

RECEIVING STATE

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 ¹	
Name of office:	Family and Child Welfare Branch, Social Welfare Department
Acronyms used:	SWD
Address:	Room 721, 7th 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	

PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your	1 January 2006

¹ Please verify whether the contact details on the "Adoption Section" of the HCCH website < www.hcch.net > under "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

<p>State?</p> <p><i>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption 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>https://www.elegislation.gov.hk/hk/cap290</p> <p>25 January 2006</p>

3. Other international agreements on intercountry adoption ²	
<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 Adoption 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 infant habitually resident in a Contracting State shall</p>

² 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>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 issue the adoption order provided that the prospective adopter(s) shall follow the legal requirements and procedures of the receiving State. In accordance with Article 23 of the Hague Convention, a Convention adoption certificate should be issued by a competent authority in the receiving State.</p>

6. National accredited bodies ³	
<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 HCCH (see Art. 13).⁴</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – go to Question 8</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.⁵</p>	<p>There are three 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</p>

³ “National accredited bodies” in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (“GGP No 2”), available on the [Adoption Section](#) of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

⁵ *Ibid.*, Chapter 3.4.

	suitability of applicants as prospective adoptive parents (PAPs) as well as 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, track record, etc. 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, specialized 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> .	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 accreditation renewal 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.
6.2 Monitoring of national accredited bodies⁶	
a) Which authority is competent to monitor / supervise national accredited bodies in your State?	The CA (i.e. DSW) of the HKSAR is responsible for monitoring ABs.

⁶ *Ibid.*, Chapter 7.4.

<i>See Art. 11(c).</i>	
<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i>, 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 set down by the DSW 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>i.e.</i>, 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. 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 Adoption Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of accreditation): The accreditation may be revoked or suspended by the DSW.</p> <p><input type="checkbox"/> No</p>

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁷

7.1 The authorisation procedure

<p>a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?</p>	<p>Not Applicable</p>
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⁷ In relation to authorisation of accredited bodies, *ibid.*, Chapter 4.2.

<p>b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?</p>	<p><input type="checkbox"/> Authorisation is granted as part of the accreditation procedure.</p> <p><input type="checkbox"/> A separate procedure is undertaken for authorisation.</p>
<p>c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?</p>	<p><input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin.</p> <p><input type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.</p>
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁸</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (<i>e.g.</i>, requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	<p>Not Applicable</p>
<p>e) For how long is authorisation granted?</p>	<p>Not Applicable</p>
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>Not Applicable</p>
<p>7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States</p>	
<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff⁹ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>Not Applicable</p>

⁸ In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

⁹ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, *ibid.*, Chapters 6.3 and 6.4.

b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	Not Applicable
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8. Approved (non-accredited) persons (Art. 22(2))¹⁰	
<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p><i>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 Adoption Convention, available on the Adoption Section of the HCCH website.</i></p> <p><i>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹¹</i></p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4(a))	
<p>Does your State have its own criteria concerning the adoptability of a child (<i>e.g.</i>, maximum age) which must be applied <i>in addition to</i> the requirements of the State of origin?</p>	<p><input checked="" type="checkbox"/> Yes – please specify:</p> <p>The child's adoptability will be assessed in accordance with the requirements of Adoption Ordinance. The child should be under 18 years old and has not been married. All the consents required must be obtained. Due consideration for adoption should be given to the wishes and opinions of the child, having regard to the age and understanding of the child and that the adoption is assessed to be in the best interests of the child.</p> <p><input type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>

10. The best interests of the child and subsidiarity (Art. 4(b))	
<p>Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (<i>i.e.</i>, proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify:</p> <p>General speaking, the reasons leading to the relinquishment of parental rights and the assessments on adoption which is in the best interests of the child should be included in the child study report provided by the CA or AB of the state of origin.</p>

¹⁰ *Ibid.*, Chapter 13.

¹¹ *Ibid.*, Chapter 13.2.2.5.

	<input type="checkbox"/> No
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11. Children with special needs	
Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?	<input checked="" type="checkbox"/> Yes – please provide the definition used in your State: 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. <input type="checkbox"/> No – the definition used in the State(s) of origin is determinative.

12. The nationality of children who are adopted intercountry ¹²	
Do children who are adopted intercountry to your State acquire the nationality of your State?	<input type="checkbox"/> Yes, always. Please specify: (i) At what stage nationality is acquired by the child: ; and (ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i> , the making of the final adoption decision): <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i> , the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): It depends on the nationality of the PAPs and the requirements of Immigration Ordinance. <input type="checkbox"/> No, the child will never acquire this nationality.

PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

13. Limits on the acceptance of files	
a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<input type="checkbox"/> Yes, please specify whether any limits are applied: <input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.

