

## **Accreditation System in respect of Inter-country Adoption in the Hong Kong Special Administrative Region**

This document sets out the principles, criteria, requirements and monitoring of the accreditation system in respect of inter-country adoption in the Hong Kong Special Administrative Region (HKSAR)<sup>1</sup>.

### **Part I – Background**

2. Adoption is a legal process whereby parental rights and responsibilities over a particular child, who is under 18 years old and unmarried, are transferred from the birth parents to the adoptive parents. An adoption in the HKSAR must be effected in accordance with the Adoption Ordinance, Cap 290. The best interests of the child are of paramount importance in the adoption process.

3. Under the adoption programme in the HKSAR, priority is given to placing children to families of the same cultural or ethnic background so as to minimize the cultural changes and the child's adjustment problems. This order of priority is also recognized under the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption done at the Hague on 29 May 1993 (the Hague Convention) (Link : [http:// www.hcch.net /index\\_en.php?act=conventions.text&cid=69d](http://www.hcch.net/index_en.php?act=conventions.text&cid=69d)). Based on this principle, inter-country adoption should only be arranged for children who are in need of a permanent adoption placement but where no suitable local homes are available for them. The children involved are usually wards of Director of Social Welfare (DSW wards) with special needs, such as older in age, with disability, health problems or hard family background. Besides, there are also a small number of cases involving the adoption of local children by their relatives living overseas. At present, the adoption of the DSW wards by overseas applicants is arranged by the Adoption Unit of the Social Welfare Department (SWD) with the assistance of accredited bodies listed in the website of the SWD through their connections with overseas adoption agencies.

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<sup>1</sup> Please note that the information provided in this document is for reference only and by no means exhaustive. In regard to inter-country adoption, Convention and non-Convention adoptions, and services in the HKSAR, should be read in conjunction with the following:

- (a) The Convention on Protection of Children and Co-operation in respect of Inter-country Adoption Concluded in the Hague on 29 May 1993 (The Hague Convention);
- (b) The Adoption Ordinance, Cap. 290;
- (c) The Adoption Rules, Cap. 290A; and
- (d) The Convention Adoption Rules, Cap. 290D

While every reasonable effort has been made to maintain accurate and updated information, we do not warrant that the information herein provided is complete and error-free. Readers should, where appropriate, consult their legal advisers on particular issues. Further inquiries may also be made to the SWD.

4. As for the adoption of a child resident abroad by adopters resident in the HKSAR, ISS-HK has operated programmes to assist local families, mostly expatriate families, to adopt children from places outside the HKSAR on a self-financing basis<sup>2</sup>. Local residents who wish to adopt children from these countries shall meet the adoption requirements of the HKSAR as well as those of the place where the child resides.

## **Part II – The Hague Convention**

5. The Hague Conference on Private International Law (the Hague Conference) is an intergovernmental organization working for the progressive unification of the rules of private international law. The Hague Convention, which was drawn up by the Hague Conference, was adopted in the Hague on 29 May 1993.

6. The objectives of the Hague Convention are to establish safeguards to ensure that intercountry adoption is made in the best interests of the child and with respect for his or her fundamental rights; to establish a system of cooperation amongst Contracting States to ensure that those safeguards are respected and thereby preventing the abduction of, sale of, or traffic in children; and to secure the recognition in Contracting States of adoptions made in accordance with its provisions.

### **Scope of Application**

7. The Hague Convention contains 48 Articles which set out its objectives and scope, requirements/procedures and responsibilities of Contracting States for intercountry adoption, and provide for the accreditation of adoption agencies and the recognition by Contracting States of intercountry adoption made in accordance with its provisions. Under the Hague Convention, adoption arrangements should mainly be processed between the Central Authorities (CAs) of the State of origin<sup>3</sup> and the receiving State<sup>4</sup>. Where a country (e.g. China) has different territorial units with different legal systems (e.g. the HKSAR), the term “State” also refers to such territorial unit to which the Hague Convention applies. Nevertheless,

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<sup>2</sup> ISS-HK has operated intercountry adoption programmes (where the HKSAR is the receiving State) with the Republic of India, the Kingdom of Thailand and Russian Federation. Each country has different criteria and requirements for documents and procedures.

<sup>3</sup> It refers to the Contracting State where the adoptee habitually resides.

<sup>4</sup> It refers to the Contracting State where the adopter habitually resides.

according to international law principles and as stated in Article 38 of the Hague Convention, the Convention does not apply to adoptions between different territorial units of the same State<sup>5</sup>, e.g. adoptions between the HKSAR, the Mainland and the Macao SAR.

8. Intercountry adoption is complicated by the fact that different jurisdictions have different laws and requirements. The procedures are also different, depending on the law of the State of origin and that of the receiving State and whether or not the States concerned have implemented the Hague Convention. For easy reference, the intercountry adoptions processed by Contracting States in accordance with the provisions of the Hague Convention are referred to as “Convention adoptions” in this paper. On the other hand, intercountry adoptions processed with countries which have not yet become parties to the Hague Convention, such as Singapore, are referred to as “non-Convention adoptions”.

### **Central Authority and the Court**

9. The Hague Convention requires each Contracting State to designate a Central Authority (CA) which is the key authority for discharging the duties that are imposed by the Convention. In short, the CA is required to take all appropriate measures to protect children placed or to be placed for intercountry adoption; to co-operate with authorities in other Contracting States to facilitate and expedite adoptions; and to achieve the objectives of the Hague Convention, etc. Besides, CAs should also, directly or through other bodies, promote adoption counselling, provide information to authorities in other Contracting States and take measures to prevent improper financial gain in connection with adoptions. With the implementation of the Hague Convention in the HKSAR, the DSW is designated as the CA for the HKSAR, in view of the administrative and operational nature of the various functions required of a CA under the Convention. As to the authority having power to grant adoption orders, the High Court is empowered to hear Convention adoption applications and to grant Convention adoption orders.

### **Accreditation system**

10. Under the Hague Convention, the CA is permitted to delegate some of its functions to non-governmental organisations (NGOs) duly accredited under the Convention. In this regard, an accreditation system is put in place to allow NGOs duly accredited by the DSW to perform certain functions and procedural duties in relation to intercountry adoption, including assessment of the suitability of the applicants as prospective adoptive parents as well as making arrangements for

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<sup>5</sup> Article 38 of the Hague Convention provides that a State within which different territorial units have their own rules of law in respect of adoption shall not be bound to apply the Convention to adoptions where a State with a unified system of law would not be bound to do so.

adoption placements and monitoring certain functions and procedural duties in relation to intercountry adoption, including assessment of the suitability of the applicants as prospective adoptive parents as well as making arrangements for adoption placements and monitoring such placements.

## **The Situation in the HKSAR**

11. The Central People's Government (CPG) ratified the Hague Convention on 16 September 2005. The Convention entered into force for the People's Republic of China on 1 January 2006, and took effect in the HKSAR on the same date. To give effect in HKSAR to the Convention and to improve certain local adoption arrangements, the Adoption (Amendment) Ordinance was enacted in July 2004. The principal Ordinance together with the subsidiary legislation has commenced operation on 25 January 2006. It provides a statutory framework not only for handling both local adoption and Convention adoptions, but also for handling intercountry adoptions which are not processed under the Hague Convention.

