

ARTICLE I.

There shall henceforward be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, and between their respective Subjects, who shall enjoy full security and protection for their persons and property within the Dominions of the other.

大清
大皇帝
大英
君主永存平和所屬
英華人民彼此友
睦各住他國者
必受該國保祐
身家全安

一嗣後

ARTICLE II.

His Majesty the Emperor of China agrees, that British Subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their Mercantile pursuits, without molestation or restraint at the Cities and Towns of Canton, Amoy, Foochow-fu, Ningpo, and Shanghai, and Her Majesty the Queen of Great Britain, etc., will appoint Superintendents or Consular Officers, to reside at each of the above-named Cities or Towns, to be the medium of communication between the Chinese Authorities and the said Merchants, and to see that the just Duties and other Dues of the Chinese Government as hereafter provided for, are duly discharged by Her Britannic Majesty's Subjects.

大清
大英
君主派設領事管事等官住該五處
城邑專理商賈事宜與各該地方官公文往來令英人按照下條開敘之例清楚交納貨稅鈔餉等費
大清沿海之廣州福州廈門甯波上海等五處港口貿易通商無礙
且
大皇帝恩准大英國人民帶同所屬家眷寄居

一自今以後

ARTICLE III.

It being obviously necessary and desirable, that British Subjects should have some Port wherent they may careen and refit their Ships, when required, and keep Stores for that purpose, His Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, etc., the Island of Hongkong, to be possessed in perpetuity by Her Britannic Majesty, Her Heirs and Successors, and to be governed by such Laws and Regulations as Her Majesty the Queen of Great Britain, etc., shall see fit to direct.

大英
大皇帝准將香港一島給
子
大英
君主暨嗣後世襲主位者
常遠據守主掌任便
立法治理
大英商船遠路涉洋往往有損壞須修補者自應給予沿海一處以便修船及存守所用物料今

一因

ARTICLE IV.

The Emperor of China agrees to pay the sum of Six Millions of Dollars as the value of Opium which was delivered up at Canton in the month of March 1839, as a Ransom for the lives of Her Britannic Majesty's Superintendent and Subjects, who had been imprisoned and threatened with death by the Chinese High Officers.

大清 一因
欽差大憲等於道光
十九年二月間
經將
大英國領事官及
民人等強留粵
省嚇以死罪索
出鴉片以為贖
命今
大皇帝准以洋銀六
百萬員償補原
價

ARTICLE V.

The Government of China having compelled the British Merchants trading at Canton to deal exclusively with certain Chinese Merchants called Hong Merchants (or Cohong) who had been licensed by the Chinese Government for that purpose, the Emperor of China agrees to abolish that practice in future at all Ports where British Merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please, and His Imperial Majesty further agrees to pay to the British Government the sum of Three Millions of Dollars, on account of Debts due to British Subjects by some of the said Hong Merchants (or Cohong), who have become insolvent, and who owe very large sums of money to Subjects of Her Britannic Majesty.

一凡
大英商民在粵貿易向例全歸額設
行商亦稱公行者承辦今
大皇帝准以嗣後不必仍照向例乃凡
有英商等赴各該口貿易者勿論
與何商交易均聽其便且向例額
設行商等內有累欠英商甚多無
措清還者今酌定洋銀三百萬員
作為商欠之數准明由中國官為
償還

ARTICLE VI.

The Government of Her Britannic Majesty having been obliged to send out an Expedition to demand and obtain redress for the violent and unjust Proceedings of the Chinese High Authorities towards Her Britannic Majesty's Officer and Subjects, the Emperor of China agrees to pay the sum of Twelve Millions of Dollars on account of the Expenses incurred, and Her Britannic Majesty's Plenipotentiary voluntarily agrees, on behalf of Her Majesty, to deduct from the said amount of Twelve Millions of Dollars, any sums which may have been received by Her Majesty's combined Forces as Ransom for Cities and Towns in China, subsequent to the 1st day of August 1841.

