

Legislative Council
of the
Hong Kong Special Administrative Region

**Report on the Visit of the Delegation of the
Legislative Council to the United Kingdom
from 10 to 14 September 2018**

29 October 2019

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Chapter 1 – Introduction

Purpose of the report

1.1 This report presents the findings and observations of the visit of the delegation of the Legislative Council ("LegCo") to the United Kingdom ("UK") ("the Delegation"), from 10 to 14 September 2018.

Background of the visit

1.2 Formed under the House Committee of LegCo, the Parliamentary Liaison Subcommittee ("the Subcommittee") coordinates all parliamentary liaison activities between LegCo and other parliamentary bodies in various territories. In developing good relationship with parliamentary bodies, members of the Subcommittee participate, on a regular basis, in receiving parliamentarians and parliamentary delegations visiting Hong Kong. The Subcommittee also makes recommendations to the House Committee on sending delegations of LegCo Members on visits outside Hong Kong and organizes such visits.

1.3 The Subcommittee has considered different proposals for visit made by individual members. Having examined options of visiting parliaments of Norway, the UK, South Korea and Russia, the Subcommittee recommends that a visit should be made to the Parliaments of the UK and Scotland. The Subcommittee's recommendation to visit London and Edinburgh from 10 to 14 September 2018 was endorsed by House Committee on 8 June 2018.

1.4 As the number of Members in the current term is the same as that of the Fifth LegCo, House Committee endorsed the Subcommittee's recommendation that the size of the Delegation should remain as nine fully-sponsored Members and seven self-financing Members. House Committee also endorsed the mechanism for selecting Members to join the Delegation, so that it should comprise Members who were representatives of the groupings in LegCo.

Purpose of the visit

1.5 The Subcommittee decided that the visit to the UK and Scotland should be conducted with the following objectives:

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- (a) to gain useful knowledge and insights on how these legislatures deal with various procedural issues that arise frequently during meetings;
- (b) to learn how the Scottish Parliament maintained relationship with its sovereign state while preserving autonomy under devolution, and related issues including the scope of devolution, the share of power and responsibilities between the UK and Scottish Parliaments, and the mechanism of dispute resolution on constitutional and sovereignty matters; and
- (c) to gain first-hand information on issues relating to Britain's exit from the European Union ("Brexit").

Membership of the Delegation

1.6 The Delegation comprises the following 10 Members:

Hon IP Kin-yuen (Leader of the Delegation)
Hon Kenneth LEUNG (Deputy Leader of the Delegation)
Hon Charles Peter MOK, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
DrHon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon LUK Chung-hung, JP
Hon AU Nok-hin

1.7 Mr Daniel SIN, Chief Council Secretary and Clerk to the Subcommittee, Mr Ambrose LEUNG, Senior Council Secretary, and Mr CHEUNG Chi-fai, Senior Council Researcher, accompanied the Delegation on the visit.

Visit programme

1.8 The visit programme commenced on 10 September 2018 and ended on 14 September 2018. In London, the Delegation was welcomed

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by Mr Matthew HAMLIN, Principal Clerk and Head of Overseas Office, House of Commons who gave Delegation members an overview of the UK Parliament and the visit programme.

1.9 Delegation members met with Ms Kathryn STONE OBE, Parliamentary Commissioner for Standards, and held discussions with members of the All-Party Parliamentary China Group ("APPCG"), the Foreign Affairs Committee ("FAC"), as well as the International Trade Committee ("ITC"). Delegation members also met with Rt Hon Sir Lindsay HOYLE MP ("Sir Lindsay"), Chairman of Ways and Means and Deputy Speaker, House of Commons and Lord BOSWELL of Aynho, Deputy Speaker, House of Lords.

1.10 During their stay in the Houses of the UK Parliament, Delegation members had observed the proceedings of the House of Commons, a meeting of the Public Bill Committee as well as a meeting of the Defence Committee. The Delegation received a briefing of the latest development on Brexit by officials of Foreign and Commonwealth Office ("FCO"). The Delegation also visited the Royal College of Art in London to gain understanding on the developments of creative industry in the UK.

1.11 In Edinburgh, the Delegation met with the Parliamentary Business Team of the Scottish Parliament and staff of the Culture, Tourism, Europe and External Relations Committee. The Delegation also met with Mr Gerald BYRNE, Head of Constitution Policy Unit of the Scottish Government as well as Mr Nigel PATRICK, Head of Defence and International Policy (Scotland) of the Scotland Office. The Delegation also met with Mr Dean LOCKHART and Mr Gordon MACDONALD, both being Members of the Scottish Parliament, and took the opportunity to take a tour around the Scottish Parliament building and observe the proceedings of a Scottish Parliament sitting.

1.12 In addition, the Delegation paid a courtesy call on the Hong Kong Economic and Trade Office in London ("London ETO") and attended a dinner hosted by the Director of London ETO.

1.13 The detailed visit programme is in **Appendix**.

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Members of the Delegation: (from left) Dr Hon Junius HO Kwan-yiu, Hon Charles Peter MOK, Hon Andrew WAN Siu-kin, Hon CHUNG Kwok-pan, Hon IP Kin-yuen (leader), Hon Kenneth LEUNG (deputy leader), Hon AU Nok-hin, Hon LAM Cheuk-ting, Hon Alvin YEUNG and Hon LUK Chung-hung.

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Overview of the political system of the United Kingdom

2.1 The UK is a constitutional monarchy with Queen Elizabeth II as head of state, and a parliamentary democracy with a bicameral parliament as the highest legislative organ. The UK Parliament is made up of three elements: the House of Commons (i.e. the lower House), the House of Lords (i.e. the upper House) and the Monarch (i.e. the Queen).

2.2 The executive authority is notionally vested in the Monarch, but, in practice, exercised by his or her Ministers. The Government is directly accountable to Parliament and can be dismissed by the House of Commons.



The Delegation tours the Houses of Parliament of the United Kingdom.

The Parliament of the United Kingdom

2.3 The House of Commons, which serves as the primary chamber of the UK Parliament, is made up of 650 elected Members representing their constituencies and political parties. The House of Lords, which comprises some 800 Lords, is the second chamber. Members of the House of Lords do not represent constituencies, but are mostly appointed

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by the Queen on the advice of the Prime Minister; some Members are recommended by an independent body: the Appointment Commission; a significant number of the Lords are not politically-affiliated.

