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Special Committee on Canada-China Relations

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• (1120)

[English]

The Vice-Chair (Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC)): Welcome to meeting number three of the Special Committee on Canada-China Relations. Pursuant to the motion adopted on Wednesday, September 23, 2020, the committee is meeting on its study of Canada-China relations.

Unless there are any objections from committee members, I'm going to dispense with some of the technical information about how these meetings proceed in a hybrid format and proceed directly to welcoming the consul general of Canada in Hong Kong and Macao, Mr. Jeff Nankivell.

We are having a technical problem with interpretation at the moment. Normally we would have five minutes for the statement, but we'll have effectively five minutes for both official languages. Because we're still resolving these technical issues, we will have to briefly suspend the meeting after the opening statement. We will reconvene the meeting once interpretation is functioning for the question and answer.

Mr. Nankivell, thank you for your service to Canada and for your flexibility today especially.

Please proceed.

Mr. Jeff Nankivell (Consul General of Canada in Hong Kong and Macao, Global Affairs Canada, Consulate General of Canada in Hong Kong and Macao): Thank you very much.

Mr. Chair, Hong Kong is home to a large Canadian community. The ties with Canada are broad and deep.

In the past 18 months, this city of such importance to Canada has experienced dramatic political, social and legal change. Throughout this period, the Government of Canada, including our team of 150 staff at the Consulate General of Canada, has worked with a particular focus in two areas.

One is raising Canada's concerns about threats to the integrity of Hong Kong's institutions, human rights and rule of law under the one country, two systems framework. The other is attending to the well-being of Hong Kong's huge community of Canadian citizens to ensure that their safety, freedom and ability to prosper are maintained.

The committee has already heard extensively about Hong Kongers standing up for their human rights during seven months of extraordinary demonstrations in 2019. You've also heard how the national security law was imposed on Hong Kong by China's Na-

tional People's Congress in a secretive process fundamentally at odds with common law principles.

Canada and other countries have noted that the law contravenes Hong Kong's Basic Law, China's treaty obligations under the Sino-British Joint Declaration and Hong Kong's commitments under the International Covenant on Civil and Political Rights.

The committee has heard about deeply concerning aspects of the new law from leading legal experts. The Government of Canada shares their concerns, and I would be happy to elaborate.

In response to the imposition and implementation of the national security law, Canada has taken a number of actions, including the following.

First, we updated our travel advice for Hong Kong to warn of the new risk of arbitrary detention and possible removal to mainland China on national security grounds. Each time this advice is updated, we email the Canadians on our consular registration list and publicize the advice through our consulate Facebook page, which now has over 49,000 followers, and through extensive presentations to Canadian community organizations.

Second, Canada was the first of nine countries to suspend its extradition treaty with Hong Kong.

Third, Canada's export controls were amended on July 7 to treat the export of sensitive goods to Hong Kong in the same manner as goods destined for mainland China.

• (1125)

Fourth, working closely with like-minded countries in Hong Kong, in Beijing, across capitals and at the United Nations, Canada has issued a series of statements on Hong Kong, at the level of minister or higher. There's been at least one such high-level statement every month from April through August, and again in October.

[Translation]

We have also consistently raised these concerns directly, in private and public meetings, with representatives of the Hong Kong government and with China's Ministry of Foreign Affairs in Beijing, Hong Kong and Ottawa. In doing so, we have at every opportunity also called for the release of Michael Kovrig and Michael Spavor and clemency for Robert Schellenberg, and have questioned publicly whether such arbitrary actions in mainland China could happen in Hong Kong under the National Security Law.

We continue to engage with local civil society organizations, political leaders, activists, legal experts, academics and journalists to gather their views on the local situation. We also continue to work to advance Canadian human rights priorities and values through local programming, as we have done for many years.

• (1130)

Consulate General staff have also attended key court hearings of pro-democracy activists and political leaders, in coordination with colleagues from the European Union.

In terms of engaging and assisting Canadians, I would add that since the outset of last year's period of civil unrest, we have undertaken a range of actions to address the risks faced by Canadians. We provided direct consular assistance to Canadians. Since June 2019, our team has responded to 204 requests for consular service arising from the civil unrest, ranging from simple enquiries to visits to Canadians in hospital and in prison.

As the civil unrest became widespread in July 2019, and with the assistance of Global Affairs Canada's emergency-planning experts, the Consulate General built on our evergreen emergency-response plans to prepare detailed plans for new contingencies that could arise. We also brought in staff from around the world on temporary assignments to provide surge support during the peak period of the civil unrest.