一因
大清 欽命大臣等向
大英官民人等不公強辦致須
撥發軍士討求仲理今酌定
水陸 軍費洋銀壹千貳百萬員
大皇帝准為償補惟自道光二十
一年六月十五日以後英國
因贖各城收過銀兩之數
大英全權公使大臣為
君主准可按數扣除

ARTICLE VII.

It is agreed that the Total amount of Twenty-one Millions of Dollars, described in the three preceding Articles, shall be paid as follows:—

Six Millions immediately.

Six Millions in 1843. That is:—Three Millions on or before the 30th of the month of June, and Three Millions on or before the 31st of December.

Five Millions in 1844. That is:—Two Millions and a Half on or before the 30th of June, and Two Millions and a Half on or before the 31st of December.

Four Millions in 1845. That is:—Two Millions on or before the 30th of June, and Two Millions on or before the 31st of December; and it is further stipulated, that Interest at the rate of 5 per cent. per annum, shall be paid by the Government of China on any portions of the above sums that are not punctually discharged at the periods fixed.

一以上三條酌定銀數共貳千壹百萬員應如何分期交清開列於左
此時交銀六百萬員
癸卯年六月間交銀三百萬元十二月間交銀三百萬員共銀六百萬員
甲辰年六月間交銀二百五十萬員十二月間交銀二百五十萬員共銀五百萬員
乙巳年六月間交銀二百萬員十二月間交銀二百萬員共銀四百萬員
自壬寅年起至乙巳年止四年共交銀二千一百萬員倘有按期未能交足之數則酌定每年每百員加息五員

ARTICLE VIII.

The Emperor of China agrees to release unconditionally all Subjects of Her Britannic Majesty (whether Natives of Europe or India) who may be in confinement at this moment, in any part of the Chinese Empire.

一凡係大英國人無論本國屬國軍民等今在中國所管轄各地方被禁者大清大皇帝准即釋放

ARTICLE IX.

The Emperor of China agrees to publish and promulgate, under His Imperial Sign Manual and Seal, a full and entire amnesty and act of indemnity, to all Subjects of China on account of their having resided under, or having had dealings and intercourse with, or having entered the Service of Her Britannic Majesty, or of Her Majesty's Officers, and His Imperial Majesty further engages to release all Chinese Subjects who may be at this moment in confinement for similar reasons.

一凡係中國人前在英人所據之邑居住者或與英人有來往者或有跟隨及俟候英國官人者均由大皇帝俯降御旨謄錄天下恩准全然免罪且凡係中國人為英國事被拿監禁受難者亦加恩釋放

ARTICLE X.

His Majesty the Emperor of China agrees to establish at all the Ports which are by the 2nd Article of this Treaty to be thrown open for the resort of British Merchants, a fair and regular Tariff of Export and Import Customs and other Dues, which Tariff shall be publicly notified and promulgated for general information, and the Emperor further engages, that when British Merchandise shall have once paid at any of the said Ports the regulated Customs and Dues agreeable to the Tariff, to be hereafter fixed, such Merchandise may be conveyed by Chinese Merchants, to any Province or City in the interior of the Empire of China on paying a further amount as Transit Duties which shall not exceed per cent. on the tariff value of such goods.

一前第二條內言明開關俾英國商民居住通商之廣州等五處應納進口出口貨稅餉費均宜秉公議定則例由部頒發曉示以便英商按例交納今又議定英國貨物自在某港按例納稅後即准由中國商人遍運天下而路所經過稅關不得加重稅例只可按估價則例若干每兩加稅不過分

ARTICLE XI.

