

For information
on 30 April 2004

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

**Entry of Mainland Children adopted by HKSAR Residents
for Settlement in the HKSAR**

Purpose

This paper provides supplementary information on the entry of Mainland children adopted by HKSAR residents for settlement in the HKSAR.

Background

2. At the meeting on 25 March 2004, Members requested, among others :
 - (a) information on the responsible department of the Government of the HKSAR, if any, for verifying that a child from the Mainland has been adopted in the Mainland and how the department, if any, verifies such adoption; and
 - (b) any available information on the number of Mainland children who had settled in the HKSAR after adoption by HKSAR residents.

Entry of Adopted Children

3. As explained in the paper “Arrangements for Adoptions between the HKSAR and the Mainland” (ref : LC Paper No. CB(2)1661/03-04(01)), the entry of Mainland residents for settlement in the HKSAR is regulated under the One-Way Permit (OWP) mechanism on the basis of Article 22(4) of the Basic Law. Children of HKSAR resident residing in the Mainland, irrespective of whether they are adopted children or not, are required to apply for OWPs for settlement in the HKSAR. Mainland children under the age

of 18¹ may apply under the category of “unsupported children coming to join relatives” (無依兒童投靠親屬類). Those aged 18 or above² may apply to come under the category of “coming to take care of unsupported aged parents” (來港照顧無依父母類).

4. The issuance of OWPs is a matter for the relevant Mainland authorities. Priority for entry under the OWP scheme is determined by a transparent points system. The names and related details of persons who would be granted OWPs are published regularly in the local press for public scrutiny. The Mainland authorities have set up hotlines to deal with enquiries and complaints. Holder of a valid OWP will be allowed to enter the HKSAR for settlement. The Immigration Department do not have statistics on OWP holders who are adopted children.

Presentation

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

Health, Welfare and Food Bureau
April 2004

¹ but including the day of their 18th birthday

² but excluding the day of their 18th birthday