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Yes

PRIME MINISTER

Prime Minister
 Agree to publication
 of the White Paper
 which gives effect to
 the nationality provisions
 of the
 Hong
 Kong
 Act?

CDP
 30/9.

.... This minute seeks your agreement, and that of other colleagues, to the publication of a White Paper, draft attached, on the nationality provisions of the Hong Kong Act 1985. The purpose of the White Paper is to present to Parliament the draft of an Order in Council to implement the nationality arrangements of the Sino-British Agreement on the future of Hong Kong. This draft is at Annex 1 of the draft White Paper.

You will recall that during the debates on the Hong Kong Bill in Parliament some concern was expressed that in a matter of such importance as nationality detailed amendments of the law were to be made by an Order in Council thereby restricting opportunity for Parliament to debate and seek to amend the provisions. It was therefore agreed to lay before Parliament a preliminary draft Order (which was described as "an Order with green edges") for full debate. We undertook to consider points made during those debates and to see whether they called for any changes to be made to the draft Order, recognising, of course, that the Order itself had to be consistent with the provisions of the Hong Kong Act. The draft Order would then subsequently be laid before Parliament again in the usual way.

We are committed to making the Order within a year of the passing of the Hong Kong Act: that is to say, by April 1986. We have also promised to introduce the preliminary draft well in advance of this date to give time to Parliament and the people of Hong Kong to assess it and to give their views. The Hong Kong Government have asked for a period of eight weeks for this purpose. This timetable points to publication of the White Paper in the middle of next month so that the debates on it could take place before Christmas.

The general lines of the nationality provisions were, as you know, settled during the negotiations with the Chinese, and embodied in the enabling provisions of the Hong Kong Act. The proposed Order in Council does no more than give more detailed legislative form to the agreement already reached, and there are no particular points to which I need draw your attention. The text of both has been agreed between my Department and the Foreign and Commonwealth Office and also with the Hong Kong Government. It seems unlikely that the White Paper will attract much public attention here, although there will be more interest in its provisions in Hong Kong. Comments made in Hong Kong will no doubt be reflected in Parliamentary debates here but insofar as people in Hong Kong may take the opportunity to revive the arguments about the general shape of the agreement reached with the Chinese, we shall have to make it quite clear that neither that agreement nor the terms of the subsequent legislation can now be altered.

I am copying this letter and enclosures to other OD(K) colleagues, and also to John Biffen, John Wakeham, Bertie Dunham and Sir Robert Armstrong. I should be grateful to know whether you and they are content. In order to allow time for printing and publication, which will take place simultaneously in London and Hong Kong, it would be helpful if any comments could reach me by 11 October.

Douglas Hurd.
 30th

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September 1985



10 DOWNING STREET

From the Private Secretary

1 October 1985

HONG KONG ACT 1985

The Prime Minister has considered the Home Secretary's minute of 30 September seeking agreement to the publication of a White Paper on the nationality provisions of the Hong Kong Act 1985.

Subject to the views of colleagues, the Prime Minister is content for the White Paper to be published as proposed.

I am copying this letter to the Private Secretaries to members of OD(K), the Lord Privy Seal, the Chief Whip, Lord Denham and Sir Robert Armstrong.

(C. D. POWELL)

Hugh Taylor, Esq.,
Home Office.

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Section 2(2).

SCHEDULE

SUPPLEMENTARY PROVISIONS

Preliminary

1. In this Schedule "the relevant date" means 1st July 1997 and "enactment" means any provision of an Act, other than this Act, passed before the relevant date and any provision of an instrument made before that date under any such Act.

Nationality

2.—(1) Her Majesty may by Order in Council make provision whereby—

- (a) British Dependent Territories citizenship cannot be retained or acquired on or after the relevant date by virtue of a connection with Hong Kong; and
- (b) persons who are British Dependent Territories citizens by virtue of any such connection may before that date (or before the end of 1997 if born in that year before the relevant date) acquire a new form of British nationality the holders of which shall be known as British Nationals (Overseas).

(2) An Order under this paragraph may require applications in respect of the new status mentioned in sub-paragraph (1)(b) above to be made before such time or times as are specified in the Order and may make provision whereby that status is to be held on and after the relevant date only by persons who are British Dependent Territories citizens immediately before that date.

(3) An Order under this paragraph may make provision for the avoidance of statelessness and may contain such supplementary, transitional and consequential provisions as appear to Her Majesty to be necessary or expedient for the purposes of the Order, including provisions amending the British Nationality Act 1981 and any other enactment.

1981 c. 61.

(4) No Order shall be made under this paragraph unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

Adaptation of law

3.—(1) Her Majesty may before the relevant date by Order in Council make such provision as appears to Her Majesty to be necessary or expedient in consequence of or in connection with the provisions of section 1(1) of this Act—

- (a) for repealing or amending any enactment so far as it is part of the law of Hong Kong; and
- (b) for enabling the legislature of Hong Kong to repeal or amend any enactment so far as it is part of that law and to make laws having extra-territorial operation.

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DRAFT 17/9/85

The Nationality Provisions of the
Hong Kong Act 1985

A draft Order-in-Council

Presented to Parliament by the
Secretary of State for the Home Department
by Command of Her Majesty
October 1985

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THE NATIONALITY PROVISIONS OF THE HONG KONG ACT 1985 A DRAFT ORDER IN COUNCIL

Introduction

The Hong Kong Act 1985 (c.15) received Royal Assent on 4 April 1985. It made provision for the ending of British sovereignty and jurisdiction over Hong Kong on 1 July 1997, in accordance with the terms of the Joint Declaration on the Question of Hong Kong reached between Her Majesty's Government and the Government of the People's Republic of China (hereafter "The Chinese Government"). Paragraph 2 of the Schedule to the Hong Kong Act conferred power to give effect by Order in Council to the provisions of the United Kingdom Memorandum associated with the Joint Declaration. The purpose of this White Paper is to present the text of a draft Order in Council, which is at Annex 1.

2. During the passage of the Hong Kong Bill Her Majesty's Government gave two undertakings concerning the Parliamentary handling of the proposed Order. The first was that it would be made within a year of the passing of the Bill, subject only to Parliament's own agreement (1). The second was that in view of the constitutional significance of the Order it should be subject to more extended Parliamentary scrutiny than the usual affirmative resolution procedure allows (2). Orders made under the affirmative resolution procedure require Parliament's positive approval, usually following a debate of one and a half hours, and cannot be amended, but merely accepted or rejected as a whole. It is Her Majesty's Government's intention to provide time for debates in both Houses on this White Paper and the annexed draft Order before the draft Order is re-presented for approval by each House of Parliament under the affirmative procedure. Her Majesty's Government will take careful note of points raised in

1. Official Report: Volume 71, Number 43, Column 735; Volume 460, Number 46, Column 484.
2. Official Report: Volume 72, Number 56, Column 1069, Volume 460, Number 46, Column 503.

