

SBCR 1/1486/81

Our Tel: 2810 2099

Our Fax: 2868 1552

Mrs Sharon Tong
Clerk to Bills Committee
Legislative Council Building
8 Jackson Road
Central
Hong Kong

26 February 2003

Dear Mrs Tong,

**Bills Committee of the Legislative Council
Registration of Persons (Amendment) Bill 2001**

At the Bills Committee meeting on 21 February 2003, Members requested the Administration to provide them with information explaining the procedures for a person to give up his Chinese nationality.

We wish to inform Members that, according to the explanations by the Standing Committee of the National People's Congress concerning the implementation of Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region (see **Annex**), Hong Kong residents who are of Chinese descent and born in Chinese territory (including Hong Kong) are Chinese nationals. If Chinese nationals wish to change or renounce their nationality, they must make a declaration with valid documentation to the Immigration Department that is the appropriate authority for processing nationality applications under section 3(1) of the Chinese Nationality (Miscellaneous Provisions) Ordinance (Cap.540). The application has to be made in writing in such form and containing such particulars as the

Director of Immigration may specify and subject to payment of relevant fee specified in the Schedule to the same Ordinance.

Yours sincerely,

(Ms Anne TENG)
for Secretary for Security

encl.

Explanations of Some Questions by the Standing Committee of the National People's Congress Concerning the Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region

(Adopted by the Standing Committee of the National People's Congress on 15 May 1996)

According to Article 18 and Annex III of the Basic Law of the PRC HKSAR, the Nationality Law of the PRC will be applied in the HKSAR from July 1, 1997. Taking account of the historical background of Hong Kong and its realities, we propose that the PRC Nationality Law should be interpreted as follows when applied in the HKSAR:

1. For those Hong Kong residents who are of Chinese descent and born in Chinese territory (including Hong Kong), and others who satisfy conditions laid down in the Nationality Law of PRC to be eligible for Chinese nationality, they are Chinese nationals.
2. All Hong Kong Chinese compatriots, whether they are holders of the "British Dependent Territories Citizen passports" or "British National (Overseas) passports" or not, are Chinese nationals. With effect from 1 July 1997, Chinese nationals mentioned above can continue to use valid travel documents issued by the government of the United Kingdom for the purpose of travelling to other states and regions. However, they will not be entitled to British consular protection in the HKSAR and other parts of PRC on account of their holding the above-mentioned British travel documents.
3. According to the Nationality Law of PRC, the full British Citizenship obtained by Chinese nationals in Hong Kong through the "British Nationality Selection Scheme" will not be recognized. These people are still Chinese nationals and will not be entitled to British consular protection in the HKSAR and other parts of PRC.
4. Chinese nationals in the HKSAR with right of abode in foreign countries can use relevant documents issued by foreign governments for the purpose of travelling to other states and regions. However, they will not be entitled to consular protection in the HKSAR and other parts of PRC on account of their holding the above mentioned documents.

-
5. In the case of nationality changes for the Chinese nationals in the HKSAR, those concerned can make a declaration with valid documentation to the appropriate authority of the HKSAR responsible for nationality applications.
 6. To authorize the HKSAR government to designate the Immigration Department as the authority responsible for nationality applications. The Immigration Department of HKSAR shall handle all nationality applications in accordance with the Nationality Law of PRC and the above mentioned provisions.