

# Vancouver city staff consulted Chinese government over bylaw

## The admission by city engineer Peter Judd stunned some city councillors Thursday

BY JEFF LEE, VANCOUVER SUN    APRIL 8, 2011 7:03 AM



This 2007 file photo shows a Falun Gong practitioner occupying a protest cubicle beside the Chinese Consulate on Granville Street in Vancouver, B.C.

Photograph by: Peter Battistoni, Vancouver Sun files

VANCOUVER - Vancouver city staff consulted with the Chinese government over a proposed bylaw that would prevent Falun Gong protesters from erecting billboards and huts in front of its Granville Street consulate, council was told Thursday.

That admission by city engineer Peter Judd stunned some city councillors and drew a strong note of protest from a lawyer representing the Falun Gong, who said no foreign government should be consulted about issues that restrict people's right to free speech.

Asked Coun. David Cadman: "Is there any other bylaw that you can think of that we brought in that we would have consulted with a foreign government, a government that imprisons a Nobel laureate, that imprisons an artist that exhibits at the Tate? Why would we consult with them about our bylaw?"

Judd said the city only consulted with the Chinese government as the property owner of its consulate in Shaughnessy's residential district.

It also advised members of the Falun Gong and the B.C. Civil Liberties Association about the contents of its proposed bylaw.

That bylaw would govern temporary public protest structures in commercial and industrial areas of the city but ban them in residential areas. Because the Chinese consulate in the 3300-block of Granville Street is in a residential area, no structures would be allowed there.

City manager Penny Ballem said the city entered into a “confidential agreement” with the Chinese consulate in order to get feedback on the proposed bylaw.

She said that was standard practice for any issue going to council where the city needs input from affected parties.

But Clive Ansley, a lawyer representing the Falun Gong, said it was “disgraceful and indefensible” that Vancouver consulted with the Chinese government over “the extent to which Canadians’ freedom of expression should be curtailed.

“They are representatives of a foreign government and the issue we are discussing here is the Charter of Rights and Freedoms and how it applies in Canada and the right to free political expression on the part of Canadians,” Ansley said.

“No foreign government has any legitimate input with respect to these issues.”

In response to a question from Mayor Gregor Robertson, Judd insisted the new bylaw “in no way” affects people’s right to protest. It only governs “non-commercial public expression structures” such as the hut and billboards the Falun Gong erected outside the consulate for years.

But Ansley said such structures were at the very core of his client’s lawsuit, which eventually found the city’s bylaws unconstitutional.

He said the Falun Gong were prepared to accept many parts of the proposed replacement bylaw, including restrictions on the size and duration of temporary structures.

But the city was wrong to exclude residential areas, especially since foreign governments — in this case China — sometimes locate government offices in those districts. That amounts to a “blanket exclusion” similar to the one that triggered the lawsuit, he said.

“Without meaning to be unnecessarily combative, but passage of the present form of this bylaw will guarantee another lawsuit on behalf of my clients, I can tell you that right now. No question about it,” Ansley said.

“It will result in the further squandering of taxpayer money for a cause that benefits no Vancouver citizens, only the Chinese Communist Party and the Chinese Consulate-General.”

The city has to pass a new streets bylaw by April 19 to comply with a B.C. Court of Appeal ruling last October that found sections of its bylaw unconstitutional because it didn’t allow a process for people to lawfully erect protest structures.

On Tuesday, city lawyers and engineers unveiled the proposed remedy, but it brought immediate concerns from some that the process was too rushed and the public wasn't being adequately consulted.

At least 18 speakers signed up to address council Tuesday, but the city also set aside the morning of April 19 — mere hours before the court deadline — to hear more submissions.

Michael Vonn, speaking for the B.C. Civil Liberties Association, also opposed the bylaw.

The city resumes hearing speakers April 19.

[jefflee@vancouversun.com](mailto:jefflee@vancouversun.com)

Blog: [www.vancouversun.com/jefflee](http://www.vancouversun.com/jefflee)

© Copyright (c) The Vancouver Sun

[Previous](#)

[Next](#)



This 2007 file photo shows a Falun Gong practitioner occupying a protest cubicle beside the Chinese Consulate on Granville Street in Vancouver, B.C.

Photograph by: Peter Battistoni, Vancouver Sun files