12. As mentioned in paragraphs 9 and 10 above, upon commencement of the amended legislation, the DSW is appointed as the CA in the HKSAR, while an accreditation system is put in place to allow NGOs duly accredited to perform duties delegated by the CA. The DSW may, in accordance with the Adoption (Amendment) Ordinance 2004 and the principles set out in Articles 10 and 11 of the Convention, accredit, or renew the accreditation of, a body or persons as an accredited body in relation to Convention adoption, or non-Convention adoption. The statutory requirements in relation to the accreditation system are set out in sections 26, 26A and 26B of the Adoption (Amendment) Ordinance 2004.

13. The general division of labour between the CA and Accredited Body (AB/HKSAR) in intercountry adoption is that the CA will make the key decisions while the AB/HKSAR may be asked to take up any particular case and carry out the administrative steps. ABs/HKSAR may be entrusted with procedural tasks, including assessment on the suitability of adoption applicants (including home studies), screening the child study report prepared by the overseas CA or its delegates, liaison with the overseas CA or its delegates, arrangement for adoption placement and providing general support and counselling to adoptive families and children placed for adoption, etc.

14. The criteria for accreditation, the scope of work of ABs/HKSAR, the application procedures for accreditation, and monitoring of ABs/HKSAR are set forth below.

### **Part III – Accreditation**

15. In view of the small number of intercountry adoption cases in the HKSAR each year, an agency accredited by the DSW under the accreditation system is allowed to work on both Convention and non-Convention intercountry adoption cases<sup>6</sup>.

#### **Objectives of the Accreditation System**

16. In accordance with the spirit of the Hague Convention, the objectives of the accreditation system include:

- (a) safeguarding the service quality and professional standard of intercountry adoption practice in the HKSAR, including Convention and non-Convention intercountry adoption cases;
- (b) ensuring effective and ethical international adoption practice;
- (c) promoting the adoption chances of special needs children by making use of the expertise and overseas network of the AB/HKSAR;
- (d) enabling competent NGOs to perform the procedural functions stipulated in the Hague Convention on behalf of the CA; and
- (e) ensuring that intercountry adoptions, including Convention and non-Convention adoptions, are only arranged according to the amended Adoption Ordinance and the relevant provisions of the Hague Convention.

#### **Criteria for Accreditation**

17. An agency seeking accreditation by DSW in the HKSAR shall meet the following objectives/requirements, irrespective of whether it intends to handle Convention, non-Convention adoptions, or both:

- (a) the agency pursues only non-profit-making objectives and has sound financial condition to enable it to take on intercountry adoption work;

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<sup>6</sup> The term “intercountry adoption” does not include adoption between the HKSAR and other parts of China. Hence, the adoption cases handled by an AB/HKSAR under the accreditation system will not cover those made between the HKSAR, the Macau SAR and other parts of China.

- (b) the agency has specialized experience in providing child welfare services;
- (c) the agency has a clearly-delineated organization structure, resources to make adoption arrangement for children, and a written policy and working procedures governing the work of the agency;
- (d) there is or will be a designated section in the agency directed by persons with appropriate qualifications and staffed by registered social workers<sup>7</sup> to undertake home assessment and placement tasks for the purpose of intercountry adoption;
- (e) there is or will be a committee/board set up by the management of the agency to monitor the adoption work of the agency;
- (f) there is a good track record of the agency in providing adoption or other child welfare services and clear documentation on such services; e.g. for agency currently providing adoption services, reference will be made to the number of children adopted through the agency's programme, types of special needs children placed for adoption, and length of adoption processing time by the agency in the HKSAR etc.;
- (g) there is no record of conviction against the agency for offences against children;
- (h) the agency places or undertakes to place the child's interests as the paramount consideration in its intercountry adoption work;
- (i) the agency complies with the laws of the HKSAR (particularly the Adoption Ordinance if previous adoption arrangements have been made) and will follow the principles laid down in the Hague Convention, as applicable, in respect of intercountry adoption work carried out by the agency;
- (j) for an agency seeking accreditation for non-Convention adoption, it has an established overseas network (or has a concrete plan to develop such a network) of government bodies and/or licensed/accredited adoption bodies in the arrangement of adoption; and
- (k) there is or will be a mechanism in place to handle complaints arising from the adoption service provided by the agency.

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<sup>7</sup> A registered social worker refers to a social worker who has registered in the Social Workers Registration Board, the HKSAR under the Social Workers Registration Ordinance (Cap. 505).

## Scope of Work of the Accredited Body in the HKSAR

18. An agency accredited by the DSW under the accreditation system is approved to work on both Convention and non-Convention intercountry adoption cases. Hence, the agency applying for accreditation may continue working with the specific countries it currently having intercountry adoption programmes, if any<sup>8</sup>. However, since the Hague Convention provides for the possibility of Convention adoptions among all Contracting states, ABs/HKSAR are encouraged to extend their existing networks of adoption service through establishing formal working relationships with the relevant authorities of other Contracting States as necessary. While the DSW would, upon accreditation, agree with the AB/HKSAR on a list of countries for making adoptions, this list can be changed after agreement by the DSW during the accreditation period as an AB/HKSAR may be developing its network with other new countries.

19. The AB/HKSAR may, in consultation with the DSW, initiate inquiries with or receive inquiries from the CA of a Contracting State to explore the likelihood of an intercountry adoption arrangement between a Contracting State and the HKSAR, and decide whether intercountry adoption arrangement will take place after having examined whether the requirements of the Hague Convention and the Adoption Ordinance are satisfied. Regarding non-Convention adoption, the AB/HKSAR, before entering into partnership or cooperation with a new State, should obtain the prior approval of the DSW, which may impose additional requirements or supervisory control on the AB/HKSAR for working on intercountry adoption cases between the HKSAR and these countries.

20. An agency duly accredited in the HKSAR will be delegated with procedural duties relating to Convention and non-Convention adoptions, including the arrangement of overseas adoptive homes for children who cannot be placed locally, and providing services to local families<sup>9</sup> who wish to adopt children from places outside the HKSAR. The AB/HKSAR will be involved in the following duties in Convention adoption cases:

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<sup>8</sup> Subject to the international network of each AB/HKSAR, countries currently having intercountry adoption programmes with HKSAR children (i.e. HKSAR as the State of origin) include Contracting States (Commonwealth of Australia, Canada, Germany, the United Kingdom of Great Britain and Northern Ireland, New Zealand and the United States of America) and non-Contracting State (Singapore). As for intercountry adoption programmes where HKSAR is the receiving State, the countries include Contracting States (the Republic of India and the Kingdom of Thailand) and non-Contracting State (Russia Federation).

<sup>9</sup> To safeguard the best interests of children, any person habitual resident in the HKSAR who wishes to apply for local adoption or adoption children abroad, is subject to a suitability assessment in accordance with Sections 27 to 29 of the Adoption Ordinance.

Where the HKSAR is either the State of origin or the receiving State

- (a) ensuring all essential aspects on the child as well as the prospective adoptive families have been duly assessed;
- (b) ensuring all essential documents have been forwarded for consideration by the DSW and the overseas CA/AB/public authority on the adoption arrangement;
- (c) arranging for the preparation and submission of progress reports on a child placed for intercountry adoption;
- (d) making alternative temporary placement arrangements for the child in case the proposed adoption placement fails and as a last resort arrange for the child's return to the State of origin; and
- (e) possibly performing the functions of a guardian ad litem (for non-DSW wards, i.e. children whose parents give specific consent to their adoption), including attendance before court, if the adoption order is to be granted in the HKSAR<sup>10</sup>.

Where the HKSAR is the State of origin

- (a) preparing child study report for the purpose of intercountry adoption;
- (b) forwarding the child study report to overseas CA/AB/public authority;
- (c) screening the home assessment report on the prospective adoptive parents prepared by the overseas CA/AB/public authority; and
- (d) escorting the child to the overseas country of the prospective adoptive parents when required.

