

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

STATE OF ORIGIN

COUNTRY NAME: Hong Kong Special Administrative Region (HKSAR) of The People's Republic of China

PROFILE UPDATED ON: April 2022

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Family and Child Welfare Branch, Social Welfare Department
Acronyms used:	SWD
Address:	Room 721, 7 th Floor, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong
Telephone:	852 - 2892 5168
Fax:	852 - 2833 5840
E-mail:	cfcw2@swd.gov.hk
Website:	http://www.swd.gov.hk
Contact person(s) and direct contact details (please indicate language(s) of communication):	Chief Social Work Officer (Family and Child Welfare) ² (English or Chinese)
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	
Not Applicable	

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>1 January 2006</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Adoption Ordinance (Cap. 290), Laws of Hong Kong</p> <p>http://www.legislation.gov.hk/hk/cap290</p> <p>25 January 2006</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>According to Section 20E of Adoption Ordinance,</p> <p>(1) The functions under the Convention of the Central Authority (CA) shall be discharged by the Director of Social Welfare (DSW).</p> <p>(2) Any application made under Article 14 of the Convention by a person habitually resident in Hong Kong for the adoption of an</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<p>infant habitually resident in a Contracting State shall be addressed to the DSW as the CA in Hong Kong.</p> <p>(3) In complying with the obligation to provide any report or other information under Article 15 or 16 of the Convention, the DSW as the CA may request any person as he may specify to make a report to him with respect to any matter which appears to him to be relevant; and the person shall comply with such a request.</p> <p>(4) The DSW may, to the extent permitted by the provisions of the Convention, delegate his functions as the CA to accredited bodies (ABs).</p>
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>The Court of First Instance or the District Court, as Competent Authority in the HKSAR, may on an application by a person issue a convention adoption certificate in respect of a convention adoption order.</p> <p>The Court will issue the adoption order provided that the prospective adopter(s) shall follow the legal requirements and procedures of the receiving State.</p>

6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <u>go to Question 7</u></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶</p>	<p>There are three accredited bodies (ABs) in the HKSAR.</p> <p>No limit on the number of ABs in the HKSAR is set.</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>ABs are involved in certain functions and procedural duties in relation to intercountry adoption, including assessment of the suitability of applicants as prospective</p>

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 *et seq.*

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

	adoptive parents (PAPs), making arrangements for adoption placements and monitoring such placements.
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	The CA (i.e. DSW) of the HKSAR is responsible for accreditation.
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	<p>Application for an accreditation certificate or application for its renewal must be made to the CA (i.e. DSW) in a specified application form and accompanied by the required information, including information about the agency's organisation, background, services provided, experience in intercountry adoption, overseas network and connections, financial status and track record. Upon receiving the application and relevant documents/records, accreditation assessment will be conducted by the DSW based on the accreditation criteria.</p> <p>The accreditation criteria include the agency's pursuit for non-profit-making objective with sound financial condition and good track record, specialised experience in child welfare services, clearly-delineated organisation structure, designated section directed by persons with appropriate qualifications and staffed by registered social workers to undertake home assessment and placement tasks.</p>
c) For how long is accreditation granted in your State?	The maximum validity period of accreditation is 4 years.
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	<p>Application for renewal of accreditation shall be made to the CA (i.e. DSW) within 4 to 6 months prior to the expiration of the accreditation or within such period of time the DSW may in writing permit. Procedures and criteria for renewal of accreditation is the same as that for new application. Normally, the renewed accreditation certificate, if granted, shall have effect on the day following the day upon which the original accreditation expires.</p>
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	The CA (i.e. DSW) of the HKSAR is responsible for monitoring ABs.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).</p>	<p>ABs in the HKSAR are required to comply with the code of conduct, the relevant provisions of the Adoption Ordinance, and the administrative requirement in handling intercountry adoption cases.</p> <p>ABs shall report to the DSW on any change of social worker and/or management staff designated for adoption services and provide monthly statistical returns submitted quarterly to the DSW.</p> <p>ABs shall undertake annual self-assessment and submit the self-assessment reports and annual audited financial reports to the DSW.</p> <p>ABs are required to seek the DSW's prior approval on advertisement related to adoption services in the HKSAR, fees charged for adoption services and relocation of adoption offices.</p> <p>Annual or surprise inspections at ABs are undertaken by the CA.</p>
<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).</p>	<p>In case of serious or repeated default or non-compliance or the failure of AB to improve on the identified deficiencies, the DSW may suspend/revoke the accreditation of the AB.</p> <p>Prior to suspension or revocation, the DSW will bring the matter to the attention of the AB and provide the AB with the opportunity to make representation before a final decision is made.</p>
<p>d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): The accreditation may be revoked or suspended by the DSW.</p> <p><input type="checkbox"/> No</p>

