**COUNTRY PROFILE**

**1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION**[[1]](#footnote-1)

**STATE OF ORIGIN**

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

**PROFILE UPDATED ON:** August 2014

**PART I: CENTRAL AUTHORITY**

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| 1. Contact details[[2]](#footnote-2)
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| 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) |
| *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.* Not Applicable |

**PART II: RELEVANT LEGISLATION**

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| 1. The 1993 Hague Intercountry Adoption Convention and domestic legislation
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| 1. When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?

*This information is available on the* [*Status Table*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Hague Intercountry Adoption Convention (accessible via the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website <*[*www.hcch.net*](http://www.hcch.net)*>).* | 1 January 2006 |
| 1. 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.

*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.* | Adoption Ordinance, Chapter 290, Laws of Hong Konghttp://www.legislation.gov.hk/blis\_pdf.nsf/6799165D2FEE3FA94825755E0033E532/070EB666DDDE621D482575EE00585492/$FILE/CAP\_290\_e\_b5.pdf25 January 2006 |

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| 1. Other international agreements on intercountry adoption[[3]](#footnote-3)
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| Is your State party to any other international (cross-border) agreements concerning intercountry adoption?*See Art. 39.* | [ ]  Yes: [ ]  Regional agreements (please specify):      [ ]  Bilateral agreements (please specify):      [ ]  Non-binding memoranda of understanding (please specify):      [ ]  Other (please specify):      [x]  No |

**PART III: THE ROLE OF AUTHORITIES AND BODIES**

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| 1. Central Authority(ies)
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| Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.*See Arts 6-9 and Arts 14-21 if accredited bodies are not used.* | According to Section 20E of Adoption Ordinance,(1) The functions under the Convention of the Central Authority (CA) shall be discharged by the Director of Social Welfare (DSW).(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 be addressed to the DSW as the CA in Hong Kong.(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.(4) The DSW may, to the extent permitted by the provisions of the Convention, delegate his functions as the CA to accredited bodies (ABs). |

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| 1. Public and competent authorities
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| Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.*See Arts 4, 5, 8, 9, 12, 22, 23 and 30.* | The Court of First Instance of the High Court, as Competent Authority in the HKSAR, will issue the adoption order provided that the prospective adopter(s) shall follow the legal requirements and procedures of the receiving State. |

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| 1. National accredited bodies[[4]](#footnote-4)
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| 1. Has your State accredited its own adoption bodies?

*See Arts 10-11.****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]](#footnote-5) | [x]  Yes [ ]  No – **go to Question**  |
| 1. Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.[[6]](#footnote-6)
 | There are three accredited bodies (ABs) in the HKSAR.No limit on the number of ABs in the HKSAR is set. |
| 1. Please briefly describe the role of national accredited bodies in your State.
 | ABs are involved in certain functions and procedural duties in relation to intercountry adoption, including assessment of the suitability of applicants as prospective adoptive parents (PAPs), making arrangements for adoption placements and monitoring such placements. |
| 6.1 The accreditation procedure (Arts 10-11) |
| 1. 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. |
| 1. Please briefly describe the *procedure* for granting accreditation and the most important accreditation *criteria*.
 | 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.There are eleven accreditation criteria, including the agency's pursuit for non-profit-making objectives with sound finanical 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. |
| 1. For how long is accreditation granted in your State?
 | The valid period of accreditation is no more than 4 years. |
| 1. Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be *renewed*.
 | Application for renewal of accreditation shall be made to the CA (i.e. DSW) not more than 6 months and not less than 4 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. |
| 6.2 Monitoring of national accredited bodies[[7]](#footnote-7) |
| 1. Which authority is competent to monitor / supervise national accredited bodies in your State?

*See Art. 11* c)*.* | The CA (i.e. DSW) of the HKSAR is responsible for monitoring ABs. |

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| 1. Please briefly describe how national accredited bodies are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently).
 | The 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. The 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.The ABs shall undertake annual self-assessment and submit the self-assessment reports and annual audited financial reports to the DSW.The ABs are required to seek DSW's prior approval on advertisement related to adoption services in the HKSAR, fees charged for adoption services and relocation of adoption offices.Annual or surprise inspections at ABs are undertaken by the CA.  |
| 1. Please briefly describe the circumstances in which the accreditation of bodies can be revoked (*i.e.*, withdrawn).
 | 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. |
| 1. If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?
 | [x]  Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of accreditation): The accreditation may be revoked or suspended by the DSW.[ ]  No |

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| 1. Authorised foreign accredited bodies[[8]](#footnote-8) (Art. 12)
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| 1. Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?

***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.* | [ ]  Yes[x]  No – **go to Question**  |
| 1. 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]](#footnote-9)
 |       |
| 1. Please briefly describe the role of authorised foreign accredited bodies in your State.
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| 1. Are there any requirements concerning the way foreign accredited bodies must operate in your State?

