

ADOPTION (AMENDMENT) BILL 2003

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for  
Health, Welfare and Food

| <u>Clause</u> | <u>Amendment Proposed</u>   |
|---------------|---|
| 4             | <p>(a) In paragraph (b), in the proposed definition of "Court", in paragraph (b), by adding "and section 23B" after "Part 5".</p> <p>(b) By deleting paragraph (d) and substituting –</p> <p style="padding-left: 40px;">"(d) in the definition of "parent" –</p> <p style="padding-left: 80px;">(i) by adding "、父或母" after "(父母";</p> <p style="padding-left: 80px;">(ii) by repealing "illegitimate" and substituting "born out of wedlock";".</p> <p>(c) By adding –</p> <p style="padding-left: 40px;">"(ea) in the definition of "臨時命令", by repealing the full stop at the end and substituting a semicolon;".</p> <p>(d) In paragraph (f) –</p> <p style="padding-left: 40px;">(i) in the proposed definition of "accredited body", by deleting "approved" and substituting "accredited as an accredited body, or the accreditation of which is renewed,";</p> <p style="padding-left: 40px;">(ii) by adding –</p> <p style="padding-left: 80px;">""accreditation" (認可) means an</p> <p style="padding-left: 120px;">accreditation granted or renewed</p> |

under section 26;".

- (e) By deleting paragraph (e) and substituting –
  - "(e) in the definition of "relative" –
    - (i) by adding "、外祖父母" after "祖父母";
    - (ii) in paragraph (b), by repealing "illegitimate" and substituting "born out of wedlock";".

7(a) By deleting everything after "An" and substituting "application made under section 4 or 20" and substituting "Subject to section 20C(3), an application made under section 4"; ".

- 8
- (a) In paragraph (a) –
    - (i) by deleting ", (3)";
    - (ii) in the proposed section 5 –
      - (A) in subsection (1) –
        - (I) by deleting "in respect of an infant under section 4(a)" and substituting "authorizing a sole applicant to adopt an infant";
        - (II) in paragraph (c), by deleting everything after "to a" and before "; or" and substituting "parent of the infant";
      - (B) in subsection (2), by deleting "in respect of an infant under section 4(b)" and substituting " authorizing applicants who apply jointly as 2 spouses to adopt an infant".

(b) In paragraph (g), in the proposed subsection (8), by deleting "For the purposes of subsection (7)," and substituting "Without limiting any other circumstances in which the Court may determine that continuous actual custody has not been broken for the purposes of subsection (7),".

(c) By adding –

"(i) by adding –

"(9) For the purposes of paragraph (b) of subsection (7), in the case of an adoption in relation to which section 27 applies, no notice under that paragraph may be lodged unless the applicant has been assessed as a suitable adoptive parent under section 29 and that section 29A, 29B or 29C (as may be applicable) has been complied with.".

9 In the proposed section 5AA –

(a) by deleting "27(3)(a) and" and substituting "27A(2)";

(b) by deleting "an application";

(c) by deleting "27(3)" and substituting "27A(2)(b)".

New By adding –

**"9A. Freeing infant for adoption**

Section 5A(4)(b) is repealed and the following substituted –

"(b) the Director or an accredited body may place,

subject to the provisions of this Ordinance, the infant for adoption; and".

- 10 In paragraph (b), by deleting "by repealing "安置幼年人接受領養" and substituting "爲領養的目的而將幼年人交託"" and substituting "by adding "and any accredited body" before "shall not place"".
- 12(a) By deleting "any person whose consent is required by section 5(5)(a)" and substituting "a parent of an infant".
- 13(a) (a) In subparagraph (i) –  
(i) by deleting "birth";  
(ii) by deleting "applied for by virtue of" and substituting "sought to be made under".  
(b) In subparagraph (iii), by deleting "27(3)" and substituting "27A(2)".
- 16 In the proposed section 13(1) –  
(a) in paragraph (a) –  
(i) by deleting "birth";  
(ii) by deleting "applied for by virtue of" and substituting "made under";  
(b) in paragraph (b)(i) –  
(i) by deleting "applied for by virtue of" and substituting "made under";  
(ii) by deleting "birth";  
(c) in paragraph (c)(i), by deleting "applied for by virtue of" and substituting "made under".