Where the HKSAR is the receiving State

- (a) preparing home study report for the purpose of intercountry adoption;
- (b) forwarding the home study report to overseas CA/AB/public authority;

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<sup>10</sup> The Hague Convention allows that an adoption order can be granted in either the receiving State or the State of origin. However, for non-Convention adoptions, an adoption order will only be granted in the HKSAR if the HKSAR is the receiving State.



- (c) screening the child study report prepared by the overseas CA/AB/public authority; and
- (d) liaising with the Immigration Department to confirm permission for the child to enter and stay in the HKSAR for the purpose of adoption.

21. A detailed description of duties and procedural requirements that may be delegated to ABs/HKSAR in the HKSAR under the Hague Convention is at **Annex 1**. To safeguard the service quality and professional practice of intercountry adoption in the HKSAR, the same service standard will be applied to non-Convention adoption as well. For non-Convention adoption cases, ABs/HKSAR also need to fulfill the requirements mentioned in paragraph 18 to 19 and perform the same duties mentioned in paragraph 20, though the DSW would no longer be the CA and there would not be an overseas CA/AB/public authority. The ABs/HKSAR are expected to use their own overseas network of adoption agencies

22. While a number of the procedural functions will be delegated to ABs/HKSAR, the DSW continues to take up the responsibility of liaising with the Police for administering the requirement of criminal record check on prospective adopters and approving the suitability of prospective adopters, where the HKSAR is the receiving State. The DSW will also be responsible for approving the decisions on the child's placement/termination of placement in a prospective adoptive home; applying to the Court for an Order for a child's removal from the HKSAR for placement/adoption outside the HKSAR; acting as the guardian ad litem for DSW wards, i.e. children whose parents give general consent to their adoption or who are declared to be free for adoption by an order under Section 5A of the Adoption Ordinance, in case the adoption application is to be proceeded in the HKSAR; and providing necessary information to the Immigration Department to facilitate the registration of the child's adoption order granted overseas onto the Adopted Children Register in the HKSAR.

### **Root-tracing**

23. For root-tracing request in relation to an adopted person who had been arranged for intercountry adoption by the DSW and an AB/HKSAR, the AB/HKSAR concerned will also be involved in root-tracing service though this is not stipulated in the legislation. In handling such requests, the AB/HKSAR may release the birth information to the adopted person (subject to a veto-mechanism) and render counselling to the adopted person as appropriate.

## **Part IV – Application and Approval Procedures**

### **Application for Accreditation**

24. Application for an accreditation or application for its renewal must be made to the DSW in a specified application form and accompanied by such information as the DSW may require. These include information about the agency's organization, background, services provided, experience in intercountry adoption, overseas network and connections, financial status, track record, etc. A copy of the Accreditation Application / Renewal Application in respect of Intercountry Adoption is at **Annex 2**. Applicants wishing to provide intercountry adoption service (including both Convention and non-Convention adoptions) should spell out clearly the reasons, their established overseas network (particularly for non-Convention adoptions) and the details of the proposed programme for the DSW's consideration. In addition, Applicants should submit 2 identical copies of the information required in a 2-ring folder, and all documents should be properly indexed as set out in Annex 2-1. For those applicants failing to provide the required documents/ information, normally within 3 months starting from its initial application date, the application may be considered as lapsed and the applicant may be required to re-submit the full set of updated documents as a fresh application.

### **Accreditation Assessment**

25 Upon receiving the Application Form and relevant documents/records from the applicant, accreditation assessment will be conducted by the DSW based on the criteria set out in paragraph 17. The DSW may require an applicant to provide such further information in connection with the application as he/she deems necessary.

26. The assessment may include the following activities:

- (a) review of programme records and case records;
- (b) review of administrative records;
- (c) programme implementation site visit; and
- (d) actual observation on the operation of the programme.

If no adoption services have been provided before, the DSW would exercise discretion to see what other relevant records of programmes to review or observe.

## **Notification of Assessment Result**

27. Subject to satisfactory result of assessment on the applicant's capabilities, ethics and performance, if any, in intercountry adoption work or related areas, the DSW may accredit, or renew the accreditation of the applicant as an AB/HKSAR in relation to Convention adoption and/or non-Convention adoption.

28. The successful applicant will be issued an accreditation certificate in a specified format which will specify the functions and duties that have been delegated to the applicant in relation to Convention and non-Convention intercountry adoptions. The DSW may also impose such conditions of accreditation as he/she considers appropriate. The accreditation certificate must be displayed in a conspicuous place in the applicant's office where the intercountry adoption services programme is operated. Unsuccessful applicants will not be allowed to provide intercountry adoption service.

## **Validity Period**

29. According to Section 26 of the Adoption Ordinance, an accreditation, unless revoked or suspended, shall be valid for four years. The accreditation may be revoked or suspended by the DSW at any time if the AB/HKSAR is found to have acted against or has failed to protect the best interests of the child in the arrangement of intercountry adoption, or in the following circumstances:

- (a) the agency has failed to meet the accreditation criteria as specified in paragraph 17 and/or the conditions of accreditation stated in the accreditation certificate;
- (b) the AB/HKSAR has failed to fulfill any of the duties, requirements or conditions set out in this document or otherwise imposed by the DSW from time to time, including but not limiting to the duties set out in paragraphs 20 and 21 above in processing intercountry adoption cases and obligations set out in paragraphs 34 to 37 below;
- (c) the AB/HKSAR has failed to comply with the code of conduct for ABs/HKSAR;
- (d) the AB/HKSAR has encountered financial problem, which may adversely affect its normal operation; or
- (e) the AB/HKSAR has ceased to provide intercountry adoption service.

30. For applicants not providing intercountry adoption service at the time of application but wishing to commence such service in the near future, the DSW reserves the right, where it is decided to give accreditation, to shorten the accreditation period. During the accreditation period, the DSW will assess the performance of the applicant concerned to see if accreditation certificate is to be renewed. The applicant, within the accreditation period, should demonstrate its ability to handle both incoming and outgoing cases, and complete successful intercountry adoption cases<sup>11</sup> of which at least two should be on DSW wards. The period of accreditation can be extended by the DSW up to 48 months where it is considered appropriate.

### **Application for Renewal of Accreditation**

31. An application for renewal of accreditation shall be made to the 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 for accreditation application in paragraphs 23 to 27 will be followed. Normally, the renewed accreditation certificate, if granted, shall have effect on the day following the day upon which the original accreditation expires.

### **Accreditation Register**

32. The DSW shall keep a register of ABs/HKSAR containing the name and address of each AB/HKSAR, the name and address of the persons registered in respect of the AB/HKSAR, and other particulars as the DSW deems fit. This register shall be available for public inspection at such reasonable time and place as the DSW may determine.

