

Decolonising Britishness? The 1981 British Nationality Act and the Identity Crisis of Hong Kong Elites

ABSTRACT:

On 30 October 1981, the British Nationality Act received Royal Assent. Bringing nationality law in line with immigration policy, the Act created three separate categories of citizenship, including ‘British Dependent Territories Citizen’ (BDTC) for existing British dependent territories such as Hong Kong. During the deliberations over the bill, the Unofficial Members of the Executive and Legislative Councils in Hong Kong played an important role in lobbying the Thatcher government to protect the status and rights of British subjects in Hong Kong. With the emergence of the 1997 question, the Unofficial Members feared that the United Kingdom was distancing itself from Hong Kong as a prelude to decolonisation. No sooner had the 1981 British Nationality Act come into effect than the Anglo-Chinese negotiations over Hong Kong’s future raised serious questions about the continuation of Hong Kong’s ‘Britishness’ after 1997. The Thatcher government was willing to make concessions on the nationality issue as long as they did not risk opening the floodgates to Hong Kong immigrants, who were deemed to have no close connection with the United Kingdom. A general fear of non-white immigration underpinned the 1981 British Nationality Act and Thatcher’s forging of an exclusive British identity.

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British Nationality Act; Britishness; China; Decolonisation; Hong Kong; Identity; Immigration; Race; Thatcher

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Decolonising Britishness? The 1981 British Nationality Act and the Identity Crisis of Hong Kong Elites

On 30 October 1981, the British Nationality Act received Royal Assent. Bringing nationality law in line with immigration policy, the Act replaced ‘Citizen of the United Kingdom and Colonies’ (CUKC) with three separate categories of citizenship – ‘British Citizen’, ‘British Overseas Citizen’, and ‘British Dependent Territories Citizen’ (BDTC). As the largest existing British Dependent Territory, Hong Kong fell under the category of BDTC. During the deliberations over the passage of the bill, the Unofficial Members of the Executive Council and the Legislative Council in Hong Kong played an important role in lobbying the Thatcher government to protect the status and rights of British subjects in Hong Kong. At a time when the approach of 1997 was creating a crisis of confidence, the Unofficial Members feared that the United Kingdom was distancing itself from Hong Kong, or decolonising the ‘Britishness’ of Hong Kong residents. No sooner had the 1981 British Nationality Act come into effect (on 1 January 1983) than the Anglo-Chinese negotiations over Hong Kong’s future (since September 1982) raised serious questions about the continuation of Hong Kong’s BDTC status after 1997. This article is about the 1981 British Nationality Act through the prism of Hong Kong. It examines how the Act and subsequent amendments affected the connection between the United Kingdom and Hong Kong against the backdrop of the 1997 question.

The evolution of British nationality and immigration laws since 1945 was closely associated with the issue of race and identity. To create a source of labour for postwar reconstruction and to build a ‘New Commonwealth’ with identical citizenship, rights and privileges, the Labour government enacted the British Nationality Act in 1948. The 1948 Act

conferred the right to enter and settle in the United Kingdom on inhabitants of the Empire and the Commonwealth, all of whom were regarded as 'British subjects', and created a single category of citizenship, CUKC. Nevertheless, as Sarah Ansari analyses the impact of the Act on India and Pakistan: 'While the B[ritish]N[ationality]A[ct] had sought to formalise the existing status quo by giving the right to enter, work and settle in Britain to all colonial and commonwealth citizens, racialised concepts of Britishness...underpinned its application.'¹ To A. G. Hopkins, 'racial assumptions about the superiority of the British' continued to inspire imperial policy in the late 1940s.² During the 1950s and early 1960s, there witnessed a massive influx of immigrants from the New Commonwealth, especially West Indies, India, and Pakistan, to Britain, causing social tension and pressure on housing. (In 1961, for example, net immigration from the New Commonwealth was estimated at 136,400.)³ In 1962, the Commonwealth Immigrants Act was passed, abolishing, in effect, free access to the United Kingdom by non-White people from the Colonies and the Commonwealth through the introduction of a voucher system. Although the 'primary immigration' of mostly single, male Blacks and South Asians largely ended after the passage of the 1962 Act, the so-called 'secondary immigration' of wives and dependents of existing 'coloured' immigrants continued to come and settle in Britain on the grounds of family reunion in subsequent years.⁴ The Immigration Act of 1971, which came into force on 1 January 1973, reinforced immigration restrictions on non-White CUKCs by introducing the racially discriminatory concept of 'patriality'. Only 'patrials' with a 'close connection' to Britain – those who were born or with at least one parent (or grandparent) born in Britain and had already taken up residence in Britain by 1 January 1973 – enjoyed the right to settle, while 'non-patrials' were treated as 'aliens' who required work permit for entry to Britain. Although '[r]ace was not named as a criterion,' writes Elizabeth Buettner, 'the right to British citizenship and identity became ever more closely aligned with whiteness'.⁵

The 1981 British Nationality Act, underpinned by a ‘sense of racial superiority’, was ‘the product of a central component of Thatcherism’, according to David Dixon. The Act was ‘no mere peripheral modernization, but rather the formalized expression of a reconstructed national identity which was a vital and central objective of the Thatcher programme’s racial and ideological politics’.⁶ Thatcher’s concept of ‘Britishness’ was based on ties of blood, not a shared history of empire. Hers was an exclusive Britishness where only white Britons or children and grandchildren of those born and settled in the United Kingdom had an automatic claim to British citizenship. The 1981 Act was, in the words of Zig Layton-Henry, ‘an important part of Mrs Thatcher’s “racecraft”’⁷ (although the Act was more the product of her Home Secretary, William Whitelaw).⁸ As Kathleen Paul argues, the Act ‘accepted a narrowly conceived domestic community of Britishness based firmly within the United Kingdom and rejected the broader political community based within the wider empire/commonwealth’, thus demonstrating a ‘racialized understanding of nationality’.⁹

When deliberating the Nationality Act, the Thatcher government was influenced by a racial prejudice against Hong Kong Chinese, who were deemed to have no close personal connection with the ‘imagined community’ of the United Kingdom. Racist thinking about ethnic Chinese as being inferior, alien, and economically menacing had a long tradition within British society, culminating in the ‘Yellow Peril’ scare in the late nineteenth and early twentieth centuries. Although, by the 1980s, British Sinophobia had largely ceased (mainly due to Chinese immigrants’ fewness and self-imposed segregation), ‘the Chinese were far from immune to racist pressures’.¹⁰ As a pamphlet of the Joint Council for the Welfare of Immigrants, an independent British charity, wrote of the impact of the 1981 Nationality Act on Hong Kong, the ‘fear of non-white immigration to Britain’ was ‘not merely a question of numbers, but of colour’.¹¹

Despite its significant ramifications for Thatcher's immigration policy and the shaping of British national identity, the 1981 Nationality Act has received scant scholarly attention among British historians.¹² This article fills this historiographical void by focusing on the role of Hong Kong in the lengthy process of deliberations. It argues that the Unofficial Members and the colonial governor played a vital role in extracting concessions from the Thatcher government and shaping the outcome of the Act. As such, this study focuses on the Hong Kong elites, who felt a sense of betrayal and suffered from a crisis of identity: the Nationality Bill, with its subtle clauses, 'means little' to ordinary Hong Kong Chinese.¹³ While, due to space limitation, this article will not discuss Hong Kong's ethnic minorities, it is worth mentioning that residents of South Asian descent, too, were affected by the changes in nationality law. Under the 1981 Nationality Act, the majority of Hong Kong Indians (approximately 6,000) became BDTCs. Nevertheless, with the conclusion of the Sino-British Joint Declaration on Hong Kong's future in 1984, they faced the prospect of becoming 'stateless' after 1997. Although enjoying the right to live in post-handover Hong Kong, South Asians (unlike ethnic Chinese) were not entitled to a Hong Kong Special Administrative Region Passport, which granted Chinese citizenship to its holder. The British government, nonetheless, gave an assurance that former BDTCs who would otherwise be 'stateless' would become 'British Overseas Citizens' – a category of citizenship with virtually no rights according to the 1981 Act.¹⁴

From the broader perspective of Hong Kong's colonial history, the 1981 Nationality Act and the subsequent legislation changes following the signing of the Sino-British Joint Declaration marked another step forward in Britain's decolonisation of Hong Kong. A new category of nationality, titled 'British National (Overseas)' (BN(O)), was created specifically for Hong Kong. Legally, it helped foster a local identity¹⁵ among Hong Kong's British subjects by explicitly stating, in their new BN(O) passports, that they were 'permanent

residents' with the 'right of abode' in Hong Kong – and, by implications, not in the United Kingdom.

I

In April 1977, the Labour government published a Green Paper entitled 'British Nationality Law: Discussion of Possible Changes'. To bring nationality law in line with immigration rules and practice, the Green Paper proposed the creation of two separate citizenships to replace CUKC – British Citizens (persons with a right to enter the United Kingdom) and British Overseas Citizens (persons without the right of abode in the United Kingdom).