2.4 The functions of both Houses of the bicameral UK Parliament are similar. They include passing bills, debating current issues, and scrutinizing government policies and administration. In order for a bill to become an Act of Parliament, it has to be passed by both Houses of Parliament. In general, a bill can start either in the Commons or the Lords and must be approved in the same form by the other House before becoming an Act. However, bills designed to raise money through taxes (i.e. money bills), or spend public money, must originate from the House of Commons. The House of Lords can discuss the money bills but it does not have the power to amend or block them.

2.5 During the discussion with Mr Matthew HAMLIN, Principal Clerk and Head of Overseas Office of the House of Commons, Delegation members were briefed on the cycle of a parliamentary session. Each Parliament lasts for a period not exceeding five years beginning and ending with a proclamation made by the sovereign on the advice of the Privy Council. Each Parliament is divided into five parliamentary years called "sessions"; each normally begins and ends in the spring. However, the length for a session is not fixed. For example, the 2015 Parliament had a two-year session that lasted until May 2017 to facilitate the holding of the General Election in June 2017. The current Parliament would last until 2022. During a session, the House of Commons may adjourn in September during which Members of Parliament ("MPs") would attend party conferences. The UK Parliament would also be in recess during Christmas, Easter and summer, known as periodic adjournments.

Committee system

2.6 Much of the work of the two Houses takes place in committees. These committees consider policy issues, scrutinize the work and expenditure of the government, and examine proposals for primary and secondary legislation. There are mainly four categories of committees, namely, select committees, joint committees, general committees, and grand committees. Delegation members had met with some MPs of these committees during their visit to the UK Parliament.

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Select Committees

2.7 Select committees are set up in both Houses to inquire and report on areas ranging from the work of government departments to economic affairs. In the House of Commons, there is one select committee for each government department to scrutinize its spending, policies and administration. These committees have a minimum of 11 MPs, who decide upon the line of inquiry and then gather written and oral evidence. Findings are reported to the House of Commons. In the House of Lords, select committees mainly focus on six main areas: Europe, science, economics, communications, the UK Constitution and international relations. They are normally tasked to consider specialized subjects, taking advantage of the Lords' expertise and the greater amount of time available to examine issues.



The Delegation presents a souvenir to the Principal Clerk and Head of the Overseas Office of the House of Commons, Mr Matthew HAMLYN (fifth right) after receiving a briefing on the British parliamentary system.

2.8 During the discussion with Mr Matthew HAMLYN, Delegation members noted that each of the committees is served by about six to ten staff members, and the workload could be heavy. For example, the FAC produced as many as 12 reports on subject under its purview in 2017. Occasionally, discussions in a committee might involve sensitive or classified materials. Under such circumstances MPs may decide to

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hold meetings in camera, or take special arrangements to embargo the release of information. Where a committee conducts inquiries into matters involving intelligence work, certain parts of the report would have to be censored before being released publicly to avoid "compromising agents in the field or affecting relationship with allies".

Foreign Affairs Committee

2.9 The FAC is a select committee appointed by the House of Commons with a remit to examine the expenditure, administration and policy of the FCO and other bodies associated with FCO. FAC is chaired by Hon Tom TUGENDHAT and comprises 11 backbench MPs from government and opposition parties.

2.10 Delegation members met Mr TUGENDHAT and Mr Mike GAPES of FAC¹, and had brief exchange of views over a number of issues, including the recent Six Monthly Report on Hong Kong (1 January to 30 June 2018), training of Hong Kong lawyers, the Sino-US trade disputes and Brexit.

2.11 FAC Members mentioned that the Committee focused mostly on Brexit and other major foreign policy issues. On the Sino-US trade disputes, FAC Members commented that there were merits on either side, and the Committee was mainly interested in how the trade disputes would affect the UK.

2.12 One Delegation member mentioned that it was important for Hong Kong to remain a key player in the international trade arena. Delegation members looked towards the UK for continued support for Hong Kong to maintain the high degree of autonomy under "One Country, Two Systems" and the system of rule of law, as well as its uniqueness amongst other Chinese cities. Another Delegation member mentioned that, in the event of Brexit, UK might likely seek separate bilateral trade agreement with China. If that would be the case, and given that Hong Kong was a separate customs territory from China, it would appear beneficial for the UK to consider signing a separate free trade agreement with Hong Kong.

¹ The membership of Mr Mike GAPES in FAC ended on 19 March 2019.

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2.13 FAC Members reaffirmed their support for Hong Kong in upholding the system of rule of law and other common values. As to whether a separate trade agreement would be concluded with Hong Kong, FAC Members responded that the matter might still be precocious at this stage as the terms of Brexit and UK's relationship with other trading partners after Brexit remained rather fluid.



The Delegation meets with Hon Tom TUGENDHAT, Chairman of the Foreign Affairs Committee of the House of Commons (centre), and Hon Mike GAPES, member of the Committee (centre right).

International Trade Committee

2.14 Delegation members also had a brief sharing session with the House of Commons ITC. ITC is a select committee appointed to examine the expenditure, administration and policy of the Department for International Trade and its associated public bodies. Hon Angus Brendan MACNEIL, a member of the Scottish National Party, was elected chair of ITC in July 2017.

2.15 Delegation members had a brief discussion with Mr MACNEIL over a number of issues including the Sino-US trade disputes and its impact on the UK and Scotland. Members also

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exchanged views on the implications of Brexit to Scotland in particular.

2.16 Delegation members took the opportunity to discuss with Mr MACNEIL on how to strengthen cooperation between Hong Kong and the UK, and particularly, Scotland, in areas such as trade, innovation and technology. Delegation members also explored the prospect of concluding a free trade agreement between the UK and Hong Kong, as Hong Kong had concluded similar agreements with Australia, New Zealand, individual members of the European Union ("EU") as well as the Association of Southeast Asian Nations countries.



The Delegation meets with the International Trade Committee of the Parliament of the United Kingdom to discuss the challenges and opportunities arising from Britain's exit from the European Union.

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The leader of the Delegation, Hon IP Kin-yuen (right), and the deputy leader, Hon Kenneth LEUNG (left), present souvenirs to Mr Richard GRAHAM MP, Chairman of APPCG.