33. The register will be updated biennially, or at an earlier interval as and when required.

## **Part V – Monitoring of Accredited Bodies**

### **Obligations of Accredited Bodies in Providing Services**

34. The AB/HKSAR shall have a clearly defined adoption procedure and a systematic plan for the services it renders throughout the adoption process. It should continuously monitor and evaluate its services and service quality to ensure

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<sup>11</sup> Successful intercountry adoption case refers to the completion of adoption cases where a DSW ward has been placed with an overseas adoptive home with an adoption order granted; and where an overseas child has joined the adoptive home in the HKSAR with an adoption order granted.

compliance with the requirements regarding its accreditation. Besides, the AB/HKSAR is required to comply with the following requirements:

- (a) it shall comply with the code of conduct in handling intercountry adoption cases, including Convention and non-Convention adoptions (**Annex 3**);
- (b) it shall comply with the relevant provisions of the amended Adoption Ordinance for all intercountry adoption cases and in particular the relevant Articles of the Hague Convention in processing Convention adoption cases, as well as any administrative requirement set down by the DSW;
- (c) it shall keep client records in a secure manner and maintain information necessary to plan, manage and evaluate its adoption programme properly;
- (d) it shall provide monthly statistical returns to be submitted quarterly to the DSW which include the profile of users, services rendered, programmes conducted and other information as may be required, such as the number of applications received, child study completed, etc.;
- (e) it shall undertake self-assessment (**Annex 4**) at least annually and submit the self-assessment report to the DSW to confirm if the essential system, services, records and resources are in place to ensure compliance with the requirements regarding its accreditation;
- (f) it shall submit annual audited financial reports to the DSW to ensure that there is in place an effective system of financial management and control operating within the agency;
- (g) it shall report to the DSW annually the information on those organizations and individuals with whom the AB/HKSAR has worked in that year;
- (h) it shall submit a copy of the formal complaints made and/or legal proceedings taken against the AB/HKSAR in relation to adoption and other child welfare services within 3 working days and the corresponding completed investigation reports within 3 working days,
- (i) it shall regularly update information on its adoption service that be easily accessed by public;

- (j) it shall make application to Adoption Unit of the SWD for written consent of the DSW on advertisement related to adoption services in Hong Kong;
- (k) it shall report to the DSW on any change of social worker and/or management staff designated for adoption service;
- (l) it shall display the certificate of accreditation in a conspicuous place in the adoption office and shall have clear signage of adoption office in the main entrance; and
- (m) it shall have prior approval from the DSW before the relocation of adoption office.

### **Records and Information to be Provided by the Accredited Body**

35. The AB/HKSAR shall maintain the following records which shall be made available at all reasonable times for inspection by the DSW:

- (a) records relating to adoption service, including case records<sup>12</sup> with home assessment reports, child study records and placement records;
- (b) records of staff handling adoption matters;
- (c) records on service statistics as the DSW may from time to time require;
- (d) records of complaints and legal proceedings involving the AB/HKSAR; and
- (e) financial records of the AB/HKSAR.

### **New Information Relevant to Accredited Status**

36. The DSW reserves the right to review the accredited status of an AB/HKSAR in the light of any new information which may be relevant. An AB/HKSAR must inform the DSW in writing immediately of any factor which may affect its accredited status.

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<sup>12</sup> Except for cases where applications are withdrawn or hard-to-place cases which are returned to SWD, all adoption case records shall be kept for permanent retention and on a confidential basis.

## **Fees**

37. The AB/HKSAR shall operate on a self-financing and non-profit making basis, except for such activities as may be agreed with the DSW under separate agreement. While the AB/HKSAR shall pursue only non-profit-making objectives, it may charge prospective adoptive parents 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. Besides, in accordance with Article 32 of the Hague Convention, the level of salaries of directors, administrators and employees of the AB/HKSAR should not be unreasonably high in relation to the services rendered. For any changes in staff structure and level of fees, the DSW shall be informed in advance. The DSW's approval on the change of level of fees must be sought before implementation of fee revision.

## **Non-compliance by an Accredited Body**

38. Where it is found that an AB/HKSAR has not complied with any of the criteria for accreditation stated in paragraph 17, the conditions for accreditation stated in the accreditation certificate or any of the duties, requirements or conditions set out in this document or otherwise imposed by the DSW from time to time, the DSW will bring the matter to the attention of the AB/HKSAR concerned at the earliest opportunity and request the AB/HKSAR to investigate the matter and provide a report to the DSW within a given time frame with proposals for complying with the Adoption Ordinance and/or the Hague Convention, as appropriate. If necessary, the DSW may prescribe certain conditions (e.g. improving certain practices) that have to be met before the AB/HKSAR is allowed to continue operating as an AB/HKSAR.

39. If an AB/HKSAR is found not to have acted in the best interests of the child or upon the occurrence of any of the events stated in paragraph 29, the DSW may suspend the accreditation of the AB/HKSAR. The AB/HKSAR is required to investigate into the matter and provide a report to the DSW within a given time frame and recommend remedial actions to be taken to the satisfaction of the DSW. In case of serious or repeated default or non-compliance or the failure of AB/HKSAR to improve on the identified deficiencies, the DSW may revoke the accreditation of the AB/HKSAR. Prior to suspension or revocation, the DSW will bring the matter to the attention of the AB/HKSAR and provide the agency with the opportunity to make representation before a final decision is made.

40. In the case where accreditation is to be suspended or revoked, the AB/HKSAR shall immediately cease to provide adoption service in all Convention and/or non-Convention cases. The DSW will take over or arrange another AB/HKSAR to take over the ongoing adoption applications/cases of the

AB/HKSAR. The DSW reserves the rights to request the AB/HKSAR to bear the cost and expenses incurred in connection with the take-over.

### **Complaints against an Accredited Body on Intercountry Adoption Services**

41. The DSW may undertake an investigation, upon receipt of information from a third party which indicates that an AB/HKSAR may not be in compliance with any of the criteria for accreditation stated in paragraph 17, the conditions for accreditation stated in the accreditation certificate or any of the duties, requirements or conditions set out in this document or otherwise imposed by the DSW from time to time. The complaint will be handled according to the complaint procedures prescribed by the DSW.

42. If the DSW determines that the complaint falls within the scope of intercountry adoption services/procedures (including Convention and non-Convention adoptions), he/she shall collect the necessary information to make a preliminary determination, and shall conduct such site-visits and/or other investigative activities as may be necessary to determine whether the AB/HKSAR remains in compliance with the conditions and requirements of accreditation.

43. If the AB/HKSAR is found not to have complied with any of the criteria for accreditation stated in paragraph 17, the conditions for accreditation stated in the accreditation certificate or any of the duties, requirements or conditions set out in this document or otherwise imposed by the DSW from time to time, paragraphs 38 to 40 will apply.

### **Appeal**

44. ABs/HKSAR aggrieved by the following decision of the DSW under the accreditation system may, within 28 days of receiving notice of the decision, lodge an appeal to the Administrative Appeals Board.

- (a) The DSW's decision to approve a new or renewal application for accreditation; and
- (b) The DSW's decision to suspend or revoke an accreditation.

The Administrative Appeals Board will hear and determine appeals against a decision in accordance with the Administrative Appeals Board Ordinance (Cap. 442).



**Duties and Procedural Requirements that may be Delegated to the Accredited Bodies in the Hong Kong Special Administrative Region under the Hague Convention**

	Article <sup>1</sup>	Description
1.	9(a)	Collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption
2.	9(c)	Promote the development of adoption counselling and post-adoption services in their States
3.	9(d)	Provide each other with general evaluation reports about experience with intercountry adoption
4.	15(1)	Prepare a report including information about the prospective adoptive parents' identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, as well as the characteristics of the children for whom they would be qualified to care
5.	15(2)	Transmit the report to the Central Authority <sup>2</sup> of the State of origin
6.	16(1)(a)	Prepare a report including information about the child's identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child
7.	16(1)(b)	Give due consideration to the child's upbringing and to his or her ethnic, religious and cultural background
8.	16(1)(c)	Ensure that consents have been obtained in accordance with Article 4
9.	16(1)(d)	Determine, on the basis in particular of the reports relating to the child and the prospective adoptive parents, whether the envisaged placement is in the best interests of the child
10.	16(2)	Transmit to the Central Authority of the receiving State its report on the child, proof that the necessary consents have been obtained and the reasons for its determination on the placement, taking care not to reveal the identity of the mother and the father if, in the State of origin, these identities may not be disclosed
11.	17(a)	Has ensured that the prospective adoptive parents agree to adoption

<sup>1</sup> It refers to the Articles contained under the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption Concluded in the Hague on 29 May 1993.