Despite its 1974 manifesto promise to repeal the racist Immigration Act of 1971, the Labour Party, especially after James Callaghan became Prime Minister in 1976, indeed lacked 'incentive or enthusiasm' for reform of nationality law due to the press attacks on Asian immigrants from Malawi, the deepening crisis in police-black relations, the revival of the National Front, and resistance from within the Home Office and the Labour Party itself.¹⁶ It was the Conservative government under Margaret Thatcher that, building on the Labour's Green Paper, took up the complicated task of legislation.

Before coming to power, the Leader's Consultative Committee, or the Shadow Cabinet, of the Conservative Party had considered the issue of immigration and race relations in the context of election strategy. A paper by the Shadow Home Secretary, William Whitelaw, approved by the Committee on 16 July 1976, argued that the 'maintenance of racial harmony requires an immigration policy which can fulfil the two following criteria', namely an 'immediate reduction in immigration to the inescapable minimum consistent with clear pledges given by British Governments' and the 'prospect of an end to immigration with some certainty and finality in our plans'. Regarding the present level of immigration from the New Commonwealth (or 'coloured immigration') numbering 51,074 as 'too high', the paper

stated that ‘the prospect of an end to immigration’ required, among other measures, that no more work permits unless in exceptional cases should be issued and that ‘[t]he Nationality Law should be revised to allay fears of unending immigration from the Far East, particularly from Malaysia, Singapore and Hong Kong’.¹⁷ In a Shadow Cabinet’s meeting two years later, another paper on the control of immigration by Whitelaw confirmed the passage of a new British Nationality Act ‘as a means of limiting potential large scale immigration by citizens of the United Kingdom and colonies – particularly from Hong Kong, Singapore, India and Malaysia’.¹⁸ The various drafts of the Conservative manifesto promised tighter immigration controls and a new Nationality Act.¹⁹ Under the heading of ‘the rule of law’, the ‘immigration and race relations’ section of the 1979 Conservative Manifesto stated that a Conservative government would introduce a new British Nationality Act ‘to define entitlement to British citizenship and to the right of abode in this country.’²⁰

For Thatcher, it was imperative to construct a new national identity by emancipating Britain from the past – in other words, dismembering the Keynesian-style welfare state (in favour of free-market capitalism), moving away from the Commonwealth (especially when it came to non-white immigration), and re-negotiating Britain’s imperial and post-imperial responsibilities (like Hong Kong and Rhodesia).²¹ On immigration, Thatcher infamously said in an interview broadcast in early 1978: ‘People are really rather afraid that this country might be rather swamped by people with a different culture’, and thus ‘we do have to hold out the prospect of an end to immigration, except of course, for compassionate cases’.²² It has been generally assumed that Thatcher and, for that matter, ‘Thatcherism’ was influenced by Enoch Powell/Powellism. Impressed by his intellect, particularly his free-market economic thinking, Thatcher had in 1968 advised against Powell’s sacking, as Shadow Minister of Defence, by the then Tory leader, Edward Heath, in the light of his outrageous ‘Rivers of Blood’ speech. Nevertheless, the latest research has highlighted the nuance between

‘Thatcherism’ and Powellism. On immigration, Thatcher was shaped more by her own political instincts and strategic considerations than by Powell’s racist ideology.²³ And immigration was indeed not a big issue in the 1979 election. Still, Thatcher and most Tories all agreed to tighten immigration controls.²⁴ After 1979, the Thatcher government and particularly the Home Office devoted an enormous amount of time to enacting a new Nationality Act for that purpose.

During the three-year deliberations over the Nationality Bill, there is no direct evidence to suggest that the future of Hong Kong after 1997 and, for that matter, the prospect of an influx of Hong Kong ‘refugees’ was uppermost in the minds of British officials and parliamentarians, who were preoccupied with such controversial issues as Gibraltar, wives of British citizens, and so forth. Despite the trend of inhabitants of the New Territories seeking employment in Britain in the 1950s and early 1960s, the total number of Hong Kong immigrants in Britain (including both holders of British passports and holders of Hong Kong Certificates of Identity who came as ‘aliens’ on work permits) was relatively small: in 1981, it was only 58,917.²⁵ Besides, the Chinese in Britain, mainly working in catering, were ‘discreet, unassertive to the point of being uncommunicative’ and were ‘the least disliked’ among other ethnic minorities. Unlike black and Asian Britons, they were rarely involved in street battles with the racist locals and the police.²⁶ Nonetheless, since the passage of the 1962 and 1971 Immigration Acts, a general fear of ‘coloured’ immigration was entrenched in Whitehall and in British society. Being the largest of the remaining British Dependent Territories with 2.6 million CUKCs (out of a total population of about five million), Hong Kong would be most affected by the proposed Nationality Bill.

In a telegram to London in mid-June 1979, Hong Kong Governor Murray MacLehose made it clear that implementation of the Labour’s 1977 Green Paper proposals to ‘create a two-tier citizenship would cause problems in Hong Kong’, and it was ‘purely a matter of

nomenclature'. As he explained, Hong Kong CUKCs had 'accepted' the situation (since 1962) that they 'no longer had rights of entry, abode and work in the UK', but 'would not understand the need for a change of title which would have no practical benefit'. They 'might interpret such a change as an indication that the Government were preparing to give up their responsibility for Hong Kong' – and 'the Chinese would similarly be puzzled'.²⁷ Just two months earlier, MacLehose had visited Beijing and met with Deng Xiaoping, China's paramount leader. MacLehose aimed to discuss, albeit indirectly, the question of Hong Kong's long-term future by raising the 'immediate problem of individual leases in the New Territories', which would expire three days before the expiry of the New Territories Lease itself on 1 July 1997. Deng did not give a direct reply to MacLehose's suggestion on extending the individual land leases beyond 1997 and instead asked the Governor to tell investors to 'put their hearts at ease'.²⁸ Although formal negotiation over Hong Kong's future would not start until three years later, the 1997 question provided the political backdrop for the introduction of the Nationality Bill.

In response to the Labour's conceived two-tier citizenship, MacLehose proposed 'a three-tier concept', which 'would meet the UK's objectives and would be much more satisfactory from the point of view of Hong Kong' – (A) 'British Citizens' (with the right of entry to the United Kingdom); (B) 'Citizens of the United Kingdom and Colonies' (with the right of abode in Dependent Territories); and (C) 'British Overseas Citizens' (with an entitlement to a British passport but without firm connections with either the United Kingdom or any of the remaining Dependent Territories). MacLehose emphasised that the proposed three-tier concept 'would help Hong Kong a great deal but would not involve any change in present restrictions on rights of entry, etc'.²⁹ The proposed category B, which covered Hong Kong, retained the present nomenclature and immigration arrangements.³⁰ Robin McLaren, who headed the FCO's Hong Kong and General Department, found

‘considerable force’ in the Governor’s argument that a change in nomenclature would be unnecessary and be wrongly interpreted in Hong Kong and China as a weakening of links with Britain. Foreign Secretary Lord Carrington requested that Hong Kong’s concern be borne in mind when the FCO discussed the Nationality Bill with the Home Office.³¹

From the outset, there were serious differences between the Home Office, which was the driving seat behind the new legislation, and the FCO, which felt obliged to argue Hong Kong’s case. As a result of opposition by Hong Kong and other Dependent Territories to the proposed two-tier citizenship, by August the Home Office was prepared to consider dividing the present CUKC into three separate citizenships – that is, creating a separate citizenship category for persons connected with Dependent Territories (which was more or less in line with MacLehose’s proposed Category B). But Home Secretary William Whitelaw would be ‘very restrictive’ when it came to the title of that new citizenship.³² Thus began long bureaucratic infighting between the Home Office and the FCO/Hong Kong about the nomenclature of citizenship.