- 17 By deleting the clause and substituting –
- "17. Cessation of certain orders, etc.**
- Section 14 is amended –
- (a) in subsection (1), by repealing "illegitimate" and substituting "born out of wedlock";
  - (b) in subsection (3), by repealing "控制" and substituting "管束".
- 18 (a) In paragraph (a), in the proposed section 15(1)(b) –
- (i) by deleting "applied for by virtue of" and substituting "made under";
  - (ii) by deleting "birth".
- (b) In paragraph (c), in the proposed section 15(2)(c)(ii) –
- (i) by deleting "applied for by virtue of" and substituting "made under";
  - (ii) by deleting "birth".
- (c) In paragraph (d), in the proposed section 15(3) –
- (i) by deleting "applied for by virtue of" and substituting "made under";
  - (ii) by deleting "birth".
- 19 (a) By adding –
- (ba) in subsection (2)(c)(ii), by repealing "一州" and substituting "國家".
- (b) In paragraph (c), in the proposed section 17(4), by deleting "in paragraph" and substituting "by paragraph".

- 24 (a) In the proposed section 20A(1), in the definition of "Convention adoption", in paragraph (b) –
- (i) by deleting "whether or not" and substituting "regardless of whether in respect of which";
  - (ii) by deleting "State in respect of the adoption;" and substituting –
    - "State,
    - other than any adoption that is excluded by an order made under section 20J;"
- (b) By adding –
- "20J. Modification of the definition of "Convention adoption"**
- (1) Subject to subsection (2), the Secretary for Health, Welfare and Food may by order published in the Gazette declare that, for the purposes of this Ordinance, such adoptions as specified in the order shall be excluded from the meaning of "Convention adoption".
  - (2) An order under subsection (1) may be made only if –
    - (a) the People's Republic of China has made a declaration under Article 25 of the Convention to the effect that Hong Kong will not be bound to recognize adoptions made in accordance with any agreement concluded by application of paragraph 2 of Article 39; and
    - (b) the order specifies such adoptions."

27 In paragraph (a), in the proposed section 22(1)(b), by adding ", in an amount that is calculated in accordance with a schedule of fees approved by the Director from time to time in relation to the accredited body" before the full stop.

29 (a) In the proposed section 23A –

(i) by deleting subsection (1) and substituting –

"(1) Subject to subsections (1A) and (1B),  
no person other than –

- (a) the Director;
- (b) an accredited body acting under and in accordance with its accreditation; or
- (c) a person acting in pursuance of an order of the Court,

shall make arrangements for the adoption of an infant, or place an infant for adoption.";

(ii) by adding –

"(1A) Subsection (1) shall not apply if the prospective adopter, or (where the prospective adopters are 2 spouses) either of the prospective adopters, is –

- (a) a parent or relative of the infant; or
- (b) a person who is married to a parent of the infant.

(1B) If an arrangement leads to the

placement of an infant from a place that lies outside Hong Kong but within the People's Republic of China with a person resident in Hong Kong, then subsection (1) shall not apply to the arrangement nor the placement.";

(iii) in subsection (2), by deleting paragraph (a);

(iv) by deleting subsection (3);

(v) in subsection (4) –

(A) by deleting paragraph (a) and substituting –

"(a) he enters into any agreement, or makes any arrangement, for the adoption of the infant by any other person where the adoption is effected, or is intended to be effected, in Hong Kong or in a place outside the People's Republic of China;"

(B) in paragraph (b), by deleting "of which the purpose or effect" and substituting "the purpose or effect of which".

(b) In the proposed section 23C, by adding –

"(2A) For the purposes of subsection (1), "relative" (親屬), in relation to an infant, means a grandparent, brother, sister, uncle or aunt of the full blood or of the half blood, but excluding, where the infant is born out of wedlock, the blood relations of his father.".

By deleting the clause and substituting –

**"30. Adoption to be effected**

**under the Ordinance**

Section 25 is renumbered as [section 33]."

