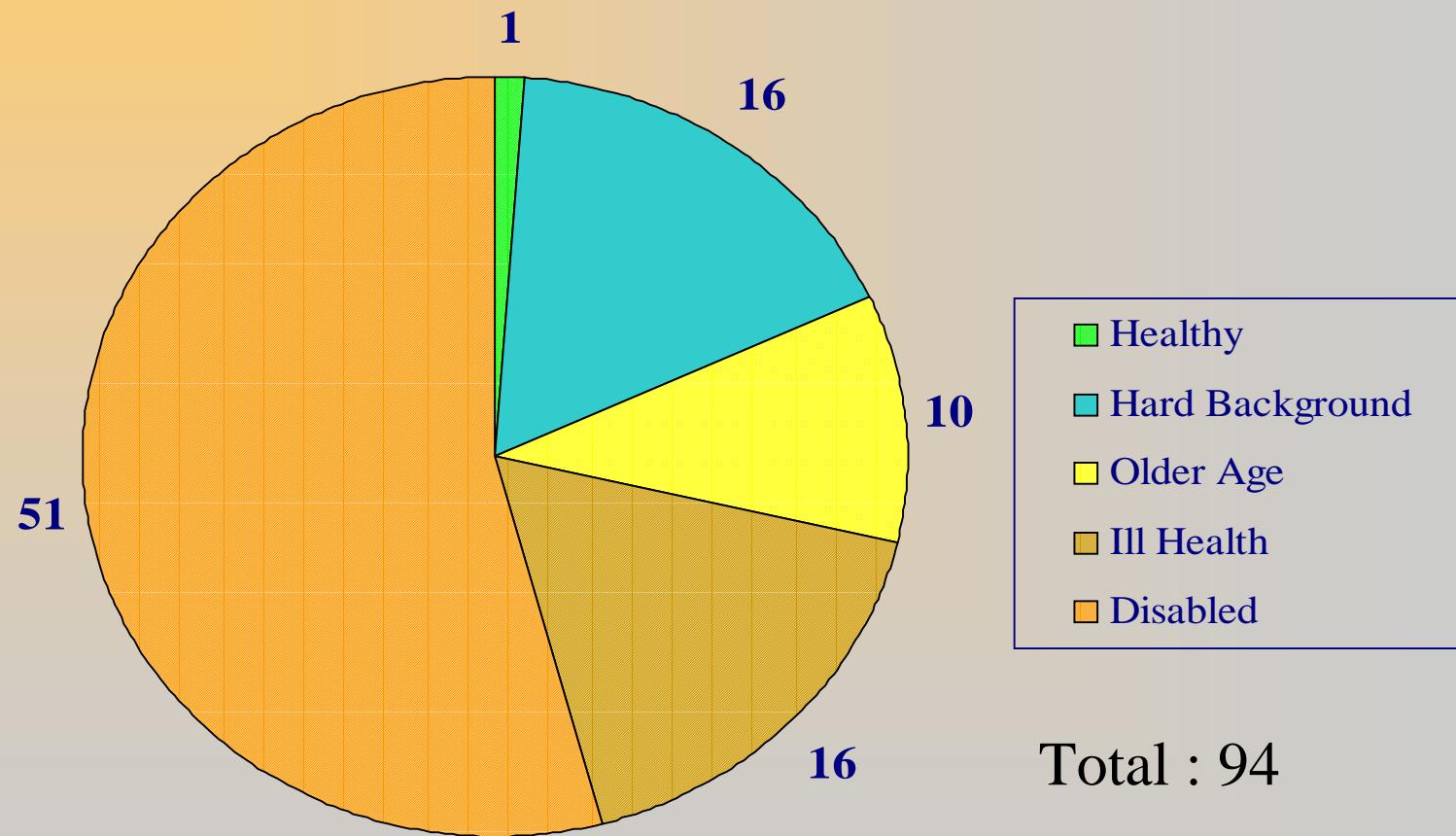
Number of adoption orders granted

No. of Adoptions Granted





Number of DSW wards available for adoption (as at Dec 2003)