We regularly advised Canadians in Hong Kong on the possibility of large-scale street clashes, and shared those messages proactively through our registration of Canadians abroad and social media channels. Throughout this 18-month period, and with a renewed push since the advent of the National Security Law, we have engaged with the Canadian business community, both with individual companies and with the Canadian Chamber of Commerce, to share perspectives on the evolving situation and to see how our trade commissioner service could be of assistance to them.

I look forward to providing greater detail on these and any other issues of interest to the committee.

I thank you for inviting me.

• (1135)

The Vice-Chair (Mr. Garnett Genuis): Thank you very much.

The committee is now suspended subject to the call of the chair. For those attending the in-person meeting, we will reconvene in room 225, West Block.

• (1135)

(Pause)

• (1145)

[English]

The Vice-Chair (Mr. Garnett Genuis): Good morning, colleagues. We're now reconvening the third meeting of the Special Committee on Canada-China Relations.

We've heard statements from Mr. Nankivell. Thank you very much.

Now we'll proceed directly to questions. The first round is six minutes, beginning with Mr. Chong.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

Hong Kong affairs are a concern to Canada. To suggest otherwise ignores the fact that when a state like China enters into international treaties, they give up some of their sovereignty. In 1984 the People's Republic of China and the United Kingdom signed the joint declaration, which came into effect in 1997 for 50 years. The joint declaration is not simply a bilateral treaty. It was also registered at the United Nations and Canada was a witness to that registration. As a result, Canada has an obligation to ensure this international treaty is upheld, which is currently not the case. My questions are made in light of that fact.

Recently, a U.S. citizen sought help at the American consulate in Hong Kong, was forced out and then subsequently arrested by Hong Kong police. In September, Australian journalists Bill Birtles and Mike Smith got out of China after a five-day diplomatic stand-off after seeking refuge in their embassy in Beijing.

Mr. Nankivell, what plans does the consulate have if a Canadian citizen involved in Hong Kong activism seeks protection at the consulate? Has anyone tried to claim asylum at the consulate?

• (1150)

Mr. Jeff Nankivell: We have two different categories of people there: Canadian citizens who could be seeking protection, and people who are not Canadians who could be seeking asylum. We have not had a direct approach from either category. We've had no Canadians show up seeking protection, and we've had nobody arrive at our door asking for asylum.

Hon. Michael Chong: Thank you.

If a Canadian did seek asylum in the consulate, do you have plans in place to address that, and what would they be?

Mr. Jeff Nankivell: For a Canadian coming to the consulate seeking consular assistance from us, our door is always open to a Canadian who shows up. We would welcome a Canadian and then see how we can assist them, what their situation is and what kind of help they need. As for someone who is not a Canadian seeking asylum, asylum concerns non-Canadians or non-citizens of the country of the mission in question, so that's different.

Hon. Michael Chong: Thank you.

In 2006, during the unrest in Lebanon, the federal government had to evacuate some 15,000 Canadians, about a third of the Canadians living there, at a cost of \$85 million. Some 300,000 Canadian citizens live in Hong Kong.

Has Global Affairs put a plan in place for if the situation in Hong Kong deteriorates and we need to evacuate Canadians? If so, what are those plans?

Mr. Jeff Nankivell: We do have detailed plans in place, and we have resources available and identified to cover a range of situations up to and including a situation where the urgent departure of a large number of Canadians would be necessary. I'm happy to go into more detail on that if you like. We currently assess, and I think you've heard this from other witnesses at the committee, that the likelihood of that kind of extreme scenario appears right now to be very low.

However, it is our job to plan for the most extreme situations. We do have detailed plans in place, and we have resources currently at our mission in Hong Kong and plans to bring in other resources, depending on the circumstances.

Hon. Michael Chong: Thank you for that answer.

You mentioned in your opening statement and we know that recently the government changed its travel advice on Hong Kong. They've cancelled the extradition treaty, and they've banned certain exports to Hong Kong. What other changes has the consulate made with respect to its activities in Hong Kong?

For example, are you still engaged in activities that promote Hong Kong, as you did perhaps five years ago, as a place that upholds the rule of law, upholds freedom or democratic systems, or have you changed that approach in light of the fact that the government has made it clear that China is not upholding its commitment to the one country, two systems? In other words, have you significantly changed your position in Hong Kong with respect to what you might have done five or 10 years ago?