7. Authorised foreign accredited bodies⁸ (Art. 12)

<p>a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?</p> <p>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 8</p>
<p>b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number.⁹</p>	

⁸ "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *supra*, note 4, Chapter 4.2.

⁹ See GGP No 2, *supra*, note 4, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

<p>c) Please briefly describe the role of authorised foreign accredited bodies in your State.</p>	
<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): OR</p> <p><input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: OR</p> <p><input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: OR</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ¹⁰ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	
c) For how long is authorisation granted?	
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹¹	<input type="checkbox"/> Yes <input type="checkbox"/> No – <u>go to Question 8</u>
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	
e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of authorisation): <input type="checkbox"/> No

8. Approved (non-accredited) persons (Art. 22(2))¹²	
a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State? N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.	<input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State: <input checked="" type="checkbox"/> No

¹⁰ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.

¹² See GGP No 2, *supra*, note 4, Chapter 13.

<p><i>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹³</i></p>	
<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).</p>	<p>Children in need of intercountry adoption are usually with special needs, such as older in age (aged 3 or above), with mental/physical handicaps, major or multiple health problems or complicated family background.</p>

10. The adoptability of a child (Art. 4 a))	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>A child should be confirmed by Senior Social Work Officer of SWD that the child is adoptable taking into account of the child's situations.</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>Generally speaking, after all the consents required have been obtained, due consideration should be given regarding the child's wishes and opinions on adoption with regard to his/her age and understanding, the best interests of the child, the child's health condition, confirmation of the child's sufficient length of stay in the HKSAR to complete the adoption process, etc.</p>
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).</p> <p>N.B. the issue of consent is dealt with at Question 12 below.</p>	<p>For parents decided to relinquish their parental right, the parental consent to their child's adoption should be obtained. For parents who are untraceable, court proceedings to free their child for adoption is required upon completion of tracing of parents. A child who is freed for adoption or whose parents' consent to adoption have been obtained, he/she will be made a ward of DSW. If the child is confirmed to be adoptable as stated in 10 b) above, the child will be referred to Adoption Unit (AU) of SWD for adoption service and matching of</p>

¹³ See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

	suitable adoptive parents. AU will keep a list of children available for adoption under its care.
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11. The best interests of the child and subsidiarity (Art. 4 b))	
a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	In the HKSAR, various casework services including integrated family service, a variety of child care services and financial assistance are available to support the birth parents to take care of their child. Adoption service will be arranged to find permanent and stable home for children whose parents are unable or unwilling to take care of them until they reach adulthood.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	The DSW is responsible to determine that an intercountry adoption is in a child's best interests.
c) Please briefly explain how that decision is reached (e.g., whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	According to principles of Hague Convention, intercountry adoption should only be arranged for children in need of a permanent adoption placement when no suitable local homes are available for them. They are usually wards of DSW with special needs, such as older in age (aged 3 or above), with health issues or disabilities. Generally speaking, cases of all adoptable children will be brought up to the matching panel comprising representatives from ABs and AU for identifying suitable local adoptive homes. If a child cannot be matched for a local adoptive home, he/she will be referred to an AB for identifying suitable overseas home.