*Please tick any which apply.* | [ ]  Yes:[ ]  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**[ ]  The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required:       **OR**[ ]  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**[ ]  Other (please specify):      [ ]  No |

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| 7.1 The authorisation procedure |
| 1. Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?
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| 1. Please briefly describe the *procedure* for granting authorisation and the most important authorisation *criteria*.[[10]](#footnote-10)

If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. |       |
| 1. For how long is authorisation granted?
 |       |
| 1. Please briefly describe the criteria and procedure used to determine whether authorisation will be *renewed*.
 |       |
| 7.2 Monitoring of authorised foreign accredited bodies |
| 1. Does your State monitor / supervise the activities of authorised foreign accredited bodies?[[11]](#footnote-11)
 | [ ]  Yes[ ]  No – **go to Question**  |
| 1. Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?
 |       |
| 1. Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently).
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| 1. Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (*i.e.*, withdrawn).
 |       |
| 1. If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?
 | [ ]  Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of authorisation):      [ ]  No |

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| 1. Approved (non-accredited) persons (Art. 22(2))[[12]](#footnote-12)
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| 1. Is the involvement of approved (non-accredited) persons *from your State* 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*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Convention, available on the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website.**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]](#footnote-13) | [ ]  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:      [x]  No  |
| 1. Is the involvement of approved (non-accredited) persons *from other Contracting States* permitted in intercountry adoption procedures in your State?

***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*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Convention, available on the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website.* | [ ]  Yes. Please specify the role of these approved (non-accredited) persons in your State:      [x]  No, our State has made a declaration according to Article 22(4). |

**PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION**

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| 1. The profile of children in need of intercountry adoption
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| 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). | The 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.  |

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| 1. The adoptability of a child (Art. 4 *a)*)
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| 1. Which authority is responsible for establishing that a child is adoptable?
 | A child should be confirmed by Senior Social Work Officer of the SWD that the child is adoptable taking into account of the child's situations. |
| 1. Which criteria are applied to determine whether a child is adoptable?
 | Generally speaking, after all the consents required have been obtained with due consideration to the child's wishes and opinions on adoption with regard to his/her age and understanding, and the best interests of the child, the child is considered as adoptable taking into account the case conditions including the child's health condition, and confirmation of the child's sufficient length of stay in the HKSAR to complete the adoption process, etc. |
| 1. 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).

***N.B.*** *the issue of* consent *is dealt with at Question below.* | For parents decided to relinquish their parental right, the parental consent to their child's adoption should be obtained. For parents who have been lost contact, court proceedings to free their child for adoption is required upon completion of tracing of parents. A child who is to be freed for adoption or whose parents' consent to adoption have been obtained, has to 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 the SWD for adoption service through identification of suitable adoptive parents. AU will keep a list of children available for adoption under its care. |

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| 1. The best interests of the child and subsidiarity (Art. 4 *b)*)
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| 1. 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. |
| 1. 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 determinie that an intercountry adoption is in a child's best interests. |
| 1. 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 by the Hague Convention, intercountry adoption should only be arranged for children in need of a permanent adoption placement but where no suitable local homes are available for them. They are usually wards of DSW with special needs, such as older in age, with handicaps, health problem or complicated family background. Generally speaking, all adoptable children will be brought up to identify suitable adoptive homes at matching panel comprised of ABs and AU. If a child cannot be matched for a local adoptive home, he/she will be referred to AB in respect of intercountry adoption for identifying suitable overseas home.       |

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| 1. Counselling and consents (Art. 4 *c)* and *d)*)
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| 1. 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:
2. Both parents are known;
3. One parent is unknown or deceased;
4. Both parents are unknown or deceased;
5. 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 *father* will have to consent to his child’s adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.  | 1. Mother's consent is required regardless her marital status. If the child is born within the wedlock, the consent of both parents 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, despite 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.
2. Mother's consent is required despite the putative father is unknown or deceased or 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 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.
3. 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
4. An order to free the child for adoption granted by the court is required to dispense with the parents' consent.
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| 1. Please describe the procedure for:
2. counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and
3. obtaining their consent(s) to an adoption.[[14]](#footnote-14)
 | 1. Councelling will be provided to birth parents and family about the consequences of adoption.
2. 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.
 |
| 1. Does your State use the model form *“Statement of consent to the adoption”* developed by the Permanent Bureau of the Hague Conference?

*The model form is available on the* [*Intercountry Adoption section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website.* | [ ]  Yes[x]  No – please provide (or link to) any form(s) which your State uses for this purpose: Forms 4, 4A and 4Bhttp://www.legislation.gov.hk/blis\_pdf.nsf/6799165D2FEE3FA94825755E0033E532/070EB666DDDE621D482575EE00585492/$FILE/CAP\_290\_e\_b5.pdf |
| 1. 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.

*See Art. 4* d) *2).* | 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. |
| 1. Please briefly describe the circumstances in which a child’s consent to an intercountry adoption is required in your State.