In a December paper, the Home Office recognised the ‘special difficulties’ in Hong Kong, particularly the fears of the Governor and the Unofficial Members of the Executive and Legislative Councils that ‘if the Government of the Chinese Republic suspect that [Britain] is attempting to distance itself from the colony of Hong Kong, or is altering the status of the colony in some other way, possibly with a view to independence, it will make dealing with that Government much more difficult, and may involve serious consequences for trade’. Although it had initially pressed for ‘no change whatever in nomenclature’, Hong Kong now recognised the need for a change but demanded that the new British passport should contain words to show that its holders were ‘members of a British Colony’ with the title ‘Hong Kong’ appearing on it. The Home Office, however, objected to Hong Kong’s suggested titles, such as ‘Citizen of United Kingdom and Colonies (Hong Kong)’ and

‘Citizen of a United Kingdom Colony (Hong Kong)’, for they would ‘cause confusion’ with the present CUKC which Britain aimed to ‘abolish entirely’ and ‘give the impression that each of [the] colonies has a separate citizenship’ leading to ‘difficulties with countries such as Argentina and Spain’ over the Falkland Islands and Gibraltar respectively. Titles like ‘British Citizen (Hong Kong)’ and ‘British (Hong Kong) Citizen’, in the Home Office’s view, would ‘identify too closely with that which [Britain] wished to reserve for people connected with the United Kingdom’. The Home Office deemed ‘British Colonial Citizen’ or ‘Citizen of the British Colonies’ (which was ‘marginally better’) ‘acceptable’ to the United Kingdom, with ‘the advantage, from the point of view of Hong Kong, of containing the words “British”, “Colony” or “Colonial”’.³³

Although Lord Carrington ‘sympathised with the Hong Kong desire for three categories [of citizenship] and for nomenclature that emphasised the UK connection’, the Hong Kong and General Department was acutely aware that the Foreign Secretary ‘had little leverage in Cabinet on this question, for the Cabinet as a whole supported the Home Office proposals for changes in nationality laws’.³⁴ Moreover, although ‘all the Dependent Territories are affected, the problem is essentially a Hong Kong one’, and it was assumed that ‘the other territories will fit in with whatever is decided for Hong Kong’.³⁵

Whitelaw was ‘under very strong political pressure’ to publish a White Paper in the late spring or early summer of 1980, setting out the proposed changes for further comments by interested parties before presenting the Nationality Bill to Parliament.³⁶ By early April, the Home Office completed the first draft of the White Paper, and started consultation with the FCO.³⁷ In a meeting with the Lord Privy Seal, Sir Ian Gilmour, on 9 June, Whitelaw said that the Home Office had agreed to three rather than two separate citizenships, which represented ‘the limit of the concessions’ he was prepared to make, but would not ‘concede the use of the prefix “British Subject” for citizens from Dependent Territories’ since the whole purpose of

the new legislation was to ‘distance certain categories of people from the United Kingdom’. Disagreeing, Gilmour argued: ‘Uneasiness in Hong Kong was heightened as the end of the New Territories Lease in 1997 approached ... [T]his increased doubts about Britain’s commitment to the territory.’ Gilmour nonetheless reassured Whitelaw that ‘there was no question of Hong Kong looking for a back door to Britain in this way’. He suggested that, if the Home Office could not now agree to the phrase ‘British Subject’, the section on Dependent Territories nomenclature in the White Paper ‘might be made “greener” in order to emphasise that the question of nomenclature remained undecided and to give people in the Dependent Territories more chance to comment’. Whitelaw agreed.³⁸ On 30 July, the Thatcher government published the White Paper, ‘British Nationality Law: Outline of Proposed Legislation’. Creating a three-tier citizenship, the White Paper proposed that the second category would be called ‘Citizenship of the British Dependent Territories’ (CBDT), while allowing for the possibility of further comments within certain limits.³⁹

On 14 January 1981, the Nationality Bill was introduced into the House of Commons. During the Second Reading debate on 28 January, the Home Secretary made it plain that ‘[c]itizenship and the right of abode, which ought to be related, have over the years parted company with each other’, and ‘the most serious drawback to the status of citizen of the United Kingdom and Colonies is that it does not provide a ready definition of who has the right of entry to the United Kingdom’ – thus the replacement of CUKC by a three-tier citizenship. Whitelaw said that the government was ‘aware of the strength of feeling in Hong Kong on the need to maintain the ties between that territory and the United Kingdom’, and the creation of a separate CBDT ‘in no way alters the position as regards the United Kingdom’s moral and constitutional responsibilities for the territories in question’.⁴⁰ There were a handful of MPs referring to Hong Kong in the debate. Among the most vocal was Paul Bryan, Chairman of the Anglo-Hong Kong Parliamentary Group. Quite apart from the effects

of alteration in citizenship ‘in practical terms’ (such as the tedium of applying for visas for travelling to European countries), Bryan said that ‘people in Hong Kong are sensitive to evidence of any weakening of the links between Britain and Hong Kong’, and wondered if there were ‘some hidden motive behind this legislation’. He mentioned a series of the British government’s recent policies which had ‘reinforced these doubts’, for example, Britain’s leading role in negotiations over textile quotas for Hong Kong in 1977, Hong Kong’s increased defence contribution to 75 per cent of the total cost, and the designation of Hong Kong students in Britain as foreigners paying higher tuition fees. Arguing that Hong Kong residents, particularly young people, should be reassured of ‘the British commitment to Hong Kong’, Bryan recommended, among other things, that the passport of Hong Kong’s British subjects should carry the words ‘British (Hong Kong) Citizen’ so as to demonstrate that the bearers of the passport had ‘closer links with the United Kingdom in terms of nationality than a British overseas citizen’.⁴¹

It was the Unofficial Members of the Executive and Legislative Councils in Hong Kong who reacted most vigorously to the Nationality Bill. As in 1981, there were nine Unofficial Members in the Executive Council, and twenty-seven Unofficials in the Legislative Council, all of whom were appointed by the Governor to assist in policy- and law-making. With higher education and successful career, the Unofficials were the privileged class in Hong Kong, many of whom had strong British connection. Sze-Yuen Chung, for one, was the Senior Unofficial Member of the Executive Council, having been appointed to the council since 1972 and to the Legislative Council between 1965 and 1978. Graduated with a doctorate in engineering at the University of Sheffield, he founded and became the executive chairman of Sonca Industries Limited, the world’s largest manufacturer of electric flashlights. With his many public services, he was appointed a Justice of Peace in 1963 and a Knight Bachelor in 1978 (as well as a GBE in 1989). The Senior Unofficial Member of the

Legislative Council was Oswald Victor Cheung (a graduate of Oxford University and a Queen's Counsel, who was awarded an OBE in 1972 and knighted in 1987), and later Roger Lobo (a businessman who was also appointed an Unofficial Member in the Executive Council). As Unofficial Member of both councils, Lydia Dunn, who had studied at University of California, Berkeley, was the executive director of Swire Pacific Limited, a traditional British hong in Hong Kong.

The Unofficials felt obliged to fight for the interests of Hong Kong. Following on meetings with the Foreign and Home Secretaries early in the month,⁴² on 27 February, Sze-Yuen Chung visited London to make further representation to Lord Carrington. On behalf of the Unofficials, he presented a paper, which identified at least two specific areas where 'the Bill erodes the existing rights of Hong Kong British subjects and the present relationship between the United Kingdom and Hong Kong'. First, the existing status of CUKCs allowed for the establishment of a right of abode in the United Kingdom after residing there for a period of five years, but under the proposed Bill, 'naturalisation' would be necessary. To the Unofficials, 'naturalisation' was the process by which an 'alien' acquired 'the citizenship of another state', and so 'Hong Kong's British subjects find themselves treated in the same way as aliens in this respect'. Second, 'Citizenship of the United Kingdom' was 'not reflected' in the proposed title of CBDT that replaced CUKC, thus jeopardising 'the continuance of British nationality' for Hong Kong. The paper highlighted that Hong Kong was 'different from most other British dependencies' since it did not have 'the option, however remote, of independence and self-determination'. It regarded 'separate sub-categories of British Citizenship for separate dependent territories' as 'a logical and tidy solution' – for example, British Citizen (UK), British Citizen (Hong Kong), British Citizen (Gibraltar), and so forth.⁴³

At the suggestion of Lord Carrington,⁴⁴ Whitelaw held talks with MacLehose on 11 March.⁴⁵ The Governor began by claiming that while people in Hong Kong had taken a

‘relaxed view’ of the White Paper ‘on the basis of assurances that the Nationality Bill would be neutral in its practical sense and a change in name only’, they now saw the Bill as ‘a fundamental attack on the relationship with the United Kingdom’, with ‘one’s citizenship [being] legislated away’. Although ‘[s]trong resentment’ was currently confined to about five to ten per cent of the population, they were ‘the most articulate and influential section’, and ‘resentment could become general and have wider political implications’ in terms of ‘Civil Service morale’ and ‘possible resignations from the Executive and Legislative Councils’.

MacLehose highlighted the three main concerns of the Unofficials and senior civil servants – naturalisation, the Crown Servants in Hong Kong, and wives of British subjects. Whitelaw was prepared to accommodate some, but not all, of them. On the requirement for naturalisation under the Nationality Bill, Whitelaw now accepted the idea of ‘registration’ as British Citizens after five years of residence in the United Kingdom, registration that would be ‘automatic and without further conditions’. Nevertheless, fearful of an influx of Hong Kong immigrants with no close connection with the United Kingdom, the Minister of State at the Home Office, Timothy Raison, immediately qualified Whitelaw’s agreement by stressing that the numbers involved should be ‘very small’, and it was ‘important to avoid making concessions to Hong Kong which would only lead to a further campaign for increased changes’.

