LC Paper No. CB(2)2640/03-04(04)

For information
on 7 June 2004

Bills Committee on Adoption (Amendment) Bill 2003

Non-Governmental Organizations' Views on the Matching Process for Local Adoption Cases with General Consent

Purpose

This paper informs Members of the views of Non-Governmental Organizations (NGOs) on the matching process for local adoption cases with general consent, as collated from them during our consultation over the last few months.

Background

2. In examining the paper on "Draft Committee Stage Amendments – Revised Part I" (ref : LC Paper No. CB(2)2586/03-04(02)) at the meeting on 31 May 2004, Members asked for the views expressed by NGOs on the need for all prospective adoptive parents to be pooled into a central pool for matching with prospective adoptive children whose birth parent(s) have given general consent.

Views of NGOs

First-Stage Consultation with NGOs on broad principles

3. In response to Member's request for exploring how more choices could be provided to birth parents and adoptive parents, we submitted a paper to the Bills Committee titled "Local Adoption – Choice for Birth and Prospective Adoptive parents and the Participation of NGOs" (ref : LC Paper No. CB(2)1829/03-04(02)) for discussion at the meeting on 25 March 2004. The paper set out three possible options :

(a) authorized NGOs and the Social Welfare Department (SWD) each maintaining their own lists of adoptive parents and children;

(b) authorized NGOs and SWD sharing their respective list of adoptive parents for matching process while each maintaining their own lists of adoptive children; or

(c) authorized NGOs and SWD jointly establishing two common lists of adoptive parents and children respectively.

4. Before submission of that paper, we had already consulted the two NGOs currently engaged in intercountry adoption arrangements[1] on the three options. Both agreed that option (c) is worth pursuing because this would give the widest agency choice to the birth and prospective adoptive parents as they can approach either NGOs or SWD, and the widest prospective parent choice for the children. We set out in paragraph 7 of that paper that both NGOs and SWD will be involved in the matching process for cases whereby the birth parents have not designated homes in mind (i.e. no specific consent has been given). Specifically, NGOs will be involved in the matching process when the adoptive parents from their lists are involved.

Second-Stage Consultation with NGOs on Details

5. At the Bills Committee meeting on 25 March 2004, Members indicated support for option (c) above. We proceeded to develop further details of the framework for the proposed new arrangements and further consulted five NGOs[2] with a consultation paper detailing these options. We reiterated in the consultation document that both SWD and NGOs would be involved in the matching process for cases without specific consent.

6. We reported the outcome of consultation to the Bills Committee vide

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[1] They are International Social Service Hong Kong Branch and Mother's Choice.

[2] The five NGOs consulted were :

(a) Mother's Choice and International Social Service Hong Kong Branch which provide services relating to intercountry adoptions and are members of the revamped Working Group on Review of the Adoption Ordinance;

(b) Caritas Hong Kong which used to provide services relating to intercountry adoption and is a member of the revamped Working Group on Review of the Adoption Ordinance;

(c) Hong Kong Family Welfare Society which has an interest in adoption matters and is a member of the revamped Working Group on the Review of the Adoption Ordinance; and

(d) Po Leung Kuk which should have the capacity to provide adoption services as it provides nearly all types of residential services for vulnerable children and women including place of refuge for children, women shelter, small group homes, foster care, residential crèches and nurseries, and so on.

the paper titled "Outcome of Consultation with Non-Governmental Organizations on the Proposal to involve them in local adoption" (ref : LC Paper No. CB(2)2315/03-04(01)) at the meeting on 13 May 2004. As indicated in paragraph 6 of that paper, the NGOs indicated clear general support to the proposed arrangements and shared our view that it would give more choices to the birth and prospective adoptive parents, which would ultimately allow for more placements to be made. This would be in the best interest of the child.

7. Three NGOs have also put forward some specific comments on the operational details of the matching process. Their views and our responses as extracted from the paper are as follows :

(a) ***Possible Expansion of Membership of the Matching Panel*** : International Social Service Hong Kong Branch has suggested (Annex A) that there might be a need for an/some independent member(s) at the matching panel. Mother's Choice (MC) has proposed (Annex B) that a representative from each NGO involved in the case should be included in the matching panel so that the needs and wishes of birth mothers, prospective adoptive parents and adoptive children can be evaluated and advocated. In particular, MC may represent the interests of the birth mothers under their care. This is different from our proposal that Accredited Bodies would only be involved in the matching process when the adoptive parents from their lists are involved.

The membership of the matching panel is an operational matter outside the scope of the Amendment Bill. This would have to be further developed together with other administrative details of the proposed system once the legislative framework is agreed. We stand ready to discuss further with them on the best composition of the matching panel to address their concerns; and

(b) ***Need for Maintaining a Central Pool for Prospective Adoptive Parents*** : Caritas has originally raised reservation (Annex C) on the need for maintaining a central pool for prospective adoptive parents as some may not feel comfortable with their information passed around and this may also lead to duplication of efforts.