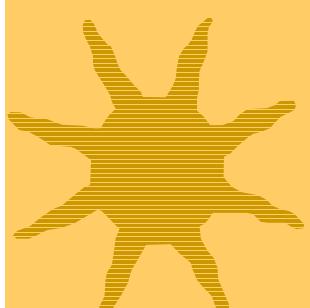
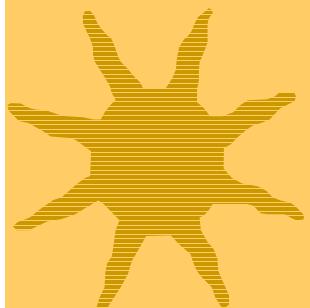
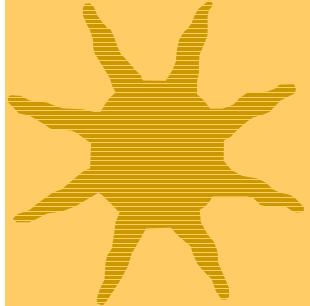


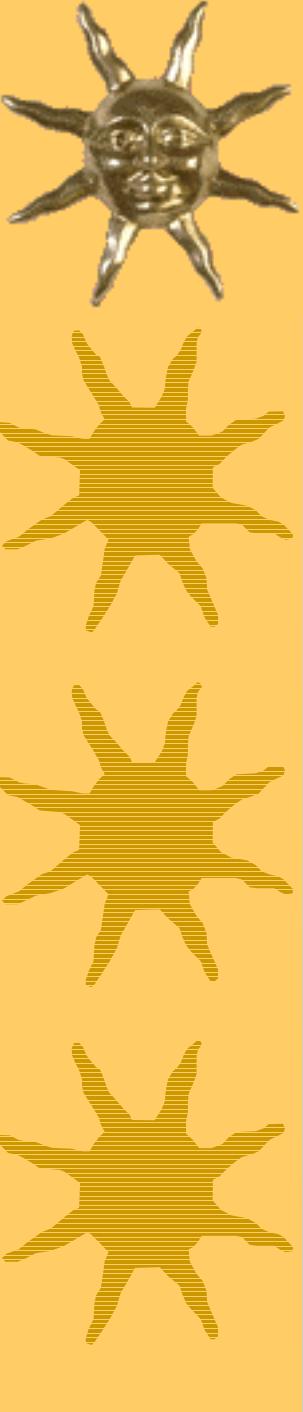
Note: Most of the healthy children are placed into adoptive homes once they are available for adoption.



Key Consideration

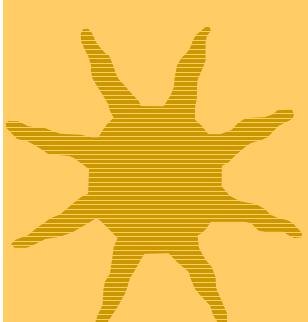
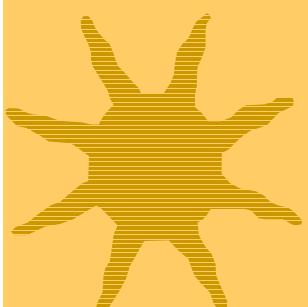
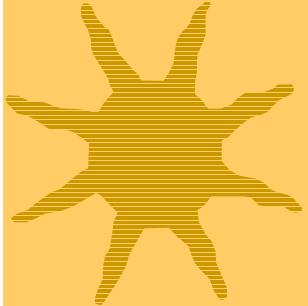
-
- ★ The best interests of the child





Purposes of the Amendment Bill

- ★ To improve local adoption arrangements
- ★ To give legal effect to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in Hong Kong



