

FCS/86/032COP  
072SECRETARY OF STATE FOR THE HOME DEPARTMENTHong Kong Nationality Order in Council

Thank you for your letter of 31 January.

I am grateful for your agreement to look carefully at the requests made by the Hong Kong Legislative Council. It is indeed of great importance that we carry Hong Kong opinion with us on this, so far as is possible.

My officials are in contact with yours about the wording of a possible endorsement in the BN(O) passport. We were most grateful for your department's agreement to the line taken by Tim Renton at his press conference in Hong Kong, which indicated acceptance of the principle of an endorsement subject to finding suitable wording. This has done a certain amount to calm sentiment in Hong Kong : but public opinion there will be waiting very anxiously for an eventual decision on the wording.

Hong Kong officials have now visited the UK and provided your officials with further information on the non-Chinese BDTCs and ex-servicemen. I fully accept that these requests present great difficulties. However it is also true that feelings in Parliament are strong on both issues.

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I would certainly like David Waddington to be very positive about the likely international acceptability of BN(O) passports during the next Parliamentary debate on the Order. We clearly cannot make formal approaches to third countries until Parliament has passed the necessary legislation, but we are committed to making every effort thereafter to ensure that BN(O)s have the same rights of access as are currently enjoyed by Hong Kong BDTCs. I think that this is now generally understood in Hong Kong but we will provide further briefing for David Waddington emphasising this before the next debate.

I look forward to hearing your further conclusions on all these points.

I am copying this minute to the Prime Minister, to members of OD(K), John Wakeham, Bertie Denham, and to Sir Robert Armstrong.

GEOFFREY HOWE

FOREIGN AND COMMONWEALTH OFFICE  
10 February 1986

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QUEEN ANNE'S GATE LONDON SW1H 9AT

31 January 1986

Dear Geoffrey,

CDP 31/1

HONG KONG NATIONALITY ORDER IN COUNCIL

Thank you for your minute of 22 January <sup>at 11.45</sup> about the impact in Hong Kong of the debates on the draft nationality Order.

I share your concern. We must do everything we reasonably can to secure the Order in March and to take Hong Kong with us. We do not want to weaken the credit which we have rightly earned through negotiating the agreement; and I fully recognise the need to keep Hong Kong's co-operation and good will for the years ahead.

We can take some comfort, and perhaps credit, from the fact that the arguments now centre on the three points you mention. We always knew that nationality would be one of the most sensitive and controversial matters following on from the agreement, and despite the criticisms, no-one in either House seems to have tried to re-open the fundamental questions of our arrangements for the vast majority of British Dependent Territories citizens in Hong Kong. If we can get the tactics right and we can reach some accommodation on the outstanding issues, we should have a reasonable prospect of having the nationality arrangements in place by Easter as we have promised.

I agree, therefore, that we need to concentrate on the three requests from Hong Kong. Our aim should be to try as far as possible to reach an understanding with the Hong Kong Government and to be reasonably sure that the Order will not flounder in Parliament for failure to do so.

We are already in touch with your officials on the possibility for endorsing the passport. There are problems, and I do not myself believe that we can dismiss the difficulties of appearing to bind future administrations, but given the central importance of meeting the Hong Kong Government on this, we must try to find some way of reconciling the various points of view.

I agree also that my officials should have discussions with Hong Kong officials on the other two suggestions about granting British citizenship to the non-ethnic Chinese minority who might otherwise be stateless in 1997, and to ex-servicemen. At this stage the discussions must be without prejudice to the final outcome, and I can see formidable difficulties in the way of our meeting the wishes of the Legislation Council not least because of the implications of our doing so for our wider immigration and nationality policies.

/I hope

The Rt Hon Geoffrey Howe QC MP

I hope also that you might consider whether we can do anything more to provide fuller reassurances about the likely acceptability of the BN(O) passport to third countries. The point was made a number of times in the Commons, and I am sure it would be helpful if we can strengthen the assurances that David Waddington was able to give then.

I agree with you that we need to move quite quickly on all this. I hope, therefore, that the detailed discussions with officials can be concluded soon. I shall then write to you and colleagues again to seek agreement on the way forward.

I am copying this letter to the Prime Minister, to members of OD(K), John Wakeham, Bertie Denham, and to Sir Robert Armstrong.

Yours,

Douglas.



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