

CHINA - HONG KONG

The applications

1. The number of applications

According to the Central Authority for Hong Kong, they received 4 incoming return but no incoming access applications in 1999. Additionally, they made 2 outgoing return applications but no outgoing access applications in that year. Altogether, therefore, the Central Authority for Hong Kong handled 6 new applications in 1999, all of which were for return.

2. The Contracting States which made the applications

2 of the 4 applications were made by England and Wales, the other applications came from the USA and Canada.

The taking person

3. The gender of the taking person

All the taking persons in applications to Hong Kong were male. This is markedly different to the global norm where 69% of taking persons were female. Bosnia and Herzegovina (where there were 3 cases) was the only other Contracting State in this analysis where all the taking persons were male. Conversely, in applications to Hungary (where there were 8 cases) and Iceland (where there were 4 cases), all the taking persons were female.

4. The nationality of the taking person

In 2 applications the taking person had the nationality of the requested State. In the other 2 applications the taking person had a different nationality. Globally, 52% of taking persons had the nationality of the requested State.

The children

5. The total number of children

There were 4 children involved in the 4 applications to Hong Kong. Therefore, each application was for a single child and no sibling groups were involved. Interestingly, each of the three applications to Bosnia and Herzegovina, the other Contracting State where each taking person was male, also involved single children.

6. The age of the children

2 of the children were aged between 0 and 4 years, the other 2 children being aged between 5 and 9 years.

7. The gender of the children

2 of the children were male and 2 were female.

The outcomes

8. Overall outcomes

Each application resulted in a judicial return, whereas globally, 32% of applications ended in judicial return. Hong Kong was the only Contracting State in this analysis where all applications resulted in a judicial return.

Speed

9. The time between application and outcome

The mean average length of time for a judicial return was 26 days. This is well within the six-week time limit implied in Article 11(2) of the Convention. These were all first instance decisions as no applications were appealed. While there were only four applications this is still an impressive speed when compared with the global mean average of 107 days for judicial returns.