

CSO/ADM CR 3/2071/97

Tel No. : 2810 3946

Fax No. : 2501 5779

8 December 2003

Clerk to the Subcommittee on Subsidiary Legislation
relating to Consular Matters
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong

(Attn: Mrs Percy Ma)

**Consular Agreement between the Government of
the People's Republic of China and the Government of Canada**

I write to reply to two questions raised by a Member at the meeting of the Subcommittee on Subsidiary Legislation relating to Consular Matters on 20 October 2003.

In the course of scrutinizing the Administration of Estates by Consular Officers Ordinance (Amendment of Schedule) Order 2003 and the Consular Conventions (Application of Section 3) Order, the Subcommittee raised a question on Article 9 of the Consular Agreement Between the Government of the People's Republic of China and the Government of Canada. Article 9 provides that "Upon learning of the death of a national of the sending State in the receiving State, the competent authorities of the receiving State shall so inform the consular post as soon as possible and provide upon the request of the consular post, a death certificate, or a copy of other documents, confirming the cause of death and its circumstances." In respect of the death of Hong Kong

residents in Canada, Members would like to know the specific notification arrangements between the competent authorities of Canada and the consular post of the People's Republic of China in Canada.

We are given to understand that the competent authorities of Canada shall, upon learning of the death (whether natural or unnatural) in Canada of any Hong Kong resident within the definition of "a national of the sending State" in the Consular Agreement, so inform the consular post of China. Likewise, the competent authorities of China shall inform the consular post of Canada of the circumstances regarding the death of any Canadian citizen in China.

In addition, Members have proposed that the Administration should consider whether the notification system need to be strengthened to ensure that the relevant departments, upon learning of the death of any foreign nationals in Hong Kong, will promptly inform the consular posts concerned. As we have explained at the Subcommittee meeting, when the Consular Agreement first came into force in Hong Kong, the bureaux and departments concerned had been advised of the SAR Government's obligation of notification. That said, in response to Member's valuable advice, we have once again reminded bureaux and departments of our obligation to notify the consular posts concerned of the death of foreign nationals in Hong Kong as soon as possible.

I should be most grateful if you would communicate the above supplementary information to the Chairperson and Members of the Subcommittee.

Yours sincerely,

(David Leung)
for Director of Administration