All-Party Parliamentary Groups

2.17 All-Party Parliamentary Groups are informal cross-party groups that have no official status within the UK Parliament. They are run by Members of the Commons and Lords, though many choose to involve individuals and organizations from outside the UK Parliament in their administration and activities.

2.18 APPCG was established in 1997 to widen the parliamentary contribution to the UK-China bilateral relationship. Its mission is to ensure parliamentarians are kept well informed on matters related to China, and to act as a platform for discussions on all issues of importance to the UK-China relationship.

2.19 APPCG is one of the largest All-Party Parliamentary Groups by membership. More than 300 Parliamentarians have registered as members of the group. The current Chairman is Hon Richard GRAHAM (Conservative).

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2.20 The Delegation had a brief exchange of views with members of APPCG. Delegation members were informed that national security, human rights, and free trade were the three main "pillars" of UK's foreign policy. The UK Parliament was keen to see Hong Kong's status quo remained. Some APPCG members observed that Hong Kong's business community was on the whole optimistic about the future development of Hong Kong, although the legal profession seemed concerned about the gradual retrograding degree of personal freedom.

2.21 APPCG and Delegation members discussed briefly the "pro-independence" movement in some part of the Hong Kong society. Delegation members made it clear that they did not support any pro-independence advocacy and they believed that most of the people in Hong Kong did not support independence either. Delegation members maintained that it was important for Hong Kong to continue to develop under "One Country, Two Systems"; it would be to China's benefit that Hong Kong would continue to enjoy a high degree of autonomy, and not be considered as another Chinese city. Some Delegation members commented that the UK Parliament and Government should continue to play their role in ensuring that the terms of the Sino-British Joint Declaration ("Joint Declaration") were duly observed.



APPCG members, including Lord PATTEN of Barnes, update Members of the Delegation on issues such as UK's foreign policy positions and its relations with Hong Kong.

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2.22 Some APPCG members observed that the system of the rule of law in Hong Kong remained intact. However, some Delegation members cautioned that "One Country, Two Systems" in Hong Kong was fading and that human rights protection, the checks and balances between the Government, the legislature and the judiciary were retrograding. Some Delegation members also made the point that freedom of expression in Hong Kong was becoming more restricted as mainstream media were gradually manipulated by pro-China companies which were exercising tight self-censorship on contents that were considered unfavourable to China. Some Delegation members also commented that the prospect of further political reform towards a wider franchise in the elections of the Chief Executive and of the legislature was not promising.

2.23 Some other Delegation members, however, pointed out that the terms and spirit of the Joint Declaration were enshrined in the Basic Law. The implementation of the Basic Law underlined China's and Hong Kong's commitment to the Joint Declaration. These Delegation members considered that the UK should refrain from interfering with Hong Kong's affairs, but should put more efforts in building closer relationship with Hong Kong in promoting business, technology and innovation.

2.24 APPCG members responded that the UK would continue to observe her obligations under the Joint Declaration.

Meeting with Lord BOSWELL of Aynho, Deputy Speaker of the House of Lords

2.25 Lord BOSWELL of Aynho was MP for Daventry between 1997 and 2010. He became a Member of the House of Lords in July 2010, and has assumed the role of the Deputy Speaker of the House of Lords since March 2018.

2.26 Delegation members made a courtesy call on Lord BOSWELL and a few Members of the House of Lords. They exchanged views on the legislative process in the UK Parliament and the House of Lord's role in the scrutiny of bills. Delegation members were informed that Members of the House of Lord tend to consider Bills in more detail than those in the House of Commons. A Bill can be initiated in either House, but it

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becomes an act of Parliament only when both Houses agree on the text of the Bill.



The Delegation made a courtesy call on Lord BOSWELL of Aynho (front row, centre), Deputy Speaker of the House of Lords.

Members' conduct

Parliamentary Commissioner for Standards

2.27 The Delegation had met with the Parliamentary Commissioner for Standards ("the Commissioner"), Ms Kathryn STONE, OBE. The Commissioner is appointed by the UK Parliament to investigate into allegations against misconduct of its Members.

2.28 The responsibilities that MPs have as Members of the House are described in the Code of Conduct ("the Code") formulated by the UK Parliament, which has also published a "Guide to the Rules relating to the conduct of Members". This Guide sets out MPs' obligations to register and declare their financial interests, as well as the restrictions on lobbying for reward or consideration. It also describes the procedure for the investigation of complaints.

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2.29 The Code applies to MPs in all aspects of their public life. The obligations set out in the Code are complementary to those which apply to all MPs by virtue of procedural and other rules of the House and the rulings of the Chair; and the Rules of Conduct set out in part V of the Code create obligations that MPs must follow.

2.30 The Commissioner's role is to provide advice, to conduct investigation into allegations that MPs have breached the Code and its supporting rules, to decide on complaints from the parliamentary community about harassment, bullying or sexual harassment by MPs, to keep the Code under review, and to keep the Register of Members' Financial Interests and the three other Registers which the House requires. The Commissioner may investigate alleged breaches of the Code, but not complaints about matters not covered by the Code and its associated rules. Anyone, whether a member of the public or another MP, can make an allegation of misconduct against an MP.

2.31 The Commissioner may not accept for inquiry an allegation received from an organization, from an anonymous source, or made on behalf of another person. Furthermore, the Commissioner may not investigate complaints about policy matters, a Member's views or opinions, or a Member's handling of or decision about a case, including their handling of correspondence, whether or not anyone involved is a constituent of the Member, unless the MP's conduct is such that it significantly damages the reputation of the House of Commons as a whole or of its Members more generally.

2.32 The Commissioner considers all allegations on their merits, no matter what their nature or source and decides whether an inquiry should be conducted. After an inquiry, the Commissioner may either:

- (a) decide not to uphold the complaint;
- (b) find there has been a breach of the rules and that it is at the less serious end of the spectrum. If the MP agrees with the Commissioner, apologizes for the breach of the rule and takes any action the Commissioner considers necessary to rectify the breach, the matter will usually be closed under the rectification procedure; or

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- (c) find a breach of the rules that is not suitable for the rectification procedure and/or the inquiry has raised issues of wider importance.

2.33 In the latter case, the Commissioner will write to the Committee on Standards, setting out the facts and the reasons for concluding there has been a breach of the rules.