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.*See Art. 4* d) *1).* | 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.The child's wishes and opinion will be recorded in the child study report.  |

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| 1. Children with special needs
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| 1. In the context of intercountry adoption, please describe what is meant in your State by “children with special needs”.
 | In the HKSAR, children with special needs include those older in age (aged 3 or above), with mental/physical handicaps, major/multiple health problems or complicated family background.  |
| 1. What, if any, procedures does your State use to expedite the adoption of children with special needs?
 | Intercountry adoption will be arranged with local matching in parallel for children with special needs when no suitable local home can be identified after several meetings of matching panel, and when the matching panel considers their chance for local adoption very slim. |

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| 1. The preparation of children for intercountry adoption
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| Is there a special procedure in your State to prepare a child for an intercountry adoption?  | [x]  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): Counselling will be rendered to the children by social worker or clinical psychologist in order to prepare them for adoption, especially intercountry adoption. After the matching with an overseas family is approved by the DSW, the child will be further prepared for joining the overseas family by introducing the details of the family, country and the living there etc., as well as the time frame (depends on the age/ conceptual ability of the child) to him/her. The child will also be helped to go through the separation with his/her carers and attachment figures.[ ]  No  |

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| 1. The nationality of children who are adopted intercountry[[15]](#footnote-15)
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| Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?  | [ ]  Yes, always[ ]  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):      [x]  No, the child will never retain this nationality  |

**PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)**

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| 1. Limits on the acceptance of files
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| Does your State place any limit on the number of PAPs’ files which are accepted from receiving States?[[16]](#footnote-16)  | [ ]  Yes, please specify the limit applied and the basis on which it is determined:      [x]  No  |

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| 1. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State[[17]](#footnote-17)
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| 1. Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?

*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).* | [x]  Yes, the following person(s) may apply in our State for an intercountry adoption:[x]  Married, heterosexual couples: Preferably married for 3 year[x]  Married, same-sex couples:      [x]  Heterosexual couples in a legally registered partnership:      [x]  Same-sex couples in a legally registered partnership:      [x]  Heterosexual couples that have not legally formalised their relationship:      [x]  Same-sex couples that have not legally formalised their relationship:      [x]  Single men:      [x]  Single women:      [ ]  Other (please specify):      [ ]  No, there are no relationship status criteria for PAPs. |
| 1. Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?
 | [x]  Yes, please specify: [x]  Minimum age requirements: Over the age of 25[ ]  Maximum age requirements:      [ ]  Difference in years required between the PAPs and the child:      [ ]  Other (please specify):      [ ]  No  |
| 1. Are there any *other* eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?
 | [x]  Yes: [ ]  Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):      [ ]  Couples must supply evidence of infertility:       [ ]  For persons with children already (biological or adopted), there are additional criteria (please specify):      [x]  Other (please specify): Please refer to the link -http://www.swd.gov.hk/images/Adoption%20Eng.jpg[ ]  No |

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| 1. Preparation and counselling of PAPs (Art. 5 *b)*)
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| Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption *in the receiving State*? | [x]  Yes, please explain what kind of preparation is expected: It is not mandatory. Nevertheless, when assessing their suitability, their readiness and perparation to receive the adopted child from overseas will be considered.[ ]  No  |

**PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE**

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| 1. Applications
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| 1. 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 |
| 1. Please indicate which documents must be submitted with an application:

*Please tick all which apply.* | [x]  An application form for adoption completed by the PAPs[x]  A statement of “approval to adopt” issued by a competent authority in the receiving State[x]  A report on the PAPs including the “home study” and other personal assessments (see Art. 15)[x]  Copies of the PAPs’ passports or other personal identification documents[x]  Copies of the PAPs’ birth certificates[x]  Copies of the birth certificates of any children living with the PAPs[x]  Copies of marriage, divorce or death certificates, as applicable (please specifyin which circumstances): 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) [x]  Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): medical reports [x]  Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Financial circumstances should include PAPs' income, assets, expenditure and liabilities. Supporting documents are required. [x]  Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): employment certificates[x]  Proof of no criminal record[x]  Other(s): please explain medical reports of any children living with the PAPs, proof of highest education qualification of the PAPs, reference letters and family photos, Acceptance for adoption and a Statement of "Assumption of Responsibility issued by overseas CAs or ABs |
| 1. Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?[[18]](#footnote-18)
 | [x]  Yes, please specify whether it must be a *national* accredited body, a *foreign authorised* accredited body or whether it may be either of these accredited bodies.[[19]](#footnote-19) Please also specify at which stage(s) of the procedure an accredited body must be involved (*e.g.*, for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): The ABs in the HKSAR should be involved in all stages of the procedure regarding intercountry adoption. Prior approval of the DSW for the ABs in the HKSAR to extend their partnership with overseas CAs or ABs for intercountry adoption is required. There is no foreign authorised AB which the HKSAR has authorised to work with, or in the HKSAR on intercountry adoption. [ ]  No  |
| 1. Are any *additional* documents required if PAPs apply through an accredited body?

