

## SCHEDULE

### SELECTION SCHEME SUBMITTED BY THE GOVERNOR OF HONG KONG TO THE SECRETARY OF STATE FOR THE PURPOSES OF SECTION 1(1) OF THE BRITISH NATIONALITY (HONG KONG) ACT 1990

## PART I

### GENERAL

#### **The scheme**

1. This scheme is submitted by the Governor of Hong Kong to the Secretary of State under paragraph 2 of Schedule 1 to the British Nationality (Hong Kong) Act 1990 for the purposes of section 1(1) of that Act (acquisition of British citizenship by up to 50,000 persons recommended to the Secretary of State for that purpose by the Governor of Hong Kong).

#### **Interpretation**

2.—(1) In this scheme—

“Act of 1981” means the British Nationality Act 1981(1);

“Act of 1990” means the British Nationality (Hong Kong) Act 1990 and any reference to a section or a Schedule is a reference to a section of, or a Schedule to, that Act;

“applicant” means an applicant for a recommendation under section 1(1) and “apply” and “application” shall be construed accordingly;

“common date”, in relation to an applicant, means the first day of the period specified in a direction during which his application is determined;

“direction” means a direction by the Secretary of State under section 1(3);

“Governor” means the Governor of Hong Kong;

“recommendation” means a recommendation by the Governor under section 1(1) and “recommend” and “recommended” shall be construed accordingly;

“registered” means registered under section 1(1).

(2) Where it falls to the Governor under this scheme to make any calculation he may for that purpose—

(a) use such statistics or information as appear to him to be appropriate;

(b) round up or down any figure to the nearest whole number.

(3) Any reference in this scheme to the Governor includes, in relation to any function which the Governor has authorised a public officer in Hong Kong to exercise on his behalf under section 3(3) (b), a reference to that officer.

(4) Unless the context otherwise requires, any reference in this scheme to a Part, Article or Annex is a reference to a Part or Article of, or Annex to, this scheme and any reference in an Article to a paragraph is a reference to a paragraph of that Article.

#### **Application of scheme**

3.—(1) This scheme applies to persons who are settled in Hong Kong and who—

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(1) 1981 c. 61.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) are British Dependent Territories citizens by virtue of a connection with Hong Kong or who have, before the passing of the Act of 1990 or, as the case may be, before any later date specified for the purposes of paragraph 4(1)(a) of Schedule 1 by a direction, applied for registration or naturalisation as such citizens by virtue of such a connection and whose applications would have been successful in the absence of registration under that Act; or
- (b) are British Nationals (Overseas), British Overseas citizens, British subjects by virtue of Part IV of the Act of 1981 or British protected persons.

(2) References in paragraph (1) to a connection with Hong Kong shall be construed in accordance with Article 2 of the Hong Kong (British Nationality) Order 1986(2).

**Classes of applicant**

4.—(1) This scheme makes provision for applications to be made in the general occupational class and in three miscellaneous classes, namely the disciplined services class, the sensitive service class and the entrepreneurs class.

(2) An applicant may only apply in one of the classes referred to in paragraph (1) in any single period specified in a direction.

**Quotas for classes of applicant**

5. The quota of persons to be recommended in respect of each class of applicant shall be as follows—

the general occupational class	—	36,200
the disciplined services class	—	7,000
the sensitive service class	—	6,300
the entrepreneurs class	—	500

**Transfer of application between classes**

6.—(1) Subject to paragraph (2), if it appears to the Governor that an application in one class could more appropriately be dealt with in another class he may treat the application as if it had been made in that other class.

(2) Where the Governor treats an application under paragraph (1) as having been made in another class but decides not to recommend the applicant in that class he shall reconsider the application in the class in which it was first made.

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(2) [S.I. 1986/948](#).