- 31 (a) By adding before the proposed section 26 –

**"PART 7**

**ACCREDITED BODIES, SUITABILITY ASSESSMENT OF  
PROSPECTIVE ADOPTERS, AND PLACEMENT, ETC.**

**25. Interpretation of Part 7**

(1) In this Part, unless the context otherwise requires –  
"adoption of overseas children" (海外兒童領養) means an  
adoption within the meaning of paragraph (a) of the  
definition of "non-Convention adoption";

"Convention adoption" (公約領養) has the meaning assigned to  
it by paragraph (a) of the definition of the expression in  
section 20A(1);

"local adoption" (本地領養) means the adoption of an infant  
resident in Hong Kong by a person resident in Hong  
Kong;

"non-Convention adoption" (非公約領養) means –

- (a) the adoption of an infant resident in a place  
outside the People's Republic of China by a  
person resident in Hong Kong, other than a  
Convention adoption; or
- (b) the adoption of an infant resident in Hong  
Kong by a person resident in a place outside  
the People's Republic of China, other than a  
Convention adoption."

- (b) By deleting the proposed sections 26, 27, 28 and 29 and substituting –

**"26. Accredited bodies**

(1) The Director may, in accordance with the principles set out in Schedule 4, accredit, or renew the accreditation, of a body of persons (corporate or unincorporate) as an accredited body in relation to –

- (a) Convention adoption;
- (b) non-Convention adoption; or
- (c) local adoption.

(2) An accreditation may be subject to such conditions as the Director may reasonably impose.

(3) Unless revoked or suspended, an accreditation shall remain in force for a period of four years or such lesser period as the Director may determine when he grants or renews the accreditation.

(4) The Director may, at any time by notice in writing served on the accredited body, amend or revoke any such condition, or impose new conditions, as may be reasonable in the circumstances.

(5) The Director may, at any time by notice in writing served on an accredited body, revoke or suspend its accreditation if –

- (a) in his opinion, the accredited body is operated in a manner that is inconsistent with the principles set out in Schedule 4; or
- (b) any condition of the accreditation has

not been or is not being complied  
with by the accredited body.

(6) An accredited body may, while acting under and in accordance with its accreditation and subject to the provisions of this Ordinance, make arrangements for the adoption of infants and proceed with their placement.

**26A. Register of accredited bodies**

(1) The Director shall cause to be kept, in such form as he may specify, a register of accredited bodies containing—

- (a) the name and address of every accredited body; and
- (b) such other particulars as the Director thinks fit.

(2) The Director shall make such amendment to the register as may be necessary for the purpose of maintaining the accuracy of the register.

(3) The register may be inspected at the office of the Director during office hours by any member of the public.

(4) A certificate purporting to be signed by or for the Director that a body of persons is or is not an accredited body shall be evidence of the facts stated in the certificate until the contrary is proved.

(5) A copy of an entry in the register kept under subsection (1) purporting to be certified under the hand of

the Director shall, until the contrary is proved, be admitted in evidence as proof of the facts stated in the certificate as at the date of such certified copy.

**27. Duty to apply for assessment of suitability to be an adoptive parent**

(1) Subject to subsection (2), a person resident in Hong Kong who intends to adopt any infant, other than a person who is –

- (a) a parent or relative of the infant; or
- (b) married to a parent of the infant,

shall apply in accordance with section 27A(1) and (2) for assessment of his suitability to be an adoptive parent.

(2) A person habitually resident in Hong Kong who intends to make an application for Convention adoption shall apply in accordance with section 27A(1) and (2) for assessment of his suitability to be an adoptive parent.

**27A. Application for suitability assessment and authorization for checking criminal record, etc.**

(1) An application under section 27 shall be made in a form specified by the Director and submitted –

- (a) in the case of local adoption, to the Director or an accredited body accredited for that purpose;

- (b) in the case of adoption of overseas children or Convention adoption, to the Director or an accredited body authorized by the Director in that behalf.

