

立法會
Legislative Council

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by the Administration)

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Legislative Council
Panel on Public Service

Minutes of meeting
held on Monday, 17 June 2002 at 10:45 am
in the Chamber of the Legislative Council Building

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon LI Fung-ying, JP (Deputy Chairman)
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon Bernard CHAN
Hon Howard YOUNG, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP

Members attending : Hon James TIEN Pei-chun, GBS, JP
Hon CHAN Yuen-han, JP
Hon Emily LAU Wai-hing, JP
Hon LAU Ping-cheung

Members absent : Hon LEE Cheuk-yan
Hon Andrew WONG Wang-fat, JP

**Public officers
attending**

: **Agenda Item IV**

Mr LEE Lap-sun, JP
Secretary General
Joint Secretariat for the Advisory Bodies on Civil Service
and Judicial Salaries and Conditions of Service

Mrs Jessie TING, JP
Deputy Secretary for the Civil Service (2)

Agenda Item V

Miss Jennifer MAK, JP
Deputy Secretary for the Civil Service (3)

**Attendance by
invitation**

: **Agenda Item IV**

Police Force Council (Staff Side)

Mr LAU Kam-wah
Member
(Chairman, Junior Police Officers' Association)

Mr TSE Shu-chun
Member
(Chairman, Superintendents' Association)

Hong Kong Chinese Civil Servants' Association

Mr Peter H WONG
Vice-President

Ms LI Kwai-yin
Deputy Secretary General

Government Employees Association

Mr TANG Fuk-ki
Vice-Chairman

Mr SUEN Ming-fung
Vice-Chairman

Government Model Scale I Staff General Union

Mr IP Yum-tak
Chairman

Mr WONG Wah-hing
Vice-Chairman

Hong Kong Federation of Civil Service Unions

Mr LEUNG Chau-ting
Chairman

Mr CHU Wai-hung
Vice-Chairman

Senior Non-Expatriate Officers Association

Mr So Ping-chi
Hon Secretary

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Ms Rosalind MA
Senior Assistant Secretary (1)9

Action

- I. Confirmation of minutes of meeting**
(LC Paper No. CB(1)1954/01-02 — Minutes of special meeting on 2 May 2002
LC Paper No. CB(1)1953/01-02(01) — List of outstanding items for discussion)

The minutes of the special meeting held on 2 May 2002 were confirmed.

II. Information paper issued since last meeting

(LC Paper No. CB(1)1902/01-02 — Information paper on Freeze of Civil Service Pensions in 2002-03)

2. Members noted the information paper on “Freeze of Civil Service Pensions in 2002-03” provided by the Administration.

III. Draft Report of the Panel on Public Service for submission to the Legislative Council in July 2002

(LC Paper No. CB(1)1953/01-02(02))

3. The Chairman invited members’ comments on the draft report of the Panel for submission to the Legislative Council on 3 July 2002.

4. Members endorsed the draft report. They also authorized the Clerk, in consultation with the Chairman, to incorporate into the report the Panel’s major deliberations made at the meeting.

(Post-meeting note: The report of the Panel (LC Paper No. CB(1)2042/01-02) was submitted to the Legislative Council on 3 July 2002.)

IV. Review of civil service pay policy and system — Interim report on the first phase of the review

(LC Paper No. CB(1)1600/01-02(01) — Paper provided by the Administration

- (a) Task Force’s Interim Report on the First-phase Review of Civil Service Pay Policy and System, and the Consultant’s Report; and
- (b) Task Force’s Consultation Paper on the First-phase Review of Civil Service Pay Policy and System.)

5. The Chairman pointed out that following the special Panel meeting on 2 May 2002 where the Task Force on Review of Civil Service Pay Policy and System (the Task Force) had briefed members on the Task Force’s interim report on the first phase of the Review, the Panel had invited the central consultative councils and major civil service unions to attend this meeting to give views on the interim report.

Presentation of views by major civil service unions

*Police Force Council (PFC) (Staff Side)
(LC Paper No. CB(1)1953/01-02(04))*

6. Mr TSE Shu-chun, member of PFC (Staff Side), said that PFC (staff Side) supported the review of civil service pay policy and system (the Review), but considered the consultant's report inadequate in meeting the objectives of the Review, as it mainly provided information on the recent development and practices of civil service pay administration in the five selected countries without giving detailed analysis on the effectiveness of the practices and lessons learnt. He considered that in making reference to overseas experience, due consideration must be given to the specific characteristics and circumstances of the civil service pay policy and system in Hong Kong. Mr TSE also pointed out that pay reform should not be implemented in isolation from the broader civil service reform agenda. For example, performance pay should not be introduced in the absence of an effective performance management system. In this connection, he stressed the importance of full consultation with the staff sides on any review recommendations.