¹² Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](#) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption¹³ (Art. 5(a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State 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> <p><input checked="" type="checkbox"/> Married, heterosexual couples: Preferably married for 3 years</p> <p><input checked="" type="checkbox"/> Married, same-sex couples:</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men: Cannot adopt female child</p> <p><input checked="" type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: One of the applicants has attained the age of 25; and if married, the other applicant has attained the age of 21</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input type="checkbox"/> Difference in years required between the PAPs and the child:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input checked="" type="checkbox"/> Other (please specify):</p> <p>Please refer to the link of pamphlet information sheet on adoption service - https://www.swd.gov.hk/storage/asset/section/218/en/Considering_Adoption_Eng_Nov_2020.pdf</p> <p><input type="checkbox"/> No</p>

¹³ *I.e.*, this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Adoption Convention: see further Art. 2 of the Convention.

14.2 Suitability assessment¹⁴	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	ABs in the HKSAR
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	ABs in the HKSAR assesses the suitability of the homes and recommend home approval for the CA's endorsement.
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	Supervising officers of the Adoption Unit (AU) of SWD
15. Preparation and counselling of PAPs (Art. 5(b))	
a) In your State, are courses provided to prepare PAPs for intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify the following: <ul style="list-style-type: none"> - Whether the courses are mandatory: Not mandatory - At what stage of the adoption procedure they are offered: All stages including at the time of submission of application, matching process as well as placement and post placement service. - Who provides the courses: ABs in the HKSAR - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): Both - Whether they are provided "in person" or electronically: Both - How many hours the courses last: No standard requirement - The content of the courses: The intercountry adoption procedure, attachment issue, grief and loss, institutionalisation effect and root-tracing procedure

¹⁴ This suitability assessment will usually form one part of the report on the PAPs (Art. 15); as to which, see GGP No 1 (*op. cit.* note 12), Chapter 7.4.3 and Question 17 below.

	<ul style="list-style-type: none"> - Whether there are specific courses for PAPs wishing to adopt a child with special needs: may have related course. - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: No <input type="checkbox"/> No
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (e.g., meeting with adoptive parents, language and culture courses)? Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>ABs in the HKSAR will provide on-going counselling and support to PAPs throughout the adoption process.</p> <p>(i) It is not mandatory;</p> <p>(ii) ABs in the HKSAR provides the service;</p> <p>(iii) The service is provided throughout the adoption process.</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>c) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>ABs in the HKSAR</p>
<p>d) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁵</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p>

¹⁵ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

	<p><input checked="" type="checkbox"/> A report on the PAPs including the “home study” and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs’ passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs’ birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p>Marriage Certificate (if married couple), Divorce Certificate (if either or both of the PAPs is divorced), Death Certificate (if one of the PAPs is 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 report of any children living with the PAPs, proof of highest education qualification of the PAPs, reference letters and family photos, "Statement of Acceptance for adoption" and "Assumption of Responsibility Pending Completion of Adoption" issued by ABs in Hong Kong and any document subject to state of origin's requirement.</p>
<p>e) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁶</p>	<p><input checked="" type="checkbox"/> Yes, please 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</p>

¹⁶ See GGP No 1 (*op. cit.* note 12), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

	<p>adoption file to the State of origin, 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. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>f) 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> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

17. The report on the PAPs (Arts 5(a) and 15(1))	
<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>The AB in the HKSAR</p>
<p>b) Is a “standard form” used for the report on the PAPs in your State?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it:</p> <p>The following information should be included-</p> <p>(I) Identifying Information of PAPs and their children: (i) Name; (ii) Sex; (iii) Date of Birth/Age; (iv) Place of Birth; (v) Race/ Nationality; (vi) Employment/schooling</p>

	(II) PAP's family background and up-bringing (III) Marital relationship (if applicable) (IV) Motivation for adoption (V) Parenting and child care ability (VI) Child care arrangement for child-to-be adopted (VII) Financial, living and health conditions (VIII) Criminal record checks (IX) Social worker's observation and assessment
c) For how long is the report on the PAPs valid in your State?	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 other state of origin.
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	Regular reviews and updates of the report on the PAPs are conducted by the AB in the HKSAR.