On the proposal that CBDTs who ‘served the Government of the United Kingdom overseas’ were eligible to have that service counted towards ‘naturalisation as British Citizens’ but CBDTs who ‘served the Crown under a Dependent Territory Government’ were not, Whitelaw admitted that an amendment to the Nationality Bill would create ‘more difficulty’, and it was ‘not possible for him to open the door too widely’. MacLehose responded by claiming that he was ‘not talking about an Armageddon situation’, but rather ‘a matter of clearing up the inconsistency’ between treating employees of the United Kingdom

Government and those of the Governments of Dependent Territories. What he was asking for was only that ‘the door should be left ajar’: Hong Kong would accept the wording, used in the White Paper, that ‘the Home Secretary’s discretion should be used “sparingly” to treat persons who had rendered “substantial service” to the Crown in a dependency as satisfying the statutory requirements for naturalisation’. The numbers of such persons in Hong Kong who might be at risk in the event of a Chinese take-over, MacLehose added, would be no more than 5,000 (or 10,000 if their dependents were included), with less than half of whom really wanting to come to the United Kingdom. (The total number of Crown Servants in Hong Kong, including civil servants, the police, and auxiliary forces, was 145,808.)⁴⁶ Lastly, Whitelaw was adamant not to allow wives of British Citizens to acquire citizenship in all circumstances as this ‘would go against the Government’s sex policy in the Bill’.⁴⁷

As a result of lobbying by Hong Kong and the FCO, in late March the Home Office agreed to table an amendment to the Nationality Bill in the Standing Committee. As the FCO informed MacLehose, much of the discussion during the Standing stage, which started on 31 March, ‘centred on the extent to which Hong Kong pressure was responsible for the new clause’. Recognising their ‘special relationship with the UK’, the amendment gave Citizens of Dependent Territories the right to register as British Citizens after five years of residence in the United Kingdom. To relieve ‘the feelings of injustice’ in Hong Kong, a new provision gave the Home Secretary discretion ‘in the special circumstances of a particular case’ to treat Crown Servants of a Dependent Territory government in the same manner as persons who served the United Kingdom government. On 2 April, the amended Bill was passed in the Standing Committee.⁴⁸

II

Having secured three concessions from the British government – a separate category of citizenship for British Dependent Territories (CBDT), entitlement to registration as British citizens after five-year residence in the United Kingdom, and grants of British citizenship to Crown Servants in Dependent Territories at the Home Secretary’s discretion – the Unofficial Members in Hong Kong apparently resumed the fight for the nomenclature of citizenship. During the Foreign Secretary’s visit to Hong Kong on 31 March, Sze-Yuen Chung had argued that, as CUKCs, Hong Kong’s British subjects were ‘citizens of both the UK and the Colonies’. But under the Nationality Bill, a CBDT ‘would lose his UK Citizenship’. The Unofficials demanded that the Bill should be amended to include a declaration that CBDTs continued to be ‘British Nationals’,⁴⁹ a demand that incurred the anger of not only the Home Office but also the FCO. As Richard Luce, Under-Secretary of State in the FCO, lamented:

Throughout the debates I have had to defend the difficult argument that Hong Kong is the most important of our Colonies and that we must do nothing to upset them. For the sake of Hong Kong we have put through two amendments [and opposed] the concept of individual citizenships... I am bound to feel very irritated by the latest demand which no doubt we will again be told is the last.⁵⁰

Whitelaw confided to Lord Carrington that the previous amendments to the Bill were ‘not secured without opposition’, and he ‘would not like to predict the reaction of the House of Commons to a further new clause to satisfy Hong Kong’.⁵¹ To Whitelaw, immigration and race relations were inseparable issues, and right-wing Tory backbenchers including Enoch Powell⁵² were watching his every move. On 11 April, serious rioting broke out in Brixton, South London, as a result of perceived discriminatory treatment of the black residents by the police.⁵³ Powell warned of an imminent racial ‘civil war’.⁵⁴ Although the Brixton riots had absolutely nothing to do with the Hong Kong immigrants, the Home Secretary could not but see Hong Kong’s new demand as creating another hurdle to the Nationality Bill.

On 22 May, Sze-Yuen Chung on behalf of the Unofficial Members of both councils made a formal request to the Foreign Secretary. Regarding the '[n]ational identity issue as being of critical importance to [Hong Kong's] future relations with the United Kingdom', he demanded the inclusion of a new clause in the Nationality Bill that provided for 'the retention of British National status' by CBDTs.⁵⁵ The Unofficials harboured the idea of a mission to London to lobby for their cause, only to be persuaded by MacLehose to drop it pending the outcome of the Third Reading of the Bill in the House of Commons.⁵⁶ At the request of the Governor and the FCO, the Home Office agreed to make clear statements reassuring Hong Kong in Parliament. During the Third Reading debate on 4 June, Whitelaw stressed that 'the Bill in no way alters the United Kingdom's special relationship with her dependencies'. Minister of State Raison confirmed that 'Citizens of the British Dependent Territories will remain United Kingdom nationals in the sense that the United Kingdom can afford consular protection and represent their interests internationally'.⁵⁷ The Commons approved the Nationality Bill by 287 votes to 234.⁵⁸

Things became more complicated in the House of Lords, however. During the Committee stage in July, the Lords passed an amendment (by 150 votes to 112) to the Nationality Bill, which gave CBDTs in Gibraltar the right to register as British Citizens by virtue of its membership in the European Community. (Back in June, an amendment in the Commons, giving full British citizenship to Gibraltar, had been defeated by 273 votes to 248.) Both the Home Office and the FCO, opposing 'anything in the Nationality Bill which would discriminate in favour of Gibraltar', were inclined to reverse the Lords' amendment.⁵⁹ They feared that Hong Kong would 'regard the situation as a new one', and accordingly the Governor would have to support the Unofficials in 'seeking change in nomenclature in which some emphasis on the "Britishness" of Hong Kong would be a main feature' (although there was 'no question of their expecting freedom of entry to the United Kingdom').⁶⁰ The

Gibraltar amendment in the Lords, fully reported in the local newspapers, renewed the fear in Hong Kong that British subjects there were being treated as ‘second-class citizens’.

Prominent figures like Yuet-Keung Kan (former Senior Unofficial Member of the Executive Council) protested against ‘the discrimination against Hong Kong’; pressure groups such as the Hong Kong Civic Association and the Reform Club called upon London to give British subjects in Hong Kong the same ‘full citizenship’ as those in Gibraltar.⁶¹

Some in the House of Lords were sympathetic towards Hong Kong’s predicament. At the Report stage on 13 October, the Lords considered an amendment put forward by Lord Geddes (a Tory), who personally had ‘a close affinity with Hong Kong’. Arguing that the status of nationality had not been defined within the Nationality Bill and his amendment did ‘not attempt to alter in any way the qualifications or categories of British citizens’, Lord Geddes proposed that all British Citizen, CBDT, and British Overseas Citizen should have the status of ‘British National’. Speaking on behalf of the government, Lord Trefgarne argued that the amendment presented ‘serious difficulties’, for ‘the concept of “British national” is not something known to our domestic law’ and ‘would cover many people who are not only subject to our immigration control but who also hold other citizenships’. Although the amendment did ‘not specifically refer to Hong Kong’, he was aware of Lord Geddes’ ‘particular concern for the people of that territory’. At last, the amendment was defeated by the narrow margin of 105 votes to 102.⁶² The Unofficial Members were disappointed by the outcome, especially because they had originally planned to send a delegation to London to lobby for the amendment but abandoned their plan after the promise by Governor MacLehose (and Paul Bryan) to make representation on their behalf.⁶³ (MacLehose later recollected that here was ‘a most unhappy episode’ – indeed, ‘the unhappiest of my time in Hong Kong’ – as the Unofficials felt that he had ‘betrayed’ them by asking them not to go to London for lobbying.)⁶⁴

When the House of Lords gave its Third Reading of the Bill on 20 October, Lord Geddes tabled another amendment, substituting the title of ‘British Dependent Territories Citizen’ for ‘Citizen of British Dependent Territories’. The government would not oppose him this time round. As R. D. Clift, Head of the FCO’s Hong Kong and General Department, assessed it, the substance of the Geddes amendment ‘would not materially alter the Bill and could give nothing away in immigration or other terms’. Opposition by the government to his amendment could ‘irritate the Hong Kong lobby’ and cause them to ‘abstain on the Gibraltar amendment in the Commons’. Moreover, Clift was acutely aware of the wider implications of the amendment for United Kingdom-Hong Kong relations at an uncertain moment in 1981. The worries of the Unofficials in Hong Kong were ‘not over immigration rights nor for finding a bolt hole if things go wrong with China’; rather, they were ‘interested in their present political position and in maintaining confidence for Hong Kong’.⁶⁵ Lord Kadoorie, a prominent Hong Kong businessman and philanthropist born to a Jewish family originally from Baghdad, told the House that the majority in Hong Kong worried about the Nationality Bill not because they wanted the right of abode in the United Kingdom, but because the Bill gave ‘an impression of rejection, a feeling that ... we are losing our “Britishness”’.⁶⁶ Whitelaw supported the substance of Lord Geddes’ amendment since it would ‘bring the word order of all three main categories of citizenship into line’ and could be ‘seen as an acknowledgement by HMG of the importance which all the dependent territories attach to the British connection’.⁶⁷ At last, the Geddes amendment was carried.⁶⁸

