

LC Paper No. CB(2)1661/03-04(03)

## **International Social Service Hong Kong Branch**

### **Adoption (Amendment) Bill 2003**

#### **Views presented to the Bill Committee**

##### **Basic ethics and principles on adoption arrangement for children**

It is the view of International Social Service, an international organization having served people in different parts of the world for 80 years with adoption being one of the major areas of work, that adoption is a social and legal protective measure for children. It should be governed by the child's best interests and by respect of his/her fundamental rights. Therefore, it should not be an arrangement between individuals, or to be left to the birth parents, to unqualified persons or those of doubtful ethics, or to prospective adoptive parents. The government and legislation should bear the responsibility to ensure the above and protect the interests of children.

##### **Private arrangement for adoption by unrelated persons**

We fully support that private arrangement for adoption, if not made by the Social Welfare Department or any person/organization authorized by the government, should be prohibited, except for relative adoption cases or for acting in pursuance of an order of the Court. This measure should apply to both local and intercountry adoption. For the best interests of the child, it is to ensure that:

1. a formal assessment on the eligibility and suitability of the prospective adoptive parents (PAPs) be made before placement occurs;
2. the adoptability of the child be established before a matching is considered. Adoptability is more than a mere legal concept. Other aspects like the psychological and social factors must be taken into account; and
3. birth parents of the child be given counseling before they relinquish their parental rights.

Even for relative adoption cases, the above-mentioned procedures should also be carried out as far as possible.

Besides, we definitely do not want to see that people are making personal profit from private adoption arrangement for unrelated persons, no matter whether this may or may not have happened in Hong Kong. Private arrangement can be easily abused, including the sale of children. It is therefore our view that there should be penalty for those making private arrangement for profit making purpose.

**Impact of the Amendment Bill on Intercountry adoption**

We welcome that the Adoption (Amendment) Bill will make provisions to give legislative effect to the Hague Convention in Hong Kong, as such will establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights.

Based on the ethics and principles stated above, we also support the amendment to ensure that in future, for both Convention and non-Convention adoptions, a Court order will be required for a child in Hong Kong to be brought to other places for adoption by unrelated persons, so as to avoid incidents of unlawful arrangement.

9 March 2004