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# Hong Kong




A Guide for Visiting and  
Resident Canadians



Department of Foreign Affairs  
and International Trade

Ministère des Affaires étrangères  
et du Commerce international

Canada 

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Min. des Affaires extérieures

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# Hong Kong

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## A Guide for Visiting and Resident Canadians



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## INTRODUCTION

On July 1, 1997, Hong Kong will revert to Chinese sovereignty after more than 150 years of British rule. The principles governing the transition are found in the Sino-British Joint Declaration, an agreement signed by the governments of China and the United Kingdom in 1984. While most of the specific arrangements for the transition are now known, discussions are continuing on a number of issues.

Hundreds of thousands of Canadians have close and substantial ties with Hong Kong. In recent years, thousands of Hong Kong residents have immigrated to Canada, studied in Canada or established close economic links with this country. More than 100 000 Canadian citizens live in Hong Kong on a permanent or semi-permanent basis, and thousands more visit regularly.

To assist in understanding the changes that are about to occur and to provide advice and guidance, the Consular Service of the Department of Foreign Affairs and International Trade has prepared this booklet.

Every effort has been made to provide accurate and current information. In some instances, however, the arrangements and policies associated with the transition and with subsequent governmental and administrative structures are still evolving. The Travel Information Report for Hong Kong and an electronic version of this booklet, both available on the Department's home page on the World Wide Web, will advise of additional developments. Canadians may check with those sources for up-to-date information.

This booklet is available on the World Wide Web at <http://www.dfait-maeci.gc.ca> Copies may also be obtained from the Commission for Canada in Hong Kong or from the InfoCentre, Department of Foreign Affairs and International Trade, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2, telephone: 1-800-267-8376 or (613) 944-4000. Additional information is available on the home page of the Commission for Canada in Hong Kong. The site address is <http://www.canada.org.hk>

## **JULY 1, 1997**

At midnight on June 30, 1997, British rule of Hong Kong will end. The island of Hong Kong, as well as the territories of Kowloon and the New Territories, will revert to Chinese sovereignty. Thereafter, the area will be known as the Hong Kong Special Administrative Region (HKSAR).

More than a decade ago, China and the United Kingdom began discussions to establish the conditions for the transition of Hong Kong's sovereignty. These discussions led to an agreement between the two countries in 1984. Referred to as the Joint Declaration, it forms the legal and political basis for the transition. The declaration was confirmed in the laws of China in 1990 with the enactment of legislation by the National People's Congress. That legislation is referred to as the Basic Law.

The Basic Law reflects the principle of "One Country, Two Systems" in the post-transition period. It generally preserves institutions and the way of life in Hong Kong, and grants considerable autonomy for the next 50 years

over trade, cultural, political and economic affairs. It affirms China's control over defence and foreign affairs, including the deployment of military forces from the mainland to Hong Kong.

The Government of China established a Preparatory Committee in 1996 to manage the transition. It consists of prominent Hong Kong business persons and professionals and Chinese officials. The Preparatory Committee makes recommendations to the National People's Congress of China. At the end of 1996, the Committee had:

- ✓ selected 400 "electors" to form the Selection Committee who selected Mr. C.H. Tung as the Chief Executive Designate to replace the Governor after July 1, 1997; and
- ✓ appointed a "provisional" legislature.

## THE CANADIAN CONNECTION

Canada and Canadians have had a long and mutually beneficial relationship with Hong Kong. It is estimated that 500 000 Canadians come from Hong Kong. In recent years, approximately 20 per cent of all immigrants to Canada have originated there. Each year 15 000 students from Hong Kong — the largest student group from outside Canada — attend Canadian universities. The Commission for Canada in Hong Kong estimates that over 100 000 Canadians live in the territory. Thousands of others visit every year.

Canadian exports to Hong Kong are worth well over \$1 billion a year and Canadian direct investment



accounts for another \$2 billion. Hong Kong investment in Canada amounts to almost \$5 billion, and Hong Kong is the second most important purchasing centre in Asia (after Japan) for Canadian debt instruments. Canadian Airlines International, Air Canada and Cathay Pacific together offer more than 30 flights a week between Canada and Hong Kong's Kai Tak airport. Hundreds of other Canadian companies have significant operations in the territory.

## **ENTRY AND RESIDENCY IN THE HKSAR**

As the following information may change at any time, questions related to entry and residency in the HKSAR should be directed to the Hong Kong Immigration Department in Hong Kong.

There will be four categories of entry and residency in the Hong Kong Special Administrative Region after July 1, 1997. These are:

- a. The Right of Abode, which is further defined as the right of permanent residency;
- b. The Right to Land (or an equivalent immigration status, depending on how eventual legislation is worded);
- c. Unconditional Stay; and
- d. Conditional Stay.