12. Counselling and consents (Art. 4 c) and d))	
a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where: (i) Both parents are known; (ii) One parent is unknown or deceased; (iii) Both parents are unknown or deceased; (iv) One or both parents have been deprived of his / her / their parental responsibilities (i.e., the rights and responsibilities which attach to being a parent). In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether	(i) Mother's consent is required regardless her marital status. If the child is born within the wedlock, the consent of both parents are required. If the parent is under the age of 18, his/her parent/guardian who is over the age of 21 is required to be a witness in the relinquishment procedure. If the child is born out of wedlock, despite the fact that the putative father's consent is not required, he would be informed of his right to claim his paternity through relevant ordinance of the laws of Hong Kong and the adoption arrangement. (ii) Mother's consent is required despite the fact that the putative father is unknown or deceased or

<p>your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<p>her husband is deceased. If the child is born within wedlock and the mother is deceased, consent of the father is required. If the parent is under the age of 18, his/her parent/guardian who is over the age of 21 is required to be a witness in the relinquishment procedure. If the child is born out of wedlock and the mother is deceased, despite the fact that the putative father's consent is not required, he would be informed of his right to claim his paternity through relevant ordinance of HKSAR and the adoption arrangement.</p> <p>(iii) For both parents are unknown, an order to free the child for adoption granted by the court is required. In case both parents are deceased, consent is not required</p> <p>(iv) An order to free the child for adoption granted by the court is required to dispense with the parents' consent.</p>
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.¹⁴</p>	<p>(i) Pre-adoption counselling service on the alternatives in childcare arrangement will be provided to birth parents and family to let them decide on the welfare plan of the child. If they decide to choose adoption, further counselling will be made to let them understand the consequences of adoption.</p> <p>(ii) Subsequent to (i) above, the birth parents are required to make declaration to relinquish their parental right and sign the statutory forms for relinquishment of parental right and veto form for future root tracing under witness of a Commissioner for Oaths.</p>
<p>c) Does your State use the model form "Statement of consent to the adoption" developed by the Permanent Bureau of the Hague Conference?</p> <p><i>The model form is available on the Intercountry Adoption section of the Hague Conference website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose:</p> <p>Forms 4, 4A and 4B</p> <p>http://www.legislation.gov.hk/hk/cap290A</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4 d) 2).</i></p>	<p>It is stated in the Adoption Ordinance and relevant guidelines that due consideration should be given to the wishes and opinions of the infant on adoption arrangement, having regard to the age and understanding of the infant.</p>

¹⁴ See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Convention.

<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4 d) 1).</i></p>	<p>The social workers of AU will enquire the child's wishes and opinions on adoption arrangement in regard to the child's age and understanding. Counselling will be also provided to the child, when appropriate.</p> <p>The child's wishes and opinion will be recorded in the child study report.</p>
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13. Children with special needs	
<p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p>	<p>In the HKSAR, children with special needs include those with complicated family background, older in age (aged 3 or above), with health issues or disabilities.</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>Intercountry adoption will be arranged with local matching in parallel for children with special needs when no suitable local home can be identified after three meetings of matching panel, and earlier when the matching panel considers the chance for local adoption is very slim.</p>

14. The preparation of children for intercountry adoption	
<p>Is there a special procedure in your State to prepare a child for an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please provide details (e.g., the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used):</p> <p>Counselling will be rendered to the children by social worker or clinical psychologist to prepare them for an intercountry adoption. After the matching with an overseas family is approved by the DSW, the child, with due consideration to the age and ability to understand, will be further prepared for joining the overseas family. The background of the adoptive family, information of the receiving country and the coming family life as well as school life will be shared with the child. The child will also be prepared for the time frame of adoption process and helped to go through the separation with his/her carers and persons whom he/she attaches to.</p> <p><input type="checkbox"/> No</p>

15. The nationality of children who are adopted intercountry¹⁵

¹⁵ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, "GGP No 1"), available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

<p>Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?</p>	<p><input type="checkbox"/> Yes, always</p> <p><input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State):</p> <p>The nationalisation policy of the receiving State</p> <p><input type="checkbox"/> No, the child will never retain this nationality</p>
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

16. Limits on the acceptance of files	
<p>Does your State place any limit on the number of PAPs’ files which are accepted from receiving States?¹⁶</p>	<p><input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:</p> <p><input checked="" type="checkbox"/> No</p>

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁷	
<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Married, heterosexual couples: Preferably married for 3 year <input checked="" type="checkbox"/> Married, same-sex couples: <input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: <input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: <input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Single men: <input checked="" type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements for PAPs wishing to</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Minimum age requirements: <p>One of the applicants has attained the age of 25, and if married, the other applicant has attained the age of 21.</p>

¹⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.