(2) The application shall be submitted together with –

- (a) such information as the Director or the accredited body (as the case may be) may reasonably require; and
- (b) a written authorization from the applicant to the Commissioner of Police authorizing the Commissioner of Police –

- (i) to inform the Director whether or not the applicant has at any time been convicted of any offence in Hong Kong or elsewhere; and

- (ii) if the applicant has a previous conviction, to release to the Director the particulars of the conviction.

(3) On receiving an authorization submitted under subsection (2), the accredited body shall forthwith pass the authorization to the Director for him to proceed in accordance with section 28.

(4) The Director or the accredited body (as the

case may be) may refuse to consider an application in respect of which subsections (1) and (2) are not complied with.

**28. Duty to proceed with criminal record checking, and etc.**

(1) On receipt of an authorization under section 27A(2)(b), the Director shall make inquiries with the Commissioner of Police to ascertain whether or not the applicant has been convicted of any offence in Hong Kong or elsewhere.

(2) For the purposes of subsection (1), the Director may require the applicant to –

- (a) attend before a public officer authorized by the Commissioner of Police for the purpose of subsection (3); and
- (b) allow that officer to take and record his fingerprints.

(3) For the purpose of verifying whether or not the applicant has been convicted of an offence in Hong Kong or elsewhere, a public officer authorized by the Commissioner of Police for the purpose of this subsection may take and record the fingerprint impressions of the applicant for checking against police records, but any fingerprints obtained pursuant to this subsection shall be destroyed as soon as reasonably practicable after the record checking has been conducted.

(4) The Director may, for a purpose connected

with a person's proposed adoption of an infant, release any information on the person that the Director has obtained pursuant to section 27A(2)(b) to –

- (a) the Government, or a government in a place outside the People's Republic of China;
- (b) an accredited body, or a person duly authorized (howsoever described) by a competent authority in a place outside the People's Republic of China to make or participate in making arrangements for adoption of infants;
- (c) any court having jurisdiction to make the adoption order;
- (d) any other person who, in the opinion of the Director, reasonably requires the information to facilitate the process of the proposed adoption; or
- (e) the Administrative Appeals Board.

## **29. Suitability assessment**

(1) After considering an application made under section 27A(1)(a) for local adoption, the Director or (if the application is submitted to an accredited body) the accredited body may decide that the applicant is suitable, or is not suitable, to be an adoptive parent.

(2) After considering an application made under

section 27A(1)(b) for adoption of overseas children or Convention adoption, the Director may decide that the applicant is suitable, or is not suitable, to be an adoptive parent.

(3) In relation to an application made under section 27A(1)(b) for adoption of overseas children or Convention adoption, the Director may –

- (a) designate an accredited body to collect such information as the Director may reasonably require to enable him to make the assessment;
- (b) in making his assessment, take into account any recommendation made by that body on the basis of such information.

**29A. Placement of infants for local adoption where specific consent is given**

(1) This section applies to local adoption where consent for the adoption of an infant is given in the prescribed specific form of consent.

(2) If a person is named in the consent as the prospective adopter for the infant, then the Director, as and when he has assessed (on the person's application) the person to be a suitable adoptive parent under section 29(1), may proceed with the infant's placement.

(3) If a person is named in the consent as the prospective adopter for the infant, then an accredited

body, as and when it has assessed (on the person's application) the person to be a suitable adoptive parent under section 29(1), may proceed with the infant's placement.

**29B. Placement of infants for local adoption where general consent is given**

(1) This section applies to local adoption where consent for the adoption of an infant is given in the prescribed general form of consent.

(2) As and when the Director decides, having due regard to any opinion given to him pursuant to subsection (3), that –

- (a) an applicant assessed to be a suitable adoptive parent under section 29(1) would be a suitable adoptive parent for a particular infant; and
- (b) the placement of the infant with the applicant would be in the best interests of the infant,

the Director, or (if the application was made with an accredited body) the accredited body, may proceed with the placement.

(3) Before the Director makes a decision under subsection (2), he shall seek the opinion of each and every accredited body that has proposed any prospective adopter for that particular child and such other persons as the Director may consider appropriate.

**29C. Placement of infants for adoptions other than local adoption**

(1) This section applies to adoption of overseas children and Convention adoption.