The conditions and procedures attached to each of these categories, and all decisions relating to individuals, are the responsibility of the HKSAR Immigration Department.

Although every attempt has been made to provide accurate and up-to-date information on this complicated issue, definitive and authoritative information can be given only by the HKSAR Immigration Department.

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### The Right of Abode

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As of July 1, 1997, persons not deemed to be of Chinese nationality can meet the definition of "permanent resident" as established in Section 24 (4) of the Basic Law if they:

- ✓ entered Hong Kong on a valid travel document;
- ✓ have ordinarily resided in Hong Kong for a continuous period of not less than seven years (if ethnic Chinese born in Hong Kong, the seven continuous years can be at any time, whereas for other foreigners the seven years must have occurred immediately prior to applying to be a permanent resident); and
- ✓ have taken Hong Kong as their place of permanent residency before or after the establishment of the Hong Kong Special Administrative Region.

If a Canadian of Chinese ethnic origin who was born in Hong Kong returns to Hong Kong and does not declare to the HKSAR Immigration Department his or her Canadian citizenship, he or she will be deemed to be a Chinese national for the purpose of permanent residency. Persons who have Right of Abode status will have the following rights:

- ✓ to enter Hong Kong without any imposition of conditions of stay;
- ✓ not to be deported or removed;
- ✓ to vote;
- ✓ to stand for election; and
- ✓ to occupy certain political or civil positions.

It should be noted that the Right of Abode is based on nationality and/or continuous residency in Hong Kong for not less than seven years.

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### **The Right to Land**

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This will be a statutory right by which persons who previously had permanent residency in Hong Kong but are unable to retain the Right of Abode under the provisions of the Basic Law will be entitled to enter the HKSAR freely and to live and work without having to obtain permission and without having to renew their status with the Hong Kong authorities on a periodic basis. Persons falling into this category will be required to exchange their previous permanent identity card for an identity card bearing the "R" symbol ("R" = Right to Land).

After residing in Hong Kong continuously for seven years, a person can apply for Right of Abode status. Such persons must meet the conditions established in Section 24 (4) of the Basic Law. A person who loses Right of Abode status would automatically be entitled to Right to Land status. At the time of publication of this brochure, it

was assumed that most Canadians who were born in Hong Kong would be entitled to Right of Abode if they do not declare their Canadian citizenship, or if they resume their residency in Hong Kong before July 1, 1997 or within whatever time frame may be specified for this purpose. Otherwise, it is assumed that as a minimum they would be entitled to the Right to Land status.

The main differences between Right of Abode status and Right to Land status are that under the latter, the holder:

- ✓ is not entitled to such political rights as voting and standing for election;
- ✓ is not entitled to occupy certain political or civil service appointments; and
- ✓ can be deported for a serious offence.

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### **Unconditional Stay**

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Unlike the Right of Abode and the Right to Land, the Unconditional Stay category will be sanctioned by administrative rules rather than statutory rights. In practice, this means that there is no "right" for such persons to enter the HKSAR. Entry will be at the discretion of the Director of Immigration.

Persons granted Unconditional Stay status may live or work freely in Hong Kong, without needing periodic permissions from the Director of Immigration. However, since Unconditional Stay status is not a statutory right, the status can be revoked unilaterally and the person deported.

Persons who enter Hong Kong on Conditional Stay status (see section below) and who have resided in Hong Kong for more than seven years will be eligible to be considered for either Right of Abode or Unconditional Stay status. A change to Right of Abode status would depend on meeting the conditions set out in Section 24 (4) of the Basic Law.

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### **Conditional Stay**

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This will be the normal status for persons first entering Hong Kong on a temporary basis in order to live and/or work, assuming that they are not eligible for Right of Abode or Right to Land status. Persons with Conditional Stay status must obtain permission to work, and that permission must be renewed periodically. Conditional Stay status can be revoked unilaterally at any time and the person deported or removed.

A person granted Conditional Stay status will be entitled to apply for Unconditional Stay or Right of Abode status following seven years of continuous residency.

## **RIGHTS OF CANADIANS**

At the time of publication of this pamphlet, the policies, procedures and arrangements governing the right of Canadians to work and live in the HKSAR were still under discussion. It is our understanding based on the above comments on the Right of Abode, Right to Land, Unconditional Stay and Conditional Stay sections, that the following observations can be made.