Mr. Jeff Nankivell: There is no question that the way we talk about Hong Kong has changed significantly compared with five years ago.

Within Hong Kong, speeches that I give, people I meet with... I've done round tables just in the last few weeks with the Canadian Chamber of Commerce and with Canadian University Association. I did a webinar with the Hong Kong-Canada Business Association. I spend a lot of time talking about our concerns about the national security law and the threats we see to the integrity of the one country, two systems associated with the national security law, and some other political measures such as disqualification of Legislative Council candidates and so on.

When we talk to audiences in Canada about Hong Kong, it's our responsibility to give an accurate picture for businesses. There are opportunities in Hong Kong, but there are risks that we talk to them about as well.

Hon. Michael Chong: Thank you.

You're no longer promoting it as a safe haven to visit or invest in, as you once did.

Mr. Jeff Nankivell: We are giving what we hope is an accurate representation of Hong Kong. People do come to Hong Kong to do business. There are some aspects of business in Hong Kong that are very strong right now for Canadian companies.

• (1155)

The Vice-Chair (Mr. Garnett Genuis): Thank you very much.

I'm going to be tight on time today, because we really are up against a tight deadline.

Ms. Yip, you have six minutes.

Ms. Jean Yip (Scarborough—Agincourt, Lib.): Welcome, Consul General Nankivell. Thank you for staying up late to answer our questions.

It's often said that there are 300,000 Canadians living in Hong Kong, but this is really reliant on the registration of Canadians abroad. What are the official numbers, and are these numbers current?

Mr. Jeff Nankivell: This is an issue that we definitely grapple with, not only in Hong Kong but in other places.

That estimate of 300,000, which is very widely quoted, is based on survey data. It's based on a survey that was done 10 years ago, commissioned by the Asia Pacific Foundation of Canada. It was a rigorous telephone survey done by polling professionals. That's the basis of that estimate.

It's not based on the number of Canadians who are registered with us. Only a fraction of Canadians who go abroad register with us online. We don't have a way of tracking Canadian citizens who live in other countries if they don't identify themselves to us. That's why, from time to time, we would make a special effort or take advantage of something like the Asia Pacific Foundation's survey.

What I can say is that, in the time since that survey was done in 2010, we've seen the rate of Canadians renewing their passports in Hong Kong actually grow. In the five-year period from 2012 to 2017, the number of Canadians renewing their passports was about 20% higher than it was in the five years before the survey was done. That would lead us to conclude that the number that was there in 2010—and the survey estimated conservatively about 295,000—is probably about the same or more today.

Ms. Jean Yip: Since the national security law has been implemented, has there been an increase in visa and immigration inquiries?

Mr. Jeff Nankivell: We've seen some increase in inquiries, but our colleagues in Immigration, Refugees and Citizenship Canada tell us that the numbers are not huge. We haven't seen a big surge. We saw a couple of small spikes in inquiries about a year ago when the protests were at their peak in the fall of 2019, and again around July 1 with the passage of the national security law.

In terms of the inquiries that we're getting, there is a definite trend but the increases are very modest.

Ms. Jean Yip: You talked about your concerns about the national security law in your statement, and you said you would be pleased to elaborate. Could you elaborate, please?

Mr. Jeff Nankivell: First, having heard the testimony of the experts who have already testified, I think there are no issues they've pointed out that we don't agree with in our assessment. Number one, there's the way in which the law came about. We think it was fundamentally improper and it was secretive. The details of the law were only revealed to the public at the very moment it took effect, which is extraordinary in a common law system.

The most troubling aspect of the law is in its article 55, which provides for security agencies of the central government to operate in Hong Kong without supervision from Hong Kong authorities and beyond the reach of Hong Kong courts and law.

It remains to be seen how those powers will be used, but that marks a step change in the one country, two systems. That's why the Government of Canada, with other governments, has publicly called this out as being in contravention of the Sino-British Joint Declaration, Hong Kong's Basic Law and Hong Kong's commitments under the International Covenant on Civil and Political Rights, all of which would preclude that kind of carte blanche for security agencies to operate without supervision by courts and by Hong Kong agencies governing Hong Kong.

• (1200)

Ms. Jean Yip: Do you have any concerns about Hong Kong authorities denying the freedom to exit Hong Kong through passport confiscation or other measures? Is the consulate equipped to support Canadians in that kind of situation?