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those debates and will consider if these call for any changes to be made in the terms of the draft Order (which must of course be consistent with the Joint Declaration and the Hong Kong Act) before it is re-presented for approval.

3. Her Majesty's Government hope that the widest possible consideration will now be given to the proposals in the draft Order both in Hong Kong and in the United Kingdom. Accordingly they have arranged for this White Paper to be published simultaneously in Hong Kong. They intend to allow ample time for the public to make known their views before initiating the first debates in both Houses. To assist the process of public consideration paragraphs 4 to 7 outline the background to the provisions which the draft Order will put into effect, and paragraphs 8 to 33 provide a commentary on the draft Order itself.

Background

4. The Joint Declaration on the Question of Hong Kong was accompanied by an exchange of Memoranda between Her Majesty's Government and the Chinese Government setting out their respective positions as to the status of British Dependent Territories citizens (BDTCs) in Hong Kong and related issues (Cmnd 9352). Her Majesty's Government in their Memorandum state that all those who on 30 June 1997 are BDTCs by virtue of a connection with Hong Kong will cease to have that status with effect from 1 July 1997, and it will not be possible to acquire BDT citizenship by virtue of a connection with Hong Kong on or after 1 July 1997. But those who will lose BDT citizenship will be eligible to retain an appropriate status (not to be acquired by anyone born on or after 1 July 1997) which will enable them to continue to use British passports, provided that they hold or are included in such a passport before 1 July 1997 (or up to 31 December 1997 if born in the first six months of that year). Arrangements will be made for the renewal and replacement of those passports by United Kingdom Consular Officers, and for the holders of such passports to receive British Consular protection when in third countries.

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The Chinese Government in their Memorandum state that all Hong Kong Chinese compatriots, whether they are holders of the BDTc passport or not, are Chinese nationals. But taking account of the historical background of Hong Kong and its realities, the competent authorities of the Chinese Government will, with effect from 1 July 1997, permit Chinese nationals in Hong Kong who were previously BDTcs to use travel documents issued by the United Kingdom Government for the purpose of travelling to other states and regions.

5. It follows from the terms of the United Kingdom Memorandum that the status that Hong Kong BDTcs will be eligible to retain will not be transmissible to any subsequent generation and that only those people who are already BDTcs by virtue of a connection with Hong Kong on 30 June 1997 may retain it.

6. The Hong Kong Act sets out the framework within which the Order in Council will fit. The Act allows for provision to be made by Order in Council whereby BDT citizenship cannot be retained or acquired on or after 1 July 1997 by virtue of a connection with Hong Kong, and whereby BDTcs by virtue of any such connection may before that date (or up to 31 December 1997 for persons born in the first six months of that year) acquire a new form of British nationality. The holders of the new nationality will be known as British Nationals (Overseas)(BN(O)). The Hong Kong Act also provides that such an Order may, inter alia:

- provide that the new status may be held on or after 1 July 1997 only by people who are BDTcs on 30 June 1997;
- make provision for the avoidance of statelessness; and
- make such other consequential provisions as may be necessary for the purpose of the Order, including provisions amending the British Nationality Act 1981 and any other enactment.

The annexed draft Order in Council has been prepared within this framework.

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7. Once the Order in Council has been finally approved by Parliament, arrangements will be made for those eligible to become BN(0)s to apply, if they so wish, for that status, together with the passports in which the status will be recorded. These arrangements are outside the scope of the draft Order and are being considered separately between Her Majesty's Government and the Government of Hong Kong. They will be announced in due course.

Commentary on the provisions in the draft Order (1)

Citation, commencement and extent.

8. Article 1 sets out the title and commencement date of the Order and ensures that it forms part of the law of Northern Ireland, the Channel Islands, the Isle of Man and the Dependent Territories. Commencement should be no later than 1 July 1987 in order to continue the present practice of issuing passports which have a 10 year validity period. This arrangement will also give maximum time for the issuing authorities to cope with applications for BN(0) passports, and for third countries to grow accustomed to the new nationality status.

Connections with Hong Kong

9. Articles 2 and 3 should be read with the provisions of paragraph 2(1)(a) of the Schedule to the Hong Kong Act.

10. Article 2(1) defines BDTCs who are such by virtue of a connection with Hong Kong and who, unless they are also BDTCs by virtue of a separate connection with another dependent territory (see paragraph 19 below) will therefore lose their BDTC status on 1 July 1997 and be entitled to acquire BN(0) status. It encompasses all the Hong Kong BDTCs listed in Annex 2, although in fact the great majority (about 3.19 million) of the roughly 3½ million BDTCs in Hong Kong are BDTCs by birth, and about 53,000 are BDTCs by registration or naturalisation. The various categories covered by Article 2(1)(a) to 2(1)(f) are dealt with in paragraphs 11 to 16 below.

1. The text of the Order refers, where appropriate, only to the masculine gender (ie he, his). The Interpretation Act 1978 provides that words importing the masculine gender include the feminine, and vice versa. The normal practice in United Kingdom legislation is to refer to the masculine gender in all suitable cases. The Order should therefore be taken to include the feminine gender.

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11. Article 2(1)(a) concerns BDTCs born, naturalised or registered in Hong Kong, or found abandoned there as newborn infants, or their children. These persons are considered to have a sufficient connection with Hong Kong for the purposes of the Order. This is subject to a qualification only in relation to persons born in Hong Kong on or after 1 January 1983, because of the provisions for the acquisition of BDTC status by birth under the British Nationality Act 1981. Under that Act persons born in Hong Kong on or after 1 January 1983 are not BDTCs unless at the time of their birth either of their parents is settled in a dependent territory or is a BDTC. Consequently article 2(3) of the Order provides that a person born in Hong Kong after 1 January 1983 is not taken to have a connection with Hong Kong for the purposes of the Order, notwithstanding that he or she is born in Hong Kong, unless either parent is settled in Hong Kong or is a BDTC by virtue of a connection with Hong Kong. For example, a child born in Hong Kong on or after 1 January 1983 to parents who are BDTCs by virtue of a connection with Gibraltar and who are in Hong Kong temporarily will not lose his or her BDTC status in 1997 just because of his or her birth in Hong Kong (see paragraph 18 below).

12. Article 2(1)(b) concerns people who became BDTCs through adoption by parents who are Hong Kong BDTCs. This accords with the provision for acquisition of BDTC status by adoption under section 15(5) of the British Nationality Act 1981 whereby a child adopted in a Dependent Territory becomes a BDTC if the adopter or, in the case of joint adoption, one of the adopters is a BDTC. It follows that adoption in Hong Kong is not necessarily sufficient in itself to establish a connection with Hong Kong for the purposes of the Order. On the other hand, adoption in another dependent territory may in some circumstances establish such a connection. This article is therefore so framed as to ensure that a person is considered to have a connection with Hong Kong for the purposes of the Order if he or she is adopted by parents either of whom is a BDTC by virtue of a connection with Hong Kong, regardless of where the adoption actually took place.