- ✓ Canadian citizens who were born in Hong Kong are eligible for status under the Right of Abode, Right to Land, Unconditional Stay or Conditional Stay categories, irrespective of whether or not they were residents of Hong Kong at any point before July 1, 1997.
- ✓ After July 1, 1997, all Canadians (whether or not they were born in Hong Kong) who are not now residents of Hong Kong may apply for any of the four residency categories, depending upon their individual circumstances.
- ✓ Ethnic Chinese (as defined by the Chinese authorities) Canadian citizens who were born in Chinese territory, including Hong Kong, and who enter the HKSAR after July 1, 1997, will be deemed Chinese nationals unless they declare a change of nationality to the HKSAR immigration authorities confirming their Canadian nationality.
- ✓ Canadian citizens who obtain Right of Abode — either by design or inadvertently — may not be eligible for Canadian consular protection in the HKSAR or other parts of China.
- ✓ *It is the policy of the Government of Canada to encourage all Canadians to use only their Canadian citizenship as the basis for international travel and all dealings with other governments. This includes obtaining entry and residency status in Hong Kong and/or any other country.*

## DUAL NATIONALITY AND CANADIAN CONSULAR SERVICES

China, like many countries, does not recognize the right of a person to have more than one nationality (citizenship). Under the laws of China, when a citizen of China obtains a second nationality, there is an automatic loss of Chinese citizenship. In practice, however, the loss does not occur unless a person undertakes such overt actions as living on a permanent basis in Canada, consistently using a Canadian passport, obtaining a visa from the Chinese authorities for entry into China or renouncing Chinese citizenship in writing to the Chinese authorities. (The renunciation of Chinese citizenship is provided for in Chinese law, but it has not been possible to obtain specific details on how it can be done.)

Canadian law permits a Canadian to have more than one nationality. However, it is the policy of the Canadian government to encourage Canadians to use their Canadian passport when travelling abroad and always to present themselves as Canadian to foreign authorities. Experience has shown that several governments, including the Government of China, do not recognize the right of the Government of Canada to provide consular protection to Canadians who have not specified their Canadian citizenship in dealing with local authorities. Although the Government of Canada will attempt to offer assistance in such situations, it may be extremely difficult to do so. *Canadians who have obtained permanent residency status in Hong Kong on a basis other than their Canadian citizenship*

*may be particularly vulnerable in the event of the need for consular or other service or support from the Government of Canada.*

At the time Canada established diplomatic relations with the People's Republic of China, an exchange of notes on consular matters between the two governments was made. These notes, dated October 24, 1974, provide for the facilitation of visits by consular officers to Canadian nationals and established procedures for the provision of consular assistance. As well, on September 19, 1996, Canada and China exchanged diplomatic notes providing for the conversion of the Commission in Hong Kong to a Consulate General on July 1, 1997. The notes stipulated that consular matters in the Hong Kong Special Administrative Region are to be regulated by the Vienna Convention on Consular Relations of April 24, 1963.

## **TRAVEL TO CANADA FROM HONG KONG**

At the time of publication of this pamphlet, a final decision on the visa arrangements for travel to Canada from Hong Kong by persons with a Hong Kong Special Administrative Region or British National Overseas (BNO) passport had not been made. The matter is under urgent consideration, and it is expected that a decision will be made in the coming weeks.

## **TRAVEL ELSEWHERE IN CHINA**

Canadians resident in or visiting Hong Kong will require a Chinese visa to go beyond the HKSAR to another point in



China. The visa will be available from Chinese diplomatic missions in Canada and abroad. Visas can also be obtained at the Visa Office of the Ministry of Foreign Affairs of the People's Republic of China, 5/F Lower Block, China Resources Building, 26 Harbour Road, Wanchai, Hong Kong, and the China Travel Services offices located in Hong Kong, Kowloon and the New Territories. Visas will cost from HK\$100 to \$160 for one-entry visas and from \$150 to \$300 for two-entry visas.

Canadians who have obtained residency in Hong Kong by using another nationality will also require a visa to visit other areas in China. The Government of Canada urges Canadians to use their Canadian passport for such travel. If you do not use your Canadian passport for such travel, you may have difficulty gaining entry, or it may be very difficult to provide you with consular services in the event of a significant problem such as arrest or detention.

## **CANADIAN CONSULAR SERVICES**

The Commission for Canada in Hong Kong (which will be called the Consulate General for Canada after July 1, 1997) and Canadian diplomatic missions in China and elsewhere provide a range of services. These services include assistance in the event of a personal or other emergency and routine services relating to passports and citizenship.

What we can do:

- ✓ At your request, we can contact friends and relatives and ask them to provide you with emergency funds.

