

# Revisions of fees under Adoption Rules and Convention Adoption Rules

The Adoption (Amendment) Rules 2023 and the Convention Adoption (Amendment) Rules 2023 were published in the Gazette today (October 20) to revise the fees payable to the Director of Social Welfare (DSW) for acting as guardian ad litem (GAL) of an infant for the purposes of an adoption application.

The two Amendment Rules were made by the Chief Justice of the Court of Final Appeal under section 12(1) of the Adoption Ordinance (Cap. 290). The two GAL fee items will be increased in phases from the current rate of \$3,970 to \$4,210, \$4,440 and \$4,670 with effect from 2024, 2025 and 2026 respectively.

A Government spokesman said, "The DSW, as GAL, has to investigate as fully as possible all circumstances relevant to the proposed adoption and make a report to the Court to ensure that the adoption is in the best interests of the infant."

Government fees, on one hand, should be based on the "user pays" principle and set at levels adequate to recover the full cost of providing the services in general; on the other hand the Government encourages applicants to adopt children whose parents are deceased, or unable or unwilling to take care of them. Striking a balance, the Government seeks to recover 20 per cent of the full cost incurred in the execution of statutory duties under the Adoption Rules (Cap. 290A) and the Convention Adoption Rules (Cap. 290D). The results of the Social Welfare Department's review showed that the two fee items fall short of the target of 20 per cent of the full cost at 2023-24 price level.

The spokesman added that relevant fees have not been revised since 2017. The proposed fee revisions are mild and it is anticipated that these would not deter applicants from pursuing their adoption plans. Potential adoption applicants and the existing accredited bodies for adoption service have also been consulted on the proposed fee adjustments.

The two Amendment Rules will be tabled at the Legislative Council next Wednesday (October 25) for negative vetting. Subject to approval, the new fees will come into effect on January 1, 2024, January 1, 2025, and January 1, 2026, respectively.