



CONFIDENTIAL

PM/86/016

PRIME MINISTER

Hong Kong: Nationality Order in Council

1. I have seen Douglas Hurd's minute to you of 16 April on this subject, and Charles Powell's letter of 17 April recording that you are content with what we propose. I have a number of comments on the presentation of the Government's decisions.

2. The Home Secretary makes it clear, correctly I believe, that we can expect continued strong pressure from the ethnic minorities in Hong Kong over their request for British citizenship. Our decision to reject that request will need the most careful presentation if we are to minimise the resentment that will inevitably be felt in Hong Kong. I believe we should emphasise that granting British citizenship would not in any way help these people to do what they wish to do, which is to continue living and working in Hong Kong. The Joint Declaration already ensures that right by guaranteeing their right of abode after 1997. Our most tenable argument, in terms of presentation in Hong Kong, is that to grant British citizenship to the ethnic minorities would be contrary to the principle underlying the 1981 British Nationality Act that British citizenship should reflect a close personal connection with the United Kingdom. It would be very damaging if we allowed it to appear that our principal concern was to keep the non-Chinese Hong Kong people from coming to Britain - though we could say that granting them British citizenship would have awkward implications for our wider policy on nationality, for example by devaluing British Overseas Citizenship in the eyes of its holders in many countries.

3.

CONFIDENTIAL

CC PC
②

Prime Minister
You will want to
with this. It may
soon come up in
Questions.

COP. 21/4.

FILED IN B/C



CONFIDENTIAL

3. The assurance we propose to offer (set out in the last sentence of Annex C to Douglas Hurd's minute), namely that any British nationals who came under pressure to leave Hong Kong could expect the government of the day to give their case for admission to the United Kingdom sympathetic consideration, will also be crucial presentationally. That assurance must be made clear right from the outset, including in our initial Parliamentary announcement. We clearly cannot go further than is proposed in seeking to bind future governments, but exactly what we say on this point, in particular when we come to the Parliamentary debates on the Order, must sound as forthcoming as possible. Such words of comfort as we can offer may help in reducing the level of disappointment felt in Hong Kong among the ethnic minorities. My officials are in touch with Home Office officials about a suitable form of words for use in Parliament.

4. Tim Renton, as a member of OD(K) in his own right, has seen this correspondence and concurs.

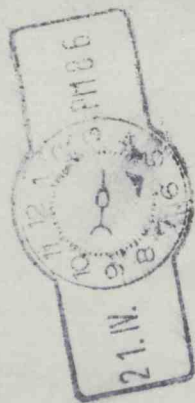
5. I am copying this minute to members of OD(K), to the Chief Whips in both Houses, and to Sir Robert Armstrong.

Foreign & Commonwealth Office
21 April 1986

GEOFFREY HOWE

CONFIDENTIAL

HONG KONG
PASSPORTS
10/82



*With the Compliments of the
Assistant Legal Secretary*

MISS J L WHELDON

*Attorney General's Chambers,
Law Officers' Department,
Royal Courts of Justice,
Strand. W.C.2A 2LL*

01 405 7641 Extn. 3229

014028641000 936:6229

Communications on this subject should
be addressed to

THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

✓ PC
ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

Our Ref: 400/84/9

S Boys Smith Esq
Home Office
50 Queen Anne's Gate
London SW1H 9AT

21 April, 1986

Gen Stephen,

COO
22/4

HONG KONG: NATIONALITY ORDER IN COUNCIL

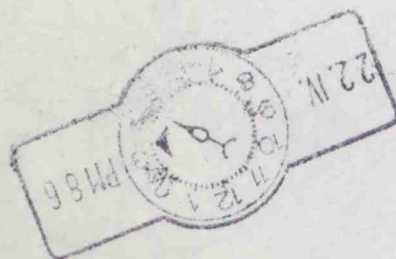
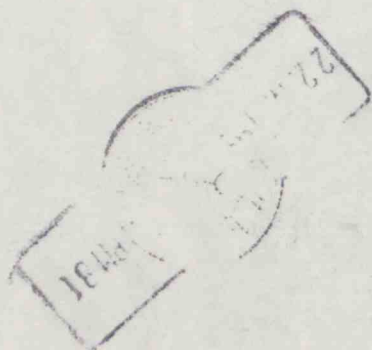
The Attorney General has seen the Home Secretary's minute to the Prime Minister of 16 April and the Prime Minister's response in Charles Powell's letter of 17 April. He appreciates that it is for colleagues to decide, as a matter of policy, whether to run the legal risks which he has identified.

I am copying this letter to Charles Powell, the Private Secretaries to members of OD(K), to William Austen (Government Whips, Commons), Rhodri Walters (Government Whips, Lords) and to Michael Stark (Cabinet Office).

Yours sincerely,
Miss J L Wheldon

MISS J L WHELDON

HONG KONG : Nomenclature in H.K. Passports : Oct 82





*From the Government Chief Whip
House of Lords*

18 April 1986

Dear Douglas,

HONG KONG: NATIONALITY ORDER IN COUNCIL

I have seen the copy of your memo to the Prime Minister on the Hong Kong Order. I have taken particular note of the considerations concerning the timetable for laying and debating the Order and agree with what you propose.

It would be a great help to us in the Lords if the Order could be taken in the Commons early in the week commencing 12 May. This would leave us the option of taking the Order through the Lords on Friday 16 May.

I am copying this letter to the members of OD(K), the Chief Whip, House of Commons, and to Sir Robert Armstrong.

*Yours ever,
Batie.*

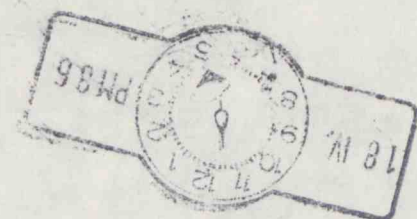
DENHAM

The Rt Hon Douglas Hurd MP
Secretary of State for the Home Department

HONG KONG

Passports

10/82





10 DOWNING STREET

From the Private Secretary

17 April 1986

Dear Stephen,

HONG KONG: NATIONALITY ORDER IN COUNCIL

The Prime Minister has considered the Home Secretary's minute of 16 April dealing with the Government's proposed response to the three requests from Hong Kong in connection with the Nationality Order in Council which has to be made under the Hong Kong Act 1985.

The Prime Minister is content that the response should be on the lines proposed by the Home Secretary and agreed by the Foreign Secretary.

The Prime Minister further agrees that this should be announced by way of a Parliamentary Answer by 23 April and that the order should be laid at the end of the month.

I am copying this letter to the Private Secretaries to members of OD(K), to William Austen (Government Whips, Commons), Rhodri Walters (Government Whips, Lords) and to Michael Stark (Cabinet Office).

Yours sincerely,

(C.D. Powell)

Stephen Boys Smith, Esq.,
Home Office.

SPW