

Information Sheet for Intercountry Adoption of a Child from the Hong Kong Special Administrative Region (HKSAR)

Background

In the HKSAR, adoption is a legal process whereby parental rights and responsibilities over a particular child, who is under 18 years old and unmarried, are transferred from the birth parents to the adoptive parents. An adoption in the HKSAR must be effected in accordance with the Adoption Ordinance, Cap 290. The best interests of the child are of paramount importance in the adoption process.

2. The Adoption Ordinance has been amended in 2004 to give effect to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (the Hague Convention) in the HKSAR and to improve certain local adoption arrangements. Under the amended Adoption Ordinance which has been taken effect since 25 January 2006, the Director of Social Welfare (DSW) is designated as the Central Authority for the HKSAR to handle matters in relation to Convention adoptions, and the High Court is empowered to hear Convention adoption applications and to grant Convention orders. All intercountry adoption applications shall be processed through the Social Welfare Department (SWD) or Non-governmental Organizations (NGOs) duly accredited by the DSW. The list of Accredited Bodies (ABs) in the HKSAR is at **Appendix**.

The Adoption Programme in the HKSAR

3. Under the adoption programme in the HKSAR, priority is given to placing children to families of the same cultural or ethnic background so as to minimize the cultural changes and the child's adjustment problems. Intercountry adoption should only be arranged for children who are in need of a permanent adoption placement but where no suitable local homes are available for them. The children involved are usually wards of DSW with special needs, such as older in age, with handicaps, major health problems or hard family background.

4. At present, the Adoption Unit of the SWD is working with three ABs, namely International Social Service – Hong Kong Branch (ISS-HK), Mother's Choice Limited (MC) and Po Leung Kuk (PLK) in identifying and securing overseas placement for our special needs children through their connections¹ with overseas adoption authorities or licensed agencies. Throughout the process, primary consideration is given to choose the most suitable home for a child with special needs having regard to the capability of the prospective adopters to take care of the child and the support of facilities available in the community.

¹ Subject to the international network of each AB/HKSAR, countries currently having intercountry adoption programmes with HKSAR children (i.e. HKSAR as the State of origin) include Contracting States (Commonwealth of Australia, Canada, Germany, the United Kingdom of Great Britain and Northern Ireland, New Zealand, the United States of America and the Kingdom of Sweden) and non-Contracting State (Singapore). As for intercountry adoption programmes where HKSAR is the receiving State, the countries include Contracting States (the Republic of India and the Kingdom of Thailand) and non-Contracting State (Russia Federation).

The Process

5. Overseas applicants wishing to adopt a child in the HKSAR may first approach the government department responsible for adoption matter or the relevant accredited body/adoption agency/public authority in the city they reside for information. As a basic requirement, applicant(s) should be at least 25 years old and if the applicants are married, they should submit the application jointly with their spouse. Preferably couples should have been married for at least three years, and can provide the child a stable home with adequate resources to parent an adopted child. All applications must meet the requirements of the Hague Convention and that of the Adoption Ordinance under the laws of the HKSAR.

6. The adoption applicants must go through a thorough home study, which should include the details of the applicants' physical and mental health, family status, financial condition, personal repute, home environment, ability to give love and care to the child, motivation and any special reasons related to the welfare and interest of the child, and other matters pertinent to child adoption². The Home Study Report shall be approved by the responsible authority of the receiving State, confirming that the applicants are qualified for adoption under the concerned legislation in their country and are in all respects suitable to be the adoptive parents of a foreign child. All of the documents submitted for the application shall be officially endorsed/attested by the Central Authority or the relevant accredited body/adoption agency/public authority of the receiving State. Documents in languages other than English and Chinese have to be attached with their translation attested by relevant authority.

Finalization of Adoption

7. For the best interests of the child, it is necessary for a child to be placed in the prospective adoptive home for a period of not less than 6 months before an adoption order is granted. During the period, the overseas adoption authority or the relevant accredited body should monitor the progress of the adoption placement of the child through regular interviews with and visits to the adoptive home. The prospective adopters are expected to proceed with the legal proceedings³ for adoption of the child in the receiving State.

8. It is not possible to apply for more than one child at one time, except siblings or children closely related. As regards the period of processing an adoption application, the time required varies. Nevertheless, in normal circumstances, it approximately takes 1-2 years depending on such related factors as the completeness of the required documents and the availability of a child to suit each individual family of the prospective adoptive parents.

² In assessing an application for adoption, the following criteria are also considered:

- Whether that country, community and applicant accept special need children;
- Whether that country, community and applicant accept inter-racial adoption;
- Whether that country has a stable and professional adoption system;
- Whether there is a satisfactory arrangement of temporary care and control for the adoptive child.

³ Under very special circumstances, we will also accept the prospective adopters to seek a Convention adoption order in the HKSAR Court. For these cases, a period of adoption placement for the child for a minimum of 6 months is still required before a Convention adoption order is to be granted.

List of Accredited Bodies for Intercountry Adoption in the HKSAR

Three non-governmental organizations accredited by the Director of Social Welfare to make arrangement and proceed with the intercountry adoption of children respectively are:

1. International Social Service – Hong Kong Branch
6th Floor
Southorn Centre
130 Hennessy Road
Wan Chai
Hong Kong
Tel. : 852 - 2834 6863
Fax : 852 - 2834 7627
Website : www.isshk.org
E-mail : ia@isshk.org

2. Mother's Choice Limited
Unit H, 21st Floor
Legend Tower
7 Shing Yip Street
Kwun Tong
Kowloon
Hong Kong
Tel. : 852 - 2537 2285
Fax : 852 - 2525 7151
Website : www.motherschoice.org
E-mail: adoption@motherschoice.org

3. Po Leung Kuk
1st Floor,
Vicwood K.T. Chong Building
Po Leung Kuk
66 Leighton Road
Causeway Bay
Hong Kong
Tel. : 852 – 2277 8368
Fax : 852 – 2895 4955
Website : www.poleungkuk.org.hk
E-mail: ias@poleungkuk.org.hk