- ✓ We can help during emergencies such as natural disaster and civil unrest.
- ✓ We can direct you to sources of information about local laws, regulations, cultural customs and how to obtain visas.
- ✓ We can assist with medical emergencies or if you are the victim of a crime.
- ✓ If you are arrested, we will try to ensure equitable treatment under local laws. However, we cannot set aside local laws or intervene in the local judicial process. A booklet — *A Guide for Canadians Imprisoned Abroad* — containing advice and guidance in the event of an arrest is available from missions abroad or the Department of Foreign Affairs and International Trade.
- ✓ We can renew your passport.
- ✓ We can accept an application for Canadian citizenship and register the birth of a Canadian.
- ✓ We can provide a variety of legal and notary services.

The Commission for Canada in Hong Kong offers 24-hour assistance. During non-office hours, your call will automatically be directed to a consular officer in Ottawa. In an emergency, you can also make a collect call to the Watch Office of the Department of Foreign Affairs and International Trade in Ottawa at (613) 996-8885. The Canada Direct service from Hong Kong can be used as well. The number is 800 1100.

Additional information on consular services is found in the booklet *Bon Voyage, But...* It is available from missions abroad or from the Department's InfoCentre in Ottawa. The addresses are given in the last section of this pamphlet.

## **REGISTRATION OF RESIDENT CANADIANS**

As part of its normal policy, the Department of Foreign Affairs and International Trade offers Canadians who plan to remain in a foreign country for more than three months the opportunity to register with the accredited diplomatic or consular mission. The registration is voluntary. The service has been valuable in assisting consular officials to contact registered Canadians in the event of a personal or other emergency.

The information provided is completely confidential. It is used for registration purposes only and is not shared with any other part of the Government of Canada.

Forms for registration are available from the Commission for Canada in Hong Kong (the Consulate General after July 1, 1997).

## **RETURNING TO CANADA**

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### **Taxation Status**

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Persons who become residents of Canada will be taxed in Canada on their worldwide income. Persons resident in Canada for only a part of a year will be taxed on their

worldwide income for only that part of the year when they were a resident of Canada. However, persons present in Canada for more than 183 days in a calendar year will be deemed to be a resident of Canada for the entire year.

Canadians who are not residents of Canada will be taxable by Canada as if they were resident in Canada on income earned in Canada from employment or from carrying on a business. All of the above persons have to file an income tax return in Canada.

Non-residents of Canada will be subject to a withholding tax of 25 per cent on certain types of passive income such as interest. No income tax return is required for this type of income.

The foregoing is intended as general information only. Anyone considering immigrating to Canada who has complex financial or tax affairs should consult a professional tax practitioner.

The following Revenue Canada information pamphlets are available from the Commission for Canada in Hong Kong (the Consulate General after July 1, 1997): *Canadian Residents Abroad, Emigrants and Income Tax and Newcomers to Canada.*

For more information, contact the International Tax Services Office, 2204 Walkley Road, Ottawa, Ontario, K1A 1A8, telephone: 1-800-267-5177.

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**Canada Customs and Import Controls**

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You must declare everything acquired abroad, whether purchases for yourself or gifts, as well as goods bought at a Canadian or foreign duty-free store. Keep your original receipts for possible inspection.

If you have been away from Canada for 24 hours, you may claim C\$50 worth of goods, excluding alcohol and tobacco, duty-free. After 48 hours, you may claim C\$200. You may claim C\$500, including alcohol and tobacco, any time you have been away from Canada for seven days or longer.

Certain goods are restricted from entering Canada. If you are considering importing meat or dairy products, plants, firearms, vehicles, or exotic animals or products made from their skins or feathers, please contact Canada Customs beforehand for guidance.

Obscene materials, hate propaganda, and goods harmful to the environment are prohibited from entering Canada.

If you have any questions about what you may bring home, call your local Canada Customs office. Someone is available 24 hours a day, year-round, to answer your questions. If you are calling in Canada, dial 1-800-461-9999 to reach the Automated Customs Information System. Outside Canada (or from Ottawa), call (613) 993-0534. The booklet entitled *I Declare* gives complete information for travellers returning to Canada after an absence of less than one year.

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## After Residing Abroad

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After a stay abroad of at least one year, you can claim special import benefits for your household and personal belongings when you move back to Canada. Information on this subject is contained in the booklet *Moving Back to Canada*. Both the *I Declare* and *Moving Back to Canada* booklets are available from the Commission for Canada in Hong Kong (the Consulate General after July 1, 1997) or from the Travellers Directorate, Revenue Canada, Ottawa, Ontario, K1A 0L5, telephone: (613) 993-0534 (or 1-800-461-9999 within Canada).

