

LCQ21: Adoption of children

Following is a question by the Hon Yung Hoi-yan and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (June 21):

Question:

Regarding the adoption of children, will the Government inform this Council:

(1) as it is learnt that the criteria for vetting and approving applications for becoming foster parents and adoptive parents are different, of the relevant details; the criteria based on which the Government decides to provide foster care service or adoption service for children in need;

(2) as there are views reflecting that it will be easier and faster to adopt a child successfully if there is a foreign family member in the family waiting to adopt a child, (i) of the current number of families waiting to adopt children, (ii) the current number of adoptive families with foreign family members, and (iii) whether it has gained an understanding of the causes of such phenomenon; and

(3) whether it will consider and study dispensing with the need for the Social Welfare Department to suspend the foster care service originally provided by foster parents after they have applied for adoption of the children concerned; if so, of the relevant requirements; if not, the reasons for that?

Reply:

President,

The reply to the Member's question is as follows:

(1) The purpose of adoption service is to identify and secure permanent and stable homes for children whose parents are unable or unwilling to take care of them. Once the adoption order is granted by court, adoptees enjoy the rights and status legally as if they are biological children of the family, and the adoptive parents have all rights, duties, obligations and liabilities in relation to the custody, maintenance and education of the adoptees.

Foster care service is a temporary care arrangement and only provides temporary residential family care service for children whose parents cannot adequately take care of them due to special family circumstances.

It can thus be seen that adoption and foster care services are of a very different nature. The rights and responsibilities borne by the concerned families also differ considerably, hence the matching mechanisms of the two services are distinct. There are different criteria, scope and standard of assessment from the Social Welfare Department (SWD) on the applicants for the

two services, such as financial and education requirements, commitments to life-long care, criminal record check, health assessment, etc.

Generally, when the parents or legal guardians of a child encounter difficulties in child care, the SWD will assess their family conditions and assist them in providing intensive counselling and formulating the most suitable and feasible child welfare plan. The SWD will arrange foster care service for the child if he/she cannot live with his/her birth family and meanwhile render continuous counselling for the family with a view to achieving family reunion under possible circumstances. If adoption is ultimately assessed to be in the best interest of the child, the SWD will make the arrangement in accordance with the Adoption Ordinance (Cap. 290), so as to provide the child with a permanent family at the soonest possible time.

(2) As at end-March 2023, there are 122 approved prospective adoptive families, amongst which 61 per cent are Chinese and 39 per cent are non-Chinese or mixed families with Chinese and different ethnicities. In 2022-23, out of the 42 cases where adoption orders are granted by the local court, 62 per cent are Chinese families whereas 38 per cent are non-Chinese or mixed families with Chinese and different ethnicities. The figures reflect that the success rate of adoption application is not relevant to the ethnicity of family members.

(3) Under the existing arrangement, when foster families are undergoing adoption application, the SWD will not cease their foster care service. However, if it is found that the foster family has purposefully exerted negative influence on the child's views towards adoption, hindered the fairness of matching for adoption, disrupted or obstructed the long-term welfare plan for the child, etc, the Director of Social Welfare as the legal guardian of the child concerned can take appropriate actions, such as arranging alternative placement for the child, in order to safeguard the child's best interest.