*Please tick all which apply.* | [ ]  Yes[ ]  A power of attorney issued by the PAPs to the accredited body (*i.e.*, 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):      [ ]  A contract signed by the accredited body and the PAPs:      [ ]  A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:      [ ]  Other (please specify):      [x]  No |
| 1. Please specify the language(s) in which any documents must be submitted:
 | English or Chinese |
| 1. Do any of the required documents need to be legalised or apostillised?
 | [x]  Yes, please specify which documents: Assumption of Responsbility and Statement of Acceptance[ ]  No – **go to Question**  |
| 1. Is your State party to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (the Hague Apostille Convention)?

*This information is available on the* [*Status Table*](http://www.hcch.net/index_en.php?act=conventions.status&cid=41) *for the Hague Apostille Convention (see the* [*Apostille Section*](http://www.hcch.net/index_en.php?act=text.display&tid=37) *of the Hague Conference website).* | [x]  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 Hong Kong since 1965.[ ]  No  |

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| 1. The report on the child (Art. 16(1) *a)*)
 |
| 1. Who is responsible for preparing the report on the child?
 | ABs in the HKSAR |
| 1. Is a “standard form” used for the report on the child?
 | [ ]  Yes, please provide a link to the form or attach a copy:      [x]  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-(I) Identifying Information: (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(II) Child’s History and Family Background(III) 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 Routine; (x) Present Interactions and Relationship with Significant Others; (xi) Views towards the Adoption Arrangement(IV) Previous and Present Placement of the Child(V) Reporting Worker’s Observation and Assessment(VI) Medical Reports/ School Report(s)/ Other Assessment(s) Report(s)(VII) Recent Photographs |
| 1. Does your State use the *“Model Form – Medical Report on the Child”* and the *“Supplement to the general medical report on the child”*?

*See GGP No 1 – Annex 7, available* [*here*](http://www.hcch.net/upload/adoguide_e.pdf)*.* | [ ]  Yes[x]  No |

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| 1. The report on the PAPs (Art. 15(2))
 |
| 1. For how long is the report on the PAPs valid in your State?
 | Period of validity 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  |

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| b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. *E.g.*, does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure? | Upon the report on PAPs is approved, 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 as well as before the child departs from the HKSAR to the receiving state for adoption |

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| 1. Matching of the child and the PAPs (Art. 16(1) *d)* and (2))
 |
| 22.1 The authorities and the matching procedure  |
| 1. Who is responsible for the matching of the child and the PAPs in your State?
 | ABs in the HKSAR but the matching should be endorsed by the CA of the HKSAR |
| 1. What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?
 | SWD only appoints ABs in the HKSAR to identify and match with suitable overseas PAPs for the child. |
| 1. What methodology is used for the matching in your State?
 | A matching proposal to assess the suitability of the matching of the child with the PAPs. |
| 1. Is any preference given to PAPs who have a close connection with your State (*e.g.*, nationals of your State who have emigrated to a receiving State)?
 | [ ]  Yes, please specify:      [x]  No  |
| 1. Who is responsible for notifying the receiving State of the matching?
 | ABs in the HKSAR |
| 1. How does your State ensure that the prohibition on contact in Article 29 is respected?
 | Identifiable particulars of birth parents of child will not be provided to PAPs. |
| 22.2 Acceptance of the match |
| 1. Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?
 | [x]  Yes, please provide details of the required procedure: By the time of matching, overseas ABs should ensure that the child will be authorised to enter and reside in the receiving state.[ ]  No  |
| 1. How much time is the receiving State given to decide whether to accept a match?
 | After PAPs are provided with information of the child they would like to know, reasonable time will be allowed for them to decide if they accept the child. |
| 1. 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?
 | The child will be matched with other suitable PAPs if available. |
| 22.3 Information following acceptance of the match |
| Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (*i.e.*, during the remainder of the intercountry adoption procedure and prior to entrustment)?  | [x]  Yes, please specify who is responsible for providing this information: ABs in the HKSAR[ ]  No |

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| 1. Agreement under Article 17 *c)*
 |
| 1. Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 *c)*?
 | The CA (i.e. DSW) of the HKSAR |
| 1. At what point in the adoption procedure is the Article 17 *c)* agreement given in your State?
 | [ ]  Our State sends the Article 17 *c)* agreement to the receiving State with the proposed match; **OR**[ ]  The receiving State must accept the match first and then our State will provide its Article 17 *c)* agreement; **OR**[x]  Other (please specify): upon the DSW's endorsement on the matching of the child and PAPs |

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| 1. Travel of the PAPs to your State[[20]](#footnote-20)
 |
| 1. In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?
 | [ ]  Yes, in which case please specify:* 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:

[x]  No |
| 1. Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?
 | [x]  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.[ ]  No |

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| 1. Entrustment of the child to the PAPs (Art. 17)
 |
| After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs? 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). | Upon approval of matching and where placement is required, the AU of SWD will proceed with the application to the Court of First Instance of the High Court of the HKSAR for an order passing the care and control of the child to a person authorised by the DSW, for the child to leave the HKSAR for the purpose of intercountry adoption. The social worker of AB will prepare the home's photo album and VCDs, as well as 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, their establishing parent-child relationship and the coming meeting in the HKSAR. |

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| 1. Transfer of the child to the receiving State (Arts 5 *c)* and 18)
 |
| 1. 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)?
 | 1.A High Court Order for the child's departure2.Consent of Adoption under Adoption Ordinance issued by DSW 3.Passport and Hong Kong Identity Card4. Visa to enter the receiving state  |

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| 1. Which of the documents listed in response to Question above does your State issue?