<sup>2</sup> The term, when refers to a Central Authority in another country, may mean a public authority or a body duly accredited (under Chapter III of the Hague Convention ) that may perform the duties of the Central Authority, to the extent permitted by the law of that country.

	<b>Article<sup>1</sup></b>	<b>Description</b>
12.	17(b)	Has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin
13.	17(c)	Have agreed that the adoption may proceed
14.	17(d)	It has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt
15.	18	Take all necessary steps to obtain permission for the child to leave the State of origin and to enter and reside permanently in the receiving State
16.	19(2)	Ensure that this transfer takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive or prospective adoptive parents
17.	19(3)	If the transfer of the child does not take place, the reports referred to in Articles 15 and 16 are to be sent back to the authorities who forwarded them
18.	20	Keep each other informed about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required
19.	21(1)	Where the adoption is to take place after the transfer of the child to the receiving State and it appears to the Central Authority of that State that the continued placement of the child with the prospective adoptive parents is not in the child's best interests, such Central Authority shall take the necessary measures set out in Articles 21(1)(a) and 21(1)(b)
20.	21(1)(a)	Cause the child to be withdrawn from the prospective adoptive parents and to arrange temporary care
21.	21(1)(b)	(Where HKSAR is the receiving State) in consultation with the Central Authority of the State of origin, to arrange without delay a new placement of the child with a view to adoption or, if this is not appropriate, to arrange alternative long-term care; an adoption shall not take place until the Central Authority of the State of origin has been duly informed concerning the new prospective adoptive parents
22.	21(1)(c)	As a last resort, to arrange the return of the child to the State of origin, if his or her interests so require
23.	21(2)	Having regard in particular to the age and degree of maturity of the child, consult the child and, where appropriate, obtain his or her consent in relation to measures to be taken

**Accreditation Application/Renewal Application in respect of  
Intercountry Adoption**

**Section I**     *Please tick in the appropriate box*

- [ ] Application is hereby made for a Certificate of Accreditation for Intercountry Adoption.
- [ ] Application is hereby made for a renewal of Certificate of Accreditation for Intercountry Adoption.

Existing Certificate Number<sup>1</sup>: \_\_\_\_\_

The following documents should be attached to this document for the purpose of accreditation:

- (1) Certificate of Incorporation and Memorandum and Articles of the Association, specifying that the applicant is authorised to operate child welfare services on a non-profit-making basis.
- (2) Letter of approval to operate service as an approved charitable organisation registered under Section 88 of the Inland Revenue Ordinance
- (3) Audited Accounts of the organisation in the last 3 years

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**Section II**     *Particulars of the Applicant Organisation*

(a) Name of the Organisation in English:

\_\_\_\_\_

(b) Name of the Organisation in Chinese:

\_\_\_\_\_

(c) Address of the Organisation:

\_\_\_\_\_

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<sup>1</sup> This item is ONLY applicable to applicants who apply for a renewal of certificate.

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Number and Name of Street/Estate

District

Hong Kong/Kowloon/New Territories \*

(d) Telephone Number : \_\_\_\_\_

(e) Name of Responsible Person of the Organisation:

Mr/Mrs/Miss/Ms \* \_\_\_\_\_  
(English, surname first)

\_\_\_\_\_  
(Chinese)

Position held in the Organisation :

\_\_\_\_\_

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**Section III** *Particulars of the designated section providing intercountry adoption service.*

(a) Name of the designated section:

\_\_\_\_\_

(b) Name and job title of the Supervisor of the designated section:

\_\_\_\_\_

(c) Address of the designated section:

\_\_\_\_\_

\_\_\_\_\_

(d) Telephone number: \_\_\_\_\_

(e) Number of registered social workers working in the designated section :

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(f) Year of experience of the Organisation in providing intercountry adoption service and related services (such as intercountry child welfare services if applicable. Please specify) :

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(g) Nature of the designated section : (Please tick as appropriate) :

Subvented

Self-financing and non-profit-making

(h) Is there a committee or board of directors set up by the organisation to monitor the adoption work of the organisation? (Please tick as appropriate)

Yes                       No

Name of the monitoring body:

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(i) Are there written policy and working procedures governing the operation of the agency's intercountry adoption service? (Please tick as appropriate and attach to this application if available)

Yes                       No

(j) Is there a mechanism in place to handle complaints arising from the adoption service provided by the organisation? (Please tick as appropriate and attach to this application if available)

Yes                       No

(k) Has there been any lawsuit against the organisation or its personnel in providing the intercountry adoption arrangement including conviction of offences against children? (Please tick as appropriate)

Yes                       No

Dates, details and outcome of the lawsuits :

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- (l) Does the organisation have any established overseas network of government bodies and/or licensed/accredited bodies in the arrangement of both Convention and non-Convention intercountry adoption? (Please tick as appropriate)

Yes (please state the countries involved and provide information on the intercountry adoption program run by the organisation, if available)

No

- (m) For organisations not providing intercountry adoption service at the time of application but wishing to commence such service, please state the organisation's plan to establish overseas network of government bodies and/or licensed/accredited bodies in the arrangements of intercountry adoption.

Reasons of application for accreditation and the applicant's records of intercountry adoption services

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**Section V** *Declaration by duly authorised officer of the applicant*

I declare that :

- (a) the information in this application (including information contained in documents submitted in support of this application) is to the best of my knowledge and belief true and correct and not misleading as at the date of this application; and
- (b) the operation, keeping, management or other control of the designated intercountry adoption section referred to Section II above is under my continuous and personal supervision.
- (c) for the purpose of root-tracing, the applicant will undertake to surrender records relating to adoption service, including case records with home study reports, child study records and placement records to Social Welfare Department should the accredited body cease to provide local adoption service.

Date: \_\_\_\_\_ Organisation: \_\_\_\_\_  
Signature of duly authorised officer: \_\_\_\_\_  
Name of officer: \_\_\_\_\_  
Designation: \_\_\_\_\_

Organisation chop<sup>2</sup>: \_\_\_\_\_

**Note:** The applicant should provide information listed in the **Annex 2-1** to the Application Form and forward the required documents to the Child Welfare Section, Family and Child Welfare Branch, Social Welfare Department at:

Rm 2404, 24/F, Southorn Centre,  
130 Hennessy Road,  
Hong Kong

\* *Delete as appropriate*

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<sup>2</sup> The Application Form must be stamped with an official chop of the organisation.