¹⁷ *I.e.*, this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Convention.

undertake an intercountry adoption in your State?	<input type="checkbox"/> Maximum age requirements: <input type="checkbox"/> Difference in years required between the PAPs and the child: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?	<input checked="" type="checkbox"/> Yes: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): <input checked="" type="checkbox"/> Other (please specify): Please refer to the link of pamphlet information sheet on adoption service - http://www.swd.gov.hk/storage/asset/section/218/en/Considering_Adoption_Eng_Nov_2020.pdf <input type="checkbox"/> No

18. Preparation and counselling of PAPs (Art. 5 b))

Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i> ?	<input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: It is not mandatory. Nevertheless, PAPs' response to counselling and training provided by the home study agency/other agencies in the receiving State will be considered when assessing their suitability. <input type="checkbox"/> No
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications

a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	ABs in the HKSAR via overseas CAs or ABs
b) Please indicate which documents must be submitted with an application: <i>Please tick all which apply.</i>	<input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input checked="" type="checkbox"/> Copies of the PAPs' birth certificates <input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): Marriage certificate (for married couple), Divorce certificate (if either or both of the

	<p>PAPs was divorced), Death certificate (if one of the PAPs was widowed)</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p>Medical reports</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p>Financial circumstances should include PAPs' income, assets, expenditure and liabilities. Supporting documents are required.</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p>Employment letter</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain</p> <p>Adoption order/Certificate of adopted child of PAPs, medical reports of any children living with PAPs, proof of highest education qualification of PAPs, reference letters and family photos, alternative guardians' letter of commitment and passport copies, "Statement of Acceptance for Adoption" and "Assumption of Responsibility Pending Completion of Adoption" issued by overseas CAs or ABs</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁸</p>	<p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.¹⁹ Please also specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure):</p> <p>ABs in the HKSAR should be involved in all stages of the procedure regarding intercountry adoption. Prior approval of the DSW for ABs in the HKSAR to extend their partnership with overseas CAs or ABs for intercountry adoption is required.</p> <p><input type="checkbox"/> No</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p>

¹⁸ See GGP No 1, *supra*, note 15, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

¹⁹ See the definitions provided at notes 4 and 8 above.

	<input type="checkbox"/> A contract signed by the accredited body and the PAPs: <input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
e) Please specify the language(s) in which any documents must be submitted:	English or Chinese
f) Do any of the required documents need to be legalised or apostilled?	<input checked="" type="checkbox"/> Yes, please specify which documents: (1) Assumption of Responsibility Pending Completion of Adoption (2) Statement of Acceptance for Adoption <input type="checkbox"/> No – go to Question 20
g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Hague Apostille Convention)? <i>This information is available on the Status Table for the Hague Apostille Convention (see the Apostille Section of the Hague Conference website).</i>	<input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: The Hague Apostille Convention has been applicable to the HKSAR, formerly known as Hong Kong, since 1965. <input type="checkbox"/> No

20. The report on the child (Art. 16(1) a))	
a) Who is responsible for preparing the report on the child?	ABs in the HKSAR
b) Is a "standard form" used for the report on the child?	<input type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: The following information should be included- (1) Identifying Information of the Child: (i) Name; (ii) Sex; (iii) Date of Birth/Age; (iv) Place of Birth; (v) Race/Nationality; (vi) Present Placement and Address (with name(s) of carer(s), optional); (vii) Legal Guardian (2) Child's History and Family Background (3) Information on the Child: (i) Physical Appearance; (ii) Health History and Present Health Conditions; (iii) Physical and Motor Development; (iv) Vision, Hearing and Speech Development; (v) Social and Emotional Developments, and Behaviours, Personality and Temperament; (vi) Intellectual Development and Learning/Schooling; (vii) Self-care Abilities; (viii) Interest and Hobbies; (ix) Daily

	<p>Routine; (x) Present Interactions and Relationship with Significant Others; (xi) Views towards the Adoption Arrangement</p> <p>(4) Previous and Present Placement of the Child</p> <p>(5) Reporting Worker's Observation and Assessment</p> <p>(6) Medical Reports/ School Report(s)/ Other Assessment(s) Report(s)</p> <p>(7) Recent Photographs</p>
<p>c) Does your State use the "Model Form – Medical Report on the Child" and the "Supplement to the general medical report on the child"?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