Mr. Jeff Nankivell: Up to now, we have not seen any case of a Hong Konger, or anyone in Hong Kong, being prevented from exiting, except for people who are already under a legal constraint. There are people who have bail conditions. There were over 10,000 people who were arrested during the protests over the last year, and about 2,300 of them face charges currently. There are a number of people who are under bail conditions, which in some cases would prohibit them from leaving.

We haven't seen arbitrary application of this, and we consult very closely across the other consulates. We haven't seen that up to now.

Our concern with the national security law is that if the authorities are investigating an offence, under that law, they can prevent somebody from leaving just for being under investigation. That's only supposed to cover four offences, but it's very troubling.

The Vice-Chair (Mr. Garnett Genuis): Thank you very much.

The bells haven't starting ringing yet, but before we proceed to Mr. Bergeron, I want to seek the unanimous consent of the committee to proceed for 20 minutes into the period of the bells ringing. That will allow us to complete the first round and hopefully have another brief intervention from each party after that.

Is there anyone who objects to proceeding in that fashion?

Seeing no objection, we will move on to Mr. Bergeron.

[Translation]

Mr. Stéphane Bergeron (Montarville, BQ): Thank you, Mr. Chair.

Thank you very much, Mr. Nankivell, for being with us at such a late hour. We are very grateful to you, especially since we had a number of technical problems, which you had to experience with us despite the late hour.

I offer you my compliments for the quality of your French and for the attention you have paid to the work of this committee since the beginning. Since you have been attentive to the work of this committee, you are certainly aware that we have decided to proceed with an interim report, particularly in response to this urgent request we received to possibly welcome dissidents from Hong Kong who would need a refuge, given the application of the National Security Law.

The ambassador of the People's Republic of China, in a statement he made on October 15, warned Canada about the possible hosting of dissidents on its territory. We sense that the government of the People's Republic of China is putting pressure on all western democracies to refrain from hosting dissidents on their territory. The Federal Republic of Germany welcomed one dissident, which led to its representatives being admonished by the Hong Kong authorities that this was not the way to go.

In the circumstances, I cannot make assumptions as to the conclusions of this committee, but since it is likely that this committee will recommend to the Canadian government that dissidents from Hong Kong be welcomed and that mechanisms be put in place to allow them to find refuge in Canada, is there any preparation on your part for this eventuality, despite the pressure from the Hong Kong authorities and the People's Republic of China?

[English]

Mr. Jeff Nankivell: I will not be in a position to comment on policy matters when a policy has not been announced yet by the Government of Canada. As the committee knows, the government has already signalled it is considering further measures in the area of immigration.

I understand that measures are currently under consideration by Immigration, Refugees and Citizenship Canada, and they'll be the ones best placed to comment on that at the appropriate time.

• (1205)

[Translation]

Mr. Stéphane Bergeron: I commend your caution, Mr. Nankivell, but I will nevertheless take the opportunity to continue with the question that was asked by Mr. Chong.

You told us that you are prepared for any eventuality. On the one hand, is this one of the contingencies you are preparing for? On the other hand, in the event that, as Mr. Chong asked, dissidents who are not necessarily Canadian citizens seek asylum at the consulate, what would be the reaction?

[English]

Mr. Jeff Nankivell: The global policy of Canada, similar to most other countries, is that our diplomatic missions, including consulates, do not accept applications of asylum at our offices from people who are in their own territory.

There are avenues to become accepted as a refugee in Canada, but they involve making a claim in a third country or, for people who are already in Canada, making a claim for asylum, which, as the committee knows, some people from Hong Kong have done in recent times.

People who present themselves at the door to make a claim—and we haven't had any yet, as I've mentioned—we would provide them with the information about how the system works in Canada but we're not in a position to welcome them inside or to accept a claim from them, as they are in their own territory.

In terms of policies that are under consideration, again I will have to be a bit cautious. In the elaboration of policies, of course, preparatory work would be part of that process to make sure we have the resources in place. The immigration section we have in our office in Hong Kong is one of the largest we have anywhere in the world. It's currently processing files for missions in other parts of the world that are unable to do their work properly because of COVID, places in Africa and South Asia, so we have a lot of capacity on the ground. We have 60 people in our immigration section and they're flexible to be able to do different things.

The Vice-Chair (Mr. Garnett Genuis): Thank you very much, Mr. Bergeron.