Local Adoption

★ Private Arrangements for Adoption by Unrelated Person

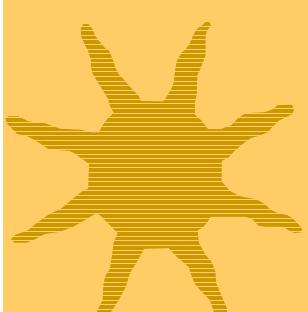
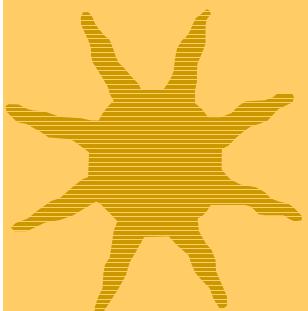
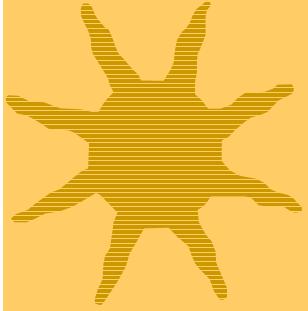
- To prohibit the making of arrangements for the adoption of a child by an unrelated person, except where the adoption is arranged by SWD or an adoption agency authorized by SWD or made in pursuance of an order of the Court



Local Adoption

★Court Orders for the Removal of Children from Hong Kong

- To make it unlawful for a child to be removed out of Hong Kong for the purpose of adoption by an unrelated person without an order given by the Court





Local Adoption

★Mandatory Criminal Record Checks

- To make criminal record checking a compulsory requirement for any applicants for an adoption order

★Step-parent Adoption

- To enable a step-parent to apply as a sole applicant if his/her spouse is the birth parent of the child born in wedlock



Local Adoption

★ Administrative Appeals Board

- To enable an aggrieved person to appeal to the Administrative Appeals Board against certain decisions of DSW relating to adoptions

★ Updated Penalty Levels

- To reflect the seriousness of the offences and accord sufficient retributive and deterrent effects



Local Adoption

★ Adoption of an infant by a sole applicant of an opposite gender

- To remove the provision that an adoption order in respect of a female infant shall not be made in favor of a sole applicant who is a male, unless such an order is justified under special circumstances as an exceptional measure

★ Religious Persuasion

- To remove reference that allows birth parents to specify as a condition for adoption that the child should be brought up in a certain religious persuasion



Local Adoption

★ Re-vesting of Parental Rights

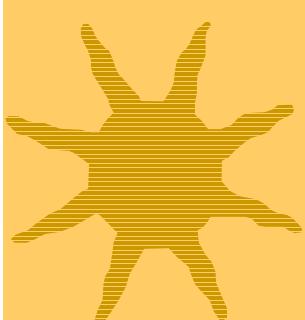
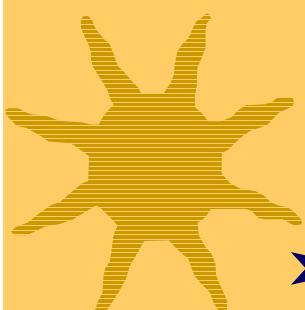
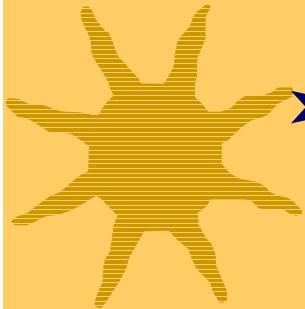
- To spell out expressly the re-vesting of parental rights and duties upon a parent's revocation of his general consent within three months of that consent

★ Minimum Consent period

- To allow the birth mother to give consent for her infant to be placed for adoption as early as when the infant is four weeks old



Local Adoption



★Notice to DSW

- To require an applicant for an adoption order to serve on DSW a copy of the originating summons of the application, regardless of whether DSW is the guardian ad litem