(2) As and when the Director decides that –

(a) an applicant assessed to be a suitable adoptive parent under section 29(2) would be a suitable adoptive parent for a particular infant; and

(b) the placement of the infant with the applicant would be in the best interests of the infant,

the Director may proceed with the placement or authorize an accredited body to proceed with the placement.

**29D. Termination of placement**

(1) If at any time after the Director has proceeded with an infant's placement or authorized an accredited body to proceed with an infant's placement with a prospective adopter, the Director opines that to continue the placement would not be in the infant's best interests, then the Director may terminate the placement or direct the accredited body to terminate the placement.

(2) If at any time after an accredited body has proceeded with an infant's placement with a prospective adopter for local adoption, pursuant to section 29A(3) or 29B(2), the accredited body opines that to continue the

placement would not be in the infant's best interests, then the accredited body may terminate the placement.

PART 8  
MISCELLANEOUS

**29E. Review of decisions  
of accredited bodies**

(1) If a person is aggrieved by an accredited body's decision –

- (a) on the assessment of that person's suitability to be an adoptive parent; or
- (b) to terminate a placement,

the person may, within (in the case of paragraph (a)) 28 days or (in the case of paragraph (b)) 7 clear days of receiving notice of the decision, lodge with the Director a written notice requesting the Director to review the decision.

(2) In any such review, the Director may confirm, vary or reverse the decision under review.

(3) A decision referred to in subsection (1) shall have immediate effect, or have effect from a date specified in the decision (if applicable), notwithstanding any review against the decision."

- (c) In the proposed section 30 –
  - (i) by renumbering it as section 30(1);
  - (ii) in subsection (1) –
    - (A) in paragraph (d), by deleting " the person's status as an accredited body" and substituting "his

accreditation";

(B) by deleting everything after ", within" and substituting "(in the case of paragraph (b)) 7 clear days or (in other cases) 28 days of receiving notice of the decision, lodge a notice of appeal with the Administrative Appeals Board to appeal against the decision.";

(iii) by adding –

"(2) A decision referred to in subsection (1) shall have immediate effect, or have effect from a date specified in the decision (if applicable), notwithstanding any appeal against the decision.".

(d) By adding –

**"31. Cessation of accreditation**

(1) If an accreditation expires without having been renewed, or is revoked or suspended, the Director may, in relation to an adoption case handled by the accredited body concerned ("the defunct accredited body") under its accreditation –

- (a) take over the adoption case; or
- (b) designate any other accredited body to take over the adoption case.

(2) The Director or an accredited body so designated (as the case may be) may exercise any function that the defunct accredited body would be entitled to exercise under this Ordinance in relation to the adoption case but for the expiration, revocation or suspension.

### **32. Regulation**

The Secretary for Health, Welfare and Food may make regulations –

- (a) to provide for the procedure and the requirements to be observed, in relation to –
  - (i) assessment and approval of any person as suitable prospective adoptive parent;
  - (ii) placement of infants for the purpose of adoption;
- (b) in respect of the exercise by accredited bodies of their functions of making or participating in arrangements for the adoption of infants; and
- (c) to provide for incidental and connected matters."

New

By adding –

#### **"31A. Sections added**

The following are added –

#### **"34. Transitional provisions for section 23A**

- (1) If a person has filed, before the commencement of section 23A, a notice under section 5(7)(b) stating his intention to apply for an adoption order in respect of an infant, then section 23A shall not apply to

any arrangement or placement for the adoption of the infant by the person.

(2) If an infant has been placed with a person for an adoption to be effected in a place outside the People's Republic of China and the adoption has not yet been effected as at the commencement of section 23A, then that section shall not apply to any arrangement or placement for the infant's adoption by the person.

### **35. Transitional provisions for Part 7**

(1) Part 7 shall not apply in relation to any arrangement or placement for adoption referred to in section 34.

(2) If the Director has assessed that a person is suitable to be an adoptive parent and the assessment remains valid as at the commencement of section 27, then it may be taken as an assessment made by the Director under section 29, and accordingly, the provisions of Part 7 shall apply in relation to any decision made after that commencement for placing a particular infant with that person.