With the bells ringing, we'll now have Mr. Harris for six minutes, and then with a slight modification in the time, we'll have Mr. Paul-Hus for four minutes, Ms. Zann for four minutes, Mr. Bergeron for two minutes, Mr. Harris for two minutes and then we'll wrap up. That will allow us to have relatively equal time within the parameters we have.

Mr. Harris.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

Thank you, Mr. Nankivell, for coming this morning and for your very comprehensive remarks.

First I would like to associate myself with Mr. Chong's opening remarks about the set-up of the 1984 United Kingdom-People's Republic of China treaty and merely add that not only did Canada witness it, but Canada, among other countries, was also asked by the parties, including the People's Republic of China, to provide their help and assistance in assuring the success of the one country, two systems agreement. There is an invitation there for Canada to be involved in ensuring its success, and that obviously includes some of the things we're doing now.

First of all, about the 300,000 Canadians we talk about from time to time, as you say, it is a larger portion than those who have identified themselves to the consulate. When we're talking about Canadians in that context, are we talking about people who are Canadians who have gone to China to live or could that include long-term residents of Hong Kong who hold dual citizenship?

• (1210)

Mr. Jeff Nankivell: The findings of the survey, and I think they hold true generally today, are that the vast majority, some 83%, are dual citizens. They're residents of Hong Kong and they are citizens of Canada. Of the many people I've met, there were a lot of families of people who went to Canada in the late 1980s and the early 1990s when we were averaging, for some years, around 25,000 or 30,000 immigrants from Hong Kong per year landing in Canada. Many of those people came back in the late 1990s, after 1997. They have families in Hong Kong. Their children are Canadian citizens. The lion's share of the community we have here would be precisely that, people who are dual citizens.

There's been a small but growing share over the years of people who are originally from mainland China who became Canadians and who have made their way to Hong Kong. Then, probably less than 10% are Canadians who do not hold either Hong Kong or China—

Mr. Jack Harris: May I cut you off slightly to ask a follow-up question on that? We have heard the Chinese ambassador to Canada, Mr. Cong, use the term “Canadian passport holders” when talking about Canadians in Hong Kong. That strikes me as somewhat ominous, in the sense that the Chinese government may not recognize their Canadian citizenship. I would offer the observation for your comment. It seems to me that the ones who returned to Hong Kong, particularly after 1997, are extremely interested, shall we say, in the one country, two systems approach and very dependent upon that in their confidence in returning to Hong Kong.

What comment would you have on that observation of using the term “Canadian passport holders”? Does that give you a sense of concern?

Mr. Jeff Nankivell: Let me say, first of all, that it's not a term you will hear me or anyone on our staff using. We have Canadian citizens. A citizen is a citizen. Even though a lot of people I meet in Hong Kong describe themselves that way, there are only citizens.

It's a very large community. There are people who have deep family ties and roots in Hong Kong. They are concerned about the preservation of their freedoms in Hong Kong. I think we're all on the same page there.

It's concerning, as Minister Champagne has said. The Prime Minister and the Deputy Prime Minister have both remarked on the inappropriate nature of Ambassador Cong's remarks, saying that it's unacceptable language.

Mr. Jack Harris: In speaking of that language, on October 15 Ambassador Cong also talked about urging Canada not to deal with what he called “violent criminals” in Hong Kong who are subject to the laws that they’re carrying out. He used this phrase three times in one of his statements.

It seems to me, and perhaps you can correct me if I’m wrong, that people like the one person who was arrested on October 29, by the name of Mr. Chung, I believe, was arrested for posting information and acting in a way supportive of pro-democracy activities. Is there any way people like him can be considered violent criminals?

Mr. Jeff Nankivell: Indeed, this is the concerning thing for us about the national security law and why we are trying to raise awareness of the changes this brings to Hong Kong. We have, for the first time really, political offences and political crimes in Hong Kong, and they constitute a big concern.

• (1215)

The Vice-Chair (Mr. Garnett Genuis): Thank you very much, Mr. Harris.

We’ll now proceed to Mr. Paul-Hus for four minutes.

[*Translation*]

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

Mr. Nankivell, I’d like to ask you a question about the business community. Professor Arne Kislenko, a national security expert from Ryerson University, told the Chronicle Herald on July 14 that you have to be very careful about sending employees of Canadian companies to Hong Kong, and that you can’t trust China because you’re being spied on all the time, even on Twitter and Facebook.

