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1997 agreement a UK 'colonial act'²⁻⁴

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In handing Hongkong back to China, Britain should have left the door open for those Hongkong people who want to acquire British citizenship.

Britain could do so by granting Hongkong people a British overseas citizenship which would descend through the generations.

These opinions were expressed by Professor Dafydd Emrys Evans, Dean of the Faculty of Law of the University of Hongkong, at a lunch meeting of the Rotary Club of Hongkong North yesterday.

Describing the handing over of a people to a new sovereignty as "an inappropriately anachronistic act of colonialism," Prof Evans said the way Britain handled its Hongkong subjects could only be justified by the "fallacy of the territorial imperative."

He said it was wrong for the British Prime Minister, Mrs Margaret Thatcher, to stress that "the people of Hongkong had no choice, as 92 per cent of the territory of Hongkong was bound to revert to China, so that the whole must revert."

"Of course, the truth is that the ability of the inhabitants of that eight per cent of the land mass to survive would have been no less than that of the 100 per cent today, given China's will that it be so," said Prof Evans.

"But the conclusion that the inhabitants must go with the territory has never been independently justified nor, I imagine, will it ever be so.

"I believe that the whole course of the negotiations was dominated by the inevitability of the reversion of both the territory and its inhabitants, both accepted at the outset by the UK.

"It was thus simply never on to hold a referendum on the proposals contained in the draft agreement since the issue was probably closed from the outset," he said.

In retrospect, said Prof Evans, it was clear that an underlying objective of the British Nationality Act 1982 was to smooth the way for the development of relationships between Britain and China and for the return of Hongkong to China.

"Britain's trade links with China are important to both parties, the former desperately needing overseas markets for those of its products still competitive on a large overseas scale and the other needing advanced technology which Britain is still able to supply in specialised areas.

"So long as such a large number of Hongkong people were 'citizens of the United Kingdom and Colonies',

there was a potentially grave obstacle standing in the way of the return of Hongkong, and its people, to the motherland of China."

The British Dependent Territories Citizenship status was born because it would facilitate the handing over of the people of Hongkong to China "as part of Hongkong's stock in trade," he said.

Prof Evans said he believed strongly that "the UK should in all honour have kept open the door to British citizenship for those of its Hongkong subjects who wished to remain as such.

"Doubtless the vast majority will rest content with the 'good' agreement but I can only regard the cynical assignment of people with territory without regard to their feelings as an inappropriately anachronistic act of colonialism ill befitting the world of the 1980s."

Asked in what ways Britain could leave that door open, Prof Evans said Britain could grant a more effective status to Hongkong people than British National Overseas, which was not transmissible.

Britain could possibly grant Hongkong people a British overseas citizenship which would actually descend through the generations, he said.

That was probably the only effective way short of actually giving British citizenship, which might be appropriate in a small number of cases, he added.