(3) If a prospective adopter for the adoption of an infant has not filed, as at the commencement of Part 7, a notice under section 5(7)(b) stating his intention to apply for an adoption order in respect of the infant, then subject to subsection (2), the prospective adopter shall apply for an assessment under section 27 and accordingly, that Part shall apply in relation to the proposed adoption in all

respects."."

- 32
- (a) In the proposed Schedule 3, in Chapter III, by deleting Articles 10 and 11.
  - (b) By adding –

"SCHEDULE 4 [s. 26]

#### ACCREDITATION PRINCIPLES

1. Accreditation shall only be granted to and maintained by a body of persons (corporate or unincorporate) that demonstrates its competence to carry out properly the tasks with which it may be entrusted.
2. An accredited body shall –
  - (a) pursue only non–profit objectives according to such conditions and within such limits as may be established by the competent authorities;
  - (b) be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of adoption in relation to which the accreditation is granted or renewed; and
  - (c) be subject to supervision by the competent authorities as to its composition, operation and financial

situation."

Schedule By adding immediately before "**Adoption Rules**" –  
**"Employment Ordinance**

**1A. Interpretation**

Section 2(1) of the Employment Ordinance (Cap. 57) is amended, in the definition of "issue", in paragraph (b), by adding "otherwise than under an adoption order granted under section 5(1)(c) of the Adoption Ordinance (Cap. 290)" after "another person".

**Intestates' Estates Ordinance**

**1B. Interpretation**

Section 2(2) of the Intestates' Estates Ordinance (Cap. 73) is amended –

- (a) in paragraph (b), by adding "or 20F" after "section 17";
- (b) by adding "or (if the adoption order was granted to the adopter under paragraph (c) of section 5(1) of that Ordinance) as the child of the adopter and the parent referred to in that paragraph," after "the child of the adopter,".

**Surviving Spouses' and Children's  
Pensions Ordinance**

**1C. Interpretation**

Section 2(1) of the Surviving Spouses' and Children's Pensions

Ordinance (Cap. 79) is amended, in the definition of "child", by adding "otherwise than under an adoption order granted under section 5(1)(c) of the Adoption Ordinance (Cap. 290)" after "another person".

### **Pensions Ordinance**

#### **1D. Pensions to dependants when an officer dies on duty**

Section 18(3)(e)(i) of the Pensions Ordinance (Cap. 89) is amended by repealing "other than a child of an officer adopted by another person" and substituting "except a child of an officer adopted by another person otherwise than under an adoption order granted under section 5(1)(c) of the Adoption Ordinance (Cap. 290)".

### **Widows and Orphans Pension Ordinance**

#### **1E. Interpretation**

Section 2 of the Widows and Orphans Pension Ordinance (Cap. 94) is amended –

- (a) in subsection (1), in the definition of "child", by adding "or 20F" after "section 17";
- (b) in subsection (5), by repealing everything after "290)" and before ", –" and substituting "other than section 5(1)(c) of that Ordinance, or in such other manner as is referred to in section 17 or 20F of that Ordinance".

### **Pension Benefits Ordinance**

**1F. Interpretation**

Section 2(1) of the Pension Benefits Ordinance (Cap. 99) is amended, in the definition of "child", by adding "otherwise than under an adoption order granted under section 5(1)(c) of the Adoption Ordinance (Cap. 290)" after "another person".

**Auxiliary Forces Pay and Allowances  
Ordinance**

**1G. Interpretation**

Section 2(1) of the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254) is amended, in the definition of "child", in paragraph (a), by repealing "other than a child of the member adopted by another person" and substituting "except a child of the member adopted by another person otherwise than under an adoption order granted under section 5(1)(c) of the Adoption Ordinance (Cap. 290)".

**Employees' Compensation Ordinance**

**1H. Interpretation**

Section 3(2) of the Employees' Compensation Ordinance (Cap. 282) is amended –

- (a) in paragraph (a)(ii), by repealing "of the Adoption Ordinance (Cap. 290)" and substituting "or 20F of that Ordinance" after "section 17";
- (b) in paragraph (b), by adding "or (if the adoption order was granted to the adopter under paragraph

(c) of section 5(1) of that Ordinance) as the child of the adopter and the parent referred to in that paragraph," after "the child of the adopter,".