★Continuous Custody Requirement

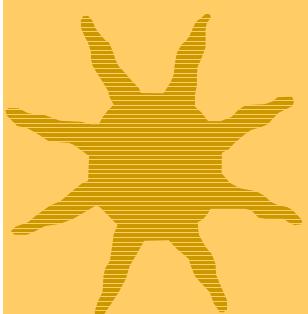
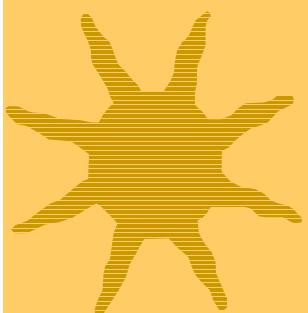
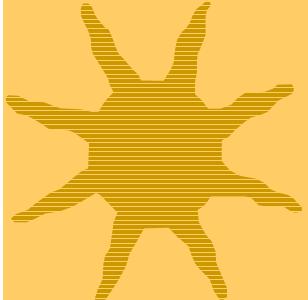
- To provide that children pursuing full-time education outside HK but not residing in boarding schools may go through the adoption process without interruption of their education



Local Adoption

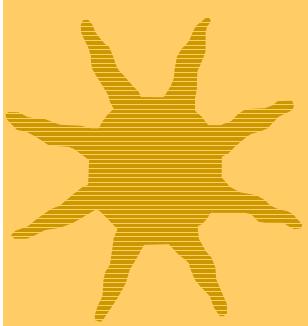
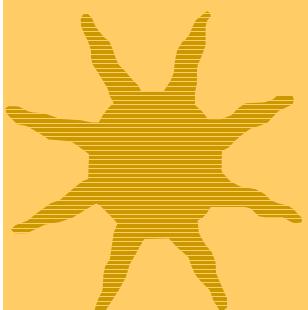
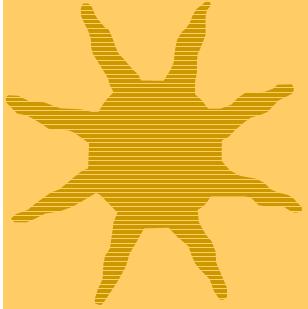
- ★ Root-tracing System and Veto Mechanism
 - Apply to both local and intercountry adoptions
 - To facilitate an adopted person to know their birth information
 - Veto mechanism - to respect the privacy of birth parents

- ★ Textual and Formatting Amendments



Convention Adoptions

- ★ Hague Convention on Intercountry Adoption
- ★ Concluded in May 1993
- ★ 64 states have signed/ratified/acceded to the Convention
- ★ Signed by CPG in November 2000; to be ratified
- ★ Local implementing legislation needs to be enacted, before CPG declares that the Convention shall apply to HKSAR (one of China's territorial units)

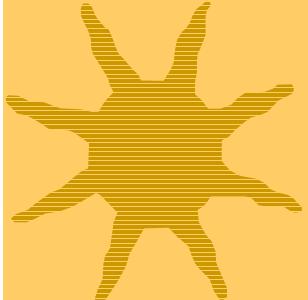


Convention Adoptions

- ★ Safeguard the interests of children subject to intercountry adoption
- ★ Facilitate our existing adoption work by extending the network of suitable adoptive parents overseas
- ★ Automatic recognition of intercountry adoptions made under the Convention
- ★ Demonstrate HK's commitment to facilitate intercountry adoption and maintain our position as a world city

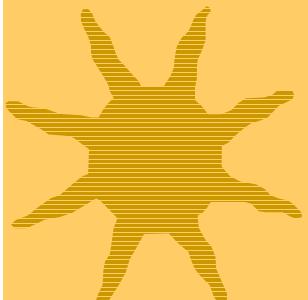


Convention Adoptions



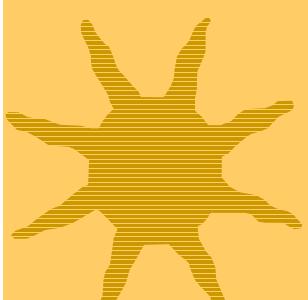
* Objective

To ensure that intercountry adoptions are made in the best interests of the child



* Principle of Priority

Intercountry adoptions should only be explored as a last resort after every possibility of local adoption has been exhausted





Convention Adoptions

★ Legal Provision

A new Part 5 to the Ordinance and a new Schedule 3 will be added to implement the Hague Convention in Hong Kong

★ Key Implementation Agencies

SWD will be designated as the Central Authority and the High Court will be empowered to grant Convention adoption orders. Interested NGOs should be accredited by SWD before they can provide services.