We had subsequently explained to Caritas the importance of maintaining such a central list to avoid the prospective adoptive parents "shopping around" with SWD/different Accredited Bodies. Moreover, the essence of maintaining a central home pool is to

match the children available for adoption to the most suitable home in the shortest time without the homes competing with each other for the same child. Moreover, as only non-identifying personal particulars will be shared in the matching panel, there should not be a concern on the privacy of the cases. Caritas has accepted our views and raised no objection to the proposal, and a letter indicating such position is at Annex D.

8. Apart from the views expressed by the three NGOs as mentioned above, the Hong Kong Family Welfare Society and Po Leung Kuk raised no objection to the proposed arrangement.

Conclusion

9. From the above, the NGOs are satisfied with our proposed arrangement of maintaining a central pool of prospective adoptive parents and children respectively for cases with general consent, with SWD and NGOs' involvement in the matching process.

Supplementary Information

10. Members may wish to note that according to SWD, there were only 3 to 7 private arranged unrelated adoption cases each year over the past 5 years. These were all cases with specific consent. In future, these cases can be handled by an Accredited Body on its own if the prospective adoptive parent chooses to approach it or these may be handled by the Director of Social Welfare. Regardless of the handling body, no matching with prospective adoptive parents would be required.

Presentation

11. Members may wish to note the contents of this paper in going through the revised Part I of draft CSAs.

Health, Welfare and Food Bureau
June 2004

ANNEX A

香港公益金會員機構
A MEMBER AGENCY OF THE COMMUNITY CHEST

General Secretariat, Geneva, Switzerland
Consultative status with the Economic and Social Council of the United Nations

香港國際社會服務社
International Social Service Hong Kong Branch

贊助人：董趙洪娉女士、太平紳士
Patron : Mrs. Betty Tung, *J.P.*

Via fax: 2543 0486

Ms. Susie S.Y. Ho
Deputy Secretary (Welfare)
Health, Welfare and Food Bureau
20/F, Murray Building
Garden Road
Hong Kong

Dear Susie,

Re: Proposed involvement of NGOs in Local Adoption

Further to our discussion on the captioned subject on April 21, 2004, I am writing to reiterate our views on the operational arrangements of the proposed system as follows:

1. Birth parents having a designated adoptive home in mind:
   Only duly justified exceptional cases of this nature should be considered in order to avoid the possible abuse of the system where pre-matching has taken place or adoptive parents have actively looked around for birth parents. In fact, in all cases it must be checked that parental consent is freely given, without pressure or material gain.

2. The matching process:
   The formation of the matching panel should be carefully considered and there might be a need of having an/some independent member(s). Reference should be drawn from other countries.

Thank you for your attention.

Yours sincerely,

Stephen Yau
Chief Executive

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香港公益金會員機構
A MEMBER AGENCY OF THE COMMUNITY CHEST

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Patron : Mrs. Betty Tung, *J.P.*

Via fax: 2543 0486

Ms. Susie S.Y. Ho
Deputy Secretary (Welfare)
Health, Welfare and Food Bureau
20/F, Murray Building
Garden Road
Hong Kong

Dear Susie,

Re: Proposed involvement of NGOs in Local Adoption

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ANNEX B

Mother's Choice
Overseas Adoption Service

42B Kennedy Road
Hong Kong

Tel: (852) 2537-4122
Fax: (852) 2537-7681

Date: April 28, 2004
To: Health Welfare and Food Bureau, Government Secretariat
Fax No.: 2543-0486
Attention: **Miss Susie S.Y. Ho JP**
From: Vivian Ip
No. Of Pages (Including This Page): 3

Subject: **Draft Paper of April 13, 2004**

MESSAGE

Dear Susie:

Greetings from Mother's Choice. Attached please find our letter for your review.

Please feel free to contact us if you have any questions or concerns.

Regards,
Vivian Ip
Supervisor
Overseas Adoption Service

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Mother's Choice
母親的抉擇

April 22, 2004

Ms. Susie S.Y. Ho
Deputy Secretary
Health, Welfare and Food Bureau
Government Secretariat
20/F., Murray Building
Garden Road, Hong Kong

Dear Ms. Ho:

In response to the draft paper of April 13, 2004, we would like to express our gratitude for your consideration of NGO involvement in the local adoption process. After reviewing the "Proposed Involvement of Non-Governmental Organizations in Local Adoption," we find the proposed framework not only workable but also agreeable to Mother's Choice and our mission. As we have expressed at meetings and through correspondence, Mother's Choice believes that allowing NGO involvement in local adoption will provide birth parents and prospective adoptive parents with more choices, ultimately allowing for more placements in "the best interests of the child".

We would like to also clarify and address some comments raised at the April 21, 2004 meeting. Regarding footnote 4 on page 6 of the draft paper, we expressed our concern over its potential limitation of NGO participation in matching panels. Because NGOs are in the best position to evaluate and advocate the needs and wishes of birth mothers, prospective adoptive parents, and adoptive children, we believe that a representative from each NGO involved should be included on the matching panel. For example, if Mother's Choice represents the birth mother, it is in the best position to advocate for her needs and wishes on the matching panel. By knowing that they have a trusted representative advocating for theirs and their child's interests, this will provide reassurance and confidence that they have made the best choice for their child. The same holds true for those NGOs representing adoptive parents, as they have had the greatest opportunity to get to know and assess the prospective parents. We feel that combined involvement of NGOs on the matching panel would put all involved parties at ease and ensure successful matching of available children to prospective parents.