Seven days later, on 27 October, the House of Commons considered the Lords’ amendments. Among the others, the controversial Gibraltar amendment was adopted. As Bryan, who chaired the Anglo-Hong Kong Parliamentary Group, talked of its effects on other Dependent Territories, there was ‘no ill-will for Gibraltar in Hong Kong’, but ‘the principle of discrimination that it embodies’ had ‘obviously caused profound disillusionment in Hong

Kong'. Claiming that the acceptance of the Gibraltar amendment had 'created a new situation' and called into question 'the extent of the Government's responsibility' to other Dependent Territories, Bryan asked if the Home Secretary could explicitly confirm that BDTCs would 'remain United Kingdom nationals in the sense that the United Kingdom can afford consular protection and represent their interests internationally', and that their status would be 'for life, regardless of whether their territory remains on the schedule or not' and be 'transmittable to their children'. Whitelaw expressed 'difficulty', but promised to write to Bryan later.⁶⁹

In his personal reply to Bryan on 30 October, Whitelaw admitted that he could not make any 'definite forecast about a hypothetical situation': '[i]f there were to be a change in the status of a dependency, the question of the national status in our law of people from that dependency would therefore be for Parliament to decide, taking account of the circumstances'. On Hong Kong, Whitelaw argued that what mattered most was that 'the stability of the Territory rests on the twin bases of our excellent relations with China and of Britain's commitment to support the interests of Hong Kong's people', both of which were 'not altered by the Nationality Bill'.⁷⁰ The British Nationality Act received Royal Assent on the same day, and would come into force on a date to be appointed by the Home Secretary.⁷¹ Accordingly, British subjects in Hong Kong would become BDTCs, who enjoyed the right of abode in Hong Kong (but not in the United Kingdom) and whose status could be transmitted to the next generation.

In short, the Unofficial Members of the Executive and Legislative Councils had played a crucial role in lobbying the Thatcher government to amend the Nationality Bill with a view to protecting what they saw as the 'Britishness' of Hong Kong, at a time when the emerging 1997 question was casting a shadow over United Kingdom-Hong Kong relations. By the time the 1981 British Nationality Act came into effect on 1 January 1983, the Anglo-

Chinese negotiation over Hong Kong's future, which began shortly after Thatcher's China visit last September, renewed the identity crisis of Hong Kong elites. The continuation of Hong Kong's 'Britishness' after 1997 was perceived to be under threat.

III

The Anglo-Chinese negotiations over Hong Kong's future can be divided into three phases. The first phase, from October 1982 to June 1983, was characterised by 'informal talks' on how to get into formal talks: whilst the Chinese insisted that acknowledgement of China's sovereignty over Hong Kong was a precondition for substantial discussions, the British resisted the Chinese demand for some eight months. During the second phase between July and November 1983, the Thatcher government aimed to persuade China to exchange sovereignty for administration, if the British conditions were met. By the end of November, however, the British could not but concede both sovereignty and administration to the Chinese. The final phase started on 7-8 December, when the two sides undertook serious discussions about the working papers on different aspects of Hong Kong's systems, which were based on Deng Xiaoping's outline of China's special policies for Hong Kong after 1997.⁷²

From the outset, the Thatcher government was eager to consult the Unofficial Members of the Executive and Legislative Councils regarding Britain's negotiating strategy. In a meeting with the Unofficials on 16 January 1984, Thatcher and her officials revealed that the primary objectives of the British government were now to secure 'the highest possible degree of autonomy for Hong Kong', 'minimum change in the Hong Kong systems', and 'the maximum possible safeguards against Chinese interference including of course a Chinese undertaking of no change for at least 50 years after 1997'.⁷³ One of the crucial issues that concerned the Unofficials was the nationality of BDTCs in Hong Kong after 1997. Under the

1980 Nationality Law of the People's Republic of China, all Hong Kong residents of Chinese race were regarded as 'Chinese nationals'. The Chinese government did not recognise dual nationality and, for that matter, the status and rights of BDTCs in Hong Kong after 1997, such as British consular protection and the use of British passports.

By early March, both the British government and the Executive Council of Hong Kong had come to accept that the title of BDTC had to go after 1997, and the existing rights of BDTCs in Hong Kong should be retained under another name. In a working paper on nationality submitted to the Prime Minister on 9 March, Foreign Secretary Geoffrey Howe noted that the British government would in due course have to pass legislation to create a new category of British nationality for Hong Kong, with the suggested title of 'British: Hong Kong (China) citizen'.⁷⁴ The Unofficial Members of the Executive Council, however, felt that Howe's proposed title 'did not distinguish clearly enough between the concept of nationality and citizenship', while disliking the term 'Hong Kong (China)' within it. Instead, they proposed 'British National: Hong Kong Citizen' (their preferred choice), 'British National: Commonwealth Citizen', or 'British National: Hong Kong (China) Citizen'.⁷⁵ As the Unofficials explained the exclusion of the word 'China' to Governor Edward Youde, 'difficulties would be bound to arise in the United States where travellers are required to state their citizenship: the moment they saw the word "China" in a passport, U.S. immigration officials would immediately identify the bearer with China, particularly if he were of Chinese race'. 'Given the overwhelming importance of the U.S. as a market for Hong Kong, and the frequency with which Hong Kong businessmen visit the country', they argued, 'such difficulties would have serious consequences for Hong Kong's prosperity'.⁷⁶

The Unofficials' apparent obsession with the title of nationality for Hong Kong could not be separated from their unease over the Anglo-Chinese negotiation over Hong Kong's future, which had reached a stalemate over the timing of an agreement by early April. In a

meeting with the Prime Minister on 6 April, Sze-Yuen Chung expressed his frustration and disappointment about what he saw as the ever-shifting British negotiating position: whilst, back in January, Thatcher had pledged to reach an ‘interim’ agreement with China (with conditionality) by September, in late February she accepted China’s demand for concluding a ‘final’ agreement by September. Lydia Dunn, Unofficial Member of the Executive and Legislative Councils, told Thatcher that ‘because the Chinese were untrustworthy the agreement must be detailed’. Another Unofficial of both councils, Tak-Shing Lo (a barrister and a business director who graduated from Oxford), pressed for Hong Kong’s immigration rights: ‘If China now declined to recognise BDTC’s the latter were bound to look to Britain to protect them’, and ‘it was within the power of HMG to give these people the right of abode in the United Kingdom’.⁷⁷

While the Unofficial Members were exerting pressure on the Thatcher government, the Chinese government remained adamant about the question of dual nationality. During his visit to China between 16 and 18 April, Howe proposed to create ‘a new category of British nationality to allow individuals to retain their existing rights under another name which would have no colonial connotations’. As he explained his proposal to Foreign Minister Wu Xueqian, ‘this would only be a transitional arrangement’, for in general British nationality was ‘transmissible for one generation only’. Howe said that, as China had in mind ‘the idea of separate travel documents for residents of Hong Kong’, it would be ‘helpful if this could reflect a separate citizenship for the S[pecial]A[dministrative]R[egion] under Chinese nationality’. In response, Wu insisted that China ‘did not recognise dual nationality’. ‘Consular protection for 3 million out of Hong Kong’s population of 5 million’, Wu asserted, ‘would be absurd’: ‘If this 3 million were to enjoy consular protection, the future British consulate-general in Hong Kong would have to be as large as the future SAR government.’⁷⁸

From Beijing, Howe travelled to Hong Kong to report on the latest development in the negotiations. He formally announced that it would ‘not be realistic’ to expect of continuing British administration after 30 June 1997. During a long conversation with Howe on 20 April, the Unofficial Members of the Executive and Legislative Councils ‘revealed a deep mistrust of Chinese intentions, and a great deal of anxiety on the nationality question’. They wondered whether, after 1997, BDTCs in Hong Kong would continue to hold British passports and, if they did not wish to live under communism, would have a right of abode in the United Kingdom. Some members suggested that ‘the right of settlement (which might in practice not be taken up by very many) would make it much easier to secure acceptance in Hong Kong of a draft agreement’.⁷⁹ As Governor Youde assessed it, there was ‘a very strong feeling among the [Unofficial Members] that Britain has a moral obligation to BDTCs’. ‘[I]f British administration cannot continue’, Youde told the FCO, the United Kingdom had ‘an obligation to find them a safe haven in British territory elsewhere’, such as Canada and Australia, or in the United States.⁸⁰ The ‘strong feeling’ of the Unofficials was further demonstrated in early May, when Sze-Yuen Chung led a delegation to London to lobby MPs before the Parliamentary debate on Hong Kong. Just before departure, on 9 May Chung issued a statement on behalf of the Unofficial Members, raising six concerns including the fate of BDTCs in Hong Kong after 1997 and making four requests including guaranteeing the rights of British nationals in Hong Kong. Despite the fact that the Unofficials had no intention of lobbying for large-scale immigration to Britain, the FCO, MPs, and the press suspected such a motive, and accordingly gave the delegation a cool reception.⁸¹