2.34 The Committee on Standards was appointed on 13 December 2012 by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards. The Committee considers any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code which have been drawn to the Committee's attention by the Commissioner.

2.35 The Committee comprises 14 members, of whom half (i.e. seven members) are lay members. Lay members are not MPs but are members of the public chosen to provide an independent element in the House of Commons' standards system. Lay members do not take part in formal votes. It would in fact be unusual for Committee members to have to take a vote on an issue because they try wherever possible to proceed by consensus.

2.36 The Committee on Standards considers the Commissioner's report and reaches its own conclusion on whether there has been a breach of the rules. The Committee then recommends sanctions that should be applied against the MP.

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The Delegation receives a briefing from the Parliamentary Commissioner for Standards of the UK Parliament, Ms Kathryn STONE (second right), and the Assistant Registrar of Members' Financial Interests, Mr Thomas BALLOCH (first right), on the Code of Conduct for Members of the UK Parliament, as well as the role and functions of the Office of the Parliamentary Commissioner for Standards.

2.37 During the discussion with the Commissioner, Ms Kathryn STONE, Delegation members noted that the threshold by which the Commissioner decides to conduct an investigation upon receipt of a complaint against an MP is high because an MP's reputation is at stake. Delegation members noted that complaints against an MP must be submitted in written form and delivered to the Commissioner by hard copies. While the Commissioner is employed by the House of Commons, he or she is tasked to look into complaints individually and to exercise judgment independently and impartially.

2.38 Delegation members noted that the Commissioner mainly investigates into cases involving MPs' undeclared income and pecuniary interest. The Commissioner may also take up complaints which involve hate crimes or where the accused is alleged to be inciting people to break the law, or is involved in harassment conducts. Cases where the Commissioner may dismiss include complaints which are made in the form of a hate-mail or submitted using a template.

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2.39 Delegation members noted that decisions of the Commissioners must be based on evidence, and should not be influenced by any political party or individual to safeguard against the chance of currying favour. To ensure impartiality, the tenure of the Commissioner would end after five years, and the appointment is not renewable.

2.40 Delegation members were informed that the Commissioner does not make recommendations as to the sanctions that should be imposed against an MP. It would be up to the House to determine the level of penalty that should be prescribed. The concerned MP may be subject to a fine, required to make apologies to the House, or may have his or her membership suspended for a certain number of sitting days. In case of complaints related to bullying or harassment, the MPs concerned may be required to attend certain coaching sessions.

2.41 In response to an enquiry from Delegation members, the Commissioner mentioned that it would be up to the Committee on Standards to determine whether the outcome of the investigation should be made public. Delegation members noted that, as a rule, an MP may not need to declare a pecuniary interest if its value is less than £100. However, an MP should not be seen to speak in favour of an organization within 12 months after he or she has received donations or contributions from it. The Commissioner informed Delegation members that pecuniary interests of MPs were compiled and searchable by electronic means. They were also available in hard copies which are published annually.

Role of the Speaker in regulating Members of Parliaments' conduct

2.42 During the visit, Delegation members attended a lunch hosted by Sir Lindsay, Chairman of Ways and Means and Deputy Speaker of the House of Commons. Sir Lindsay was elected Labour MP for Chorley in 1997 and was elected Deputy Speaker of the House of Commons and Chairman of Ways and Means in 2010.

2.43 Delegation members exchanged views with Sir Lindsay on the Speaker's role in maintaining order and discipline during a sitting of the UK Parliament. Sir Lindsay said that when he deputized the Speaker at a sitting, he would exercise his punitive power with particular prudence and impartiality. He stressed that the Speaker and whoever presiding at a sitting had to treat all MPs with respect, as the MPs represent their

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constituents. Sir Lindsay was not too worried that MPs would repeatedly misbehave during Parliamentary sittings. While it might be possible that voters might allow or even support certain misconduct or disruption of a sitting by their MPs to prove a point, Sir Lindsay commented that they were unlikely to accept repeated misconduct or disruptive behaviour and MPs would therefore unlikely persist in their misconduct.

2.44 Sir Lindsay pointed out that MPs might be suspended from attending sittings of Parliament as a sanction for certain misconduct. There is also a "recall" mechanism where the electorate in an area can trigger a special election to remove an elected representative before the end of their term. An MP may be recalled if he or she is suspended from the House of Commons following report and recommended sanction from the Committee on Standards for a specified period. However, the recall process does not apply to disruptive behaviour during a Parliamentary sitting.



The leader of the Delegation, Hon IP Kin-yuen (right), and the deputy leader, Hon Kenneth LEUNG (left), present souvenirs to the Deputy Speaker of the House of Commons and Chairman of Ways and Means of the Parliament of the United Kingdom, Rt Hon Sir Lindsay HOYLE MP (centre) after a lunch meeting.

Britain's exit from the European Union

2.45 The UK has been a member state of the European Economic Community since 1973 (which evolved into the EU in 1993) and is subject to its legislation. Under the European Communities Act 1972, EU has the authority to apply legislation in the UK, but this may require the UK Parliament to pass new or amended legislation beforehand.

2.46 In the referendum on 23 June 2016, the UK electorate voted in favour of leaving EU. As part of the process of leaving EU, the European Union (Withdrawal) Bill, commonly referred to as the Great Repeal Bill, was introduced on 13 July 2017. The Bill's overall purpose is to ensure legal continuity after Brexit. The Bill was passed in both Houses and received Royal Assent from the Queen to become an Act of Parliament in June 2018.

2.47 The UK Parliament is also involved in (a) overseeing the negotiation process with EU; and (b) approving the eventual withdrawal agreement which will contain provisions on citizens' rights, transition arrangements, financial settlement, etc. The House of Commons has set up a Select Committee on Exiting the European Union to examine the expenditure, administration and policy related to Brexit and matters falling within the responsibilities of associated public bodies. Meanwhile, the House of Lords is looking at the implications of leaving and exit process through debates and committees' inquiries.

2.48 Hong Kong may be indirectly affected by Brexit largely through its various links (e.g. trade, finance, direct investment, visitor arrivals) with EU and the UK. According to the Administration, the trade impact of Brexit on Hong Kong would be rather limited, given that the UK took up only 1.5% of Hong Kong's total merchandise exports in 2015 and 6.6% of total services exports in 2014. The Hong Kong Trade Development Council expects that some UK companies may turn to non-EU places (especially Asia) for new business and investment opportunities. Hong Kong could then assist these UK companies, by virtue of its traditional role as a gateway for doing business in Asia, especially in the Mainland.