It is agreed that Her Britannic Majesty's Chief High Officer in China shall correspond with the Chinese High Officers, both at the Capital and in the Provinces, under the term "Communication" 照會. The Subordinate British Officers and Chinese High Officers in the Provinces under the terms "Statement" 申陳 on the part of the former, and on the part of the latter "Declaration" 劄行, and the Subordinates of both Countries on a footing of perfect equality. Merchants and others not holding official situations and, therefore, not included in the above, on both sides, to use the term "Representation" 稟明 in all Papers addressed to, or intended for the notice of the respective Governments.

一議定英國在中國之總管大員與大清大臣無論京內京外者有文書來往用照會字樣英國屬員用申陳字樣大臣批覆用劄行字樣兩國屬員往來必當平行照會若兩國商賈上達官憲不在議內仍用稟明字樣為著

ARTICLE XII.

On the assent of the Emperor of China to this Treaty being received and the discharge of the first instalment of money, Her Britannic Majesty's Forces will retire from Nanking and the Grand Canal, and will no longer molest or stop the Trade of China. The Military Post at Chinhai will also be withdrawn, but the Islands of Koolangsoo and that of Chusan will continue to be held by Her Majesty's Forces until the money payments, and the arrangements for opening the Ports to British Merchants be completed.

大清一俟奉大皇帝允准和約各條施行並以此時准交之六百萬員交清
大英陸軍士當即退出江甯
京口等處江面不再行
攔阻中國各省商賈貿易
至鎮江之招寶山亦將退
讓惟定海縣之舟山海
島廈門兵營之古浪嶼小島
仍歸英兵暫為駐守及
所議洋銀全數交清而前
議各海口均已開關俾英
人通商後即不復佔據
軍士退出後將駐守二處

CONVENTION OF PEKING (1860).

PREAMBLE OF CONVENTION.

Her Majesty the Queen of Great Britain and Ireland, and His Imperial Majesty the Emperor of China, being alike desirous to bring to an end the misunderstanding at present existing between their respective Governments, and to secure their relations against further interruption, have for this purpose appointed Plenipotentiaries; that is to say, Her Majesty the Queen of Great Britain and Ireland, the Earl of ELGIN AND KINCARDINE, and His Imperial Majesty the Emperor of China, His Imperial Highness the Prince of KUNG, who having met, and communicated to each other their full powers, and finding these to be in proper form, have agreed upon the following Convention in Nine Articles:—

續增條約
茲以兩國有所不愜

大清大皇帝與

大英大君主合意修好保其嗣後不至失和為此

大清大皇帝特派和碩恭親王奕訢

大英大君主特派

公同會議各將本國恭奉

欽差全權大臣便宜行事之

上諭等件互相較閱均臻妥善現將商定續增條

約開列於左

內廷建儲功錫銀帶等寶星
會議政事殿上堂內世襲額爾金
羅金並金喀爾田二郡伯爵

Article 1.

A breach of friendly relations having been occasioned by the act of the garrison of Taku, which obstructed Her Britannic Majesty's Representative when on his way to Peking for the purpose of exchanging the Ratifications of the Treaty of Peace concluded at Tientsin in the month of June, one thousand eight hundred and fifty-eight, His Imperial Majesty the Emperor of China expresses his deep regret at the misunderstanding so occasioned.

第一款

一前於戊午年五月

在天津所定原約本

為兩國敦睦之設後

於己未年五月

大英欽差大臣達京換約

行抵大沽砲臺該處

守弁阻塞前路以致

有礙

大清大皇帝視此失好甚

為惋惜

ARTICLE II.

It is further expressly declared, that the arrangement entered into at Shanghai, in the month of October, one thousand eight hundred and fifty-eight, between Her Britannic Majesty's Ambassador the Earl of ELOIX AND KINCARDINE, and His Imperial Majesty's Commissioners KWEILIANG and HwasHANA, regarding the residence of Her Britannic Majesty's Representative in China is hereby cancelled, and that, in accordance with Article III of the Treaty of one thousand eight hundred and fifty-eight, Her Britannic Majesty's Representative will henceforward reside permanently, or occasionally, at Peking, as Her Britannic Majesty shall be pleased to decide.