**Information to be contained in an application for granting/renewal of accreditation to operate intercountry adoption services**

<b>Documents/records/information</b>
<b>I. Background Information</b>
<ul style="list-style-type: none"> <li>• Brief history of agency</li> </ul>
<ul style="list-style-type: none"> <li>• Policy/goal/mission statement</li> </ul>
<ul style="list-style-type: none"> <li>• Board of Directors, organisation chart, staffing structure</li> </ul>
<ul style="list-style-type: none"> <li>• Roles and responsibilities of the adoption committee or sub-committee of the organisation overseeing the delivery of adoption service</li> </ul>
<ul style="list-style-type: none"> <li>• Annual report/Year Book/Newsletter/Publication/Brochure</li> </ul>
<b>II. Services</b>
<ul style="list-style-type: none"> <li>• Plans of the adoption service to be delivered, including service types, eligibility criteria of service recipients, guidelines on delivery of service</li> </ul>
<ul style="list-style-type: none"> <li>• Experience of the organization in adoption or related family and child welfare services</li> </ul>
<ul style="list-style-type: none"> <li>• Qualifications, experience and duties of the designated officer-in-charge and staff of the adoption service section of the organisation</li> </ul>
<ul style="list-style-type: none"> <li>• Office facilities including the availability of interview rooms to ensure confidentiality</li> </ul>
<ul style="list-style-type: none"> <li>• Service statistics on adoption services, e.g. number of children adopted through the agency's adoption program, types of special needs children placed for overseas adoption, length of adoption processing time by the agency in Hong Kong, etc, if applicable (latest 3 years)</li> </ul>
<ul style="list-style-type: none"> <li>• Assessment reports on service performance monitoring system (latest 3 years) endorsed by Subventions Branch of SWD</li> </ul>
<ul style="list-style-type: none"> <li>• Mechanism in place to handle complaints</li> </ul>
<b>III. Financial Status</b>
<ul style="list-style-type: none"> <li>• Status (subvented or self-financing service)</li> </ul>

<ul style="list-style-type: none"> <li>• Source of funding</li> </ul>
<ul style="list-style-type: none"> <li>• Schedules of fee charging for adoption service</li> </ul>
<ul style="list-style-type: none"> <li>• Audited financial reports (latest 3 years)</li> </ul>
<b>IV. Overseas Network &amp; Commendation</b>
<ul style="list-style-type: none"> <li>• Branches in other states (with indication on the map)</li> </ul>
<ul style="list-style-type: none"> <li>• List of overseas network of government bodies or accredited adoption bodies in arrangement of intercountry adoption with proof</li> </ul>
<ul style="list-style-type: none"> <li>• Three letters of commendation from professionals, local leaders and other social welfare organisations etc.</li> </ul>
<b>V. Case reports</b>
<ul style="list-style-type: none"> <li>• Samples of completed child study report</li> </ul>
<ul style="list-style-type: none"> <li>• Samples of completed home study report</li> </ul>
<b>VI. Track Record</b>
<ul style="list-style-type: none"> <li>• Any previous law suits of the organisation in relation to its service</li> </ul>
<ul style="list-style-type: none"> <li>• Conviction of offences against the Adoption Ordinance (either of staff or of agency)</li> </ul>
<ul style="list-style-type: none"> <li>• Disruption of adoption placement (if any) for latest 3 years</li> </ul>
<b>VII. Others</b>
<ul style="list-style-type: none"> <li>• Separate accounts of the intercountry adoption unit</li> </ul>
<ul style="list-style-type: none"> <li>• Salaries of employees and directors/administrators</li> </ul>
<ul style="list-style-type: none"> <li>• Evaluation reports from the overseas counterparts on the agency's adoption program in Hong Kong, if applicable.</li> </ul>

## **CODE OF CONDUCT FOR ACCREDITED BODIES IN RESPECT OF INTERCOUNTRY ADOPTION<sup>1</sup>**

### ***Conflict of interest***

1. An accredited body must not hold any financial or other interest, and must not give an undertaking, that could directly or indirectly compromise the performance of its functions. An accredited body must notify the Central Authority/ HKSAR if a potential or actual conflict of interests arises.

### ***Acceptance of gifts or benefits***

2. An accredited body must not accept a gift, donation or benefit if it could be seen as intended or likely to cause the accredited body to undertake its responsibilities in a particular way, or to deviate from the proper course of action.

### ***Personal and professional behaviour***

3. An accredited body must perform any duties diligently, impartially and conscientiously, to the best of its ability.
4. In the performance of duties, an accredited body must--
  - (a) keep up to date with any changes in practice or procedure relating to intercountry adoption;
  - (b) maintain and preserve record information systems in accordance with the requirements of the Central Authority;
  - (c) treat all applicants for adoption with courtesy, sensitivity and in confidence;
  - (d) not take any improper advantage of any information gained in the carrying out of its duties;
  - (e) report to the Central Authority any unethical behaviour or wrongdoing by other members of staff or which he or she is aware.

### ***Fairness and equity***

5. The manner in which an accredited body deals with issues or applicants for adoption must be consistent, prompt and fair. This includes--
  - (a) dealing with matters in accordance with accepted procedures;
  - (b) dealing with matters without discrimination on any grounds;
  - (c) providing appropriate review and appeal mechanisms.
6. If an accredited body proposes to exercise a discretionary power in relation to a particular case, the body must ensure that all relevant considerations are taken into account in regard to the particular merits of the case.

*The use of information*

7. An accredited body must handle official information or documents acquired in the course of carrying out its functions as an accredited body or staff member in accordance with the Personal Data (Privacy) Ordinance Cap.486.

# Intercountry / Local \* Adoption Self-assessment Report for the Year of (       )\*\*

NAME OF ACCREDITED BODY: \_\_\_\_\_

NAME OF ORGANISATION: \_\_\_\_\_

NAME OF AUTHORISED OFFICER: \_\_\_\_\_

RANK AND DESIGNATION: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

\* Please delete as appropriate

\*\* Please fill in the year

## **Requirement of Self-assessment by Accredited Bodies**

As stipulated in the General Statement of Accreditation System in respect of intercountry or local adoptions in the Hong Kong Special Administrative Region (HKSAR), the Director of Social Welfare (DSW), being the Central Authority of the HKSAR, has the duty to continuously monitor and evaluate Accredited Bodies' (ABs) services and service quality to ensure compliance with the requirements regarding their accreditation. To this end, ABs, among others, shall undertake self-assessment **annually** and submit the Self-assessment Report to the DSW to confirm if the essential system, services, records and resources are in place to ensure compliance with the requirements regarding their accreditation.

ABs should complete the **Self-assessment Report** based on their assessment and tick in the appropriate box as well as make reference to their relevant supporting evidences. **ABs should submit the Self-assessment Report and Annex with properly indexed supporting documents in a 2-ring folder to the DSW by the end of January of each year.** The DSW may, wherever necessary and as appropriate, inspect the documents enclosed in the Self-assessment Report and/or request other documents for monitoring and evaluation.

## Section 1: Casework practice

### 1.1 Assessment, access and referral

Evidence for meeting standard	AB's self assessment	Appendix no. and title of supporting document
1. Comprehensive child study with well-substantiated information and thorough assessment on the child's needs (e.g. relevant part(s) of AB's internal operational manual/guidelines, Child Study Report) <b>(For intercountry adoption only)</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Submission of the Child Study Report to Adoption Units (AUs) of Social Welfare Department within three months (e.g. cases registry, correspondence between AB and AUs) <b>(For intercountry adoption only)</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
3. Submission of two completed local adoption cases to SWD during the accreditation period <b>(For local adoption only - Para 20 of ASLA<sup>a</sup>)</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

1.2 Case planning		
Evidence for meeting standard	AB's self assessment	Appendix no. and title of supporting document
1. Comprehensive individual case planning based on the social, emotional, physical, cultural, etc., needs of the child (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant case recording, case review documents)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Formulation of individual case planning within a reasonable time frame (e.g. relevant case recording, chart/table showing the case progress and regular updating)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<sup>a</sup>ASLA - Accreditation System in respect of Local Adoption in the HKSAR