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2.49 FCO was created in 1968 by merging the Foreign Office and the Commonwealth Office. Its mission is to promote the UK's interest overseas and support British citizens and businesses around the Globe a worldwide network of embassies and consulates. FCO is a ministerial department, supported by 10 agencies and public bodies including the British Council and BBC World Service.



The Delegation met with officials of British government, including Mr Mark BINNINGTON, Head of China Internal Team, FCO (third left), to discuss the status of Brexit and a number of trade and economic issues.

2.50 Delegation members had a brief discussion on the current status of Brexit and a number of trade and economic issues with Mr Mark BINNINGTON, Head of China Internal Team, FCO; Mr James MCLAUGHLIN, Head of Negotiation and Engagement in European Directorate, EU Strategy Department, FCO; Mr Robert WARD, Deputy Director, Global Financial Markets, HM Treasury and Mr Michael BLYTHE, Brexit Coordinator for East Asia, FCO.

2.51 Delegation members noted that a no-deal scenario would seem unlikely, and the UK would maintain close relations with EU. Delegation members discussed with FCO officials on the possibility of concluding free trade agreement with the UK and establishing financial partnership in areas such as green finance and finance technology. Delegation members also exchanged views with the officials on movement of professionals

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and the mutual recognition of professional qualifications between the UK and Hong Kong.

2.52 FCO representatives took note of the suggestion of a free trade agreement with Hong Kong following Brexit.

Creative industries development and the Royal College of Art

2.53 Creative industries are one of the fastest growing sectors in the UK. The UK is recognized as one of the world leaders in creative industries, boasting the second largest design sector and the second most creative advertising industry in the world. Over the years, growth of the sector has been supported by a series of government measures such as tax reliefs and research funding. Recently, the UK Government has released a new development strategy with increased commitments to support the sector's future growth.

2.54 The UK Government first began to identify and formulate policies for the creative industries in 1997. The Creative Industries Mapping Documents were subsequently published in 1998 and updated in 2001 to identify the successes, challenges and further course of action for the sector.

2.55 In 2008, Creative Britain was put forward as a sector-wide blueprint to drive local economic growth and develop the UK into the world's creative hub. The blueprint included key commitments in the areas of talent development, research and development, and business support. A more updated industrial strategy, the Creative Industries Sector Deal, was promulgated in March 2018 to further boost industry growth with key commitments in areas such as access to finance, immersive technologies, and talent nurturing.

2.56 The UK Government has developed a supportive ecosystem and facilitated growth in the creative industries by providing a range of support from business financing, research and development funding, tax incentives, to talent and skills development. Its success has been enhanced through collaboration among the government, businesses and the academia.

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2.57 The Royal College of Art ("RCA") was founded in Somerset House in 1837 as the Government School of Design. In the late 1890s, the school received the name Royal College of Art, and the emphasis of teaching shifted to the practice of art and design. RCA expanded further in the 1960s, and in 1967 it received a Royal Charter which gave it the status of an independent university with the power to grant its own degrees.

2.58 RCA is now a public research university in London. As the only entirely postgraduate art and design university in the world, RCA offers postgraduate degrees in art and design to students from over 60 countries.

2.59 The Dyson Building was opened on 24 September 2012. It is the home for printmaking and photography, and contains an innovation wing where start-up designers can launch their businesses.

2.60 The campus has housed the Painting Programme since 2010, Photography and Print since 2012, and is now home to Contemporary Art Practice, Ceramics & Glass, Jewellery & Metal and a growing research community that includes Arts & Humanities research students, the Helen Hamlyn Centre for Design and the College's business incubator, Innovation RCA.

2.61 During the visit to RCA, Delegation members were briefed on the work of RCA including its role in helping the National Health Service formulate innovative plans to tackle various service problems. RCA representative briefed Members on the College's investor-sponsored incubation art programmes, as well as Government-funded programmes.

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Dr Paul THOMPSON (centre), Vice-Chancellor of the Royal College of Art, took Members of the Delegation on a tour in the campus after a briefing on the work of RCA in promoting innovation and design research.

Hong Kong Economic and Trade Office in London

2.62 Delegation members paid a courtesy call on the Director-General of the London ETO and were briefed on the work of the ETO, especially in the areas of trade and investment promotion.

2.63 Delegation members asked if the London ETO could provide assistance to Hong Kong students in the UK who had experienced difficulties in obtaining or renewing their student visas. Some Delegation members also took the opportunity to request the London ETO to liaise with the authorities concerned in the UK regarding the need for students to report to local police during their stay in the UK. Director-General responded that students could approach the London ETO for assistance. She commented that students might experience delay in obtaining visas probably because of the large amount of outstanding applications that were being processed.

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2.64 Some Delegation members exchanged views with the Director-General and Head, Investment Promotion, Invest Hong Kong, regarding the London ETO's role in exploring with the UK Government on the possibility of concluding a free trade agreement between Hong Kong and the UK. They also asked the London ETO to play an active role in assisting interested innovative companies such as Uber to start-up business in Hong Kong by providing relevant information such as legal requirements and tax concessions, etc.

2.65 The Director-General assured Members that the London ETO would continue to promote Hong Kong among UK's business community. She also informed Delegation members that Government-to-government dialogue in fostering closer business relationship between Hong Kong and the UK remained open.



The Delegation is briefed by the Director-General of the Hong Kong Economic and Trade Office in London ("London ETO"), Ms Priscilla TO Kit-lai (right), on the work of London ETO.

Chapter 3 – Scotland

Overview of the political system of Scotland

3.1 Since the union of Scotland and England in 1707, Scottish affairs became the responsibility of Westminster. Since then, there has been a gradual process of administrative power being devolved back to Scotland. The region would take responsibility for issues in areas such as fisheries, farming, education, law, and health matters. A Scottish Office has been established and is now headed by the Secretary of State for Scotland.

3.2 In September 1997, a referendum was conducted in Scotland in which people voted for devolution. The UK Parliament then passed the Scotland Act 1998 by which the Scottish Parliament was established and was given some of the powers previously held at Westminster. The Scottish Parliament opened in 1999. The Scottish Government is responsible for managing its own expenditure and is accountable to the Scottish Parliament.