第二款
一再前於戊午年九月
大清欽差大臣 魁 花沙納 貝 將
大英欽差大臣 額爾金 將
大英欽差駐華大臣嗣在何處居
住一節在滬會商所定之議
茲特申明作為罷論將來
大英欽差大員應否在京長住抑
或隨時往來仍照原約第三
款明文總候本國
諭旨遵行

ARTICLE III.

It is agreed that the Separate Article of the Treaty of one thousand eight hundred and fifty-eight is hereby annulled, and that in lieu of the amount of Indemnity therein specified, His Imperial Majesty the Emperor of China shall pay the sum of Eight Millions of Taels, in the following proportions, or instalments, namely:—At Tientsin on or before the thirtieth day of November the sum of five hundred thousand Taels; at Canton, and on or before the first day of December one thousand eight hundred and sixty, three hundred and thirty-three thousand, three hundred and thirty-three Taels, less the sum which shall have been advanced by the Canton authorities towards the completion of the British Factory Site at Shamoen; and the remainder at the ports open to Foreign trade, in quarterly payments, which shall consist of one-fifth of the gross revenue from Customs there collected. The first of the said payments being due on the thirty-first day of December, one thousand eight hundred and sixty, for the quarter terminating on that day.

第三款
一戊午年原約後附專條作為廢紙所賠賠
價各項
大清大皇帝允以八百萬兩相易其應如何分繳
即於十月十九日在於津郡先將銀伍拾萬
兩繳楚以本年十月二十日即英國十二月
初二日以前應在於粵省分繳三十三萬三
千三百三十三兩內將存明該日以首粵省
大吏經支填築沙面地方英商行基之費若
干扣除入算其餘銀兩應於通商各關所納
總數內分結扣繳二成以英月三個月為一
結即行算清自本年英十月初一日即庚申
年八月十七日至英十二月三十一日即庚
申年十一月二十日為第一結如此陸續扣

It is further agreed that these moneys shall be paid into the hands of an officer whom Her Britannic Majesty's Representative shall specially appoint to receive them; and that the accuracy of the amounts shall, before payment, be duly ascertained by British and Chinese officers appointed to discharge this duty.

In order to prevent future discussion, it is moreover declared, that of the Eight Millions of Taels herein guaranteed, Two Millions will be appropriated to the indemnification of the British Mercantile community at Canton for losses sustained by them, and the remaining Six Millions to the liquidation of war expenses.

ARTICLE IV.

It is agreed that on the day on which this Convention is signed, His Imperial Majesty the Emperor of China shall open the port of Tientsin to trade, and that it shall be thereafter competent to British subjects to reside, and trade, there under the same conditions as at any other port of China by Treaty open to trade.

ARTICLE V.

As soon as the Ratifications of the Treaty of one thousand eight hundred and fifty-eight shall have been exchanged, His Imperial Majesty the Emperor of China, will, by decree, command the high authorities of every province to proclaim throughout their jurisdictions, that Chinese, choosing to take service in the British Colonies or other parts beyond sea, are at perfect liberty to enter into engagements with British Subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China. Also that the high authorities aforesaid, shall, in concert with Her Britannic Majesty's Representative in China, frame such regulations for the protection of Chinese emigrating as above, as the circumstances of the different open ports may demand.

繳八百萬總數完結均當隨
結清交

大英欽差大臣專派委員監收外
兩國彼此各應先期添派數
員稽查數目清單等件以昭
慎重再今所定取價八百萬
兩內二百萬兩仍為住粵英
商補虧之款其六百萬兩少
裨軍需之費載此明文庶免
禁糾

第四款
一續增條約畫
押之日

大清大皇帝允以天
津那城海口作
為通商之埠凡
有英民人等至
此居住貿易均
照經准各條所
開各口章程比
例畫一無別

第五款
一戊午年定約互換以後

大清大皇帝允於即日降諭各省督撫
大吏以凡有華民情甘出口或在
英國所屬各處或在海外別地承
工俱准與英民立約為憑無論單
身或願携帶家屬一并赴通商各
口下英國船隻無禁阻該省大
吏亦宜時與
大英欽差大臣查照各口地方情形會
定章程為保全前項華工之意

ARTICLE VI.