香港公益金資助機構
A BENEFICIARY OF THE COMMUNITY CHEST

Finally, we wish to express again our appreciation for the creation of the Revamped Working Group and the opportunity for Mother's Choice to play a role in amending the current Adoption Ordinance. We have found the Health, Welfare and Food Bureau to be most receptive and open-minded in inviting NGOs and others involved in adoption in Hong Kong to express views on the Ordinance. This involvement and active participation will ensure the successful implementation of the Ordinance once it is passed.

Should you have any questions or concerns you wish to discuss, please do not hesitate to contact me at 2537-7633.

With sincerest regards,
For and on behalf of Mother's Choice,

Gretchen D. Ryan

Mrs. Gretchen D. Ryan
Managing Director

ANNEX C

香港明愛
CARITAS - HONG KONG
THE OFFICIAL SOCIAL SERVICE AGENCY OF THE ROMAN CATHOLIC CHURCH IN HONG KONG
天主教香港教區社會服務機構

BY HAND

Our Ltr. Ref. CSW/G/0179/2004

28 April 2004

Deputy Secretary (Welfare)
Government of the HKSAR
19/F, Murray Building
Garden Road, Central, Hong Kong

(Attention: Ms. Susie Ho)

Dear Madam,

Thank you for sharing the Proposed Involvement of Non-Governmental Organizations in Local Adoption.

We agree with the proposal's view that in future NGOs can also participate in local adoption of DSW wards as such that this will naturally provide more agency choices to birth and adoptive parents. Indeed we believe some prospective clients may feel more at ease working with voluntary organizations. We strongly support however that when this responsibility is opened up to the non-government sector, an accreditation system must be in place to ensure quality of service, accountability and professionalism. It is our belief also that such service if undertaken by the NGOs should be done in a non-profit-making and self-financing manner.

On the proposed operational arrangements, we have a different point of view which we would like to share. While we agree with the need to establish a common list of children to be shared by all parties concerned to acquire maximum exposure and thus expedite the speed of placement of the children. The establishment of a list of prospective adoptive parents may need to be further deliberated. At this juncture, we do not see any rationale that justifies the latter's list.

When the proposed new system comes into effect, the prospective adoptive parents would either approach the SWD or a NGO for adoption service. Their choice of agency would be motivated by different needs and indeed such clients may not feel comfortable to have their information and initiative passed around. We think that the prospective adoptive parent on the list should automatically be the one who is

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responsible to follow up on the client, therefore we do not see how the list would expand on either the children's or parents' choices. With a common list of children on hand, appropriate matching should be just a matter of time. Neither the SWD nor other NGOs would or should make approaches to such clients or there will be an overlapping of effort, not to mention administrative entanglements. The list thus appears to serve no great purpose. Should we have misinterpreted your intention, please enlighten us.

All in all, we feel that the proposed changes in the Local Adoption Service is a big step forward between Government and NGO partnership. We look forward to being able to contribute to this meaningful service when the new system is in place soon.

Thank you for your attention.

Yours sincerely,

Dr. Joyce S.H. Chang, JP
Director
Social Work Services

BK/cl

c.c. Mr. Fung Pak Yan of SWD

Annex D

香港明愛
CARITAS - HONG KONG
THE OFFICIAL SOCIAL SERVICE AGENCY OF THE ROMAN CATHOLIC CHURCH IN HONG KONG
天主教香港教區社會服務機構

BY HAND

Our Ltr. Ref. CSW/G/0213/2004

18 May 2004

Dr. the Honourable Law Chi Kwong
Room 1304, 13/F
K.K. Leung Building
University of Hong Kong
Pokfulam Road
Hong Kong

Dear Dr. Law,

Thank you for your concern regarding our views on the Adoption Bill. Our staff were also present at the Legco meeting on 22 March and they have passed the relevant documents to me already.

Indeed Caritas has been involved in the drafting stage of the Adoption Bill. However, when the Bills Committee started to discuss the drafts, Caritas has not been invited and informed of its meetings. It was not until March that we were notified by Ms. Ryan of Mother's Choice about Legco having begun to discuss the Bill. That was why we have submitted our belated comments to the Bills Committee to share our views on what was discussed.

Since our staff have recently attended the Legco meetings on the Bill, I assure you that communication has been greatly improved. We are especially glad to learn that SWD is planning to open up the local adoption programme to NGOs.

Thank you again for your concern of our participation in such an important issue.

Yours sincerely,

Dr. Joyce S.H. Chang, JP
Director
Social Work Services

BK/cl

國際明愛成員 Member of Caritas Internationalis and through its affiliation
Caritas – Hong Kong has consultative status (Cat. II) with ECOSOC, UNICEF, FAO & UNESCO and is on the special list of ILO.

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