21. The report on the PAPs (Art. 15(2))	
<p>a) For how long is the report on the PAPs valid in your State?</p>	<p>Validity period of the report on the PAPs is not specified but regular reviews and updates is expected after the report is approved and before the home is matched with a child from the HKSAR.</p>

<p>b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g.</i>, does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</p>	<p>After the approval of PAPs' report, regular reviews and updates on the report conducted by the overseas ABs in accordance with their requirement is expected before the home is matched with a child from the HKSAR, and before the child departs from the HKSAR to the receiving state for adoption</p>
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22. Matching of the child and the PAPs (Art. 16(1) d) and (2))	
22.1 The authorities and the matching procedure	
<p>a) Who is responsible for the matching of the child and the PAPs in your State?</p>	<p>ABs in the HKSAR is responsible for the matching but the matching should be approved by the CA of the HKSAR.</p>
<p>b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?</p>	<p>ABs in the HKSAR are only allowed to identify and match with suitable overseas PAPs for the child and the matching must be approved by the CA of the HKSAR.</p>
<p>c) What methodology is used for the matching in your State?</p>	<p>After assessing the PAPs' conditions in accordance with the prevailing home assessment criteria and matching requirements, a matching proposal will be prepared to seek DSW's approval.</p>
<p>d) Is any preference given to PAPs who have a close connection with your State (<i>e.g.</i>, nationals of your State who have emigrated to a receiving State)?</p>	<p><input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No</p>
<p>e) Who is responsible for notifying the receiving State of the matching?</p>	<p>ABs in the HKSAR</p>
<p>f) How does your State ensure that the prohibition on contact in Article 29 is respected?</p>	<p>Identifiable particulars of birth parents of child will not be disclosed to PAPs.</p>
22.2 Acceptance of the match	
<p>a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide details of the required procedure: Overseas ABs should ensure that the child will be authorised to enter and reside in the receiving State. <input type="checkbox"/> No</p>
<p>b) How much time is the receiving State given to decide whether to accept a match?</p>	<p>After PAPs are provided with information of the child they would like to consider, reasonable time will be allowed for them to decide if they accept the child and proceed with the adoption arrangement.</p>
<p>c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?</p>	<p>The child will be matched with other suitable PAPs if available.</p>
22.3 Information following acceptance of the match	

<p>Once the match has been accepted, do PAs receive information regularly concerning the child and his / her development (<i>i.e.</i>, during the remainder of the intercountry adoption procedure and prior to entrustment)?</p>	<p><input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: ABs in the HKSAR</p> <p><input type="checkbox"/> No</p>
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23. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The CA (i.e. DSW) of the HKSAR
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; OR <input type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; OR <input checked="" type="checkbox"/> Other (please specify): Upon the DSW's endorsement on the matching of the child with the PAPs

24. Travel of the PAPs to your State²⁰	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	<input type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: - How many trips are required to complete the intercountry adoption procedure: - How long the PAPs need to stay for each trip: - Any other conditions: <input checked="" type="checkbox"/> No
b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: If PAPs are not available to escort the child, AB in the HKSAR will be responsible for escorting the child to the receiving State. <input type="checkbox"/> No

25. Entrustment of the child to the PAPs (Art. 17)	
<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>Upon approval of matching, AU of SWD will proceed with the application to the Court of First Instance of HKSAR for an order passing the care and control of the child to a person authorised by the DSW, to facilitate the child to leave HKSAR for the purpose of intercountry adoption.</p> <p>The social worker of AB will prepare the home's photo album and photos/information of that country for the child to get familiar with his/her adoptive parents. The social worker, with the assistance of the child's carer, will explain to the child about the information of the adoptive parents, the plan of their meeting and the adoption arrangement.</p>

²⁰ See GGP No 1, *supra*, note 15, Chapter 7.4.10.

