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Ticklish problem over change of sovereignty

1997 query on new ID card

By MICHAEL CHUGANI

Hongkong and Chinese officials are locked in sensitive negotiations over how to issue new identity cards valid beyond 1997 without infringing the sovereignty of either Britain or China.

Beijing's leaders — always cautious over nationality matters — are considering how the Hongkong authorities can issue identity cards giving right of abode here which are valid beyond 1997 when British sovereignty ends.

And as controversy mounts over Hongkong's new passport, the Government has made clear China has the final say on whether local Chinese will be allowed to hold both a British and a Special Administrative Region passport after 1997.

Britain allows dual nationality, but Beijing has yet to indicate if an ethnic Chinese here will be permitted to get an SAR passport while hold-

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Clearing the air

The release of the Order-in-Council and details of the new passports by the Government last week have created much confusion.

In an attempt to clarify the issue, the SCM Post published 14 questions on Saturday which were then passed on to the Government.

Today on Page 16 we publish the replies.

ing a British National (Overseas) passport.

There was earlier widespread belief that an ethnic Chinese born before 1997 would have the benefits of possessing two passports.

But a government spokesman told the SCM Post yesterday: "Whether Chinese nationals living in the Hongkong SAR can hold both an SAR travel document and a BN(O) passport at the same time is a matter for the SAR government."

The spokesman also made clear that non-Chinese residents would not have an absolute right of abode in Hongkong after 1997.

He was replying to a series of SCM Post questions dealing the new British National (Overseas) status which will replace the current British Dependent Territories Citizen status, and the British Overseas Citizen status for

minority groups born after 1997.

When asked how the present colonial government could issue an identity card carrying with it permanent residency in Hongkong which is valid after 1997, the spokesman replied tersely: "This is one of the technical issues being discussed with the People's Republic of China Government."

When asked if the new ID cards would be issued by the current government or the future SAR government, the spokesman again said the matters were being discussed with Beijing without going into details.

Such sensitivity suggests the two sides have found themselves in an awkward position.

The 1997 agreement states clearly that ID cards giving holders the right of abode in Hongkong will be issued by

the SAR government.

Yet only last month, the Chief Secretary, Sir David Akers-Jones, said Hongkong's new identity cards would be issued in the next few years — before the birth of the SAR government — and would hopefully be valid after 1997.

And last week, the Government made clear holders of the new BN(O) passport would have the right of abode in Hongkong through their ID cards.

Since new BN(O) passport will become available from 1987, this suggests new ID cards stating the right of abode will also have to become available at that time.

So who issues the cards? A colonial government with just 12 years left to live, or an as yet non-existent SAR government?

Although the spokesman did not go into detail, it is understood sensitive proposals have been put to the Beijing leaders who apparently do not want to be rushed into making a final decision.

It is apparently being put to the Chinese leaders that it is in the interest of Hongkong's stability that Beijing should allow the authorities here to issue ID cards that are valid some time after 1997.

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Otherwise, everyone in Hongkong will have to find themselves lining up for new ID cards yet again once sovereignty changes hands.

Non-Chinese Hongkong residents who hold BN(O) passports will find themselves in the unusual and dubious position of being entitled to British consular protection in Hongkong after 1997 even if they were born here.

Analysts warn that this will give the impression that minority groups are outsiders and cannot treat Hongkong as their home.

The government spokesman also made clear only China could grant the absolute right of abode in Hongkong to the children of minority groups born after 1997 who will be entitled only to a British Overseas Citizen status passport.

Unlike children of ethnic local Chinese who will get automatic right of abode if they are born here or even abroad, children of minority groups born after 1997 must acquire the right of abode by living continuously in Hongkong for seven years and declaring this as their permanent place of residence.