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13. Article 2(1)(c) is concerned with people registered outside Hong Kong. Registration may have taken place outside Hong Kong on the basis of a connection with Hong Kong, particularly as certain of the provisions for registration contained in the British Nationality Act 1948 did not contain any residential qualifications. Examples of persons who come within Article 2(1)(c) are:

a) A child born and registered outside Hong Kong before 1 January 1983 under section 7(1) of the British Nationality Act 1948 (which provided for the registration of the minor children of citizens of the United Kingdom and Colonies (CUKCs)) where the mother was born in Hong Kong and the father was an alien; and

b) An alien woman registered outside Hong Kong before 1 January 1983 under section 6(2) of the British Nationality Act 1948 (which provided for the registration of the wives of CUKCs) on the basis of her marriage to a CUKC born in Hong Kong.

No similar provision is necessary for naturalisation outside Hong Kong because, generally speaking, naturalisation in any dependent territory is based on qualifying residence or service in that territory.

14. Article 2(1)(d) concerns people born in another dependent territory to parents settled in Hong Kong at the time of the birth. It is consistent with the provisions of section 15(1)(b) of the British Nationality Act 1981, whereby a person born in a Dependent Territory to a non-BDTC settled in a Dependent Territory acquires British Dependent Territories citizenship at birth. The term "settled" in a Dependent Territory is defined in section 50(2) of the British Nationality Act 1981 as "being ordinarily resident in ... that territory without being subject under the Immigration laws to any restriction on the period for which he might remain". A person settled in Hong Kong who leaves Hong Kong temporarily still remains settled in Hong Kong, and is therefore covered by this provision. Thus the child of a person settled in Hong Kong who is born in another dependent territory while his or her parents are temporarily absent from Hong Kong is regarded as having a connection with Hong Kong for the purposes of the Order. But the child born in another dependent territory of persons who have left Hong Kong permanently to

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settle elsewhere, and are therefore no longer settled in Hong Kong, is not regarded as having such a connection. If the parent in question is not only settled in Hong Kong but is also a Hong Kong BDTC, any children born outside Hong Kong will also be covered by one or more of the other provisions of Article 2(1).

15. Article 2(1)(e) refers to BDTCs who are such through a grandparental connection. This accords with section 23(1)(b) of the British Nationality Act 1981, which provides that a citizen of the United Kingdom and Colonies (CUKC) born to a person who was a CUKC by his or one of his parents birth, naturalisation or registration in a Dependent Territory became a BDTC on 1 January 1983.

16. Article 2(1)(f) refers to women who became BDTCs by marriage in the circumstances set out in section 23(1)(c) of the British Nationality Act 1981. This provides that a woman who was a CUKC immediately before 1 January 1983 became a BDTC on that date if she was then, or had at any time been, the wife of a man who became a BDTC on 1 January 1983, or who would have done so but for his death.

17. Article 2(2) defines the term registration in paragraph (1). Were the term "registered" to be left undefined there could be some doubt whether it included registration as a citizen of the United Kingdom and Colonies under the British Nationality Act 1948.

18. Article 2(3) provides that children born in Hong Kong on or after 1 January 1983 shall not be regarded as having a connection with Hong Kong if their parents were only there temporarily, or if neither of them was a Hong Kong BDTC. It accords with the way in which BDTC citizenship is acquired at birth under the British Nationality Act 1981. The same provision cannot be made for persons born before 1983: prior to 1983, birth in Hong Kong was in itself sufficient to confer citizenship of the United Kingdom and Colonies, and thus to establish a clear connection with Hong Kong irrespective of the nationality or immigration status of the parents.

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Loss of British Dependent Territories citizenship

19. Article 3 provides for those people identified under Article 2(1) as BDTCs by virtue of a connection with Hong Kong to lose that citizenship on 1 July 1997. But it does not affect those persons who can also establish an independent route to BDT citizenship by an exclusive connection with another Dependent Territory. Such people will retain their BDT citizenship. Examples are:

- a) a person born after 1 January 1983 in Bangkok to a father who was born in Hong Kong and a mother who was born in Gibraltar; and
- b) a child jointly adopted after 1 January 1983 in Bermuda where the mother is a BDTC by virtue of birth in Hong Kong, and the father is a BDTC by virtue of birth in Bermuda.

Right to acquire new status of British National (Overseas).

20. Article 4(1) specifies the date on which BN(0) status will come into being. For the reasons explained in paragraph 8 above it is intended that it should be introduced 10 years before 1 July 1997.

21. Article 4(2) enables Hong Kong BDTCs who will lose that citizenship on 1 July 1997 to have an entitlement to acquire BN(0) status and to hold or be included in a passport appropriate to that status. The reference to passports is consistent with the terms of the United Kingdom Memorandum (see paragraph 4 above).

22. Article 4(3) accords with the terms of the United Kingdom Memorandum. In order to be eligible to acquire BN(0) status a person must be a British Dependent Territories citizen on 30 June 1997. A person who acquires BN(0) status and who subsequently renounces or is deprived of BDTC status before 30 June 1997 will not meet this requirement, and thus cannot retain BN(0) status beyond that date. This Article therefore provides for BN(0) status to be lost at the same time as the renunciation or deprivation of BDTC status if this is done before July 1997.

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Removal of Hong Kong from list of Dependent Territories

23. Article 5 deletes Hong Kong from the list of British Dependent Territories in Schedule 6 to the British Nationality Act 1981 as from 1 July 1997.

Provisions for reducing statelessness

24. Article 6 sets out the provisions proposed during the debates on the Hong Kong Bill for avoiding or reducing statelessness. The underlying principle is that no one who loses BDTC status as a result of the Order (hereafter "former BDTC") nor any child born on or after 1 July 1997 to such a person, should be stateless as a result of the Joint Declaration. This principle was extended in the Committee stage of the Hong Kong Bill in the House of Lords to the grandchildren of former BDTCs if they are born stateless (1). The provisions in respect of these grandchildren parallel those of section 17(2) and (3) of the British Nationality Act 1981. These provide that a child born stateless outside the Dependent Territories is entitled to be registered as a BDTC if an application is made within 12 months of the birth and if:

- a) his or her mother or father ("the parent in question") was a BDTC by descent at the time of the birth and
- b) the father or mother of the parent in question was a BDTC otherwise than by descent at the time of the birth of the parent in question, or became such a BDTC on 1 January 1983, or would have done so but for his or her death.