26. Transfer of the child to the receiving State (Arts 5 c) and 18)	
a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (e.g., passport, visa, exit permit)?	<ol style="list-style-type: none">1. An Order issued by the Court of First Instance for the child's departure2. Consent of Adoption under Adoption Ordinance issued by the DSW3. Passport and Hong Kong Identity Card4. Visa to enter the receiving State

<p>b) Which of the documents listed in response to Question 26 a) above does your State issue?</p> <p>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>	<p>1. Court of the First Instance of the HKSAR 2. Social Welfare Department of the HKSAR 3. Immigration Department of the HKSAR 4. Consulate of the receiving state</p>
<p>c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?</p>	<p><input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No</p>

27. Final adoption decision and the Article 23 certificate	
<p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>	<p><input type="checkbox"/> In our State – go to Question 27 c) <input checked="" type="checkbox"/> In the receiving State – go to Question 27 b)</p>
<p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>	<p>(i) After obtaining a notarized Decree of Adoption from the receiving state, AU of SWD will arrange Registration of Adoption with the Immigration Department and an Entry of Adoption Record will be issued.</p> <p>(ii) The Article 23 certificate issued by the receiving state should be submitted to AU of the HKSAR.</p> <p>(iii) <u>Go to Question 28</u></p>
<p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and (ii) Issues the certificate under Article 23 of the 1993 Convention?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</p> <p>The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>(i) (ii)</p>
<p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7, available here.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</p>	
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28. Duration of the intercountry adoption procedure	
<p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	<p>(i) ABs in the HKSAR usually complete a child study in 3 months upon receipt of the child's referral for intercountry adoption. Once an overseas home is identified for the child, it will generally takes about 3 to 4 months to approve the matching by the DSW including screening the home study report and the supporting documents. More time will be required if supplementary information/clarification is needed.</p> <p>(ii) After the matching is approved, it will take about 3 months to complete the legal procedures to apply for a Court Order for the child's departure from the HKSAR. In some cases, it takes more time for processing "Article 5" before court proceedings in HKSAR could be arranged. Once the Court Order is received, ABs in the HKSAR will apply visa/ documents for the child's entry into the receiving state and the processing time of the concerned consulate varies. Once all procedrues are cleared, the child will depart HKSAR with his/her PAPs.</p> <p>(iii) Not applicable</p>

PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "<i>intra-family intercountry adoption</i>" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.</p>	<p>Adoption of the child in the HKSAR by his/her relative's family living overseas which is arranged by the ABs in the HKSAR is classified as "intra-family intercountry adoption".</p> <p>According to Section 2 of the Adoption Ordinance, "relative" in relation to an infant means a grandparent, brother, sister, uncle or aunt, whether of the full blood, of the halfblood or by affinity, and includes-</p> <p>(a) where an adoption order has been made in respect of the infant or any other person under this Ordinance, any person who would be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock;</p> <p>(b) where the infant is born out of wedlock, the father of the infant and any person who would be a relative of the infant within the</p>

	meaning of this definition if the infant were the legitimate child of his mother and father.
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p>N.B. <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input type="checkbox"/> Yes – go to Question 30</p> <p><input checked="" type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify:</p> <p>The procedures required for intra-family intercountry adoptions are basically the same as unrelated intercountry adoptions, except that</p> <p>(i) matching of a particular child with PAPs not not applicable.</p> <p>(ii) an order under Section 23B of the Adoption Ordinance is not required for the purpose of overseas placement for intra-family intercountry adoption. Go to Question 30</p> <p><input type="checkbox"/> No – go to Question 29 c)</p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

PART VIII: SIMPLE AND FULL ADOPTION²¹

30. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 31</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a “simple” adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family’s consent(s)²² to a “full” adoption where this is in the</p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>

²¹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 15, Chapter 8.8.8.

²² Or other person(s) whose consent to the adoption is required under Art. 4 c) and d) of the 1993 Convention.

<p>child's best interests (<i>i.e.</i>, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family²³ to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>	

PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>All the ABs in respect of intercountry adoption in the HKSAR and AU of SWD are responsible for preserving information concerning the child's origins.</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>The records retained in AU of SWD and ABs in the HKSAR are kept without time limit.</p>