Please list the documents including, in each case, which public / competent authority is responsible for issuing the document. | 1. High Court of the HKSAR2. Social Welfare Department of the HKSAR3. Immigration Department of the HKSAR4. Consulate of the Receiving State  |
| 1. 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?
 | [ ]  Yes, please specify:      [x]  No |

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| 1. Final adoption decision and the Article 23 certificate
 |
| 1. In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?
 | [ ]  In our State – **go to Question** [x]  In the receiving State – **go to Question**  |
| 1. Following the making of the final adoption decision in the receiving State:
2. 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)?
3. Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?
 | 1. Obtain a notorized Decree of Adoption from the receiving State, arrange Registration of Adoption with the Immigration Department and issue of Entry of Adoption Record by the Immigration Department
2. The Article 23 cetificate issued by the receiving State should be submitted to the AU of the HKSAR.
3.

**Go to Question**  |
| 1. If the final adoption decision is made in your State, which competent authority:
2. Makes the adoption decision; and
3. Issues the certificate under Article 23 of the 1993 Convention?

***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.* *The answer to (ii) above should therefore be available on the* [*Status Table*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Convention (under “Authorities”), available on the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website.*  | 1.
2.
 |
| 1. Does your State use the *“Recommended model form – Certificate of conformity of intercountry adoption”*?

*See GGP No 1 – Annex 7, available* [*here*](http://www.hcch.net/upload/adoguide_e.pdf)*.*  | [ ]  Yes[ ]  No |

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| 1. Please briefly describe the procedure for issuing the Article 23 certificate.

*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 receiving State?  |       |

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| 1. Duration of the intercountry adoption procedure
 |
| Where possible, please indicate the average time which it takes to:1. Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;
2. 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;
3. Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: *i.e.*, if the final adoption decision is made in your State and not in the receiving State).
 | (i) The ABs in the HKSAR will usually complete a child study in 3 months upon receipt of the child referral for intercountry adoption. Once an overseas home is identified for the child, generally it takes about 3 to 4 months to approve the matching by the DSW including screening the home study report and the supporting documents if no supplementary information/clarification is required. (ii) After the matching is approved, it will take about 2 months to complete the legal procedure for applying a High Court Order for the child's departure from HKSAR. For some cases, it takes months for approval of the receiving State related to "Article 5" before preparing for court procedure. Once the High 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 from days to weeks. Usually, the child will depart to join his/her overseas home with the escort of the PAPs in a month.(iii) Not applicable |

**PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS**

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| 1. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)
 |
| 1. Please explain the circumstances in which an intercountry adoption will be classified as an “*intra*-*family* intercountry adoption” 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. | Adoption of the child in the HKSAR by his/her relative's family living overseas arranged by ABs in the HKSAR is classified as "intra-family intercountry adoption".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-(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;(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. |
| 1. Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?

***N.B.*** *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.* | [ ]  Yes – **go to Question** [x]  Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify:The procedures required for intra-family intercountry adoptions are basically the same as unrelated intercounty adoptions, except that (i) matching for a particular child available for adoption for a suitable PAP who is not his/her relative is not applicable in intra-family intercountry adoption cases; and(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**[ ]  No – **go to Question**  |
| 1. 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:
2. The counselling and preparations which PAPs must undergo in the receiving State;
3. The preparation of the child for the adoption;
4. The report on the PAPs; and
5. The report on the child.
 | 1.
2.
3.
4.
 |

**PART VIII: SIMPLE AND FULL ADOPTION**[[21]](#footnote-21)

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| 1. Simple and full adoption
 |
| 1. Is “full” adoption permitted in your State?

*See GGP No 1 at Chapter 8.8.8 and note below.* | [x]  Yes[ ]  No[ ]  In certain circumstances only – please specify:      [ ]  Other (please explain):       |
| 1. Is “simple” adoption permitted in your State?

*See GGP No 1 at Chapter 8.8.8 and note below.* | [ ]  Yes[x]  No – **go to** **Question** [ ]  In certain circumstances only (*e.g.*, for intra-family adoptions only) – please specify:      [ ]  Other (please explain):       |
| 1. 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]](#footnote-22) to a “*full*” adoption where this is in the child’s best interests (*i.e.*, so that a “conversion” of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?

