

February 11, 2004

The Honorable Margaret NG
Bills Committee on Adoption (Amendment) Bill 2003
Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong
Attn: Mrs. Sharon Tong

Re: Comments on Adoption (Amendment) Bill 2003

To the Honorable Margaret NG and Bills Committee:

As Managing Director of Mother's Choice, I am writing to share the views of Mother's Choice on Adoption (Amendment) Bill 2003 ("Bill") in response to your January 21, 2004 letter inviting comments on the Bill. We have participated in the on-going Revamped Working Group discussions and have shared our views at previous meetings. It's been a pleasure working with the Group.

It is our belief that the expeditious passage of the Bill is of the utmost importance to the full implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption ("Convention") in Hong Kong. Because this Bill seeks to amend the existing provisions in the Adoption Ordinance (Cap. 290) for the purpose of giving effect to the Convention, the timeliness of its passage is imperative to the welfare and protection of children available for adoption in Hong Kong. Further, it is our understanding that China, who has signed the Convention but not yet ratified, is waiting for Hong Kong to give effect to the Convention before its final ratification. Without the passage of the Bill, it will be impossible to fully implement the Convention in Hong Kong in a realistic and timely manner.

Although we support the timely passage of the Bill, we have certain views on the existing language of various provisions. First and foremost, we want to express our concerns with the potentially volatile language of subsection (2) of "23A. *Restriction on arranging adoption and placing of infant for adoption*" (p. C1359), preventing those persons not authorized by the Director from facilitating arrangements for adoption of infants. We fully support an abolition of private adoptions through individuals, barristers, or attorneys, as we do not see the need for such a practice in Hong Kong. However, at Mother's Choice, we believe that birth families, adoptive families, and ultimately the adoptees themselves, should be given a choice of both private and government sponsored agencies in their pursuit of adoption services. By allowing for the existence of licensed bodies other than those authorized and facilitated by the Department of Social Welfare, birth families and prospective adoptive families (both domestically and internationally) will be given greater opportunity for successful adoption placements.

With respect to the Bill's added section "26. *Accredited bodies*" (p.C1363), we want to voice our concern that the existing language of this provision may restrict Convention accredited adoption agencies from facilitating domestic adoption in Hong Kong. Because the Section's language only addresses the ability of authorized accredited bodies to make arrangements for intercountry adoptions, or "the adoption in a place outside Hong Kong of an infant residing in Hong Kong" and "the adoption in Hong Kong of an infant residing out of Hong Kong," those agencies who wish to continue their involvement in local adoption practices may be restricted from doing so. Although we recognize that Section 26 is consistent with Articles 10 and 11 of the Convention, additional language allowing for the continuation of local adoption efforts by Convention accredited agencies may be necessary to allow such agencies to facilitate domestic and international adoptions in the future. At the very least, we urge that the language of Section 26 be construed flexibly to allow Convention accredited bodies to facilitate not only intercountry adoption, but also local adoption in Hong Kong.

We would like to express our gratitude at being given the opportunity to express our concerns on the Bill. As we stated at the commencement of this letter, the primary goal of Mother's Choice is to assist the Bills Committee in successfully passing Adoption (Amendment) Bill 2003, thus enabling the full implementation of the Convention in Hong Kong. Should you have any questions or concerns you wish to discuss, please do not hesitate to contact me at 2537-7633.

Yours sincerely,
For and on behalf of Mother's Choice,

Mrs. Gretchen D. Ryan
Managing Director

c.c. Ms. Susie S. Y. Ho, JP - Deputy Secretary (Welfare) - Health, Welfare and Food Bureau