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10 DOWNING STREET

THE PRIME MINISTER

20 March 1986

Dear Miss Dunn,

Thank you for letter of 28 February about the Nationality Order in Council. I was most grateful for the appreciative words about the debates in Parliament.

I am sorry that I am not yet in a position to give a full reply to this nor your earlier letter of 3 January. But we are looking very carefully into the points which you raised and I am fully aware of the concerns expressed by your members. I shall write to you again as soon as we have reached decisions. I hope that this will not be too long hence.

With best wishes,

Warm regards,

Yours sincerely

Rajendra Prasad

The Hon. Ms. Lydia Dunn, C.B.E., J.P.

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10 DOWNING STREET

Prime Minister

I have warmed
the letter up. But we
still can't reply on
substance, as the necessary
policy decisions are
not yet taken. I
will continue to chivy
the Home Office

C D P



10 DOWNING STREET

THE PRIME MINISTER

Thank you for your letter of 28 February about the Nationality Order in Council.

Unfortunately there is little I can say at the moment that will be new to you. After the debates in January, we sought and are now evaluating further information on the points you raised in your letter of 3 January. No decisions have yet been reached but you may rest assured that we are fully aware of the concerns expressed by your Members.

With best wishes,

*This is too much to
rush off. The letter
was very articulate
and substantive*

The Hon. Ms. Lydia Dunn, C.B.E., J.P.



C/H? a.P.

Foreign and Commonwealth Office

London SW1A 2AH

17 March 1986

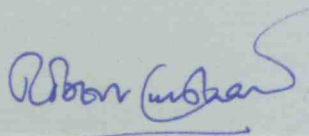
Dear Charles,

Letter to the Prime Minister from Miss Lydia Dunn

Thank you for your letter of 7 March about a letter to the Prime Minister from Miss Lydia Dunn, Senior Unofficial Member of the Legislative Council in Hong Kong.

The Home Office are still considering their response to the proposals previously put forward by Miss Dunn in her letter to all MPs of 3 January: there is as yet nothing substantive to add to what she already knows. However we think a short interim reply along the lines of the attached draft should be sent as a matter of courtesy. Miss Dunn has written an identical letter to Sir Geoffrey Howe which will also be acknowledged along similar lines.

Yours very



(R N Culshaw)
Private Secretary

C D Powell Esq
PS/10 Downing Street



DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM:

Reference

Prime Minister

VBIAOR

DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

TO:

Your Reference

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

The Hon Lydia Dunn CBE JP
 Senior Unofficial Member of the
 Legislative Council
 Legislative Council Building

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

8 Jackson Road

CAVEAT.....

Central

HONG KONG

Thank you for your letter of 28 February about the Nationality Order in Council.

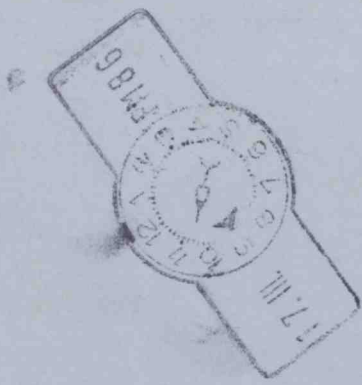
Unfortunately there is little I can say at the moment that will be new to you. After the debates in January, we sought and are now evaluating further information on the points you raised in your letter of 3 January. No decisions have yet been reached but you may rest assured that we are fully aware of the concerns expressed by your Members.

With best wishes

CJP

Enclosures—flag(s).....

HONG KONG: Passports nomenclature Oct. 1982



RESTRICTED



EA

10 DOWNING STREET

From the Private Secretary

7 March 1986

**HONG KONG (BRITISH NATIONALITY)
ORDER 1986**

I enclose a copy of a letter to the Prime Minister from Ms. Lydia Dunn, Senior Unofficial Member of LEGCO, about the draft Hong Kong (British Nationality) Order 1986. I should be grateful for an early draft reply. This should reach me by Friday 14 March.