3.3 There have been major additions of new powers for the Scottish Parliament since 1999. The Scottish Government has become more accountable to the Scottish Parliament for the revenue it raises and its spending on public services. Under the devolution arrangements, the Scottish Government is responsible for matters related to agriculture, forestry and fisheries, education and training, environment, health and social services, housing, land use planning, law and order, local government, as well as sport and the arts. The Scottish Parliament has jurisdiction over certain forms of taxation in Scotland.

3.4 The UK Government will continue to be responsible for "reserved matters" which include macroeconomic and fiscal issues, foreign policy and international relations, the Constitution, defence and national security, employment, equal opportunities, broadcasting, immigration, trade and industry (including international trade), many aspects of benefits and social security, as well as financial services and pensions.

3.5 The Scottish Government cannot make laws in the reserved areas and there has been a convention that the UK Parliament will not legislate in devolved areas without the consent of Holyrood --- an alternative name for the Scottish Parliament.

Chapter 3 – Scotland



The Delegation took a tour of the main chamber and other facilities of Holyrood after meeting with Members and staff of the Scottish Parliament.

Chapter 3 – Scotland

The Scottish Parliament and devolution arrangements

3.6 The Scottish Parliament sits at Holyrood in Edinburgh and is made up of 129 elected Members of the Scottish Parliament ("MSPs"), who scrutinize and pass bills in various areas of its many devolved responsibilities.

3.7 The Scottish Government is the executive branch and has been led by the Scottish National Party ("SNP") since 2007. The Scottish Parliament and Scottish Government were established in 1999 by an Act of the UK Parliament. In 2012, further transfer of powers took place. Under the 2012 Scotland Act, the Scottish Parliament gained new powers over borrowing, drink driving alcohol limits, air weapons, stamp duty and a new Scottish rate of income tax.

3.8 In 2014, all parties participated in the Smith Commission, a body formed to look at the devolution of further powers. The Commission's recommendations formed the basis of another Scotland Act which reached Royal Assent in March 2016. This act devolved further powers to the Scottish Parliament including:

- (a) Air Passenger Duty (from April 2017)
- (b) Assignment of half of Value-added Tax revenues
- (c) Income Tax (including setting rates and thresholds)
- (d) Crown Estate
- (e) Scottish Parliamentary election and local government franchise
- (f) Onshore oil and gas licensing
- (g) Abortion law
- (h) Employment programmes
- (i) Gaming Machine licensing powers
- (j) Additional transport powers including road signs, speed limits, British Transport Police
- (k) Major welfare powers, including control over varying the frequency of Universal Credit payments in Scotland

3.9 The Delegation visited the Scottish Parliament between 13 and 14 September 2018 and made a tour of the Scottish Parliament Building. The Delegation was received by Mr Gary COCKER, International Relations Officer, and was given an overview of the work of

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the Scottish Parliament by Ms Catherine FERGUSSON, Senior Assistant Clerk. Delegation members also had a brief exchange of views with the Clerk to the Culture, Tourism, Europe and external Affairs Committee. Delegation members also paid courtesy calls on Mr Dean LOCKHART and Mr Gordon MACDONALD, Members of Scottish Parliament.

3.10 During the visit, Delegation members were briefed on the general procedure and process in conducting parliamentary businesses. Delegation members were particularly interested to note the procedure and arrangements for voting.

3.11 According to the Standing Orders of the Scottish Parliament, all decisions of the Scottish Parliament shall be taken by resolution. A decision shall be made by a question being put to a meeting of the Parliament by the Presiding Officer² on a motion, or amendment being moved by a Member. The Presiding Officer shall put any question in relation to a motion or amendment during Decision Time on the day on which the motion or amendment is moved.

3.12 Decision Time is the period which normally begins at 17:00 on Monday to Thursday, and at 12:00 on Friday. The Decision Time normal takes no more than 30 minutes and will end when every decision which is to be taken during Decision Time has been taken. Time for debates will be determined to meet the Decision Time. The Clerk would monitor the time and advise the Presiding Officer to ensure the procedure is followed.

3.13 Delegation members paid a courtesy call on Mr Dean LOCKHART, member of the Scottish Conservative and Unionist Party and Shadow Cabinet Secretary for Economy, Jobs and Fair Work.

² The position of the Presiding Officer is similar to Speaker in the House of Commons in London.

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The Delegation meets with the Shadow Cabinet Secretary of Economy, Jobs and Fair Work and member of the Scottish Conservative and Unionist Party, Mr Dean LOCKHART MSP (second left).

3.14 Members had brief exchange of views with Mr LOCKHART on devolution and Brexit issues, as well as the promotion of bilateral trade relations between Scotland and Hong Kong.

3.15 Delegation members also paid a courtesy call on Mr Gordon MACDONALD, MSP for Edinburgh Pentlands, at the Parliamentary Building, and had a brief exchange of views, especially on the roles of the Presiding Officer and a whip of a political party.

3.16 Mr MACDONALD is the Chief whip for the Scottish National Party at the Scottish Parliament. He also serves on the Economy Energy and Fair Work Committee and the Education and Skill Committee.

3.17 The Presiding Officer of the Scottish Parliament is supported by two Deputy Presiding Officers and is responsible for chairing the proceedings in the Parliamentary Chamber. The Presiding Officer's other roles include the selection of questions to be asked at the weekly First Minister's Question Time and the selection of supplementary questions and amendments. The Presiding Officer also represents the Scottish Parliament at home and abroad.

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3.18 The Presiding Officer is elected from among Members and holds office until the Scottish Parliament is dissolved. Delegation members noted that Members from all main parties would have the opportunity to be the Presiding Officer. The Presiding Officer must remain politically impartial in everything that he or she does so that he or she would be able to command respect from Members. To demonstrate impartiality, a Presiding Officer would not stand for re-election.

3.19 Delegation members noted that SNP had four "whips". Mr MACDONALD gave a brief introduction to Delegation members about the duties and role of a party whip. In a nutshell, party whips would decide what questions a Member should raise at a parliamentary proceeding, and would also discipline Members who fail to follow the party line.



Mr Gordon MACDONALD MSP (right), Chief Whip of the Scottish National Party, discusses with Delegation leader Hon IP Kin-yuen after a briefing on the operation of political parties in the Scottish Parliament.