Convention Adoptions

Responsibilities

- ★ Competent Authorities of the State of Origin to establish the adoptability of an infant
- ★ Competent Authorities of the Receiving State to establish the eligibility and suitability of an applicant to adopt



Convention Adoptions

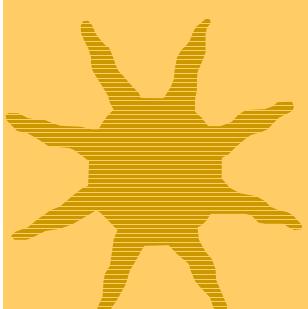
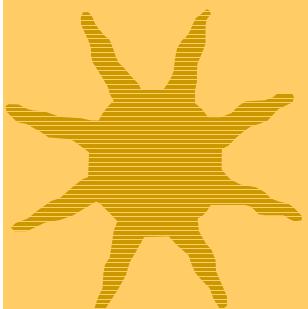
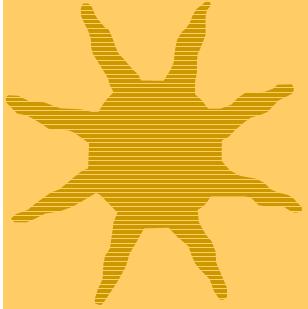
- ★ **Services to be provided by Accredited Bodies (ABs)**

Child Study

Home Assessment

Departure Arrangement

Placement Supervision



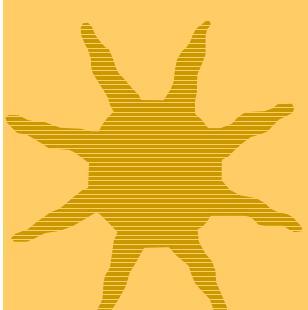
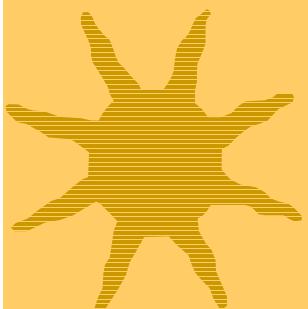
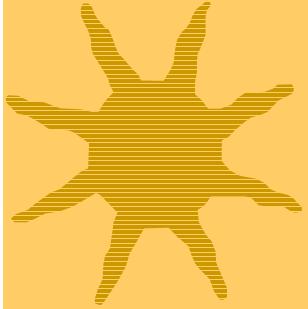


Convention Adoptions



Administrative Appeals Board

To enable an aggrieved person to appeal against DSW's decisions on the assessment of that person's suitability to be an adoptive parent, to terminate a placement, on the person's application to become or continue to be an accredited body, or to suspend or revoke the person's status as an accredited body

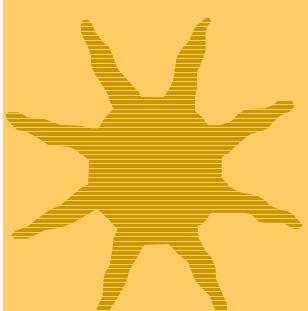
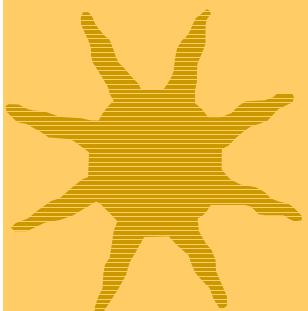
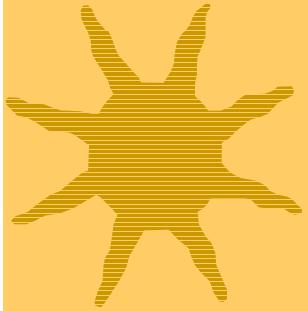




Convention Adoptions

* Registration of Convention Adoptions

Convention adoption orders for adoptions made in Hong Kong will be recorded in the Adopted Children Register and/or the Registers of Births





Thank you