18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	ABs in the HKSAR
b) If no accredited body is involved with the intercountry adoption application (see Question 16(c) above), who assists the PAPs with compiling and transmitting their application file?	<input checked="" type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16(c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17(a) and (b))

19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?	The AB in the HKSAR
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19.2 Acceptance of the match

a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (<i>e.g.</i>, the Central Authority or another competent authority): The CA of the HKSAR and - The procedure which is followed (<i>e.g.</i>, the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is
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	<p>accepted and only if this authority accepts the match is the report sent to the PAPs): ABs in the HKSAR will assess the suitability of the matching of child with the PAPs and seek the CA of the HKSAR for endorsement on this matching.</p> <p><u>Go to Question 19.2 b)</u></p> <p><input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin:</p> <p><u>Go to Question 19.2 c)</u></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The adoption arrangement is in the best interest of the child while his/her wish and opinion have been duly considered having regard to his/her age and maturity of the child.
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<p><input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify:</p> <p><input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.</p>
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<p><input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (<i>e.g.</i>, counselling):</p> <p>ABs in the HKSAR will provide counselling and support to the PAPs during the adoption procedure.</p> <p><input type="checkbox"/> No</p>

20. 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?	<p><input checked="" type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR</p> <p><input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR</p> <p><input type="checkbox"/> Other (please specify):</p>

21. Travel of the PAPs to the State of origin¹⁷

a) Does your State impose any travel requirements / restrictions on PAPs in	<p><input type="checkbox"/> Yes, please specify the additional requirements / restrictions:</p> <p><input checked="" type="checkbox"/> No</p>
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¹⁷ See GGP No 1 (*op. cit.* note 12), Chapter 7.4.10.

addition to those imposed by the State of origin?	
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: Whenever the PAPs are not available for escort. <input type="checkbox"/> No

22. Authorisation for the child to enter and reside permanently (Arts 5(c) and 18)	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	Immigration Department of the HKSAR will handle this matter upon recommendation by the CA of the state of origin and receiving state.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	The child's valid passport, the Dependant Visa issued by the Immigration Department in the HKSAR and the Adoption Order, if available.
c) Which of the documents listed in response to Question 22(b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	Dependant Visa issued by the Immigration Department of the HKSAR
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	ABs in the HKSAR will liaise with the overseas AB on the child's arrival throughout the process.

23. Final adoption decision and the Article 23 certificate	
a) If the final adoption decision is made in your State, which competent authority: <ul style="list-style-type: none"> (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? <p><i>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 to a designation) should be notified to the depositary of the Convention.</i></p> <p><i>The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under "Authorities"), available on the Adoption Section of the HCCH website.</i></p>	<ul style="list-style-type: none"> (i) The Court of First Instance or the District Court (ii) The Court of First Instance or the District Court
b) Does your State use the "Recommended model form –	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p><i>Certificate of conformity of intercountry adoption”?</i></p> <p><i>See GGP No 1 – Annex 7.</i></p>	
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate.</p> <p><i>E.g., 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 State of origin?</i></p>	<p>A copy of the certificate will be given to PAPs. It takes about two to four weeks after order granted.</p>
<p>d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?</p>	<p>ABs in the HKSAR</p>

PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. 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.</p> <p>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 a child living overseas by his/her relative's family living in the HKSAR arranged by AB 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 meaning of this definition if the infant were the legitimate child of his mother and father.</p>
<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption Convention, the Convention is applicable, irrespective of the fact that the child</i></p>	<p><input checked="" type="checkbox"/> Yes – go to Question 25</p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25</p> <p><input type="checkbox"/> No – go to Question 24 c)</p>

<i>and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	
<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 your 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 ADOPTION¹⁸

25. 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 18 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 18 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</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) Does the law in your State permit “simple” adoptions to be converted into “full” adoptions in accordance with Article 27 of the 1993 Adoption Convention?</p> <p><i>See Art. 27(1)(a).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a “simple” adoption or only in specific cases:</p> <p><input checked="" type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a “simple” adoption into a “full” adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4(c) and (d) of the 1993 Adoption Convention have been given in the</p>	<p>.</p>

¹⁸ According to the 1993 Adoption 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 (*op. cit.* note 12), Chapter 8.8.8.

<p>State of origin to a “full” adoption (as required by Art. 27(1)(b))?</p> <p><i>See Art. 27(1)(b) and Art. 4(c) and (d).</i></p>	
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State 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 Adoption Unit (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>
<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 parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</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 the 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: The adopted person will be assisted by the AB in the HKSAR to collect his/her background information from his/her country of origin.</p> <p><input type="checkbox"/> No</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)?	<input checked="" type="checkbox"/> Yes – please specify: The AB will offer appropriate assistance as requested. <input type="checkbox"/> No

27. Post-adoption reports	
a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	ABs in the HKSAR
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<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): <input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (<i>e.g.</i> , medical information, information about the child’s development, schooling): The content expected includes information related to adoptive child, parent information, agency information, adoption history, adoption adjustment, health condition, development and schooling, the relationship with parents and other family members, child’s habit and daily routines, the child’s views on the adjustment, the parents’ views on the child’s adjustment, the parents’ parenting and child care capability, naturalization process, conclusion and recommendation is expected.
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	ABs in the HKSAR are required to ensure the requirements of the state of origin in relation to post-adoption reporting are fulfilled.