Although China stood firm on the principle of sovereignty and the spirit of Chinese Nationality Law, the British assessed that Beijing would ‘in fact permit dual nationality to operate in practice’, by permitting Hong Kong residents to travel on new passports issued by the British government. In mid-July, the FCO produced an annex on nationality to the draft

Sino-British agreement. Taking the form of unilateral statements by the two sides, the annex allowed Britain to state that ‘Hong Kong BDTs should continue to hold British nationality after 1997 without the Chinese having formally to agree to this or to the concept of dual nationality’. On the other hand, the Chinese declaration would indicate that China ‘consider these people to be Chinese nationals’. On the question of transmissibility of British nationality after 1997, the FCO hoped that although the Chinese had said that they could not accept this, ‘it is just possible that they may do so if it is part of a unilateral British statement’. Above all, it was imperative to secure China’s agreement that former BDTs after 1997 should have ‘both Chinese nationality and right of abode in Hong Kong’, so much so that there would be no ‘anxieties on immigration grounds to deter [Britain] from giving the maximum psychological support to the Hong Kong people in this area of such importance to them’.⁸² In other words, the Thatcher government, with a racialized image of British identity, was eager to ensure that the majority of former BDTs should continue to live and work in Hong Kong after China’s resumption of sovereignty.

After twenty-two rounds of talks, by September the British and Chinese negotiators had, by and large, reached an agreement on Hong Kong’s future. On the question of nationality, the agreement took the form of an exchange of memoranda. Owing to the principle of sovereignty, China had insisted that all new British passports, replacing BDTs passports, should be issued before 30 June 1997 and be described as ‘travel documents’ in the British memorandum on nationality, and that the transmissibility of nationality for one generation should cease.⁸³ At last, China and Britain made mutual compromises.

Accordingly, China allowed Britain to use the word ‘passport’ in the British memorandum whilst the Chinese memorandum would refer to it as ‘travel document’, in return for the British agreements to issue all new passports by 30 June 1997 and to drop the existing right of transmissibility. Indeed, even the Home Secretary, Leon Brittan, found the concept of

transmissibility problematic, not only because of strong Chinese objection but also ‘because of the risk in the future that people claiming BDTC status, but living outside and having only a tenuous link with Hong Kong, would be pressed on the United Kingdom’.⁸⁴ Once again, this reflected the hidden British fear of non-white immigration from Hong Kong.

The Thatcher government was satisfied that Britain had secured a legally binding and detailed agreement, which would allow Hong Kong to enjoy a high degree of autonomy and maintain its capitalist system for fifty years after 1997. The final outcome represented ‘the best agreement [Britain] could have achieved in all the circumstances’ and ‘major concessions’ by China. Howe did admit, however, that Britain had not achieved all that it wanted, including the failure to secure the right of BDTCs to transmit their status for one generation to their children after 1997.⁸⁵ When the Unofficial Members of the Executive Council visited Downing Street to meet with Thatcher on 19 September, Sze-Yuen Chung recalled the UMELCO statement, issued in May, about the four requests, including protection of the rights of British nationals. ‘[W]hilst the right of BDTCs to use a British passport will give people some comfort’, Chung said, ‘HMG will be vulnerable in so far as the withdrawal of transmissibility is concerned’. Nevertheless, although the agreement ‘falls short of meeting completely all our requirements’, Chung, wondering what ‘alternative’ was available, regarded it as ‘a reasonable agreement’, one that the Unofficials could ‘commend to the people of Hong Kong in good conscience’.⁸⁶

On 19 December, in Beijing, Thatcher and Premier Zhao Ziyang formally signed the Sino-British Joint Declaration on the handover of Hong Kong to China in 1997. Under the Hong Kong (British Nationality) Order of 1986, a new category of nationality for Hong Kong, ‘British National (Overseas)’, was created. Accordingly, all former BDTCs were entitled to apply for the new BN(O) passport, which afforded its holders British consular protection in third countries (but not in the Hong Kong Special Administrative Region and

Mainland China). Owing to the Unofficial Members' demand, the words 'British national' were used to refer to the nationality status of the holders of BN(O) passport, thereby symbolising the British connection beyond the Hong Kong handover. But this could not eclipse the fact that the United Kingdom was decolonising Hong Kong through nationality laws. Inside the BN(O) passport, according to a subsequent Anglo-Chinese agreement, there was a reference to the effect that its holder had the 'right of abode in Hong Kong'. In 1987, the Hong Kong government amended the Immigration Ordinance by introducing the terms 'Hong Kong permanent resident' and 'right of abode'.⁸⁷ Legally, Hong Kong permanent residents holding the BN(O) passports should look nowhere else for settlement.

IV

The Thatcher government was committed to the passage of a new British Nationality Act between 1979 and 1981. To Thatcher, the 1981 Act lay at the heart of the forging of an exclusive British identity – only white Britons or children and grandchildren of those born and settled in the United Kingdom had an automatic right to British citizenship. Thatcher's 'racecraft' may have been shaped more by political considerations (winning white votes) than by Powellism, but she supported a tough immigration stance nevertheless.⁸⁸ Although archival evidence does not suggest that British politicians and officials intentionally linked the Nationality Act with Hong Kong's post-1997 future, it is clear that a general hostility to non-white immigration was embedded in their considerations and decisions. Being the most populous of the remaining British Dependent Territories, Hong Kong played a key role in forcing change to the original proposals of the British government, such as the creation of a three-tier citizenship including BDTC, entitlement to registration as British citizens after five-year residence in the United Kingdom, and grants of British citizenship to Crown Servants in Dependent Territories at the Home Secretary's discretion. The Thatcher government was

willing to make these concessions as long as they did not risk opening the floodgates to Hong Kong immigrants, who were deemed to have no close connection with the United Kingdom. Besides, it saw the need to reassure Hong Kong society at a time of political uncertainty.

The introduction and eventual passage of the Nationality Bill coincided with the emergence of the 1997 question, thus creating a crisis of identity among the Hong Kong elites. Identity was never static, but was imagined, contested, and constructed at all times. For British nationals in a colonial setting, according to Robert Bickers, identity was always 'in flux, growing stronger in the face of perceived betrayal by the imperial state'.⁸⁹ Tim Harper similarly observes: 'In times of imperial crisis, a more exclusive "Britishness" asserted itself.'⁹⁰ Commenting on the 1981 Nationality Act, the Hong Kong-based *South China Morning Post* wrote that the central issue was 'the question mark the Bill placed over the future of Hongkong's special relationship with Britain. By arousing fears of a weakening of that connection, the Bill has acted as a catalyst for a kind of collective identity crisis.'⁹¹ The feeling of disillusionment and abandonment in Hong Kong did not arise out of the blue, but was grounded in the historical context of United Kingdom-Hong Kong relations. Although the 1981 Act did not actually change the Hong Kong people's right of abode in the United Kingdom, which had already been lost since the 1962 Commonwealth Immigrants Act, it reminded them of the previous discriminatory policy of London. As Governor MacLehose recollected, the Bill 'had no practical effect on Hong Kong residents and the only change involved was the question of nomenclature', but 'this new legislation reactivated their sense of resentment at the legislation that had preceded it'. The Unofficial Members, or the 'people of status in Hong Kong', felt that they 'had been betrayed', and the 1981 Act was 'a reminder'.⁹² Their sense of 'betrayal' was intensified by the recent conflicts between London and Hong Kong over textile quotas, defence contribution, and British university tuition fees for Hong Kong students.

With the 1997 question in their mind, the Unofficial Members feared that the United Kingdom was distancing itself from Hong Kong, or decolonising the ‘Britishness’ of Hong Kong residents. Mark Hampton has argued that the Hong Kong Chinese ‘Britishness was an identity to be asserted for instrumental reasons, not, in most cases, a subjective self-identification’.⁹³ As far as the Unofficial Members were concerned, the assertion of a British identity was partly instrumental and partly affective. During the debates over the 1981 Nationality Bill, the Unofficials were concerned about its practical effects, such as discrimination by foreign countries against Hong Kong-issued British passports. In 1984, the Unofficials were desperate to preserve the existing rights of BDTCs after 1997, including British consular protection and transmissibility of British nationality to the next generation. Nevertheless, their strong feelings towards the change of nomenclature of CUKC and their determination to retain the words ‘British national’ in their new passports replacing the BDTC ones showed that the Unofficials attached as much importance to the symbolism of ‘Britishness’ as to the practical benefits of being British nationals. After all, in the early 1980s, the Unofficials had no illusion about seeking the right of abode in the United Kingdom (although some of them did occasionally raise the issue with London). Instead, they imagined and constructed a Hong Kong identity with British characteristics. Given their British connection – many of them had studied in Britain, worked for Hong Kong-based British companies, and received British honours – the Unofficials were proud of British values and institutions, such as the rule of law, fair play, and efficient government. At the same time, the Unofficials identified themselves with Hong Kong they called home (although some richer ones did secure British or foreign passports as a safety net). While the volume of emigration from Hong Kong, primarily by businessmen and professionals, did increase in the 1980s,⁹⁴ the majority of Hong Kong Chinese did not aspire to become ‘white Britons’ and instead stayed in a place where they had spent all or most of their lives. What the elites

treasured was the 'Britishness' that had made Hong Kong into an economic miracle and a free and legally-based city. Thus, during the Anglo-Chinese negotiations over Hong Kong's future, the Unofficial Members exerted enormous pressure on the Thatcher government to conclude a detailed and binding agreement with China that could preserve Hong Kong's autonomy and way of life after 1997. In this vein, the Unofficial Members asserted a civic British identity in opposition to socialist China. To be 'British' in a civic sense meant that China's interference in Hong Kong's capitalist system and internal affairs should not be allowed after the handover.