I am copying this letter and enclosure to Stephen Boys Smith (Home Office).

(Charles Powell)

Robert Culshaw, Esq.,
Foreign and Commonwealth Office.

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JK



10 DOWNING STREET

From the Private Secretary

7 March 1986

The Prime Minister has asked me to thank you for your letter of 28 February. She will be considering this with her colleagues and will reply as soon as possible.

(Charles Powell)

Ms. Lydia Dunn

MEMBERS OF LEGISLATIVE COUNCIL

立法局議員

28 February 1986

Rt Hon Margaret Thatcher MP
House of Commons
LONDON SW1A 0AA
UK

R713

Dear Mrs Thatcher,

Draft Hong Kong (British Nationality) Order 1986

I am writing on behalf of Unofficial Members of the Legislative Council to thank you for the interest you have been showing in the Draft Order and to tell you that the Draft Order is still very much a topic of great concern here in Hong Kong.

Members were encouraged by the forcefulness of argument and depth of knowledge about Hong Kong shown in the debates in both Houses. We were impressed by the feeling of unease about the Draft Order expressed by almost all MPs who spoke. We were particularly struck by the unanimity in supporting our requests of the Lords who spoke in their debate on 20 January and the effect that this had in causing the Government to reconsider the Draft Order and to seek ways of satisfying the requests. The people of Hong Kong could not have asked for better proof that they still have staunch and energetic friends in Britain whose words are listened to. I think you will understand the great sense of relief and renewed hope that touched all parts of the community here when news of the debates reached Hong Kong.

Interest in the Draft Order continues in Hong Kong, and there is much speculation about the outcome of the British Government's deliberations on the views expressed on it. We have received formal messages of support from most of Hong Kong's 19 district boards and numerous letters of sympathy and encouragement from a wide range of organisations and private citizens. We welcome the undertaking by Mr Timothy Renton during his visit to Hong Kong in January that "providing a satisfactory formula can be found, Her Majesty's Government will agree to the position being made clear in the BN(O) passports" that the holders of these passports will have the right to enter the

United Kingdom without visas on bona fide visits. We hope that an acceptable form of wording will be available well before the revised Order is introduced into Parliament.

Since our motion on 8 January, which included the request to make full British citizens the few remaining British nationals in Hong Kong who fought for the defence of British territory, we have learned from research carried out by the Hong Kong Government that the total number of ex-servicemen is no more than 270, and not 400, as was previously estimated. We hope that the British Government will take account of this small number and grant them full British citizenship.

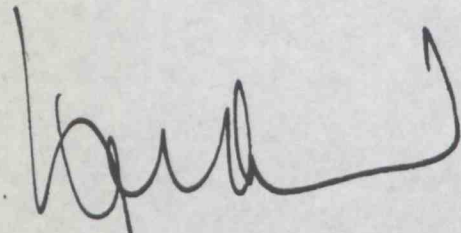
You will, I think, have received a copy of a letter from the Council of Hong Kong Indian Associations to the Home Secretary dated 17 February 1986. I need make no comment on the logical and powerful argument that the letter conveys, except to stress that Members of the Legislative Council fully support the Council's case and believe strongly that full British citizenship should be granted to all Hong Kong BDTs of non-Chinese origin who have no other nationality. We have made it clear that the Chinese majority in Hong Kong will not begrudge the minorities this treatment, and this view has been echoed many times in the past few weeks by prominent organisations and private citizens throughout the territory. It is therefore quite misleading of the Minister of State for Home Affairs, Mr Waddington, to suggest that there will be a "knock-on effect" if this request is granted.

It now remains for the British Government to find a solution to this nationality problem that will satisfy Parliament and put the worries and uncertainties of so many people in Hong Kong to rest. We rely very much on you to help ensure this, and we have no doubt that you will continue to strive on our behalf for a just solution.

For your convenience I am enclosing a copy of my original letter to Peers and MPs of 3 January 1986 and a copy of my speech in the Legislative Council on 8 January 1986.