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25. Article 6(1) provides that those Hong Kong BDTCs who have not acquired BN(0) status, for whatever reason, should automatically acquire British Overseas citizenship (BOC) on 1 July 1997 if they would otherwise be stateless. In addition it makes similar provision for persons who cease to be BN(0)s on 1 July 1997 under Article 4(3), if they too would otherwise be stateless.

26. Article 6(2) confers British Overseas citizenship automatically at birth on children born on or after 1 July 1997 to former Hong Kong BDTCs if those children would otherwise be stateless. It covers such children both of Hong Kong BDTCs who became BN(0)s, and of those who failed to acquire BN(0) status, and who themselves became BOCs under Article 6(1).

27. Article 6(3) and (4) fulfil Her Majesty's Government's commitments to grandchildren born after 1 July 1997, of former Hong Kong BDTCs if the grandchildren are born stateless. It was proposed during the passage of the Hong Kong Bill that the automatic provisions made for the first generation should not apply to the second generation, but that they should have an entitlement to registration as BOCs parallel to the entitlement to registration as BDTCs provided by sections 17(2) and (3) of the British Nationality Act 1981, which are described in paragraph 24 above.

28. Article 6(5) qualifies Article 6(3) to the extent that section 17(4) of the British Nationality Act 1981 qualifies section 17(2). That is to say, it empowers the Secretary of State to accept an application within 6 years rather than 12 months of birth, if he thinks fit in the special circumstances of any particular case.

Amendments to British Nationality Act 1981

29. Article 7 sets out the amendments which will be necessary to the 1981 Act.

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30. Article 7(2) includes BN(0)s in the categories of those eligible to apply for registration as British citizens under section 4 of the British Nationality Act 1981.

31. Article 7(3) provides that BN(0)s will remain Commonwealth citizens in line with other British nationals.

32. Article 7(4) - 7(12) encompasses all the other amendments which will be necessary to the British Nationality Act 1981 and to the British Nationality (Falkland Islands) Act 1983. In particular, Article 7(4)(d) ensures that no fee will be charged for registration as a BN(0).

Consequential amendments

33. Article 8 relates to the various consequential amendments to the other enactments set out in the Schedule to the Order.

Conclusion

34. Her Majesty's Government hope that the early publication of the annexed draft Order will provide the basis for informed discussion of its provisions, and that the interested public - in particular Hong Kong BDTCs - will make their views known before the forthcoming Parliamentary debates.

DRAFT HONG KONG (BRITISH NATIONALITY) ORDER

ARRANGEMENT OF ARTICLES

1. Citation, commencement and extent.
 2. Connections with Hong Kong.
 3. Loss of British Dependent Territories citizenship.
 4. Right to acquire new status of British National (Overseas).
 5. Removal of Hong Kong from list of dependent territories.
 6. Provisions for reducing statelessness.
 7. British Nationality Acts.
 8. Consequential amendments.
- Schedule: Consequential amendments.

CONFIDENTIAL**DRAFT HONG KONG (BRITISH NATIONALITY) ORDER****Citation, commencement and extent**

1.-(1) This Order may be cited as the Hong Kong (British Nationality) Order 1986 and shall come into operation on 1st July 1987.

(2) This Order extends to Northern Ireland.

(3) This Order extends to the Channel Islands and the Isle of Man and to all dependent territories.

Connections with Hong Kong

2.-(1) For the purposes of this Order a person shall be taken to have a connection with Hong Kong if -

- (a) subject to paragraph (3) below, he, his father or his mother was born, naturalised or registered in Hong Kong or found abandoned there as a newborn infant; or
- (b) he, his father or his mother was adopted (whether or not in Hong Kong) and the adopter or, in the case of a joint adoption, one of the adopters was at the time of the adoption a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Article; or
- (c) he, his father or his mother was registered outside Hong Kong on an application based (wholly or partly) on any of the following:-
 - (i) residence in Hong Kong;
 - (ii) descent from a person born in Hong Kong;
 - (iii) descent from a person naturalised, registered or settled in Hong Kong

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- (whether before or after the birth of the person registered);
- (iv) descent from a person adopted (whether or not in Hong Kong) in the circumstances specified in subparagraph (b) above;
- (v) marriage to a person who is a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Article or would have been so but for his death or renunciation of citizenship;
- (vi) Crown service under the government of Hong Kong;
- (vii) where citizenship has been renounced and subsequently resumed, birth, naturalisation or registration in Hong Kong; or
- (d) at the time of his birth his father or mother was settled in Hong Kong; or
- (e) his father or mother was born to a parent who at the time of the birth was a citizen of the United Kingdom and Colonies by virtue of his having a connection with Hong Kong as specified in this Article; or

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- (f) being a woman, she was married before 1st January 1983 to a person who is a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Article or would have been so but for his death.

(2) In paragraph (1) above "registered" means registered as a British Dependent Territories citizen or, before 1st January 1983, as a citizen of the United Kingdom and Colonies.

(3) A person born in Hong Kong on or after 1st January 1983 shall not be taken to have a connection with Hong Kong under paragraph (1)(a) above by virtue of his birth there unless, at the time of his birth, one of his parents was -

- (a) settled in Hong Kong; or
- (b) a British Dependent Territories citizen by virtue of his having a connection with Hong Kong as specified in this Article.

Loss of British Dependent Territories citizenship

3. Any person who, immediately before 1st July 1997 -

- (a) is a British Dependent Territories citizen by virtue (wholly or partly) of his having a connection with Hong Kong; and
- (b) but for his having a connection with Hong Kong would not be a British Dependent Territories citizen,

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shall on that date cease to be such a citizen.

Right to acquire new status of British National (Overseas)

4.-(1) On and after 1st July 1987 there shall be a new form of British nationality the holders of which shall be known as British Nationals (Overseas).

(2) Any person who is a British Dependent Territories citizen by virtue (wholly or partly) of his having a connection with Hong Kong and who, but for his having a connection with Hong Kong, would not be such a citizen shall be entitled, before 1st July 1997 (or before the end of 1997 if born in that year before that date), to be registered as a British National (Overseas) and to hold or be included in a passport appropriate to that status.

(3) Any person who, having become a British National (Overseas) by virtue of paragraph (2) above, ceases at any time before 1st July 1997 to be a British Dependent Territories citizen shall at the same time cease to be a British National (Overseas).

Removal of Hong Kong from list of dependent territories

5. On and after 1st July 1997 the British Nationality Act 1981^(a) shall have effect as if in Schedule 6 to that Act (British Dependent Territories) the words "Hong Kong" were omitted.

Provisions for reducing statelessness

6.-(1) Where a person ceases on 1st July 1997 by virtue of Article 3 to be a British Dependent Territories citizen and would, but for this paragraph, thereby be rendered stateless, he shall become on that date a British Overseas citizen.

(a) 1981 c.61.