With a view to the maintenance of law and order in and about the harbour of Hongkong, His Imperial Majesty the Emperor of China agrees to cede to Her Majesty the Queen of Great Britain and Ireland, and to Her Heirs and Successors, to have and to hold as a dependency of Her Britannic Majesty's Colony of Hongkong, that portion of the township of Cowloon, in the province of Kwangtung, of which a lease was granted in perpetuity to HARRY SMITH PARKES, Esquire, Companion of the Bath, a Member of the Allied Commission at Canton, on behalf of Her Britannic Majesty's Government, by LAU TSUNG KWANG, Governor General of the Two Kwang.

It is further declared that the lease in question is hereby cancelled, that the claims of any Chinese to property on the said portion of Cowloon shall be duly investigated by a mixed Commission of British and Chinese Officers and that compensation shall be awarded by the British Government to any Chinese whose claim shall be by the said Commission established, should his removal be deemed necessary by the British Government.

ARTICLE VII.

It is agreed that the provisions of the Treaty of one thousand eight hundred and fifty-eight, except in so far as these are modified by the present Convention, shall, without delay, come into operation as soon as the Ratifications of the Treaty aforesaid shall have been exchanged. It is further agreed that no separate Ratification of the present Convention shall be necessary, but that it shall take effect from the date of its Signature, and be equally binding with the Treaty above mentioned on the High Contracting Powers.

ARTICLE VIII.

It is agreed that, as soon as the Ratifications of the Treaty of the year one thousand eight hundred and fifty-eight shall have been exchanged, His Imperial Majesty the Emperor of China shall, by decree, command the high authorities in the Capital and in the provinces to print and publish the aforesaid Treaty and the present Convention for general information.

第六款

一前據本年二月二十八日
大清兩廣總督勞崇光將粵東九龍司地方一區交與
大英駐紮粵省督充英法總局正使功賜三等寶星巴夏
禮代國立批承租在案茲
大清大皇帝定即將該地界付與
大英大君主並歷後嗣并歸英屬香港界內以期該港
埠面管轄所及庶保無事其批作為廢紙外其有
該地華民自稱業戶應由彼此兩國各派委員會
勘查明果為該戶本業嗣後倘遇勢必令遷別地
大英國無不公當賠補

第七款

一戊午年所定原約
除現定續約或有更
張外其餘各節俟互
換之後無不越日盡
行毫無出入今定續
約均應自畫押之日
為始即行照辦兩國
毋須另行
御筆批准惟當視與原約
無異一體遵守

第八款

一戊午年原約
在京互換之日
大清大皇帝允於即
日降諭京外各
省督撫大吏將
此原約及續約
各條發鈔給閱
并令刊刻懸布
通衢咸使知悉

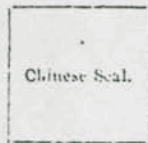
ARTICLE IX.

It is agreed that as soon as this Convention shall have been signed, the Ratifications of the Treaty of the year one thousand eight hundred and fifty-eight shall have been exchanged, and an Imperial Decree respecting the publication of the said Convention and Treaty shall have been promulgated, as provided for by Article VIII of this Convention, Chusan shall be evacuated by Her Britannic Majesty's troops there stationed, and Her Britannic Majesty's force now before Peking, shall commence its march towards the city of Tientsin, the forts of Taku, the north coast of Shantung, and the city of Canton, at each and all of which places it shall be at the option of Her Majesty the Queen of Great Britain and Ireland to retain a force until the indemnity of Eight Millions of Taels guaranteed in Article III shall have been paid.