Schedule,  
section 2

By deleting everything after "Rule 10(2)" and substituting "(a) is amended by repealing "or Form 4A" and substituting ", Form 4A or Form 4B".".

Schedule,  
section 4

- (a) In paragraph (a)(ii), in Note (1) of the proposed ANNEX TO FORM 1, by deleting everything after "should be" and substituting "a solicitor practising in Hong Kong, a notary public, or a registered social worker working with the Social Welfare Department or an accredited body accredited under the Adoption Ordinance (Cap. 290).";".
- (b) In paragraph (c), by adding –
- (ia) in paragraph 10, by repealing "care and possession" where it twice appears and substituting "actual custody";".
- (c) In paragraph (d) –
- (i) by adding before subparagraph (i) –
- (ia) by repealing "茲因" and substituting "由於";
- (ib) by repealing "又因" and substituting "又由於";";
- (ii) by adding –
- (ia) by repealing paragraph (1) and substituting –
- "(1) I understand that

the effect of an adoption order is that a parent or guardian will lose all his rights in respect of the maintenance and upbringing of the infant."";

(iii) by adding –

"(va) in note (6), by repealing everything before "In all cases" and substituting –

"(6) The document will not be admissible as evidence unless the signature is attested by a commissioner for oaths (or, if executed outside Hong Kong, by any person for the time being authorized by law in that place to administer an oath for any judicial or other legal purpose, as mentioned in rule 29 of the Adoption Rules (Cap. 290 sub. leg. A).";

(iv) by adding –

"(vii) by repealing note (8)."

- (d) In paragraph (e) –
  - (i) in subparagraph (iii), by deleting everything after "by repealing" and substituting –
    - "everything before "In all cases" and substituting –
      - "(4) The document will not be admissible as evidence unless the signature is attested by a commissioner for oaths (or, if executed outside Hong Kong, by any person for the time being authorized by law in that place to administer an oath for any judicial or other legal purpose, as mentioned in rule 29 of the Adoption Rules (Cap. 290 sub. leg. A).";";
  - (ii) by adding –
    - "(iv) by repealing Note (5).".
- (e) In paragraph (f), in the proposed FORM 4B –
  - (i) in paragraph (1), by deleting "will/will not\* deprive" and substituting "is that I will/will not\* lose";
  - (ii) in Note (6) –
    - (A) by deleting "birth";
    - (B) by deleting "will deprive a parent of all" and substituting "is that a parent will lose all his";

- (iii) in Note (7), by deleting "an officer authorized by the Adoption Rules (Cap. 290 sub. leg. A) – see note (8)]" and substituting "any person for the time being authorized by law in that place to administer an oath for any judicial or other legal purpose, as mentioned in rule 29 of the Adoption Rules (Cap. 290 sub. leg. A)]";
- (iv) by deleting Note (8);
- (v) by repealing "茲因" and substituting "由於";
- (vi) by repealing "又因" and substituting "又由於".

Schedule By adding immediately before "**Administrative Appeals Board Ordinance**" –

**"Employees Compensation Assistance Ordinance**

**5A. Interpretation**

Section 2(2) of the Employees Compensation Assistance Ordinance (Cap. 365) is amended –

- (a) in paragraph (a)(ii), by repealing "of the Adoption Ordinance (Cap. 290)" and substituting "or 20F of that Ordinance" after "section 17";
- (b) in paragraph (b), by adding "or (if the adoption order was granted to the adopter under paragraph (c) of section 5(1) of that Ordinance) as the child of the adopter and the parent referred to in that paragraph," after "the child of the adopter,".

**Pension Benefits (Judicial Officers)  
Ordinance**

**5B. Interpretation**

Section 2(1) of the Pension Benefits (Judicial Officers) Ordinance (Cap. 401) is amended, in the definition of "child", by adding "otherwise than under an adoption order granted under section 5(1)(c) of the Adoption Ordinance (Cap. 290)" after "another person".