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(2) Where a person born on or after 1st July 1997 would, but for this paragraph, be born stateless, then, if at the time of the birth his father or mother is a British National (Overseas) or a British Overseas citizen by virtue of paragraph (1) above, he shall be a British Overseas citizen.

(3) A person born stateless on or after 1st July 1997 outside the dependent territories shall be entitled, on an application for his registration as a British Overseas citizen made within the period of twelve months from the date of the birth, to be registered as such a citizen if the requirements specified in paragraph (4) below are fulfilled in the case of either that person's father or his mother ("the parent in question").

(4) The requirements referred to in paragraph (3) above are -

- (a) that the parent in question was a British Overseas citizen by virtue of paragraph (2) above at the time of the birth; and
- (b) that the father or mother of the parent in question was, immediately before 1st July 1997, a British Dependent Territories citizen otherwise than by descent by virtue of having a connection with Hong Kong or would have been so but for his or her death.

(5) If in the special circumstances of any particular case the Secretary of State thinks fit, he may treat paragraph (3) above as if the reference to twelve months were a reference to six years.

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British Nationality Acts

7.-(1) The British Nationality Act 1981^(a) ("the 1981 Act") and the British Nationality (Falkland Islands) Act 1983^(b) ("the 1983 Act") shall have effect subject to the following provisions of this Article.

(2) Section 4(1) of the 1981 Act (acquisition by registration: British Dependent Territories citizens, etc.) shall have effect as if after the words "British Dependent Territories citizen," there were inserted the words "a British National (Overseas),".

(3) Section 37 of the 1981 Act (Commonwealth citizenship) shall have effect as if in subsection (1)(a) -

- (a) the reference to the 1981 Act included a reference to this Order;
- (b) after the words "British Dependent Territories citizen," there were inserted the words "a British National (Overseas),".

(4) Section 41 of the 1981 Act (regulations and Orders in Council) shall have effect as if -

- (a) any reference in it to the 1981 Act included a reference to this Order;
- (b) in subsection (1)(f) after the word "citizenship" there were inserted the words "or of the status of a British National (Overseas)";
- (c) in subsection (1)(i) after the words "British Dependent Territories citizens," there were inserted the words "British Nationals (Overseas),";

(a) 1981 c.61.

(b) 1983 c.6.

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(d) in subsection (2) -

(i) at the end of paragraph (a) there were inserted the words "other than an application for the purpose of acquiring the status of a British National (Overseas)";

(ii) at the end of paragraph (b) there were inserted the words "other than registration as a British National (Overseas)".

(5) Section 42 of the 1981 Act (registration and naturalisation: general provisions) shall have effect as if -

(a) in subsection (2)(b) after the words "British Dependent Territories citizen," there were inserted the words "a British National (Overseas),";

(b) in subsection (4) -

(i) the reference to the 1981 Act included a reference to this Order;

(ii) after the words "British Dependent Territories citizen" there were inserted the words ", or as a British National (Overseas),";

(iii) after the words "as the case may be," there were inserted the words "a British National (Overseas) or".

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(6) Section 43 of the 1981 Act (exercise of functions of Secretary of State by Governors and others) shall have effect as if -

- (a) any reference in it to the 1981 Act included a reference to this Order;
- (b) in subsection (1)(b) at the end there were inserted the words "and in cases concerning British Nationals (Overseas) or the status of a British National (Overseas)";
- (c) in subsection (2) at the end there were inserted the following paragraph -

"(c) renunciation and deprivation of the status of a British National (Overseas).".

(7) The following provisions of the 1981 Act shall have effect as if any reference in them to the 1981 Act included a reference to this Order, namely -

- (a) section 45 (evidence);
- (b) section 46(1) (offences);
- (c) sections 47 and 48 (legitimated and posthumous children).

(8) Section 50 of the 1981 Act (interpretation) shall have effect as if in paragraph (1) after the definition of "association" there were inserted the following definitions:-

"British National (Overseas)" means a person who is a British National (Overseas) under the Hong Kong (British Nationality) Order 1986, and "status of a British National (Overseas)" shall be construed accordingly;

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"British Overseas citizen" includes a person who is a British Overseas citizen under the Hong Kong (British Nationality) Order 1986.

(9) Section 51 of the 1981 Act (meaning of certain expressions relating to nationality in other Acts and instruments) shall have effect as if in subsection (3) -

(a) at the end of paragraph (a)(ii) there were inserted the words "or who under the Hong Kong (British Nationality) Order 1986 is a British National (Overseas)";

(b) in paragraph (b) after the words "British Dependent Territories citizen" there were inserted the words "nor a British National (Overseas)".

(10) The provisions of section 12 of the 1981 Act (renunciation) shall apply in relation to British Nationals (Overseas) and the status of a British National (Overseas) as they apply in relation to British citizens and British citizenship.

(11) The provisions of section 40 of the 1981 Act (deprivation of British citizenship) shall apply in relation to persons registered as British Nationals (Overseas) under this Order and the status of a British National (Overseas) as they apply in relation to persons registered as British citizens under the 1981 Act and British citizenship.

(12) Section 2 of the 1983 Act (acquisition of British citizenship by registration) shall have effect as if -

(a) in subsection (1)(a) at the end there were inserted the words "or who, having become such a citizen by virtue of that section, is a British National (Overseas)";

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- (b) in subsection (2)(a) at the end there were inserted the words "or who, having become such a citizen by virtue of registration or naturalisation under the 1981 Act, is a British National (Overseas)".

Consequential amendments

8. The enactments specified in the Schedule to this Order shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Order.

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CONSEQUENTIAL AMENDMENTS

WEST INDIES ACT 1967^(a)

1. In section 13(3) (power to make changes in nationality or citizenship law in certain events), after "British Dependent Territories citizens" insert ", British Nationals (Overseas)".

2. In Schedule 3 (modifications of British Nationality Acts), in paragraph 5 after "status of" insert "British National (Overseas) or".

MARINE ETC BROADCASTING (OFFENCES) ACT 1967^(b)

In section 3(3) (persons prohibited from broadcasting whilst on or over high seas), after "British Dependent Territories citizen" insert ", a British National (Overseas)".

ANTARCTIC TREATY ACT 1967^(c)

In section 1(3) (persons prohibited from harming Antarctic flora and fauna), after "British Dependent Territories citizen" insert ", a British National (Overseas)".

CONSULAR RELATIONS ACT 1968^(d)

In section 1(2) (meaning of certain terms in Schedule 1), after "British Dependent Territories citizen" insert ", a British National (Overseas)".

-
- (a) 1967 c.4; section 13(3) and Schedule 3 were amended by the British Nationality Act 1981, Schedule 7.
(b) 1967 c.41; section 3(3) was amended by the British Nationality Act 1981, Schedule 7.
(c) 1967 c.65; section 1(3) was amended by the British Nationality Act 1981, Schedule 7.
(d) 1968 c.18; section 1(2) was amended by the British Nationality Act 1981, Schedule 7.