Done at Peking in the Court of the Board of Ceremonies on the twenty-fourth day of October in the year of Our Lord one thousand eight hundred and sixty.

(L.S.) (Signed) ELGIN AND KINCARDINE.

Chinese Signature.



Chinese Seal.

第九款
 一續增條約一經蓋印畫押戊午年和約亦
 已互換須俟續約第八款內載
 大清大皇帝允降諭旨奉到業皆宣布所有英國
 舟山屯兵立當出境京外大軍即應啟程前
 赴津城並大清砲臺登州北海廣東省城等
 處俟續約第三款所載賠項八百萬兩總數
 交完方能回國抑或早退總候
 大英大君主諭旨施行
 以上各條又續增條約現下
 大清各大臣同在京都禮部衙門蓋印畫押以昭
 信守
 大清咸豐十年九月十一日
 大英一千八百六十年十月二十四日

(L.S.) (Signed) ELGIN AND KINCARDINE.

Chinese Signature.



Chinese Seal.

SECRET

COPY No: 1.

THE FUTURE OF HONG KONG

A SPECIAL STUDY

BY THE FOREIGN & COMMONWEALTH OFFICE

AUGUST 1982

SECRET

FUTURE OF HONG KONG

SPECIAL STUDY

Contents

Paragraph No.

MAIN PAPER

PART I

The Problem	1
British Interests	6
The Chinese Position	8
Interests of the People of Hong Kong	12

PART II

Strengths and weaknesses in the British and Chinese Positions	14
Time Factor	18
Impracticable Options	20

PART III

British Aim	21
Possible approaches to the problem of sovereignty	22
A possible solution	26
Detailed Studies	31
Conclusions	33

PART IV

Recommendations for the Prime Minister's visit to Peking	34
Public Presentation	44

Contents (continued)

ANNEXES

- A. Treaties of 1842 and 1860
- B. Convention of 1898
- C. Map showing the New Territories
- D. Chinese Proposals on Taiwan
- E. Consultation in Hong Kong
- F. Options for Solution and Legislative Requirements
- G. Constitutional Position of Hong Kong
- H. External Relations
- I. Currency and Finance
- J. Defence and Internal Security
- K. Citizenship, Nationality and Immigration
- L. Legal System
- M. External Trade
- N. Civil Aviation and Shipping
- O. Crown Land Leases in the New Territories
- P. Illustrative Questions and Answers following the Prime Minister's Visit to China



PRIME MINISTER
FIRST LORD OF THE TREASURY

FUTURE OF HONG KONG

SPECIAL BRIEFING

To Be Retained

Do Not Destroy

FUTURE OF HONG KONG

LIST OF BRIEFS

1. Introduction. Tactics
2. Labour Government Statements on HMG Commitment
3. Draft Press Statement on Hong Kong
4. Draft Aide Memoire
5. Chronology of Major Events and Statement
6. Draft Opening Statement
7. Form and Structure of Negotiation
8. Further Defensive Points
9. Possible Acceptable Package
10. Possible Concession which might be made during negotiation
11. Possible Chinese objections and suggested responses
- 11a. Answers to Criticisms Chinese Leaders may make
12. FCO Special Study
 - (a) Treaty of Nanking 1842
 - (b) Text of Second Convention of 1898
 - (c) Map of New Territories
 - (d) Chinese Proposals on Taiwan
 - (e) Consultation on Hong Kong
 - (f) Options and Solution and Legislative Requirements
 - (g) Constitutional Position of Hong Kong
 - (h) External Relations
 - (i) Currency and Finance
 - (j) Defence and Internal Security
 - (k) Citizenship, Nationality, Immigration
 - (l) Legal System on Hong Kong
 - (m) External Trade
 - (n) Civil Aviation and Shipping
 - (o) Crown Land Leases in New Territories
 - (p) Illustrative Questions and Answers Following Prime Minister's Visit to China.