<b>1.3 Placement meets the needs of child</b> (Sec 23B, 2(b) of AO <sup>b</sup> , Para 9(h) of ASLA & Para 17(h) of ASIA <sup>c</sup> )		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. Comprehensive criteria on matching of suitable prospective adoptive parents for the child (e.g. relevant part(s) of AB's internal operational manual/guidelines) <b>(For intercountry adoption only)</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2 Well-substantiated matching proposals, taking into consideration of the child's needs, special circumstances, stage of development, family and cultural backgrounds, and prospective adoptive parents' parenting ability, family condition, support networks, community environment and resources (e.g. matching proposal prepared by AB, correspondences between AB & AUs) <b>(For intercountry adoption only)</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>1.4 Casework with the child</b> (Sec 23B, 2(b) of AO, Para 9(h) of ASLA & Para 17(h) of ASIA)		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1 Professional casework services to the child with due considerations to the age and understanding of the child on the adoption arrangement (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant paragraph(s) of Child Study Report / case recording)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2 Properly seeking of the child's wishes and opinions towards the adoption plan (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant paragraph(s) of Child Study Report / case recording)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<sup>b</sup>AO – Adoption Ordinance, Cap 290

<sup>c</sup>ASIA - Accreditation System in respect of Intercountry Adoption in the HKSAR



<b>1.5 Participation in decision making (Sec 23B, 2(b) of AO, Para 9(h) of ASLA &amp; Para 17(h) of ASIA)</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no and title of supporting document</b>
1. Due regards given to the wishes and opinions of relevant persons (i.e. responsible social worker, carers including relatives and those providing child care service, if applicable) and the child in the matching and adoption arrangement (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant paragraphs of Child Study Report / case recording)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>1.6 Liaison with overseas countries (For intercountry adoption only) (Para 18, 19, 20 &amp; 34 of ASIA)</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. Close liaison with overseas adoption networks, including adoption agencies and Central Authority, in the preparation, screening and updating of Home Study Reports (e.g. AB's internal operational manual/guidelines, relevant correspondence between AB and overseas adoption networks)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Close liaison with overseas adoption networks in the preparation of Child Study Reports (e.g. relevant correspondence between AB and overseas adoption networks)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
3. Close liaison with overseas adoption networks in the matching and adoption placement process (e.g. relevant correspondence between AB and overseas adoption networks, chart/table showing the updated status of matched cases)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
4. Up-to-date knowledge about the social, government and community structures and conditions of overseas networks (e.g. relevant part(s) of AB's internal operational manual/guidelines, registry on regular checking of up-to-date knowledge of overseas networks)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>1.6 Liaison with overseas countries (For intercountry adoption only) (Para 18, 19, 20 &amp; 34 of ASIA)</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
5. Timely notification to the Social Welfare Department of the changes on overseas adoption networks (e.g. notification showing termination of overseas partnership) (Para 34(g) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>1.7 Monitoring care and placements and reviewing case plans prior to the granting of an adoption order</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. Close and timely advice for prospective adoptive parents in addressing the child's developmental, emotional, social, physical, cultural, etc. needs with a view to ensuring the adoption placement meeting the best interests of the child before finalising the Adoption Order (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant case recording indicated AB's works on prospective adoptive parents and the child before child departure, post-placement report from overseas adoptive agency)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Close and timely monitoring and supervision of the adoption placement prior to the granting of the adoption order (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant case recording, post-placement report from overseas adoptive agency) <b>(For intercountry adoption only)</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
3. Identification of special support, training and resources and making of referrals for children with a special need or disability for the prospective adoptive parents (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant case recording) <b>(For intercountry adoption only)</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>Section 2: Management of potential and prospective adoptive parents</b>		
<b>Evidence for meeting standard</b> (Record what and how)	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. Sufficient information and preparation for the prospective adoptive parents to understand the nature of adoption and the needs of the child-to-be-adopted (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant case recording, feedback from prospective adoptive parents) (Para 2.3 & 2.4 of CoP <sup>d</sup> )	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Comprehensive criteria in assessing the suitability of prospective adoptive parents (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant case recording)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
3. Comprehensive home study reports with well-substantiated information and thorough assessment (e.g. relevant part(s) of AB's internal operational manual/guidelines, Home Study Report)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
4. Completion of home study reports within three months (e.g. correspondence between AB and AUs) <b>[Only for local adoption and intercountry adoption (Hong Kong as receiving country)]</b>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<sup>d</sup> **CoP** – Code of Practice for ABs in the HKSAR under the AO

### Section 3: Working with other agencies and liaison with the community

Evidence for meeting standard	AB's self assessment	Appendix no. and title of supporting document
1. Close and effective liaison with all parties concerned in the pre-adoption and post placement arrangement in order to make sure maximum benefits to the child-to-be-adopted and prospective adoptive parents (e.g. relevant part(s) of AB's internal operational manual/guidelines, relevant case recording / correspondences)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

### Section 4: Organisational management

#### 4.1 Organisational accountability

Evidence for meeting standard	AB's self assessment	Appendix no. and title of supporting document
1 Effective organisation structures and processes for overall management and accountability in all aspects of adoption work (e.g. organisation chart with name and post of staff designated for adoption service) (Para 9(c) of ASLA and Para 17(c) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2 Staffed by sufficient registered social workers with sound experiences in working for child welfare and / or adoption services (e.g. copies of identification of Registered Social Worker under the Social Workers Registration Ordinance, Cap. 505) (Sec 23A, Sec 26 (2), Schedule 4, 2(a) & (b) of AO for local adoption, Para. 3.3 of CoP, Para 9(d) & 24(i) of ASLA & Para 17 (d) & 34(k) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
3. Sufficient supporting staff available to support the adoption services (e.g. organisation chart with name and post of supporting staff available for adoption service)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

## Section 4: Organisational management

### 4.1 Organisational accountability

<p>4. Up-to-date assessment reports on service performance monitoring system endorsed by the Social Welfare Department (e.g. correspondence between AB and SWD regarding Service Performance Monitoring System (SPMS) Self-assessment on Compliance of OSs/OCs and Action Plans on Non-compliance, SPMS Review Visit Report)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
<p>5. No convictions of offences against children and the Adoption Ordinance, Cap.290, either by staff or the agency (Sec 24 of AO, Para 9(g) of ASLA &amp; Para 17(g) of ASIA)</p>	<p><b>Remarks: AB should complete the Annex – Declaration by Authorised Officer of Accredited Body in HKSAR.</b></p>	

### 4.2 Financial and administrative systems

Evidence for meeting standard	AB's self assessment	Appendix no. and title of supporting document
<p>1. Sufficient funding support (e.g. relevant part(s) of AB's Audited Financial Report) (Schedule 4, 1(b)(ii) of AO for local adoption, Para 4.2 of CoP, Para 9(a) of ASLA &amp; Para 17(a) of ASIA)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
<p>2. Separate and clear accounts for adoption services (e.g. relevant part(s) of AB's Audited Financial Report) (Para 4.3 of CoP)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
<p>3. Annual audited financial reports (Para 4.3.3 of CoP, Para 24(f) of ASLA &amp; Para 34(f) of ASIA)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>4.2 Financial and administrative systems</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
4. Proper approval <sup>e</sup> of Director of Social Welfare for any changes of schedules of fee charging (e.g. written approval from the DSW and schedules of fee charging) (Sec 22 (1)(b) of AO, Para. 4.1.3 of CoP)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
	<b>Remarks: AB should complete the Annex – Declaration by Authorised Officer of Accredited Body in HKSAR.</b>	
5 Availability of up-to-date schedules of fee charging for adoption services for the public (e.g. relevant part(s) of AB's internal operational manual/guidelines, photo(s) of the display of schedules of fee charging)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
6. Up-to-date adoption service statistics (e.g. monthly / quarterly service statistics) (Para 24(d) of ASLA & Para 34(d) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>Section 5: Supervision and support</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. A Steering Committee under Board of Directors to monitor adoption services (i.e. membership list of committee/board designated for adoption services, its terms of reference, schedule of meetings, minutes of latest two meetings) (Para 9(e) of ASLA & 17(e) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<sup>e</sup> According to Sec 22(2) of AO, any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a **fine at level 6** and to **imprisonment for 6 months**.