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CHILDREN ACT 1975^(a)

1. In Part II of Schedule 1 (adoption orders), after "British Dependent Territories citizenship" insert ", the status of a British National (Overseas)".

2. In Schedule 2 (status conferred in Scotland by adoption), after "British Dependent Territories citizenship" insert ", the status of a British National (Overseas)".

ADOPTION ACT 1976^(b)

In section 47(2) (nationality enactments), after "British Dependent Territories citizenship" insert ", the status of a British National (Overseas)".

ADOPTION (SCOTLAND) ACT 1978^(c)

In section 41(2) (nationality enactments), after "British Dependent Territories citizenship" insert ", the status of a British National (Overseas)".

STATE IMMUNITY ACT 1978^(d)

In section 4(5) (definition of "national of the United Kingdom"), after "British Dependent Territories citizen" insert ", a British National (Overseas)".

DEEP SEA MINING (TEMPORARY PROVISIONS) ACT 1981^(e)

1. In section 1(6) (meaning of certain terms in section 1), after "British Dependent Territories citizen" insert ", a British National (Overseas)".

-
- (a) 1975 c.72; Schedules 1 and 2 were amended by the British Nationality Act 1981, Schedule 7.
 - (b) 1976 c.36; section 47(2) was amended by the British Nationality Act 1981, Schedule 7.
 - (c) 1978 c.28; section 41(2) was amended by the British Nationality Act 1981, Schedule 7.
 - (d) 1978 c.33; section 4(5) was amended by the British Nationality Act 1981, Schedule 7.
 - (e) 1981 c.53; sections 1(6) and 14(3) were amended by the British Nationality Act 1981, Schedule 7.

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2. In section 4(3) (persons who may be guilty of offences under regulations), after "British Dependent Territories citizen" insert ", a British National (Overseas)".

CIVIL AVIATION ACT 1982^(a)

In section 105(1) (general interpretation), in the definition of "United Kingdom national" after "a British Dependent Territories citizen" insert ", a British National (Overseas)".

AVIATION SECURITY ACT 1982^(b)

In section 38(1) (interpretation, etc.), in the definition of "United Kingdom national" after "British Dependent Territories citizen" insert ", a British National (Overseas)".

CAPITAL TRANSFER TAX ACT 1984^(c)

In section 155(1) (visiting forces, etc.), after "British Dependent Territories citizen" insert ", a British National (Overseas)".

COMPANY SECURITIES (INSIDER DEALING) ACT 1985^(d)

In section 15(3) (expressions used in section 6), after "British Dependent Territories citizens" insert ", British Nationals (Overseas)".

(a) 1982 c.16.
(c) 1984 c.51.

(b) 1982 c.36.
(d) 1985 c.8.

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PERSONS WHO ARE BRITISH DEPENDENT TERRITORIES CITIZENS (BDTCs) BY
VIRTUE OF A CONNECTION WITH HONG KONG

(References throughout are to the relevant section of or schedule to the British Nationality (BN) Act 1981).

A. Those citizens of the UK and Colonies (CUKCs) who became BDTCs
on 1 January 1983 by reason of a connection with Hong Kong

Reference to
Article 2(1) of
the draft Order

- | | | | | | |
|--|---|--|---|---|---|
| 2(1)(a) | 1. A CUKC born in Hong Kong; S.23(1)(a). | | | | |
| 2(1)(a) | 2. A CUKC born to a parent who at the time of birth was a CUKC by his birth, naturalisation or registration in Hong Kong; S.23(1)(b). | | | | |
| 2(1)(a) | 3. A CUKC found abandoned and deemed to have been born in Hong Kong under section 2(2) of the BN(No 2) Act 1964; S.23(1)(a). | | | | |
| 2(1)(a) | 4. A CUKC by naturalisation in Hong Kong; S.23(1)(a). | | | | |
| 2(1)(a) | 5. A CUKC by registration in Hong Kong under: <table border="0" style="margin-left: 40px; width: 80%;"> <tr> <td style="padding-top: 10px;">a) Section 5A(2) of the BN Act 1948 (Commonwealth citizenship and ordinary residence or relevant employment; S.23(1)(a).</td> </tr> <tr> <td style="padding-top: 10px;">b) Section 6(1) of the BN Act 1948 (ordinary residence or Crown service); S.23(1)(a).</td> </tr> <tr> <td style="padding-top: 10px;">c) Section 6(2) of the BN Act 1948 (marriage to a man who had at any time been a CUKC); S.23(1)(a), S.23(1)(c).</td> </tr> <tr> <td style="padding-top: 10px;">d) Section 7 of the BN Act 1948 (registration of minors); S.23(1)(a).</td> </tr> </table> | a) Section 5A(2) of the BN Act 1948 (Commonwealth citizenship and ordinary residence or relevant employment; S.23(1)(a). | b) Section 6(1) of the BN Act 1948 (ordinary residence or Crown service); S.23(1)(a). | c) Section 6(2) of the BN Act 1948 (marriage to a man who had at any time been a CUKC); S.23(1)(a), S.23(1)(c). | d) Section 7 of the BN Act 1948 (registration of minors); S.23(1)(a). |
| a) Section 5A(2) of the BN Act 1948 (Commonwealth citizenship and ordinary residence or relevant employment; S.23(1)(a). | | | | | |
| b) Section 6(1) of the BN Act 1948 (ordinary residence or Crown service); S.23(1)(a). | | | | | |
| c) Section 6(2) of the BN Act 1948 (marriage to a man who had at any time been a CUKC); S.23(1)(a), S.23(1)(c). | | | | | |
| d) Section 7 of the BN Act 1948 (registration of minors); S.23(1)(a). | | | | | |

e) Section 1 of the BN Act 1964 (resumption of citizenship);
S.23(1)(a).

f) Section 12(6) of the BN Act 1948 as amended by section
3(1)(b)(iii) of the BN Act 1958 (descent in the male line
from a CUKC born or naturalised in the UK and Colonies);
S.23(3).

g) Section 1 of the BN(No 2) Act 1964 (stateless persons);
S.23(1)(a).

6. A CUKC by registration outside Hong Kong under:

2(1)(c)(i)(vi) a) Section 5A(2) of the BN Act 1948 (Commonwealth citizenship
and ordinary residence or relevant employment); S.23(1)(a).

2(1)(c)(i)(vi) b) Section 6(1) of the BN Act 1948 (ordinary residence or Crown
Service); S.23(1)(a).
on the grounds of ordinary residence in Hong Kong, relevant
employment or Crown Service under the Hong Kong Government, as
the case may be.

