

28 January 2021

The Editor
Letters to the Editor
National Post
Email: letters@nationalpost.com

Dear Editor,

I refer to the article “300,000 passport holders must choose between Canada and China” published on 27 January which contains factually incorrect information and misunderstandings on dual nationalities of residents in the Hong Kong Special Administrative Region (HKSAR).

According to Article 18 of and Annex III to the Basic Law of the HKSAR of the People’s Republic of China, the Nationality Law of the People’s Republic of China (Nationality Law) shall be applied in the HKSAR from 1 July 1997. Taking account of the historical background and the circumstances of Hong Kong, the Standing Committee of the National People’s Congress of the People’s Republic of China (Standing Committee) gave the explanations concerning the implementation in the HKSAR of the Nationality Law of the People’s Republic of China (the Explanations) in 1996.

According to the Explanations, where a Hong Kong resident is of Chinese descent and was born in the Chinese territories (including Hong Kong), or where a person satisfies the criteria laid down in the Nationality Law of the People’s Republic of China for having Chinese nationality, he is a Chinese national. Unless he has made an application to the Immigration Department of the HKSAR and was approved for the renunciation of Chinese nationality / declaration of change of nationality, he is still a Chinese national.

The Explanations also clearly state that Chinese nationals of the HKSAR with right of abode in foreign countries may, for the purpose of travelling to other countries and territories, use the relevant documents issued by the foreign governments. However, they will not be entitled to consular protection in the HKSAR and other parts of the People’s Republic of China on account of their holding the above mentioned documents. The Government of the HKSAR wishes to emphasize that matters relating to nationality of residents in the HKSAR have been dealt with in accordance with the Explanations since the establishment of the HKSAR on 1 July 1997.

Sincerely,
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Director
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