## CANADIAN PENSIONS

Under certain conditions, Canadian pension payments from either federal or provincial governments are payable overseas. As each pension may have different conditions, Canadians should seek specific information from the authorities responsible.

Information on federal government pensions (such as the Canada Pension Plan) can be obtained from Human Resources Development Canada, Income Security Programs Branch, 6th Floor, Tower A, Place Vanier, 333 River Road, Vanier, Ontario, K1A 0L1, telephone: (613) 957-1602.

Enquiries concerning provincial pensions should be referred to the appropriate provincial authority.

## **FOR FURTHER INFORMATION**

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**Department of Foreign Affairs and International Trade**

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### ***Consular Affairs Bureau***

125 Sussex Drive  
Ottawa, Ontario, K1A 0G2  
Tel: 1-800-267-6788  
(613) 996-8885  
Fax: (613) 943-1054

### ***Emergency and After-Hours Service***

Tel: (613) 996-8885  
Fax: (613) 943-1054

### ***Travel Information***

Tel: 1-800-267-6788  
(613) 944-6788  
Fax: 1-800-575-2500  
(613) 944-2500

### ***World Wide Web***

<http://www.dfait-maeci.gc.ca>

### ***Passport Office***

The Passport Office issues travel documents to Canadians. Applications are usually processed within five working days, if presented in person at one of the 28 regional offices. An application mailed to the Passport Office from a point in Canada is usually processed within 10 working days if the required information and supporting documentation are included.

Application forms are available from Canadian travel agents and from the North West Company through its network of "Northern" stores in communities in the Far North. There are separate forms for adults and children.

The Commission for Canada in Hong Kong (the Consulate General after July 1, 1997) offers full passport services to resident and visiting Canadians. Service time is usually the same as that for Passport Offices in Canada, but could fluctuate due to volume.

Telephone enquiries may be made as follows:

Local calls from:

Montreal and area (514) 283-6206

Ottawa-Hull and area (819) 994-3500

Toronto and area (416) 973-3251

Vancouver and area (604) 775-6250

Toll-free: 1-800-567-6868

Visual Ear: (819) 994-3560

Mailed applications should be sent to the Passport Office, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1A 0G2.

Walk-in service is available at 28 regional offices. Please consult the federal government section of your local telephone directory for the one nearest you.

Full passport services are also available from Canadian diplomatic offices in Beijing, Shanghai and Guangzhou.



***Publications******InfoCentre***

125 Sussex Drive  
Ottawa, Ontario, K1A 0G2  
Tel: (613) 944-4000  
Toll-free: 1-800-267-8376

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**Canadian Diplomatic and Consular Offices  
in China and Hong Kong**

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***Office of the Commission for Canada  
Consulate General of Canada (after July 1, 1997)***

11th to 14th Floors  
One Exchange Square  
8 Connaught Place  
GPO Box 11142  
Hong Kong  
Tel: 011 (852) 2810-4321  
Fax: 011 (852) 2810-6736  
Internet: <http://www.canada.org.hk>

***Embassy of Canada to the People's Republic of China***

19 Dong Zhi Men Wai Street  
Chao Yang District  
Beijing 100600  
People's Republic of China  
Tel: 011 86 (10) 6532-3536  
Fax: 011 86 (10) 6532-4311

***Consulate General of Canada (Shanghai)***

American International Centre at Shanghai Centre

West Tower, Suite 604

1376 Nanjing Xi Lu

Shanghai 200040

People's Republic of China

Tel: 011 86 (21) 6279-8400

Fax: 011 86 (21) 6279-8401

***Consulate of Canada (Guangzhou)***

Room 801, China Hotel Office Tower

Suite 1563-4

Liu Hua Lu

Guangzhou 510015

People's Republic of China

Tel: 011 86 (20) 8666-0569

Fax: 011 86 (20) 8667-2401



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## **Other publications include:**

*Bon Voyage, But . . .*

*Crossing the 49th:*

*A Compendium of the Bumps on the Road  
for Canadians Going South*

*International Child Abductions: A Manual for Parents*

*A Guide for Canadians Imprisoned Abroad*

*Mexico: Trips for Business & Travel*

*A Guide for Canadian Performing Artists  
Entering the U.S.A.*

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Hong Kong	800-1100		or 102-6-18 or 106-6-10
Japan ▲	0039 ◆ 161 or 0066-55-161	Taiwan ▲	00-801-20012
Malaysia ▲	800-0017	Thailand ▲	001-999-15-1000

▲ Public phones may require coins or phone card. ◆ Wait for a second dial tone.

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