28. Post-adoption services and support (Art. 9(c))	
Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry	Under the existing practice, the adoption case will be closed upon granting the adoption order. Nevertheless, the adoptive parents may join self-help groups for the adoptive families in the HKSAR for mutual support and experience sharing. Besides, post-adoption counselling will

<p>adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>be arranged to the adoptive parents and adopted children as appropriate if required. Where necessary, the case may also be referred to other casework units for follow-up services.</p>
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION¹⁹

Receiving States are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.

29. The costs ²⁰ 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 of fee revision.</p> <p><input type="checkbox"/> No</p>

¹⁹ See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH website: i.e., the *Terminology adopted by the Experts’ Group 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*.

²⁰ See the definition of “costs” provided in the harmonised Terminology, *ibid*.

<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 16 (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: <input type="checkbox"/> Directly by the PAPs: <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 the Adoption Ordinance (Cap. 290) and its subsidiary regulations. The DSW may, if necessary, waive payment of the fee or any part of it.</p> <p>For the adoption fees charged by ABs, the PAPs are required to pay directly to the concerned ABs.</p>
<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: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain):</p> <p>There is no restriction imposed on the means of payment but official receipts are required from both PAPs and the ABs 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><i>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</i></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 HKSAR and ABs in the HKSAR.</p> <p><input type="checkbox"/> No</p>

30. Contributions, co-operation projects and donations²¹

<p>a) Does your State permit contributions²² to be paid (either through your State’s Central Authority or a national accredited body) to a State of origin in</p>	<p><input type="checkbox"/> Yes – please explain:</p> <p>- What type of contribution is permitted by your State:</p>
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²¹ See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note (*op. cit.* note 19).

²² See further the harmonised Terminology, *supra*, note 19, 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.

<p>order to engage in intercountry adoption with that 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>	<ul style="list-style-type: none"> - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national 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) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - 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) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</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 donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): - What donations are intended to be used for: - Who is permitted to pay donations (<i>e.g.</i>, only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input checked="" type="checkbox"/> No</p>

31. Improper financial or other gain (Arts 8 and 32)

<p>a) Which authority is responsible for preventing improper financial or other</p>	<p>The CA of the HKSAR</p>
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gain in your State as required by the Convention?	
b) What measures have been taken in your State to prevent improper financial or other gain?	(i) The ABs in the HKSAR are required to conduct on-going self-assessment and submit self-assessment report annually to the CA; (ii) The 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 to imprisonment.

PART XI: ILLICIT PRACTICES²³

32. 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. ²⁴	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 to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
33. 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 your intercountry adoption programmes. Please also specify which bodies / persons the laws target (e.g., accredited	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

²³ "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 [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >).

²⁴ *Ibid.*

bodies (national or foreign), PAPs, directors of children’s institutions).	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.
b) Please explain how your State monitors respect for the above laws.	All adoptions in the HKSAR should comply with the related provisions in the Adoption Ordinance.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	Any person who contravenes the provisions of Adoption Ordinance shall be guilty of an offence and shall be liable to a fine and imprisonment.

34. Private and / or independent adoptions

<p>Are private and / or independent adoptions permitted in your State?</p> <p><i>N.B. “Independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</i></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

35. The scope of the 1993 Adoption Convention (Art. 2)

<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.</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 State²⁵ 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 an intercountry adoption and the related procedure should be followed.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.</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 State²⁶ 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>

²⁵ According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 12), Chapter 8.4.

²⁶ According to the 1993 Adoption 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 (*op. cit.* note 12), Chapter 8.4.

	<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>c) If a State of origin treats an adoption by PAPs habitually resident in your State as a <i>domestic</i> adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Adoption Convention, how does your State deal with this situation?</p> <p><i>Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the Convention). They then seek to bring the child back to your State.</i></p>	<p>There is no restriction imposed on this circumstance with the condition that the adoption placement is completed in the State of origin and the adoption order is not finalised in the HKSAR.</p>

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁷

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>The HKSAR has the partnership with the CAs of the following countries as state of origin on intercountry adoption:</p> <ul style="list-style-type: none"> - India; and - Thailand.
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	<p>ABs in the HKSAR will try to extend overseas network and make recommendation/request to extend their overseas partners to the CA of HKSAR.</p> <p>There is no restriction for 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</p>	<p>ABs should ensure that the adoption arrangement with non-contracting state should</p>

²⁷ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

<p>1993 Adoption Convention are complied with in these cases.²⁸</p>	<p>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</i> States to the 1993 Adoption Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement²⁹ with that State of origin)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁰</p> <p>Upon receiving the request from ABs in the HKSAR, the CA (i.e. DSW) will assess their application and make endorsement to confirm a partnership.</p> <p><input type="checkbox"/> No</p>

²⁸ See GGP No 1 (*op. cit.* note 12), 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”.

²⁹ See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

³⁰ *Ibid.*