

For information  
on 18 March 2004

**Bills Committee on  
Adoption (Amendment) Bill 2003**

**Policy on Overseas Adoption and  
Measures for Facilitating Overseas Adoption**

**Purpose**

This paper provides background information on the Administration's policy on overseas adoption and measures for facilitating such adoption.

**Background**

2. At the meeting on 7 January 2004, Members requested for information on, among others, our policy on overseas adoption and measures for facilitating such adoption.

**Policy on Overseas Adoption**

3. The aim of adoption service is to find a suitable and permanent home for children whose parents are unable or unwilling to take care of them. In arranging adoption, the interests of the child shall be the paramount consideration. As we have explained to Members at previous Bills Committee meetings, priority is given to placing children to local families of the same ethnic or cultural background.

4. Our policy for overseas adoption is, as explained in the paper 'Adoption : Current Arrangements' (LC Paper No. CB(2)1474/03-04(01)), to arrange for overseas adoption of Hong Kong children only when the possibility of matching a local adoptive home for the child has been exhausted. As such, the Hong Kong children involved are usually those who have special needs, such as those who are older in age, those with

handicaps, health problems or hard family background. However, under the parallel matching scheme (with local and overseas adoptive homes), should a local adoptive home become available before a formal matching proposal is made to overseas adopters, the case will be retrieved for such local placement.

5. Besides, to ensure the best interests of the child referred for overseas adoption are served, thorough assessment of the suitability of the prospective adoptive parent(s) will be conducted, with special attention paid to their ability to take care of the child and the support facilities available in their community. This is done with the assistance of the Non-Governmental Organizations (NGOs) (the International Social Service – Hong Kong Branch (ISS-HK) and the Mother’s Choice (MC)) and their overseas network.

### **Measures for Facilitating Overseas Adoption**

6. As overseas adoption provides an additional chance for the prospective adoptive children, particularly those with special needs, to be adopted, we have put in place a range of measures to facilitate identification of suitable overseas adoptive families for our children as follows :

***(a) Prompt Referrals to NGOs***

SWD refers a case to the relevant NGO for identifying prospective adoptive parent(s) as soon as possible and not later than 2 weeks once it is decided that overseas adoption should be arranged for a child;

***(b) A variety of means to identify overseas prospective adopters***

Both ISS and MC circulate information on available HKSAR children to their overseas counterparts at regular intervals. Non-identifying information of these children is also put up in the magazines and/or websites of the overseas adoption agencies to increase the chance of identifying suitable adoptive parent(s) for our children;

***(c) Stipulated time limit for completion of child study***

In the past, there was no time limit for the NGOs receiving a child referral from SWD for overseas adoption to complete a comprehensive child study. SWD has recently stipulated a time

limit of 3 months for completion of the child study to facilitate early identification of a prospective adoptive home for the child. The child study report will be, as before, updated regularly to show the progress and development of the child while awaiting for overseas placement; and

*(d) Streamlining the practice of ISS-HK*

Under the current long-standing practice, the ISS-American Branch (ISS-US) assumed responsibility as may be necessary for the welfare of the child during the adoption placement period, after an order from the Court of the HKSAR has been granted under the High Court Ordinance, even though the case was actually under the direct care of some other overseas adoption agencies. Under such an arrangement, there was more liaison work among the ISS-HK, ISS-US and the adoption agencies, which took more time and incurred greater costs in processing each case. To streamline the above practice, a Tri-partite Arrangement among SWD, ISS-HK and an overseas adoption agency (Bethany Christian Services) has recently been signed to facilitate the above responsibility for intercountry adoption cases placed through ISS-HK to be directly assumed by the overseas adoption agency in the US. Time and cost involved in the adoption process have been saved.

7. In future, with the application of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (Hague Convention) to Hong Kong, the opportunities for overseas adoption may be increased with an extension of the network of suitable overseas adoptive parents in Contracting States. Moreover, as all Contracting States are required to comply with the minimum standards and practice of adoption laid down by the Hague Convention, this would facilitate the making of intercountry adoption arrangements in the best interests of the children.

## **Presentation**

8. Members may wish to note the above background information for reference.

Health, Welfare and Food Bureau

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