²³ *Ibid.*

<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: When adopted person reaches age of 18, he/she may approach AU of SWD and ABs in the HKSAR for access of information. <input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: Adoptive parents could only access information on behalf of the adopted person under the age of 18. <input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria: <input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify:</p> <p>Upon receipt of request for access to information, AU of SWD or ABs in the HKSAR will provide birth information relating to the adopted person without disclosing any identifying information of the birth parent(s) based on the file records. Advice will also be given on different means root-tracing, <i>e.g.</i> application for a court order under Section 18(4) of the Adoption Ordinance to search information contained in the Adopted Children Registry.</p> <p>To enable the adopted person to resolve his/her possible emotional difficulty arising from his/her identity and to have better understanding of his/her background and the reason behind his/her adoption, the adopted person who seeks access to his/her birth records will be offered appropriate counselling before the release of information to him/her. Where the adopted person is under the age of 18, his/her adoptive parent(s) will also be involved in the counselling process before the release of information to the adopted person.</p> <p>Counselling will also be rendered to the adopted person if the access to information is not successful.</p> <p><input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i>, regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify:</p> <p>Upon request, AU of SWD or ABs in the HKSAR will render root tracing service to facilitate contact among the adopted persons, the adoptive parents and the birth parents.</p> <p>If the adopted person requests for establishing contact with his/her birth parents, AU/ABs will trace the birth parents to seek their consent. If the birth parents are located and ready to meet the adopted person, counselling will be</p>

	<p>rendered to both parties to prepare them for meeting. In case the birth parents are unwilling to meet the adopted person, AU/ABs will explore the reasons behind and provide counselling as appropriate. Counselling will also be rendered to help the adopted person to understand the birth parents' refusal of meeting. If the birth parents cannot be located, AU/ABs will explain to the adopted person and provide counselling to him/her.</p> <p><input type="checkbox"/> No</p>
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32. Post-adoption reports	
<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy):</p> <p><input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (<i>e.g.</i>, medical information, information about the child's development, schooling):</p> <p>The content expected in a post-adoption report includes adjustment of the child to the adoptive family and culture, child development, medical condition, schooling, interests, activities, family's adjustment to the child and response of extended family, friends and community.</p>
<p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p> <p>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</p> <p>(ii) For how long (<i>e.g.</i>, until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) It depends on individual case and varies from monthly to every 3 to 4 months before an adoption order is granted.</p> <p>(ii) Until an adoption order is granted</p> <p>(iii) English or Chinese</p> <p>(iv) Overseas CAs or adoption agencies</p> <p>(v) Not applicable</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>	<p>(i) ABs in the HKSAR will liaise with the concerned overseas adoption agency for submission of post-adoption reports.</p> <p>(ii) ABs in the HKSAR will liaise with the concerned overseas adoption agency for the required information.</p>
<p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p>	<p>CA will review the content of post-adoption reports to ensure that the children adjusted well in the adoption placement. Reports will be kept in the children's files.</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁴

States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.

33. The costs²⁵ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework:</p> <p>Any payment, remuneration or reward regarding the adoption of an infant is governed by the Adoption Ordinance. Section 22 of the Adoption Ordinance (Cap.290) governs the payment to an AB for its cost and expenses reasonably incurred in connection with the adoption or proposed adoption of an infant, in an amount that is calculated in accordance with a schedule of fees approved by the DSW. The link is provided as follows: https://www.elegislation.gov.hk/hk/cap290</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:</p> <p>ABs in the HKSAR shall pursue only non-profit-making objective. It may charge PAPs fees to cover the administrative costs for providing the adoption service, but the level of such fees has to be reasonable, in an amount that is calculated in accordance with a schedule of fees approved by the DSW.</p> <p>ABs in the HKSAR have their individual fee schedule for adoption service. For any changes in level of fees, the DSW's approval on the change of level of fees must be sought before implementation.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.</i></p>	<p><input type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input checked="" type="checkbox"/> Other (please explain):</p> <p>The PAPs are required to pay directly to the government of the HKSAR for the cost of guardian ad litem, with an amount of payment stipulated in Adoption Ordinance (Cap.290) and its subsidiary regulations.</p> <p>For the adoption fees charged by ABs, the PAPs are required to pay directly to the concerned ABs.</p>

²⁴ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²⁵ See the definition of "costs" provided in the Terminology, *ibid*.