*See Art. 27(1)* b) *and Art. 4* c) *and* d)*.* | [ ]  Yes – please provide details of how this is undertaken:      [ ]  No |
| 1. How does your State respond to requests from receiving States to obtain the consent(s) of a child’s birth mother / family[[23]](#footnote-23) 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?
 |       |

**PART IX: POST-ADOPTION MATTERS**

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| 1. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child
 |
| 1. Which authority is responsible for preserving information concerning the child’s origins, as required by Article 30?
 | 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.  |
| 1. For how long is the information concerning the child’s origins preserved?
 | The records retained in AU of SWD and ABs in the HKSAR should be kept without time limit. |

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| 1. 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:
2. the adoptee and / or his / her representative(s);
3. the adoptive parents;
4. the birth family; and / or
5. any other persons?

If so, are there any criteria which must be met for access to be granted (*e.g.*, 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)?*See Art. 9* a) *and* c) *and Art. 30.* | 1. [x]  Yes – please explain any criteria: When adopted person reaches age of 18, he/she may approach AU of SWD and ABs in the HKSAR direct to access the information.

[ ]  No1. [x]  Yes – please explain any criteria: Adoptive parents could only access information on behalf of the adopted person under the age of 18.

[ ]  No1. [x]  Yes – please explain any criteria: In the circumstance where the birth parent initiates to trace the adopted person, it is necessary to trace the adoptive parent prior to contacting the adopted person directly to avoid the possible emotional turbulence that the adopted person may face if he/she all along does not know about his/her adoptive status.

[ ]  No1. [ ]  Yes – please explain any criteria:

[x]  No |
| 1. Where access to such information is provided, is any counselling or other guidance / support given in your State?
 | [x]  Yes – please specify: Upon receipt of request for access to information, the AU of SWD or the 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 other means of root-tracing, e.g. application for a court order under Section 18(4) of the Adoption Ordinance to search information contained in the Adopted Children Registry.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. Counselling will also be rendered to the adopted person on handling the issue of not being able to obtain the required identifying information. [ ]  No |
| 1. Once access to such information has been provided, is any *further* assistance offered to the adoptee and / or others (*e.g.*, regarding making contact with his / her biological family, tracing extended family)?
 | [ ]  Yes – please specify: On request, the 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. 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 adoptee, counselling will be rendered to both parties to prepare them for meeting. In case the birth parents are unwilling to meet the adoptee, AU/ABs will explore the reasons behind and provide counselling as appropriate. Counselling will also be rendered to help the adoptee understand the birth parents' reasons for refusal to meet him/her. If the birth parents cannot be located, AU/ABs will explain to the adopted person and provide counselling to him/her to face the outcome. [ ]  No |

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| 1. Post-adoption reports
 |
| 1. Is there a model form which is used by your State for post-adoption reports?
 | [ ]  Yes – please specify whether use of the form is mandatory and indicate where it may be accessed *(e.g.,* provide a link or attach a copy):      [x]  No – in which case, please specify the content expected in a post-adoption report (*e.g.*, medical information, information about the child’s development, schooling): The content expected in a post-adoption report includes adjustment of the child to the adoptive parents, siblings and culture, child development, medical condition, schooling, interests, activities, family's adjustment to child and response of extended family, friends and community. |
| 1. What are the requirements of your State in relation to post-adoption reports?

Please indicate:1. How frequently such reports should be submitted (*e.g.*, every year, every two years);
2. For how long (*e.g.,* until the child is a certain age);
3. The language in which the report must be submitted;
4. Who should write the reports; and
5. Any other requirements.
 | 1. It depends on individual case and varies from monthly to every 3 to 4 months before adoption order is granted.
2. Before the adoption order granted
3. English or Chinese
4. Overseas ABs
5. Not applicable
 |
| 1. What, if any, are the consequences in your State if post-adoption reports are either:
2. Not submitted at all; or
3. Submitted, but not in accordance with your requirements?
 | 1. Responisble AB in the HKSAR will liaise with the concerned overseas adoption agency for the post-adoption reports.
2. Responsible AB in the HKSAR will liaise with the concerned overseas adoption agency for the required information.
 |
| 1. What does your State do with post-adoption reports? (*i.e.*, to what use are they put?)
 | Reports would be kept in the children's files. |

**PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION**[[24]](#footnote-24)

***States of origin are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the*** [***Intercountry Adoption Section***](http://www.hcch.net/index_en.php?act=text.display&tid=45) ***of the Hague Conference website.***

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| 1. The costs[[25]](#footnote-25) of intercountry adoption
 |
| 1. Are the costs of intercountry adoption regulated by law in your State?
 | [x]  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: Any payment, remuneration or reward whatsoever in connection, directly or indirectly, with the adoption or proposed adoption of an infant is governed by the Adoption Ordinance. According to the Section 22 of the Adoption Ordinance, it 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 from time to time in relation to the AB. The link is provided as follows:  http://www.legislation.gov.hk/blis\_pdf.nsf/6799165D2FEE3FA94825755E0033E532/070EB666DDDE621D482575EE00585492/$FILE/CAP\_290\_e\_b5.pdf[ ]  No |
| 1. Does your State monitor the payment of the costs of intercountry adoption?
 | [x]  Yes – please briefly describe how this monitoring is undertaken: The AB in the HKSAR shall pursue only non-profit-making objectives. 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 from time to time. The 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. [ ]  No |
| 1. 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?