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The Scottish Government

3.20 Delegation members were received by Mr Gerald BYRNE, Head of Constitutional Policy Unit, Scottish Government, at the Victoria Quay Building, the seat of the Scottish Government in Edinburgh.

3.21 Delegation members discussed with Mr BYRNE on a number of issues related to devolution arrangement and the impact of Brexit on Scotland. Delegation members noted that Brexit would pose challenging issues on devolution as it was expected that many complicated questions on the division of power and responsibilities between UK and Scottish Parliaments would arise following Brexit.

3.22 As regards bilateral trade between Scotland and Hong Kong, Delegation members again floated the idea of concluding free trade agreement between Scotland and Hong Kong. Delegation members noted that external trade is a reserved matter for the UK Government but some form of trade arrangements, such as trade promotion activities, might be established between Hong Kong and Scotland on a sector-by-sector basis.

3.23 As regards the dispute resolution mechanism between the UK and the Scottish Parliament or the Scottish Government regarding devolution matters, Delegation members noted that the two Governments had signed a memorandum of understanding in 1998 by which the Joint Ministerial Committee ("JMC") was formed. The memorandum of understanding lays down principles for JMC to resolve disputes on devolution issues.

Chapter 3 – Scotland



The Delegation visits the Scottish Government at Victoria Quay Building, Edinburgh.

The Office of the Secretary of State for Scotland

3.24 The Office of the Secretary of State for Scotland ("the Scotland Office") is a ministerial department of the UK Government. The Scotland Office supports the Secretary of State in promoting the interests of Scotland within the UK and has a role of being the custodian of the devolution settlement. It ensures that Scottish interests are fully and effectively represented at the heart of the UK Government, and that the UK Government's responsibilities are fully and effectively represented in Scotland. The Scotland Office has presence in London as well as Scotland, and is supported by 70 staff members altogether.

3.25 Delegation members visited the Scotland Office in Edinburgh and met Mr Nigel PATRICK, Head of Defence and International Policy (Scotland) of the Scotland Office. Mr PATRICK gave a brief overview of the work of the Scotland Office and the devolution arrangements.

3.26 Delegation members noted that laws made in the UK Parliament would need to take into account Scottish tradition and should have the agreement of Scotland. Furthermore, there were Scottish MPs in the UK Parliament, and the Secretary of State for Scotland would

Chapter 3 – Scotland

safeguard Scottish interests in the law making process.



Mr Nigel PATRICK (second left), Head of Defence and International Policy (Scotland) of the Scotland Office, gave a brief overview of the work of the Scotland Office and the devolution arrangements.

Chapter 4 – Observations and conclusions

Conclusions

4.1 The Delegation has, on the whole, found the visit fruitful and constructive, as it helps foster closer link between LegCo and the UK Parliament and connect new ties with the Scottish Parliament. In particular, Delegation members hope that the visit and the exchanges with Members of the UK and Scottish Parliaments will enable them to understand more clearly Hong Kong's current political and social environment.

4.2 Delegation members consider that there are useful learning points for LegCo from the practices of the two Parliaments that deserve closer study. The UK and Scotland models may help Members to address some of the prickly issues facing LegCo at present, such as maintaining order of Council proceedings and discipline of Members, as well as improving collaboration and communication between political camps.

4.3 The implementation of devolution arrangements between UK and Scotland also shed light on how Hong Kong and the Central People's Government may work together through dialogues to build trust and resolve challenges facing Hong Kong.

Fostering ties with the UK and Scottish Parliaments

4.4 Delegation members have made use of the various exchange sessions with MPs to present the current development of Hong Kong and to clarify the nature of some of the controversial issues that may have been briefly reported in the international media. Delegation members appreciate the continued concern of the UK Parliament over Hong Kong's democratic development, human rights conditions and the system of the rule of law. In acknowledging the UK Parliament's commitment to ensuring the compliance of the Sino-British Joint Declaration, Delegation members have maintained that it would be in the best interest of Hong Kong that the "One Country, Two Systems" shall remain robust and intact. Some Delegation members, however, have reservations on the degree of UK Parliament and UK Government's involvement in Hong Kong's affairs as they consider that the terms of the Joint Declaration have been enshrined in and implemented with the Basic Law. It is now a matter for Hong Kong and the Mainland to ensure that the city is governed in accordance with the Basic Law.

Chapter 4 – Observations and conclusions

Parliamentary management and practice

4.5 Members are interested in how the House of Commons handles MPs' conduct, and how political parties maintain discipline of their representatives in parliament. The mechanism of inquiring into Members' misconduct by the Parliamentary Commissioner for Standards and the Committee on Standards is exemplar of an impartial, objective and non-partisan means of dealing with complaints against individual MPs, although the system is not designed to handle MPs' disorderly or disruptive behaviour during or outside Parliamentary proceedings.

4.6 While the Speaker of the House of Commons has almost unfettered powers in maintaining order and discipline inside the Chamber and may name any MP and order their withdrawal for misconduct, such powers are not frequently exercised. Delegation members note that the Speaker usually exercises his or her powers very carefully and prudently. As Sir Lindsay, the Chairman of Ways and Means and Deputy Speaker of the House of Commons, has mentioned, the Speaker would respect every MP in the House as they represent their constituents. Delegation members are particularly interested to note that, even though the Speaker comes from the majority party, he or she maintains strict neutrality. The MP who becomes Speaker will abstain from attending to party business and will not even seek re-election when his or her tenure expires.

4.7 While Delegation members generally consider that the practice and convention of the UK Parliament in dealing with MPs' misconduct instructional for LegCo, some Delegation members have pointed out that the political traditions and political environments in the UK and Hong Kong are different. It might not be appropriate for LegCo to adopt directly the UK Parliament model.

Cross-party collaboration

4.8 Delegation members observe that, despite the confrontational politics between the ruling party and the opposition in the House of Commons, parties are often able to cooperate in drawing up programmes and timetable for debates and decisions on parliamentary business. Members are also interested in the system of the Scottish Parliament in setting a time in a sitting for taking votes on motions so that timeslots for

Chapter 4 – Observations and conclusions

debates have to be allocated and scheduled to meet the Decision Time. Delegation members consider it particularly useful if a system could be devised to institutionalize cross-party collaboration in the programming of LegCo business, as it would improve the efficiency of the legislature.