<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input checked="" type="checkbox"/> Other (please explain):</p> <p>There is no restriction imposed on the payment means but official receipts are required for both the PAPs and the AB/SWD for record.</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>SWD and ABs in the HKSAR</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed:</p> <p>This information could be accessed in the service pamphlets and websites of the government of the HKSAR and ABs in the HKSAR.</p> <p><input type="checkbox"/> No</p>

34. Contributions, co-operation projects and donations²⁶	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁷ to your State if it wishes to engage in intercountry adoption in your State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • What type of contribution is required: • Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): • How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> • What type of co-operation projects are permitted: • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): • Whether such projects are monitored by an authority / body in your State: • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • To whom may donations be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are permitted to be paid:

²⁶ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 24.

²⁷ See further the Terminology, *supra*, note 24, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	<ul style="list-style-type: none"> How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: <input checked="" type="checkbox"/> No
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35. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The CA of the HKSAR
b) What measures have been taken in your State to prevent improper financial or other gain?	(i) ABs in the HKSAR are required to conduct on-going self-assessment and submit Self-assessment Report annually to the CA; (ii) ABs are also required to submit annual audited financial report to the CA for vetting; and (iii) Renewal of accreditation for ABs once per 4 years is required.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Any person who contravenes the provisions of Section 22 of Adoption Ordinance regarding prohibition of certain payments, shall be guilty of an offence and shall be liable to a fine and imprisonment.

PART XI: ILLICIT PRACTICES²⁸

36. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁹	Section 24 of the Adoption Ordinance sets out a number of adoption related offences which are applicable to any person; where any offence under the Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed guilty of that offence and shall be liable to be proceeded against and punished accordingly.

37. The abduction, sale of and traffic in children	
a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of	Section 24 of the Adoption Ordinance sets out a number of adoption related offences which are applicable to any person; where any offence under the Ordinance committed by a

²⁸ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁹ *Ibid.*

<p>your State's intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>All adoptions in the HKSAR should comply with the related provisions in the Adoption Ordinance.</p>
<p>c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?</p>	<p>Any person who contravenes the provisions of Adoption Ordinance shall be guilty of an offence and shall be liable to a fine and imprisonment.</p>

38. Private and / or independent adoptions

<p>Are private and / or independent adoptions permitted in your State?</p> <p>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</p> <p>Please tick all which apply.</p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>
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PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Convention (Art. 2)

<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>This would be treated as domestic adoption in the HKSAR.</p> <p>According to Section 5(6) of Adoption Ordinance, local adoption order shall not be made unless the applicant and the infant reside in Hong Kong. Besides, the infant shall be continuously in actual custody of applicant for at least 6 consecutive months immediately preceding the date of the adoption order in accordance to Section 5(7)(a). In fact, these requirements apply to both foreign and local PAPs residing in the HKSAR.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to</p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any</p>

³⁰ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

<p>the 1993 Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p>specific criteria / conditions which would apply:</p> <p>The PAPs are required to approach ABs in the HKSAR which have partnership with the respective Contracting States and go through the procedures for intercountry adoption</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³¹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>This would be treated as local adoption if the PAPs fulfill the provision of the Section 5(6) and Section 5(7)(a) of Adoption Ordinance.</p> <p><input type="checkbox"/> No</p>

³¹ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³²

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>The HKSAR has established partnership with the CAs or ABs of the following countries as receiving States on intercountry adoption:</p> <ul style="list-style-type: none"> - Australia; - Canada; - Germany; - New Zealand; - Sweden; - The United Kingdom and Northern Ireland; and - The United States of America.
<p>b) How does your State determine with which receiving States it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>ABs in the HKSAR will try to extend overseas network and seek the approval of the CA of the HKSAR for the partnership. The CA of the HKSAR will examine the ABs' agreement with the AB/CA of the receiving state to see whether the proposed adoption arrangement is up to the standard of convention adoption.</p> <p>There is no restriction for the ABs in the HKSAR to extend partnership with non-contracting states.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.³³</p>	<p>ABs is required to ensure that the adoption arrangement with non-contracting state should be up to the standards of the Hague Convention adoption.</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement³⁴ with that receiving State)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁵</p> <p>Upon receiving the request from ABs in the HKSAR, the CA of the HKSAR (i.e. DSW) will assess their application and make endorsement to confirm a partnership.</p> <p><input type="checkbox"/> No</p>

³² In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

³³ See GGP No 1, *supra*, note 15, Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

³⁴ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³⁵ *Ibid.*