2(1)(c)(v) 7. A CUKC by registration outside Hong Kong under Section 6(2) of
the BN Act 1948 where the husband was a CUKC through a
connection with Hong Kong as specified in Article 2(1) of the
draft Order; S.23(1)(c).

2(1)(c)(ii)
2(1)(c)(iii) 8. A CUKC by registration outside Hong Kong under section 7(1) of
the BN Act 1948 who had a parent who was a CUKC at the time of
registration and became a BDTC, or would have done so but for
his or her death, by reason of his or his father's birth,
naturalisation or registration in Hong Kong; S. 23(2).

2(1)(c)(ii)
2(1)(c)(iii) 9. A CUKC by registration outside Hong Kong under section 1 of the
BN (No 2) Act 1964 whose mother was a CUKC at the time of
registration and became a BDTC, or would have done so but for
her death, by reason of her or her father's birth, registration
or naturalisation in Hong Kong; S.23(2).

2(1)(c)(ii) 10. A CUKC registered outside Hong Kong under section 12(6) of the
2(1)(c)(iii) BN Act 1948 as amended by section 3(1)(b)(iii) of the BN Act
1958 by virtue of descent in the male line from a person born or
naturalised in Hong Kong; S.23(3).

2(1)(c)(ii) 11. A CUKC registered outside Hong Kong under section 1 of the BN
2(1)(c)(iii) Act 1964 (resumption) by virtue of a qualifying connection with
2(1)(c)(v) Hong Kong, or, if a woman, by virtue of having been married to a
man who had such a connection; S.23(4).

(A person has a qualifying connection with Hong Kong for the
purposes of this section if he, his father or father's father
was born, registered or naturalised in Hong Kong).

2(1)(e) 12. A CUKC born to a parent who at the time of the birth was a CUKC
and was himself born to a CUKC by birth, naturalisation or
registration in Hong Kong; S.23(1)(b).

2(1)(e) 13. A child who was a CUKC by descent under section 5(1)(b) of the
BN Act 1948 by reason of his birth being registered at a UK
Consulate and had a grandparent who was a CUKC by reason of
birth, naturalisation or registration in Hong Kong; S.23(1)(b).

2(1)(f) 14. A woman who was married before 1 January 1983 to a person who is
a BDTC by virtue of a connection with Hong Kong as specified in
Article 2 of the draft Order or would have been so but for his
death; S.23(1)(c).

B. Those who became BTDCs on or after 1 January 1983 by reason of a
connection with Hong Kong

2(1)(a) 1. A person born in Hong Kong to a parent who was at the time of
2(1)(d) the birth a BDTC by birth, registration or naturalisation in
Hong Kong, or who was settled in Hong Kong; S.15(1).

2(1)(a) 2. A person found abandoned in Hong Kong as a new-born infant;
S.15(2).

- 2(1)(a) 3. A person naturalised in Hong Kong; S.18(1), S.18(2).
- 2(1)(a) 4. A person born in Hong Kong and registered as a BDTC by reason of
2(1)(c)(ii)(iii) a parent becoming settled in Hong Kong or registered or
naturalised in Hong Kong; S.15(3).
- 2(1)(a) 5. A person born in Hong Kong and registered as a BDTC by reason of
2(1)(c)(i) residence in Hong Kong for the first ten years of his/her life;
S.15(4).
- 2(1)(a) 6. A person registered in Hong Kong as a BDTC whilst a minor under:
a) section 17(1) (Secretary of State's discretion);
b) section 17(2) (entitlement within 12 months of birth
outside the dependent territories if certain residence or
other requirements are met); and
c) section 17(5) and (6) (entitlement after 3 years residence
in a dependent territory if born to a BDTC by descent).
- 2(1)(a) 7. A person registered as a BDTC on an application based on the
2(1)(c)(i) grounds of ordinary residence in Hong Kong since 1 January 1973;
S.19.
- 2(1)(a) 8. A woman registered as a BDTC on an application made within five
2(1)(c)(v) years after commencement on the grounds that immediately before
1 January 1983 she would, had she applied for it, have been
entitled to registration as a CUKC under section 6(2) by virtue
of:
- a) her marriage to a man who was then her husband and who
became on 1 January 1983 a BDTC by virtue of any of serial A
1-13 above, provided that he had not renounced BDTC up to
the date of application, and they remained married
throughout the period; S.20(1).
- b) having been married to a man she was no longer married to on
the date of application, and who became, or would but for
his death have become, a BDTC by virtue of any of serial A
1-13 above; S.20(2).

c) being married to a man who was her husband on the date of application and who either became a BDTC on 1 January 1983 by virtue of any of serial A 1-13 above but who had renounced BDTC; or who would have become such a BDTC but for his having renounced CUKC; S.20(3).

2(1)(a) 9. A person born in a foreign country within 5 years of the
2(1)(c)(ii,iii) commencement of the BN Act 1981 and registered as a BDTC on an application made within 12 months of the birth, and whose grandfather was born, naturalised or registered in Hong Kong; S.21.

2(1)(a) 10. A person registered as a BDTC on the grounds that immediately
2(1)(c)(ii,iii,v) before 1 January 1983 he would, had he applied, have been entitled to register under section 1 of the BN Act 1964 (resumption) as a CUKC by virtue of having an appropriate qualifying connection with Hong Kong, or, if a woman, by virtue of having been married before 1 January 1983 to a person who has, or would if living, have had such a connection; S.22(1).

(A person has a qualifying connection with Hong Kong for the purposes of this section if he, his father or father's father was born, registered or naturalised in Hong Kong).

2(1)(a) 11. A person registered as a BDTC on the grounds that he had before
2(1)(c) 1 January 1983 ceased to be a CUKC as the result of a
(ii,iii,v,vii) declaration of renunciation and had an appropriate qualifying connection with Hong Kong, or, if a woman, by virtue of having been married before 1 January 1983 to a person who has, or would if living, have had such a connection; S.22(2).

(A person has a qualifying connection with Hong Kong if he, his father or father's father was born, registered or naturalised in Hong Kong).

2(1)(a) 12. A person born on or after 1 January 1983 outside the United
2(1)(c)(ii,iii,vi) Kingdom and dependent territories who is stateless and registered as a BDTC on the grounds that at the time of birth his father or mother was a BDTC by virtue of a connection with Hong Kong as set out in Article 2(1) of the draft Order; Schedule 2, paragraph 4.