*See the “Note on the Financial Aspects of Intercountry Adoption”* *at para. 86.* | [ ]  Through the accredited body:      [ ]  Directly by the PAPs:      [x]  Other (please explain): The PAPs are required to pay directly to the government of HKSAR for the proper costs of the DSW for acting as the guardian ad litem, if necessary, with an amount of payment stipulated in the Laws of Hong Kong, Convention Adoption Rules, Chapter 290D. The DSW may, if he considers it necessary or desirable, waive payment of the fee or any part of it.For the adoption fees charged by ABs, the PAPs are required to pay directly to the concerned ABs.  |
| 1. Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?

*See the “Note on the Financial Aspects of Intercountry Adoption” at para. 85.* | [ ]  Only by bank transfer:      [ ]  In cash:      [x]  Other (please explain): There is no restriction imposed on the means for PAPs' payment but official recepits are required for both PAPs and AB/SWD for record.  |
| 1. Which body / authority in your State receives the payments?
 | The SWD and ABs in the HKSAR |
| 1. 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)?

***N.B.*** *Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).*  | [x]  Yes – please indicate how this information may be accessed: This information could be accessed in the websites of the government of HKSAR and the ABs in the HKSAR. [ ]  No |

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| 1. Contributions, co-operation projects and donations[[26]](#footnote-26)
 |
| 1. Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution[[27]](#footnote-27) to your State if it wishes to engage in intercountry adoption in your State?

*For good practices relating to contributions, see the “Note on the financial aspects of intercountry adoption” at Chapter 6.* | [ ]  Yes – please explain: * What type of contribution is required:
* Who is responsible for paying it (*i.e.*, 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:

[x]  No |
| 1. Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?
 | [ ]  Yes – it is a *mandatory* requirement for authorisation to be granted to a foreign accredited body. [ ]  Yes – it is *permitted* but not required.In either of the above cases, please explain: * What type of co-operation projects are permitted:
* Who may undertake such projects (*i.e.*, 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:

[x]  No |
| 1. Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?

***N.B.******This is not recommended as a good practice****: see further* *the “Note on the Financial Aspects of Intercountry Adoption” at Chapter 6 (in particular, Chapter 6.4).* | [ ]  Yes – please explain: * To whom may donations may be made (*e.g.*, to orphanages, other institutions and / or birth families):
* What donations are used for:
* Who is permitted to pay donations (*e.g.*, only authorised foreign 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 process:

[x]  No |

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| 1. Improper financial or other gain (Arts 8 and 32)
 |
| 1. Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?
 | The CA of the HKSAR |
| 1. 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 fianancial report to the CA for vetting; and (iii) Renewal of accreditation for ABs at interval no more than 4 years is required. |
| 1. 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 gulity of an offence and shall be liable to a fine and to imprisonment. |

**PART XI: ILLICIT PRACTICES**[[28]](#footnote-28)

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| 1. Response to illicit practices in general
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| Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.[[29]](#footnote-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 to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.  |

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| 1. The abduction, sale of and traffic in children
 |
| 1. Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State’s intercountry adoption programmes.

Please also specify which bodies / persons the laws target (*e.g.*, accredited bodies (national or foreign), PAPs, directors of children’s institutions). | 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.  |
| 1. 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. |
| 1. 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 to imprisonment. |

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| 1. Private and / or independent adoptions
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| Are private and / or independent adoptions permitted in your State?***N.B.*** *“Independent” and “private” adoptions are not 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.**Please tick all which apply.* | [ ]  Private adoptions are permitted – please explain how this term is defined in your State:      [ ]  Independent adoptions are permitted – please explain how this term is defined in your State:      [x]  Neither private nor independent adoptions are permitted |

**PART XII: INTERNATIONAL MOBILITY**

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| 1. The scope of the 1993 Convention (Art. 2)
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| 1. 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?

*Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.* | [x]  Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[[30]](#footnote-30) and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be treated as domestic adoption in the HKSAR. 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. [ ]  No |
| 1. If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

*Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.* | [x]  Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The PAPs are required to approach the ABs in the HKSAR which have extended their partnership with the respective Contracting States and go through the essential procedures for intercountry adoption [ ]  No |
| 1. 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?

*Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.* | [x]  Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[[31]](#footnote-31) and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be treated as local adoption and the PAPs should fulfill the provision of the Section 5(6) and Section 5(7)(a) of Adoption Ordinance.[ ]  No |

**PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION**[[32]](#footnote-32)

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| 1. Selection of partners
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| 1. With which receiving States does your State currently partner on intercountry adoption?
 | The HKSAR has established partnership with the CAs or ABs of the following countries as receiving States on intercountry adoption:- Australia;- Canada;- Germany;- New Zealand;- Sweden;- United Kingdom and Northern Ireland; and- United States of America. |
| 1. How does your State determine with which receiving States it will partner?

In particular, please specify whether your State only partners with other *Contracting States* to the 1993 Convention. *To see which States are Contracting States to the 1993 Convention, please refer to the* [*Status Table*](http://www.hcch.net/index_en.php?act=conventions.status&cid=69) *for the 1993 Convention (accessible via the* [*Intercountry Adoption Section*](http://www.hcch.net/index_en.php?act=text.display&tid=45) *of the Hague Conference website <*[*www.hcch.net*](http://www.hcch.net)*>).* | ABs in the HKSAR will try to extend overseas network and seek the approval of the CA of HKSAR to extend their overseas partners. The CA of HKSAR will examine the ABs' agreement with AB/CA of the receiving State to see whether the proposed adoption arrangement is up to the standard of Convention adoption.There is no restriction for the ABs in the HKSAR to extend partnership with non-Contracting States. |
| 1. If your State also partners with *non*-Contracting States, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.[[33]](#footnote-33)
 | The AB is required to ensure that the adoption arrangement with non-Contracting State should be up to the standards of the Hague Convention adoption. [ ]  Not applicable: our State only partners with other *Contracting* States to the 1993 Convention. |
| 1. Are any formalities required in order to commence intercountry adoptions with a particular receiving State (*e.g.*, the conclusion of a formal agreement[[34]](#footnote-34) with that receiving State)?
 | [x]  Yes – please explain the content of any agreements or other formalities:[[35]](#footnote-35) Upon receiving the request from ABs in the HKSAR, the CA of HKSAR (i.e. DSW) will assess their application and make endorsement to confirm a partnership.[ ]  No |

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. [↑](#footnote-ref-1)
2. Please verify whether the contact details on the Hague Conference website < [www.hcch.net](file:///C%3A%5CUsers%5Csh%5CAppData%5CLocal%5CMicrosoft%5CDocuments%20and%20Settings%5Csh%5CLocal%20Settings%5CTemporary%20Internet%20Files%5COLK12F%5Cwww.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 >. [↑](#footnote-ref-2)
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). [↑](#footnote-ref-3)
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](http://www.hcch.net/index_en.php?act=text.display&tid=45) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq*. [↑](#footnote-ref-4)
5. See GGP No 2, *ibid.,* Chapter 3.2.1 (para. 111). [↑](#footnote-ref-5)
6. See GGP No 2, *supra,* note 4, Chapter 3.4. [↑](#footnote-ref-6)
7. See GGP No 2, *supra*, note 4, Chapter 7.4. [↑](#footnote-ref-7)
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. [↑](#footnote-ref-8)
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”. [↑](#footnote-ref-9)
10. In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4. [↑](#footnote-ref-10)
11. See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290. [↑](#footnote-ref-11)
12. See GGP No 2, *supra*, note 4, Chapter 13. [↑](#footnote-ref-12)
13. See GGP No 2, *supra*, note 4, Chapter 13.2.2.5. [↑](#footnote-ref-13)
14. See also Part VIII below on “Simple and Full Adoption” and Art. 27 of the 1993 Convention. [↑](#footnote-ref-14)
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/index_en.php?act=text.display&tid=45) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5. [↑](#footnote-ref-15)
16. See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121. [↑](#footnote-ref-16)
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. [↑](#footnote-ref-17)
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. [↑](#footnote-ref-18)
19. See the definitions provided at notes 4 and 8 above. [↑](#footnote-ref-19)
20. See GGP No 1, *supra*, note 15, Chapter 7.4.10. [↑](#footnote-ref-20)
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. [↑](#footnote-ref-21)
22. Or other person(s) whose consent to the adoption is required under Art. 4 *c)* and *d)* of the 1993 Convention. [↑](#footnote-ref-22)
23. *Ibid.* [↑](#footnote-ref-23)
24. See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Intercountry Adoption Section](http://www.hcch.net/index_en.php?act=text.display&tid=45) 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*. [↑](#footnote-ref-24)
25. See the definition of “costs” provided in the Terminology, *ibid*. [↑](#footnote-ref-25)
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. [↑](#footnote-ref-26)
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. [↑](#footnote-ref-27)
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/index_en.php?act=text.display&tid=45) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >). [↑](#footnote-ref-28)
29. *Ibid.* [↑](#footnote-ref-29)
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. [↑](#footnote-ref-30)
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. [↑](#footnote-ref-31)
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. [↑](#footnote-ref-32)
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”. [↑](#footnote-ref-33)
34. See note above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention. [↑](#footnote-ref-34)
35. *Ibid.* [↑](#footnote-ref-35)