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A backdoor to Britain

The fact that some Hongkong civil servants may get round the Nationality Act touches a sensitive nerve



A recent controversy started by London newspapers over future discretionary grants of British citizenship to Hongkong Government servants has awakened a sensitive issue: the obligation to protect senior Chinese officials serving an alien authority from the consequences of political change.

The reports stated that some British MPs had expressed fears of a possible massive influx of Hongkong Chinese through a loophole in the recent Nationality Act. The British papers have thus publicised, for the first time, a known reluctance on London's part to accept legal responsibility for Hongkong's population should Sino-British talks on Hongkong's future fail to reach an agreement acceptable to the local people. Formerly known as citizens of the United Kingdom and Colonies, 2.6 million Hongkong British passport holders have been reclassified as British dependent territory citizens, since the Nationality Act came into force last January.



Stringent rules of patriality disqualify virtually all such citizens from applying for British citizenship, which brings with it the right of abode in Britain. However, one clause in the act allows crown servants of the government of a dependent territory, as well as non-civil servants who were appointed by the local administration to serve on statutory bodies, to bypass the patriality rules.

During the passage of the controversial Nationality Bill last year, this discretionary clause — inserted as a result of pressure from the Hongkong Government — went almost unnoticed in London. However, Home Office Minister Timothy Raison stated then: "The intention here is to recognise the position of those who serve the crown in the dependencies in a particularly deserving way . . . This discretion would be exercised only sparingly."

Hongkong civil servants are now applying for such citizenship due to the prevailing uncertainty over the territory's future after 1997, when Britain's lease from China on most of the territory runs out. The police force's local inspectors' association has circulated a letter to its 1,000 members, asking them to explain their

special circumstances which the British home secretary should take into account when considering their applications for British citizenship.

Some local members of the force, as well as civil servants whose jobs bring them into contact with squatters and hawkers, are worried that a change of administration in 1997 could subject them to revenge from those groups they have arrested or seriously inconvenienced in the course of performing their duties.

The inspectors maintain publicly that they have not yet submitted any applications for citizenship. However, the REVIEW understands that some 200 middle-rank or senior civil servants have applied. Said one applicant: "I would like to know what the Home Office means by 'particularly deserving' of British citizenship."

The government refuses to disclose the number of citizenship applications, maintaining that "it is a matter between the individual and the British Government." However, an official did comment that the REVIEW's figure of 200 was "way off base." The number is such, he said, "as not to warrant the conclusion that the Hongkong Government is in a dilemma." There are about 370 Hongkong Chinese in the directorate ranks of the civil service. The other 480 directorate-level staff are expatriates.

Civil servants, like most of the middle class generally, feel that China's self-administration proposal is no guarantee of non-interference from Peking. Many have told the REVIEW that their friends in the private sector are all preparing to emigrate. "It's all very unsettling," one said.

The existence of this discretionary clause, however, has the potential of affecting morale within the civil service. A civil service union leader told the press that if qualifying for British citizenship rested on rank and loyalty, it raised questions about what loyalty meant. If only those who would not challenge any government policies were considered loyal, then the civil service machinery would be adversely affected, he said.

With London willing to grant only a few of the 40,000-strong civil service British citizenship, it is unlikely that Peking would feel threatened by a brain drain of experienced local government administrators, who Peking already has acknowledged would play a vital role in the future administration of Hongkong. Without this threat, Peking will perhaps be less willing to consider a solution to the problem of Hongkong's future which would allow a continuation of British administration after 1997.

—MARY LEE