- 2(1)(a) 13. A person born in Hong Kong on or after 1 January 1983 who was
2(1)(c)(i) stateless and was registered as a BDTC on the grounds of
residence in Hong Kong; Schedule 2, paragraph 3.
- 2(1)(a) 14. A person born outside Hong Kong before 1 January 1983 and
2(1)(c)(ii,iii,vi) registered as a BDTC on the grounds that if section 1 of the BN
(No 2) Act 1964 had been in force he would have been entitled to
be registered as a CUKC and whose mother became or would but for
her death have become a BDTC by reason of birth, naturalisation
or registration in Hong Kong; Schedule 2, paragraph 5.
- 2(1)(b) 15. A person adopted, whether or not in Hong Kong, and the adopter
or one of the adopters is a BDTC on the date of the adoption
order by virtue of a connection with Hong Kong as set out in
Article 2(1) of the draft Order; S.15(5).
- 2(1)(d) 16. A person born in the dependent territories outside Hong Kong to
a parent who was at the time of birth settled in Hong Kong, or
who was a BDTC by virtue of a connection with Hong Kong as set
out in Article 2(1) of the draft Order; S.15(1).
- 2(1)(a) 17. A person born outside the Dependent Territories to a
2(1)(b) parent who is a BDTC otherwise than by descent by reason of
birth, adoption, naturalisation or registration in Hong Kong;
S.16.
- 2(1)(a) 18. A person who was a BDTC by virtue of a connection with Hong Kong
2(1)(c) as set out in Article 2(1) of the draft Order and who had ceased
(ii,iii,vi,vii) to be a BDTC as the result of a declaration of renunciation of
BDT citizenship, but subsequently registered as a BDTC; S.24.
- 2(1)(a) 19. A person born in the United Kingdom on or after 1 January 1983,
who is a BDTC on the grounds that he would otherwise be
stateless and one of his parents is a BDTC by virtue of a
connection with Hong Kong as set out in Article 2(1) of the
draft Order; Schedule 2, paragraph 1.

NOTE

In serials B1, B6(c), B8, B14 and B17 above reference to a person who was a BDTC at the time of his or her child's birth should be taken to include persons who would have been such but for their death.

201

18/5/2

C

Mr Moore
for advice please



BICO plc

P.O. Box 5 . 21 Bloomsbury Street . London WC1B 3QN . England

Telephone: 01-637 1300 - Telex: 23463 & 28624 - Telegraphic Address: Bicalbest London WC1

The Lord Pennock
Chairman

Your Ref:

Our Ref:

Sir Brian Cubbon
Permanent Secretary
The Home Office
50 Queen Anne Gate
London SW1

16 May 1984

PERMANENT UNDER
RECEIVED
17 MAY 1984
SECRETARY OF STATE

Who might
this - who
are we -
the / from
BIC

Dear Brian,

After our discussion at Sunningdale I promised to send you a copy of the letter I received about Bill Stones' problem in Hong Kong. If you could advise me roughly along the lines we discussed it would be of great help.

I hope you enjoyed the weekend, it is always a tonic for the industrialists.

Lucy,

Sunningdale.

China Light & Power Company, Limited

147 Argyle Street, Kowloon, Hong Kong

Tel. 3-7111386 3-7115111

Telex 44488 Light HK

1st May, 1984

RECEIVED

- 8 MAY 1984

BY
THE LORD PENNOCK

PRIVATE & CONFIDENTIAL

Lord Pennock
Chairman
BICC Limited
P. O. Box 5
21 Bloomsbury Street
London WC1B 3QN
England

Dear Ray,

You will no doubt recall the discussion I had with you regarding the very important part played by two of my Chinese Engineers in my negotiations with Senior Chinese Officials on our Joint Venture Nuclear Power Station. Whilst a considerable amount of work remains to be done I have little doubt, that GEC will be given the order for the two 975 MW Conventional Islands. This export is of great significance not only to GEC but also to U.K., since this will be China's largest Joint Venture and their first Commercial Nuclear Power Station.

Without the assistance and support of my two colleagues who have no U.K. passports and have to travel in and out of China on a Certificate of Identity and or Hong Kong Passport success would be impossible. They are always at risk in China, especially when this involves them in arguing my case with such important people as Vice Premiers and Vice Ministers of China. You can well imagine the anxieties they have under such circumstances.

We as a team have opened up China to a lot of U.K. trade and despite this I have to seek visas for them to accompany me on business trips to Britain.

Naturally they are disturbed by the recent statements made in Hong Kong by Sir Geoffrey Howe on the territories administration after 1997. Their greatest concern is for the future of their families.

A U.K. passport would not only give them greater confidence when negotiating in China, but would also permit them to stay in Hong Kong as long as conditions are reasonable and at the same time allow them to emigrate to other countries if the environment changes adversely.

.../2

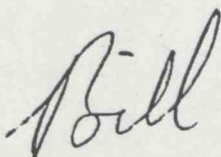
Lord Pennock
Page 2
1st May, 1984

I would be most grateful if you would pursue your suggestion of bringing this matter to the attention of the Right Honourable the Viscount Whitelaw.

In anticipation I attach personal details of my two colleagues.

Look forward to seeing you in mid May.

Yours sincerely,

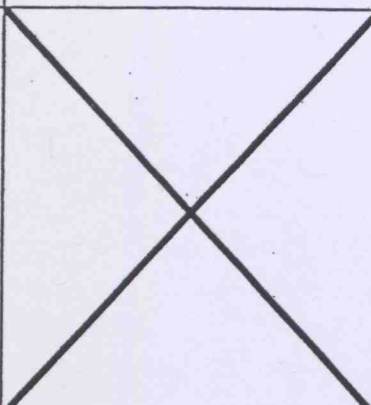
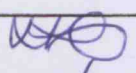
A handwritten signature in cursive script, appearing to read "Bill".

W. F. Stones

WFS/bw

Attach.

The National Archives

DEPARTMENT/SERIES <u>PRGM 19</u> PIECE/ITEM <u>1798</u> (one piece/item number)	Date and sign
Extract details: <u>ATTACHMENT TO LETTER</u> <u>WF STONES TO LORD PENNOCK</u> <u>DATED 1 MAY 1984</u>	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	 <u>14/12/2016</u>
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.

This should be an indication of what the extract is,

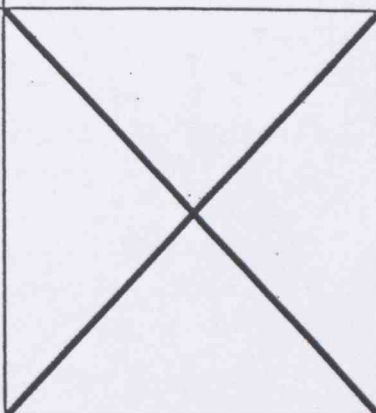
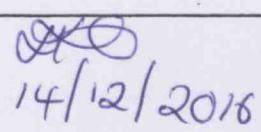
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.

Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

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The National Archives

DEPARTMENT/SERIES <i>prem 19</i> PIECE/ITEM <i>1798.</i> (one piece/item number)	Date and sign
Extract details: <i>DAVID BARCLAY TO HUGH TAYLOR INC ATTACHMENTS DATED 31 DECEMBER 1984</i>	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	 <i>14/12/2016</i>
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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.