If the imagined British identity of the Unofficial Members was not based on blood or race, their identification with 'Britishness' had a lot to do with class and status, just as David Cannadine has stressed the role of class in the making of the British Empire.⁹⁵ 'Britishness' meant different things to different people, if at all. Notwithstanding the active involvement of the Unofficials in the fight for British nationality, the majority of the Hong Kong population seemed to be uninterested in the legislation changes made in London. Unlike the highly educated elites, such as Sze-Yuen Chung and Lydia Dunn, it was doubtful that ordinary Hong Kong Chinese were able to grasp the subtleties of such terms as CUKC and BDTC. As an Urban Councillor explained the apparent lack of interest in Hong Kong in early 1981, the Hong Kong residents 'are not having much to do with the U[nited]K[ingdom] these days'.⁹⁶ A professor at the University of Hong Kong observed in October that 'only a small minority are concerned with the [nationality] issue and they are mainly middle-ranking Government officials'.⁹⁷ That said, when the British and Chinese governments commenced negotiation over Hong Kong's future in late 1982, the majority of Hong Kong residents did desire the continuation of British rule beyond 1997,⁹⁸ even if they did not articulate a sense of 'Britishness' as such.

ENDNOTES

¹ Ansari, 'Subjects or Citizens?', 288.

² Hopkins, 'Rethinking Decolonization', 221.

³ Brown, *Global South Asians*, 40; Layton-Henry, *The Politics of Immigration*, 13.

⁴ See Winder, *Bloody Foreigners*, 371-380; Benton and Gomez, *The Chinese in Britain*, 326-327.

⁵ Buettner, *Europe After Empire*, 269-270.

⁶ Dixon, 'Thatcher's People', 174-175.

⁷ Layton-Henry, *The Politics of Immigration*, 196.

⁸ Hansen, *Citizenship and Immigration in Post-War Britain*, 208.

⁹ Paul, *Whitewashing Britain*, 183 and 189.

¹⁰ Benton and Gomez, *The Chinese in Britain*, 284-320. Quote on 316.

¹¹ Joint Council for the Welfare of Immigrants, *A Question of Belonging*, 14.

¹² Moore's first volume of Thatcher's biography touches upon her early attitude towards immigration and mentions the Nationality Act in passing. Moore, *Margaret Thatcher*, 381-383 and 405. Hansen's comprehensive account of Britain's postwar immigration policy has not benefited from the declassified British archives used in this article. Hansen, *Citizenship and Immigration in Post-War Britain*, 207-221. For a legal perspective, see Dixon, 'Thatcher's People'; Blake, 'Citizenship, Law and the State'.

¹³ 'New Bill "Means Little"', *South China Morning Post*, 6 March 1981.

¹⁴ See Joint Council for the Welfare of Immigrants, *A Question of Belonging*, 20-21; Hampton, *Hong Kong and British Culture*, 176-177.

¹⁵ On the emergence of a Hong Kong identity since the 1970s, see Carroll, *A Concise History of Hong Kong*, 167-176.

¹⁶ Dixon, 'Thatcher's People', 166-167.

¹⁷ Minutes of the Leader's Consultative Committee, LCC(76)125th meeting, 16 July 1976, The Parliamentary Party, Leader's Consultative Committee (Shadow Cabinet), LCC 1/3/12, Conservative Party Archive, Rare Books and Manuscripts Reading Room, University of Oxford, Oxford, UK; Shadow Cabinet Paper by William Whitelaw, 'Race Relations and Immigration', July 1976, LCC/76/126, *ibid.*

¹⁸ Minutes of the Leader's Consultative Committee, LCC(78)191st meeting, 20 February 1978, The Parliamentary Party, Leader's Consultative Committee (Shadow Cabinet), LCC 1/3/14, Conservative Party Archive, Rare Books and Manuscripts Reading Room, University of Oxford; Paper by William Whitelaw, 'The Control of Immigration', 16 February 1978, LCC(78)171, *ibid.*

¹⁹ Moore, *Margaret Thatcher*, 391-392 and 403-406.

²⁰ The Conservative Manifesto 1979 (Conservative Central Office, April 1979), p. 21, PUB 156/4, Conservative Party Archive, Rare Books and Manuscripts Reading Room, University of Oxford. There was no specific reference to Hong Kong in the manifesto.

²¹ Dixon, 'Thatcher's People', 173-174.

²² Harris, *Not for Turning*, 143; Aitken, *Margaret Thatcher*, 200.

²³ Camilia, *Enoch Powell and the Making of Postcolonial Britain*; Harris, *Not for Turning*, 143-144; Aitken, *Margaret Thatcher*, 201.

²⁴ Hansen, *Citizenship and Immigration in Post-War Britain*, 209-211; Moore, *Margaret Thatcher*, 382.

²⁵ Benton and Gomez, *The Chinese in Britain*, 51.

²⁶ Winder, *Bloody Foreigners*, 396 and 398.

²⁷ Memorandum, McLaren to Murray, 15 June 1979, FCO 40/1111 HKK340/1 Part A, The British National Archives (hereafter TNA), Kew, Surrey, UK.

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- ²⁸ Beijing to FCO, nos. 345 and 346, March 30, 1979, FCO 21/1735 FEH021/1 Part B, TNA; Qi, *Deng Xiaoping yu Xianggang huigui*, 60-63.
- ²⁹ Memorandum, McLaren to Murray, 15 June 1979, FCO 40/1111 HKK340/1 Part A, TNA.
- ³⁰ Hong Kong to FCO, no. 945, 6 July 1979, FCO 40/1111 HKK340/1 Part A, TNA.
- ³¹ Memorandum, McLaren to Figg, 20 July 1979, FCO 40/1111 HKK340/1 Part A; Memorandum, Wall to Murray, 10 July 1979, *ibid.*, TNA.
- ³² FCO to Hong Kong, no. 635, 8 August 1979, FCO 40/1111 HKK340/1 Part A; Memorandum, Smedley to Figg, 3 August 1979, *ibid.*, TNA.
- ³³ Home Office Paper, 'Nationality Bill: Nomenclature of New Citizenships', enclosed in Hilary to Murray, 13 December 1979, FCO 40/1113 HKK340/1 Part C, TNA.
- ³⁴ Hong Kong and General Department Paper, 'Proposed New Nationality Laws: Summary of Views', enclosed in Memorandum, Quantrill to Clift, 17 January 1980, FCO 40/1198 HKK340/1 Part A, TNA.
- ³⁵ Memorandum, Clift to Murray, 21 January 1980, FCO 40/1198 HKK340/1 Part A, TNA.
- ³⁶ Woodfield to Cortazzi, 13 March 1980, FCO 40/1198 HKK340/1 Part A, TNA.
- ³⁷ Memorandum, Jones to Clift, 1 April 1980, FCO 40/1198 HKK340/1 Part A, TNA.
- ³⁸ Record of meeting between Gilmour and Whitelaw on 9 June 1980, FCO 40/1199 HKK340/1 Part B; Clift to MacLehose, 20 June 1980, *ibid.*, TNA.
- ³⁹ For a summary, see Press Release by Hong Kong Government, 30 July 1980, FCO 40/1199 HKK340/1 Part B, TNA.
- ⁴⁰ *Hansard*, House of Commons Debate, 28 January 1981, vol. 997, col. 935 and 942-943.
- ⁴¹ *Hansard*, House of Commons Debate, 28 January 1981, vol. 997, col. 955-957.
- ⁴² Record of meeting between Lord Carrington and Unofficial Members of Executive and Legislative Councils, 2 February 1981, FCO 40/1331 HKK340/1 Part B; Meeting between Whitelaw and Unofficials, 6 February 1981, *ibid.*, TNA.

⁴³ Chung to Lord Carrington, 27 February 1981, FCO 40/1331 HKK340/1 Part B; Paper titled ‘British Nationality Bill 1981: The View of the Unofficial Members of the Executive and Legislative Councils, Hong Kong’, 2 March 1981, *ibid.*, TNA.