Do you think business people should be extremely careful when sending workers to Hong Kong?

[*English*]

Mr. Jeff Nankivell: We have warned Canadian businesses that there are new risks since the national security law came in. We have Canadian companies that do employ a lot of people in Hong Kong. We know from talking with them that they’re working with their legal counsels to review what kinds of vulnerabilities they may have. It’s early days, but up to now we have not seen arbitrary application of these new powers in the way of anything like the arbitrary detention of Mr. Spavor and Mr. Kovrig. We don’t have that experience yet, but we have warned companies and our travel advice reflects that. It’s basically similar now to the travel advice we have for mainland China when it comes to political matters.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you.

In your speech, you mentioned that 204 consular requests were made in connection with civil unrest or visits to Canadians who were hospitalized or imprisoned. Apart from the two Michaels and Mr. Schellenberg, are there any other Canadians currently in prison?

[*English*]

Mr. Jeff Nankivell: There have been Canadians, but not under the national security law. So far, under the national security law, we

are not aware of any Canadians having been arrested. In the cases that I’m talking about we had 14 cases related to the civil unrest. These are people who were arrested in the course of major protests. For instance, we had a number of young Canadian citizens arrested at the site of the Hong Kong Polytechnic University, where there were major clashes between the police and protestors. For the most part, nine of them were arrested altogether in this period. They were arrested not for these new offences under the national security law, but they were arrested initially on suspicion of things like participating in an unlawful assembly. All of those cases have now been resolved. Most of them were released very quickly without charge. We have only one ongoing case of someone who is on bail and facing charges.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you.

My last question will be brief, as I only have 30 seconds left.

Could you tell the committee about cyber-attacks on the Consulate General? Were there any cyber-attacks in 2018, 2019 or 2020 originating from China? Are you concerned about espionage at the Consulate General of Canada in Hong Kong?

You do not have to answer today, but if you have any information about this, please share it with the committee; we would need a report.

[*English*]

The Vice-Chair (Mr. Garnett Genuis): Thank you, Mr. Paul-Hus. That’s the time.

We’ll go to Ms. Zann, please, for four minutes.

Ms. Lenore Zann (Cumberland—Colchester, Lib.): Thank you very much, Mr. Chair, and thank you so much, Mr. Nankivell.

Given the new national security law that’s been introduced in China, should Canadians who have spoken, written or acted in support of Hong Kong’s freedoms and autonomy, even members of this committee, avoid travelling to Hong Kong, the People’s Republic of China or countries that are known to have close relations with China?

• (1220)

Mr. Jeff Nankivell: At this point, we don’t have any experience of application of the new national security law in this area of extraterritoriality, which is of concern to us. I think the kinds of judgments that one would need to make would be, in our view, similar now, on certain topics, to the judgments one would make about travelling to mainland China, if one had been an outspoken advocate on sensitive issues with regard to mainland China, such as on Tibet, Xinjiang, Taiwan independence or something like that.

Ms. Lenore Zann: What about just asking questions, as we have been on this committee?

Mr. Jeff Nankivell: At this time we do not assess that by participating in the asking of questions in a committee there's any likelihood that somebody would be prosecuted under the national security law in Hong Kong in that context.

Ms. Lenore Zann: Thank you.

Have Hong Kong authorities requested any meetings with Canadian authorities in relation to any Canadian statements, policies or debates about the national security law and the 2019 protests in Hong Kong?

Mr. Jeff Nankivell: We have had many meetings of different kinds. One form it takes.... We have approached the Hong Kong government and the Ministry of Foreign Affairs to make representations to them many times over the last 18 months on these different issues. When the Hong Kong government seeks us out, it's usually in the form of a group meeting with the consulates and chambers of commerce, where they do reach out to give their side of issues and to register their unhappiness about when statements are made. We do hear from the Ministry of Foreign Affairs of China directly in Ottawa, in Beijing and in Hong Kong at times.

When a Canadian statement is made, we do get direct representation from the Ministry of Foreign Affairs. In the China-Hong Kong system it is the Ministry of Foreign Affairs of the Peoples's Republic of China that has the lead responsibility for managing foreign relations. They certainly have been in touch with us regularly.

Ms. Lenore Zann: Thank you.

Are there any concerns about Hong Kong authorities denying the freedom to exit Hong Kong through passport confiscation or any other measures?