With very best wishes,

Yours sincerely,



Lydia DUNN
Senior Unofficial Member

MEMBERS OF LEGISLATIVE COUNCIL

立法局議員

3 January 1986

The White Paper on the Draft Hong Kong
(British Nationality) Order 1986

I am writing to you on behalf of all the Unofficial Members of the Legislative Council to express their deep concern on issues raised in this White Paper. That concern is shared by all Unofficial Members, both the 22 appointed Members and the 24 elected Members, and accurately reflects, I believe, the views of the community at large.

You may already have received reports about the adjournment debate on the White Paper on the Draft Hong Kong (British Nationality) Order 1986, which took place in the Legislative Council on the 4th December last. My purpose in writing to you is to impress on you the importance which LegCo Members attach to this draft legislation and the deep sense of unease and disappointment which they and many other people have about the measures it proposes.

Their worries have focussed on (i) the acceptability in countries around the world of yet another unproven type of British passport, and (ii) the proposal to leave stranded in Hong Kong nearly 10,000 people of

non-Chinese origin with a form of British citizenship so circumscribed as to make it practically useless. There has also been widespread sympathy for the claims by a small group of former servicemen who defended Hong Kong on Britain's behalf in the Second World War.

Acceptability of the BN(O) Passport

On the day of the debate we were assured by the Hong Kong Government that it is the intention of HMG and the Chinese Government that Chinese British Dependent Territories Citizens (BDTCs) will be allowed to hold both British National (Overseas) (BN(O)) passports and Special Administrative Region passports after 1 July 1997 and that the BN(O) passports will be allowed to state, albeit in an indirect manner, that their holders have the right of abode in Hong Kong. But doubts remain whether the BN(O) passport will be of any practical use. These doubts will persist until we see HMG take action to ensure that the new passport is fully acceptable. This must include negotiations with third countries to ensure that some 70 visa abolition agreements now applying to the BDTC passport will also apply to the BN(O) passport. Equally important, we must be convinced that the introduction of a sixth type of British passport will not make it difficult for Hong Kong people to enter the United Kingdom. They do not any longer expect to be given a right of abode. But they do expect to have an unqualified right to visit the land of which they are nationals, and not to be harrassed by immigration officials who question their credentials and are suspicious of their motives. Measures should be introduced to allow unobstructed and untroubled entry into the United Kingdom by bona fide travellers from Hong Kong: this could be achieved by words in the BN(O) passport stating that the holder has permission to visit for the duration of the passport or at least for a specified period. This would help to make third countries less wary of those who travel on the novel passport.

Those who are not of Chinese descent

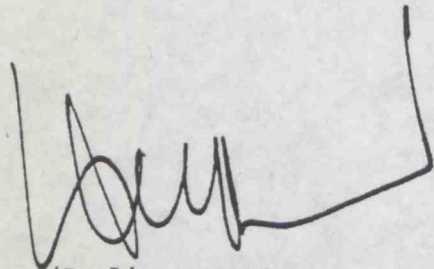
There are in Hong Kong between 8,000 and 10,000 BDTs who because of their race will not become Chinese Nationals in 1997. To prevent them, their children and their grandchildren from becoming stateless in 1997 the Draft Order proposes that they should become British Overseas Citizens (BOCs). This status gives them no right of abode in Britain or anywhere else : their right of abode in Hong Kong must derive instead from the laws of a region which will be part of a country whose Nationality Law is drawn up along racial lines. These people include some 6,000 Indians and between 2,000 and 3,000 Portuguese, Pakistanis, Eurasians, and people of other races. Most of them were born here; many of them have grandparents who were born here or brought here by British employers. They have contributed to Hong Kong's wealth and diversity and they regard themselves as loyal British subjects. They have no wish to migrate to Britain or anywhere else, but if they are left only with the choice of a citizenship which gives them no home or of applying for Chinese nationality in order to avoid statelessness, many of them will leave Hong Kong well before 1997: this will be Hong Kong's loss and Britain's shame. HMG must prevent this by making available to these minorities full British citizenship. Members of the Legislative Council are convinced that the Chinese majority in Hong Kong will not begrudge the ethnic minorities' special treatment.