⁴⁴ Memorandum, Clift to Donald, 18 February 1981, FCO 40/1331 HKK340/1 Part B, TNA.

⁴⁵ Before the meeting, a Memorandum on ‘British Nationality Bill 1980’ prepared by the Hong Kong government dated March 1981 was submitted to the Home Office. See FCO 40/1331 HKK340/1 Part B, TNA.

⁴⁶ Written Answers, 3 April 1981, *Hansard*, House of Commons Debate, vol. 2, col. 137-138.

⁴⁷ Meeting between Whitelaw and MacLehose (and others), 11 March 1981, FCO 40/1331 HKK340/1 Part B, TNA.

⁴⁸ FCO to Hong Kong, no. 296, 26 March 1981, FCO 40/1332 HKK340/1 Part C; FCO to Hong Kong, no. 340, 2 April 1981, *ibid.*; FCO to Hong Kong, no. 342, 2 April 1981, FCO 40/1333 HKK340/1 Part D, TNA.

⁴⁹ UMELCO’s record of meeting with Lord Carrington on 31 March 1981, enclosed in Miller to Clift, 9 April 1981, FCO 40/1333 HKK340/1 Part D; Memorandum, Morrice to Donald, 29 April 1981, *ibid.*, TNA.

⁵⁰ Memorandum, Luce to Lord Carrington, 1 May 1981, FCO 40/1333 HKK340/1 Part D, TNA.

⁵¹ Whitelaw to Lord Carrington, 11 May 1981, FCO 40/1333 HKK340/1 Part D, TNA.

⁵² From the outset, Powell felt that the Nationality Bill had failed to achieve its intention of reuniting ‘status and reality, status and statehood, status and rights and duties’. Heffer, *Like the Roman*, 843.

⁵³ Garnett and Aitken, *Splendid! Splendid!*, 258-259.

⁵⁴ Schofield, *Enoch Powell and the Making of Postcolonial Britain*, 313.

⁵⁵ Chung to Lord Carrington, via MacLehose, 22 May 1981, FCO 40/1334 HKK340/1 Part E, TNA.

⁵⁶ Hong Kong to FCO, no. 532, 27 May 1981, FCO 40/1334 HKK340/1 Part E; Memorandum, Clift to Donald, 29 May 1981, *ibid.*, TNA.

⁵⁷ Lord Carrington to Chung, 8 June 1981, FCO 40/1334 HKK340/1 Part E, TNA.

⁵⁸ Roberti, *The Fall of Hong Kong*, 32.

⁵⁹ The Duke of Wellington to Lord Carrington, 27 July 1981, FCO 40/1335 HKK340/1 Part F; Gilmour to The Duke of Wellington, 6 August 1981, *ibid.*, TNA.

⁶⁰ Memorandum, McQuade to Towner, 3 September 1981, FCO 40/1335 HKK340/1 Part F, TNA.

⁶¹ Briefing Note by Hong Kong Government Secretariat (as at 4 September 1981), enclosed in Teleletter by Williamson, 11 September 1981, FCO 40/1335 HKK340/1 Part F, TNA.

⁶² *Hansard*, House of Lords Debate, 13 October 1981, vol. 424, no. 133, col. 261-263, 269-270, and 277-278.

⁶³ Hong Kong to FCO, no. 933, 15 October 1981, FCO 40/1336 HKK340/1 Part G, TNA; Roberti, *The Fall of Hong Kong*, 33-34.

⁶⁴ Transcript of interviews with Lord MacLehose by Steve Tsang, 1989-1991, p. 556, MSS.Ind.Ocn. s.377, Weston Library, University of Oxford, Oxford, UK.

⁶⁵ Memorandum, Clift to PS/LPS, 19 October 1981, FCO 40/1336 HKK340/1 Part G; Memorandum, McQuade to Towner, 3 September 1981, FCO 40/1335 HKK340/1 Part F, TNA.

⁶⁶ ‘House of Lords Hears HK’s Unique Case; Kadoorie: “We Deserve Better”’, *Standard*, 21 October 1981.

⁶⁷ FCO to Hong Kong, no. 803, 19 October 1981, FCO 40/1336 HKK340/1 Part G, TNA.

⁶⁸ *Hansard*, House of Lords Debate, 20 October 1981, vol.424, no.137, col.703.

⁶⁹ *Hansard*, House of Commons Debate, 27 October 1981, vol. 10, no.160, col. 728, 772-775, and 782-783.

⁷⁰ Whitelaw to Bryan, 30 October 1981, FCO 40/1337 HKK340/1 Part H, TNA.

⁷¹ For a summary of the 1981 British Nationality Act, see Home Office News Release, 30 October 1981, FCO 40/1337 HKK340/1 Part H, TNA.

⁷² See Cottrell, *The End of Hong Kong*; Roberti, *The Fall of Hong Kong*; Qi, *Deng Xiaoping yu Xianggang huigui*; Mark, 'To "Educate" Deng Xiaoping in Capitalism'.

⁷³ 'Summary of conclusions at Prime Minister's Meeting with Hong Kong Unofficials on 16 January', enclosed in Ricketts to Coles, 23 January 1984, PREM 19/1262 Part 11, TNA.

⁷⁴ Memorandum, Howe to Thatcher, 9 March 1984, PREM 19/1263 Part 12; 'Working Paper on Nationality, Citizenship, Right of Abode, Freedom of Travel, Emigration and Immigration', Hong Kong Department, March 1984, *ibid.*, TNA.

⁷⁵ Ricketts to Coles, 16 March 1984, PREM 19/1263 Part 12, TNA.

⁷⁶ Hong Kong to FCO, no. 740, 20 March 1984, PREM 19/1263 Part 12, TNA.

⁷⁷ Record of meeting with the Unofficial Members of EXCO on 6 April 1984, PREM 19/1264 Part 13, TNA.

⁷⁸ Beijing to FCO, no. 759, 16 April 1984, PREM 19/1264 Part 13, TNA.

⁷⁹ Hong Kong to FCO, no. 1088, 20 April 1984, PREM 19/1264 Part 13, TNA.

⁸⁰ Hong Kong to FCO, no. 1089, 20 April 1984, PREM 19/1264 Part 13, TNA.

⁸¹ See Chung, *Hong Kong's Journey to Reunification*, 83-92.

⁸² Memorandum, Howe to Thatcher, 13 July 1984, PREM 19/1266 Part 15, TNA.

⁸³ Memorandum, Howe to Thatcher, 6 September 1984, PREM 19/1267 Part 16; Beijing to FCO, no.2375, 16 September 1984, *ibid.*, TNA.

⁸⁴ Limited circulation annex to OD(K)(84) 8th meeting minutes, 17 July 1984, Sub-Committee on Hong Kong, CAB 148/241, TNA.

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- ⁸⁵ Memorandum, Howe to Thatcher, 19 September 1984, PREM 19/1267 Part 16, TNA.
- ⁸⁶ Record of meeting and Speaking note for S. Y. Chung, enclosed in Powell to Appleyard, 20 September 1984, PREM 19/1267 Part 16, TNA.
- ⁸⁷ Ng, Lee, and Qu, *Nationality and Right of Abode of Hong Kong Residents*, 86 and 228; Chan, 'The Evolution of Immigration Law and Policies', 18-19.
- ⁸⁸ Layton-Henry, *The Politics of Immigration*, 210; Schofield, *Enoch Powell and the Making of Postcolonial Britain*, 344-345.
- ⁸⁹ Bickers, 'Introduction: Britains and Britons over the Seas', 16.
- ⁹⁰ Harper, 'The British "Malayans"', 236.
- ⁹¹ 'A Matter of Identity', *South China Morning Post*, 31 October 1981.
- ⁹² Transcript of interviews with Lord MacLehose by Steve Tsang, 1989-1991, pp. 554-555, MSS.Ind.Ocn. s.377, Weston Library, University of Oxford, Oxford, UK.
- ⁹³ Hampton, *Hong Kong and British Culture*, 177.
- ⁹⁴ In the 1970s, an estimated average of 10,000-15,000 Hong Kong residents emigrated elsewhere per year. Between 1980 and 1984, the total volume of emigration was about 100,000. The so-called 'brain drain' became more serious as the Hong Kong handover approached. Roberti, *The End of Hong Kong*, 220-222.
- ⁹⁵ Cannadine, *Ornamentalism*.
- ⁹⁶ 'Bill "A Poly to Disown HK"', *South China Morning Post*, 18 January 1981.
- ⁹⁷ 'Archbishop Calls it "Bad and Complicated"', *Standard*, 22 October 1981.
- ⁹⁸ Just prior to the commencement of Anglo-Chinese negotiation in 1982, three comprehensive opinion surveys, conducted by the Reform Club, the Baptist College, and the Hong Kong Observers respectively, showed 85 to 93 per cent of respondents favouring the status quo of continual British administration in Hong Kong. Chung, *Hong Kong's Journey to Reunification*, 50-51.

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