Mr. Jeff Nankivell: As I mentioned, we haven't seen any indication of that up to now. Certainly, some people are currently prevented from leaving Hong Kong because their passport has been confiscated through a bail process. We haven't seen that kind of arbitrary application either for Canadians or for anyone else from Hong Kong. It's the kind of thing we know happens in mainland China, that sort of exit ban, where you find out when you get to the airport that you're on a list. However, we have not seen any evidence of that to date in Hong Kong.

The Vice-Chair (Mr. Garnett Genuis): Thank you, Ms. Zann.

We'll now proceed to Mr. Bergeron for two minutes.

[*Translation*]

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

Mr. Nankivell, you won't be surprised to see me continuing in exactly the same vein as a few moments ago.

Among the western democracies, apart from the Federal Republic of Germany, as I mentioned earlier, the United Kingdom has suggested that it has set up some kind of migration mechanism for Hong Kong residents. However, as far as we understand it, this would mainly be aimed at people born before the 1997 handover. This means that most of the protesters, who are young people under 23 years of age, would not be eligible for refuge in the U.K.

Contrary to the very audible discourse against the Chinese regime, we saw the United States announcing from the outset that

all asylum applications had to be made on American territory. It is therefore not possible—Mr. Chong alluded to this—to proceed through the consulate in Hong Kong.

Given the very close ties Canada and Hong Kong have had for many years, at least since World War II when Canadian soldiers defended Hong Kong's territorial integrity, should Canada not effectively consider, like other western democracies such as the Federal Republic of Germany, providing safe haven for human rights protesters in Hong Kong?

• (1225)

[*English*]

Mr. Jeff Nankivell: Mr. Chair, I have a couple of precisions, if I may.

[*Translation*]

The Vice-Chair (Mr. Garnett Genuis): Please be very brief, as your time is up.

[*English*]

Mr. Jeff Nankivell: Germany has not announced a policy of asylum. The German refugee process, which I believe is similar to the kind of judicial process we have in Canada, has granted asylum status so Germany does not have such a program.

The U.K. has the British national overseas program. Australia—

The Vice-Chair (Mr. Garnett Genuis): I'm sorry, I just have to jump in because of time or else Mr. Harris is not going to get his time.

Mr. Harris, you have two minutes.

Mr. Jack Harris: Thank you, Chair.

Mr. Nankivell, the young man I was referring to in my last question is Tony Chung, a 19-year-old who was arrested on October 27 near the United States consulate in Hong Kong. Reports say that he was planning on seeking asylum but he had been arrested in July of 2020 under the existing security law in relation to social media posts, which is not normally regarded as a violent crime.

Had Mr. Chung come to the Canadian consulate and visitor access, are there any mechanisms available to you and to your consulate to assist someone like Mr. Chung who may be seeking asylum, although, as you say, you don't grant asylum in the country where a person resides? Is there any mechanism where you could provide travel documentation or in some way assist that person to get into a place where he could claim asylum?

Mr. Jeff Nankivell: Let me say that we do have great sympathy for people in Hong Kong, especially young people who are feeling huge stress in these new political circumstances. That said, wherever you are in the world, everyone who is in the territory is subject to the legal authorities in that territory. I regret that we don't have the powers to intervene. If someone is under a bail condition, their passport has been confiscated and they are prohibited from leaving the territory, regrettably there really isn't a means. We do not have the power to intervene to make it possible for them to exit.

Hong Kong is a territory that has exit controls, unlike Canada, so people have to clear Hong Kong immigration before they get on a plane. If they're under a legal prohibition from leaving, we do not have the power to facilitate their departure.

The Vice-Chair (Mr. Garnett Genuis): Thank you, Mr. Nankivell.

Colleagues, at this point I'll proceed to suspend for the vote.

We have been informed by the House administration that we can have resources available to us to use between the conclusion of the

vote and the beginning of statements by members, so we will suspend now. I'll consult with our regular chair, who I believe will be available, as to whether we will continue with some additional questions for Mr. Nankivell or whether we will proceed to committee business.

Just watch your emails with respect to that, whether we'll be convening in camera or in public.

Mr. Nankivell, thank you so much for your time and your testimony. Maybe we'll be hearing more from you, or maybe we won't, but if we're not able to reconvene with you, then I think members would be grateful if you could follow up in writing on some of the points we ran out of time on.

With that, the committee stands suspended. Thank you very much.

[Proceedings continue in camera]

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