**Section 5: Supervision and support**

<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
<p>2 The team of adoption services directed by persons with appropriated qualifications and adoption work experiences (e.g. Staff List with name and post as well as individual qualifications and adoption work experiences) (Para 3.3. of CoP, Para 9(d) of ASLA and Para 17(d) of ASIA)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
<p>3. Regular consultation, coaching and training to staff to ensure and enhance their competency and work quality (e.g. relevant part(s) of AB's internal operational manual/guidelines, records of staff training / supervision / unit staff meeting)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

**Section 6: Rights, confidentiality and complaints**

**6.1 Rights of children-to-be-adopted and adoption applicants**

<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
<p>1. Measures in place to uphold and protect the rights and confidentiality of children-to-be-adopted (e.g. relevant part(s) of AB's internal operational manual/guidelines, photo(s) of facilities to protect the rights and confidentiality of children-to-be-adopted). (Para 2.6 of CoP, Para 24(c) of ASLA &amp; Para 34(c) of ASIA)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
<p>2 Measures in place to uphold and protect the rights and confidentiality of adoption applicants and approved homes (e.g. relevant part(s) of AB's internal operational manual/guidelines, photo(s) of facilities to protect the rights and confidentiality of adoption applicants and approved homes) (Para 2.6 of CoP)</p>	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>6.2 Complaints and appeals</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. Availability of a set of procedures in handling complaints lodged by staff, adoption applicants, prospective adoptive parents, other relevant persons and the public (e.g. relevant part(s) of AB's internal operational manual/guidelines)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Good track records on handling complaints and appeals	<b>Remarks: AB should complete the Annex – Declaration by Authorised Officer of Accredited Body in HKSAR.</b>	
3. Annual reports on the complaints received and the completed investigation results. (Should complaints be so received, submission of copies of investigation reports are required.) (Para 24(g) of ASLA & Para 34(h) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>Section 7: Management of the adoption record system</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. A systematic and well-managed record (including digital record) system to document casework, programmes, activities and essential information (e.g. relevant part(s) of AB's internal operational manual/guidelines, filing index) (Para 24(c) of ASLA & Para 34(c) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Regular update of the record system (e.g. Case Progress/Status Chart, documents related to regular unit staff meetings)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	



<b>Section 7: Management of the adoption record system</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
3. Confidentiality of the record system to protect the privacy of the data subjects and accessibility to the relevant staff involving in carrying out adoption services (e.g. relevant part(s) of AB's internal operational manual/guidelines, photo(s) of facilities to protect the privacy of the data subjects and access control to the staff)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
4. Well-established code of practice and mechanism in handling requests for personal data by data subjects (e.g. relevant part(s) of AB's internal operational manual/guidelines)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>Section 8: Management information systems</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. Advertisement(s) <sup>f</sup> with the written consent of the Director of Social Welfare (e.g. written approval from the DSW and related advertisement) (Sec 23 (1) of AO, Para 2.8 of CoP, GoA <sup>g</sup> , Para 24(h) of ASLA & Para 34(j) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Well-managed system in keeping staff records and their activities (e.g. staff's work plan on briefing / training sessions / programmes for prospective adoptive parents, staff's training / leave records).	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<sup>f</sup> According to Sec 23(2) of AO, any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be guilty of an offence and shall be liable to a **fine at level 5**.

<b>Section 8: Management information systems</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
3. Regular update of the record system (e.g. updated progress of staff's work plan on briefing/training sessions / programmes for prospective adoptive parents, staff's training / leave records)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>Section 9: Premises and equipment</b>		
<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1. Adequate and well-maintained facilities and equipments, including interview rooms, activities rooms, file cabinets with locks, computers, etc., provided for implementing adoption services (e.g. photo(s) of the facilities and equipments)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2. Certificate of Accreditation and Annex are displayed in a conspicuous place in the office (e.g. photo(s) of the display of Certificate of Accreditation and Annex) (Sec 23A of AO, Para 18 & 24(j) of ASLA & Para 28 & 34 (l) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
3. Clear signage of adoption office displayed in the main entrance (e.g. photo(s) of the display of signage) (Sec 23A of AO, Para 24(j) of ASLA & Para 34(l) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
4. Prior approval from the Director of Social Welfare before the removal of adoption office (e.g. the related correspondence from SWD, renewed Certificate of Accreditation) (Sec 23A of AO, Para 24(k) of ASLA & Para 34 (m) of ASIA)	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

<b>Section 10: Planning, evaluation and service development</b>			
	<b>Evidence for meeting standard</b>	<b>AB's self assessment</b>	<b>Appendix no. and title of supporting document</b>
1.	Regular evaluation of services and programmes to determine the effectiveness of the services provided (e.g. relevant part(s) of the Minutes of unit staff meetings and Adoption Committee/Board meetings	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	
2.	Due regards given to the feedback from both service users and staff in adoption service planning and development [i.e. written feedback prospective adoptive parents, written feedback from overseas partners (for Intercountry Adoption Only), relevant part(s) of the Minutes of unit staff meetings and Adoption Committee/Board meetings]	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Not Applicable <input type="checkbox"/> Nil	

**Remarks:**

**AB should also complete the Annex – Declaration by Authorised Officer of Accredited Body in HKSAR.**

## Declaration by Authorised Officer of Accredited Body in HKSAR<sup>1</sup>

### Section I *Please tick in the appropriate box*

- (1) Have there been any conviction of offences against children and/or the Adoption Ordinance, Cap 290, either by the organisation or staff designated for adoption service? (Please tick as appropriate)

Yes

Offence against Children by organisation

Offence against Children by staff

Offence against Adoption Ordinance by organisation

Offence against Adoption Ordinance by staff

Dates, details and outcome of the offences:

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No

- (2) Have there been any changes of schedules of fee charging **without** proper approval of the Director of Social Welfare? (Please tick as appropriate)

Yes

Reason for not having proper approval:

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No

<sup>1</sup> Accredited Body is required to submit a copy of Self-assessment Report together with this declaration form and relevant supporting documents to the Social Welfare Department.

(3) Have there been any complaints arising from the adoption service provided by the organisation? (Please tick as appropriate)

Yes

Dates, details and the investigation results of the complaint(s):

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No

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**Section II** *Declaration*

***I declare that :***

- (a) the information in this declaration and the enclosed Self-assessment Report as well as the supporting documents is to the best of my knowledge and belief true and correct and not misleading as at the date of submission; and
- (b) the operation, keeping, management or other control of the designated section for adoption service is under my continuous and personal supervision.

Signature of authorised officer : \_\_\_\_\_  
Name of authorised officer : \_\_\_\_\_  
Designation : \_\_\_\_\_  
Organisation : \_\_\_\_\_  
Date : \_\_\_\_\_

Organisation chop<sup>2</sup>: \_\_\_\_\_

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<sup>2</sup> Official chop of the organisation in this Declaration is required.