Former Servicemen

Among those who will also be dispossessed in 1997 if this Draft Order is passed are fewer than 400 former servicemen, who fought for King and country in defence of Hong Kong and in other theatres of war during the Second World War. Section 4 of the British Nationality Act 1981 gives the Home Secretary discretion to register a Hong Kong BDT as a British Citizen and to waive the residential requirements if he has been in Crown Service : the British Government should make it clear that it will give sympathetic consideration to all applications from these ex-servicemen. To deny them this consideration would be to disown a brave and loyal group of people who, more than anyone else, deserve Britain's gratitude, not her indifference.

There is a good deal of lingering cynicism in Hong Kong about the gradual erosion of the rights and privileges of British subjects outside the United Kingdom as a result of successive amendments in recent years to the laws governing nationality and immigration. The forthcoming debate in Parliament on the White Paper may be the last opportunity for the British people to demonstrate their special responsibility for Her Majesty's subjects in Hong Kong at this time of transition from British Dependent Territory to Chinese Sovereign territory. Members of the Legislative Council have so strongly advocated their three proposals because they believe that acceptance of them will go some way to restore faith in Britain's commitment to Hong Kong among those of her subjects whose anxiety for the future is greatest.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lydia Dunn', with a long horizontal stroke extending to the right.

(Lydia DUNN)
Senior Unofficial Member

DRAFT SPEECH BY HON LYDIA DUNN, CBE, LLD, JP
LEGISLATIVE COUNCIL - 8.1.86

White Paper on the Draft Hong Kong
(British Nationality) Order 1986

Sir,

I rise to move the Motion standing in my name on the Order Paper.

This Motion reflects the anxieties expressed in this Council on the matter of the White Paper on the Draft Hong Kong (British Nationality) Order 1986.

The substance of Unofficial Members' views is by now well known both here in Hong Kong and in Westminster. I have sent a letter to all Members of both Houses of Parliament, which includes of course all Members of the British Government, expressing our detailed views. For the record I am tabling a copy of this letter.

Today I wish to make only two points. The first is that the views of the Unofficial Members on this matter are unanimous.

Unanimity among Members in historic times of an entirely appointed Council was the rule rather than the exception. Unanimity among Members of an entirely elected body is rare. In our Council I am glad to say that unanimity is neither so rare as to be astonishing nor so common as to be unremarkable. On really important issues that affect fundamentally the lives of Hong Kong people we are able to reach agreement among a very diverse gathering of representatives of the people.

On the matter of nationality we are unanimous. Our views have received comprehensive support in the community since they were published. It would be irresponsible for the British Government to ignore them.

The second point I wish to make is that the action we ask should be taken is action that can be taken by the British Government alone and if it is not taken responsibility will rest solely with the British Government.

This is nothing to do with the Joint Declaration. No prolonged negotiations with foreign governments are required. The decisions and administrative steps that we want taken are for the British Government to take. They affect the rights and privileges enjoyed by British nationals. Put simply we ask the British Government

to allow British nationals holding British National (Overseas) passports to visit Britain freely and to make this right clear in the passports;
to make full British Citizens those British nationals who are of non-Chinese descent;
to make full British Citizens those few remaining British nationals in Hong Kong who fought for the defence of British territory.

We consider that these modest requests are the very least the people of Hong Kong can expect to see satisfied after nearly a century and a half of British rule. They are totally within the gift of the British Government. The Hong Kong Government has a duty, as this Motion makes clear, to convey to the British Government the strength of feeling both in this Council and among the people of Hong Kong. It will do their authority in this community no good if it falls on deaf ears. We can only ask in this way because we are not represented in Parliament. If our requests are rejected, it will add to the profound resentment felt by many of Britain's most loyal subjects who will be seen by people around the world as a mean and unworthy denial of the just claims of Britain's most vulnerable and deserving nationals.

Sir, I beg to move.