Devolution and the UK-Scotland relationship

4.9 Members are aware of the contention in LegCo as well as in society about the delineation of jurisdiction and authority between the Central Government and Hong Kong over legislative and administrative matters under "One Country, Two Systems". Scotland is autonomous in handling and legislating on a number of domestic matters under devolution; the UK reserves certain areas such as foreign trade under its jurisdiction. One of the objectives of the visit is to learn how the UK and Scotland cope with the devolution and how the sovereign state and the regional administration resolve differences in the implementation of the devolution, and to ascertain if the devolution may serve as a useful reference for Hong Kong in addressing issues related to "One Country, Two Systems".

4.10 Members note that, while a Joint Ministerial Committee has been established as a formal channel of communication between the UK and Scotland, many of the practical issues are tackled through close but informal dialogues between the two Governments. Members consider that communication between LegCo and the relevant Mainland authorities would be instrumental in narrowing differences and promoting mutual understanding over Hong Kong's affairs.

Brexit and the opportunities for Hong Kong

4.11 From the various briefing and exchange sessions with MPs and relevant officials of the UK Government, Delegation members have noted that there are still uncertainties on the forms and terms of Brexit. In their discourse, MPs and the officials have been focusing on the economic side of the impact. Delegation members have, on several occasions, put forward the suggestion that, following Brexit, both the UK and Hong Kong would benefit from a free trade agreement. Although MPs seem to be elusive on Delegation members' suggestion, Delegation members consider that the trade issue should be an important issue for Hong Kong that should be pursued. To this end, Delegation members

Chapter 4 – Observations and conclusions

have impressed upon the London ETO to continue its efforts in promoting Hong Kong's trade interests in the UK and should also explore with the UK authorities on establishing more favourable policies on the movement and training of professionals between the UK and Hong Kong.

Royal College of Art and United Kingdom's creative industry

4.12 Delegation members observe that RCA is a research-based institution, which not only contributes towards the development of arts and creative industries in the UK, but also promotes innovation in Government policy development and implementation. Delegation members are particularly impressed with how RCA has helped the UK Government in developing policies which has improved the delivery of the National Health Services. Delegation members consider that the RCA model may serve as a useful reference for Hong Kong in the development of innovation and technology as well as creative industries.

Acknowledgements

The Delegation wishes to thank Sir Lindsay, Chairman of Ways and Means and Deputy Speaker, House of Commons, and Lord BOSWELL of Aynho, Deputy Speaker, House of Lords, for their hospitality in receiving the Delegation. The Delegation also wishes to thank the Chairs and MPs of the FAC; the ITC; and the APPCG for the most stimulating and informative discussion with the Delegation, which had deepened the understanding of the issues that are key to the relationship between the UK and Hong Kong. The Delegation also wishes to thank the Parliamentary Commissioner for Standards; the Principal Clerk and Head of Overseas Office; and other officials and staff of the UK Parliament, as well as academics of the RCA, who have received the Delegation.

For the visit to Scotland, the Delegation wishes to thank Mr Dean LOCKHART MSP and Mr Gordon MACDONALD MSP, officials of the Scottish Parliament as well as the Scottish Government, for briefing the Delegation about parliamentary procedures, political parties operations and issues on devolution.

The Delegation is grateful for the hospitality of the FCO, the Scotland Office as well as the British Consulate-General in Hong Kong and Macao for its assistance in the visit to the UK. The delegation also wishes to thank the London ETO for its advice on logistical arrangements for the visit.

Acronyms and abbreviations

APPCG	All Party Parliamentary China Group
Brexit	Britain's exit from the European Union
EU	European Union
FAC	Foreign Affairs Committee
FCO	Foreign and Commonwealth Office
ITC	International Trade Committee
JMC	Joint Ministerial Committee
London ETO	Hong Kong Economic and Trade Office in London
MPs	Members of Parliament
MSPs	Members of the Scottish Parliament
RCA	The Royal College of Art
Scotland Office	Office of the Secretary of State for Scotland
SNP	Scottish National Party
the Subcommittee	Parliamentary Liaison Subcommittee

**Parliamentary visit of the Legislative Council
to visit the United Kingdom and Scottish Parliaments
from 10 to 14 September 2018**

Visit programme

Monday, 10 September 2018

Morning	Tour of the Houses of Parliament
	Meeting with Mr Matthew HAMLYN, Clerk of the Overseas Office of the House of Commons
Afternoon	Meeting with Ms Kathryn STONE, Parliamentary Commissioner for Standards and Mr Thomas BALLOCH, Assistant Registrar of Members' Financial Interests
	Observe House of Commons Chamber

Tuesday, 11 September 2018

Morning	Observe Public Bill Committee
	Meeting with the All-Party Parliamentary Group on China
	Meeting with Foreign Affairs Committee
	Observe Defence Committee Meeting
Afternoon	Lunch hosted by Sir Lindsay HOYLE MP, Deputy Speaker of the House of Commons and Chairman of Ways and Means
	Meeting with Lord BOSWELL of Aynho, Deputy Speaker of the House of Lords
	Meeting with the International Trade Committee

Wednesday, 12 September 2018

Morning Visit the Foreign & Commonwealth Office of the United Kingdom Government

Afternoon Visit the Royal College of Art

Receive briefing on the work of the Hong Kong Economic and Trade Office in London

Evening Official dinner with the Hong Kong Economic and Trade Office in London and guests

Thursday, 13 September 2018

Morning Arrive at Edinburgh

Afternoon Meeting with Parliamentary Business Team, Scottish Parliament

Meeting with officials from the Culture, Tourism, Europe and External Relations Committee, Scottish Parliament

Observation of Chamber business

Meeting with the Shadow Cabinet Secretary of Economy, Jobs and Fair Work and member of the Scottish Conservative and Unionist Party, Mr Dean LOCKHART MSP

Friday, 14 September 2018

Morning Meeting with Mr Gerald BYRNE, Head of Constitution Policy Unit Scottish Government

Meeting with Mr Nigel PATRICK, Head of Defence & International Policy (Scotland) Scotland Office

Afternoon

Tour of the Scottish Parliament building

Meeting with Mr Gordon MACDONALD MSP,
Chief Whip of the Scottish National Party

Delegation wrap up meeting