Government Employees Association (GEA)
(LC Paper No. CB(1)1953/01-02(06))

7. Mr SUEN Ming-fung, Vice-Chairman of GEA, said that GEA supported the Review but considered that pay reform should not be implemented in isolation from the broader civil service reform agenda. In making reference to overseas experience, due regard should be given to the history of development and merits of the current civil service pay policy and system. He also stressed the importance of full consultation with the staff sides throughout the Review process. Any changes to the current pay policy and system should only be implemented with the support of the staff sides and in a step-by-step approach.

Government Model Scale I Staff General Union (GMSISGU)

8. Mr IP Yum-tak, Chairman of GMSISGU, said that GMSISGU considered that the Review should aim at refining instead of replacing the current pay policy and system. The existing fixed pay scales should not be replaced by flexible pay ranges, as this would subject the pay of civil servants, especially those at the lower pay bands, to the discretion of their supervisors. As regards the incorporation of elements of performance pay in civil service salaries, Mr IP considered it not feasible to do so in the absence of a commonly accepted system to measure the performance of individual civil servants. He also stressed the importance of full consultation with the staff sides throughout the Review process.

Hong Kong Federation of Civil Service Unions (HKFCSU)
(LC Paper No. CB(1)1953/01-02(07))

9. Mr LEUNG Chau-ting, Chairman of HKFCSU, expressed HKFCSU's concern that the introduction of flexible pay ranges to replace fixed pay scales would give rise to unstable income, which would have adverse impact on the standard of living of civil servants at the lower ranks. This proposal, if implemented, should only apply to civil servants at the senior ranks. As regards the pay adjustment mechanism, HKFCSU

considered the existing mechanism generally effective and that there was no need to introduce major changes. It also considered that fiscal constraints should not be an over-riding factor in determining pay adjustments.

Senior Non-expatriate Officers Association (SNEOA)

10. Mr SO Ping-chi, Honorary Secretary of SNEOA, said that SNEOA considered the existing civil service pay policy and system effective and that refinements instead of major changes might be required. On the pay adjustment mechanism, fiscal constraints should not be an over-riding factor in determining pay adjustments. On the introduction of performance pay, as a majority of civil servants were working on a team basis, it was difficult to quantify the performance of individual civil servants. In any case, before introducing any reform measures for the civil service pay policy and system, full staff consultation should be conducted and due consideration should be given to the impact of the reform measures on the morale and stability of the civil service. The reform measures should also be implemented through a step-by-step approach. In making reference to overseas experience, due regard should be given to the history of development of their civil service pay policy and system, and lessons learned during the process. The consultant's report on the recent development and practices in pay administration of the five selected countries failed to provide details of the success or failure encountered in the development process. Mr SO suggested that in addition to the five selected countries, reference should also be made to other developed countries such as the United States of America and Japan.

Hong Kong Chinese Civil Servants' Association (HKCCSA)
(LC Paper No. CB(1)1953/01-02(05))

11. Mr Peter WONG, Vice-President of HKCCSA, considered that the Task Force should, in the first place, establish the essential qualities required of the civil service to meet the needs of the community and present day circumstances. After establishing the essential qualities, the Task Force could then explore the appropriate pay policy and system for the maintenance of an efficient, effective and stable civil service. Due consideration should be given to avoid widening the gap between the pay levels of different pay bands and avoid introducing radical changes. In making reference to overseas experience, due regard should be given to the history of development of their civil service pay policy and system, and lessons learned during the process. Mr WONG also pointed out that as the attention of the civil service and the public had been focused on the 2002 civil service pay adjustment exercise in the recent two months, not much attention was paid to the Task Force's interim report. He therefore suggested that a longer period be allowed for in-depth discussion by both the civil service and the public after the issue of the Task Force's final report on the first phase of the Review.

(Post-meeting note: HKCCSA's submission tabled at the meeting was issued to members vide LC Paper No. CB(1)2035/01-02 on 18 June 2002.)

Discussion with the Administration, Task Force and deputations

12. The Secretary General, Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service (SG/Joint Secretariat) advised that the Task Force maintained an open mind on the consultants' findings and recommendations, and welcomed views from all quarters of the community. The consultation period up to 30 June 2002 would provide an opportunity for the civil service and the public to give views on the subject. So far, the Task Force had arranged five public consultation forums. The three advisory bodies on civil service pay and conditions of service had also consulted the groups of civil servants under their purview. SG/Joint Secretariat stressed that at the present stage, members of the Task Force had not reached any conclusions. They would consider all views collected during the consultation period before finalizing the Task Force's report on the first phase of the Review. As regards comments on the inadequacy of the consultant's report in respect of the lessons learned from the overseas countries under study, the consultant had been informed of the comments and requested to provide the information. The consultant would submit its final report in July 2002.

13. The Deputy Secretary for the Civil Service (2) (DSCS2) also pointed out that when making reference to overseas experience, the Administration fully appreciated the importance of having due regard to the history of development and merits of Hong Kong's current civil service pay policy and system. The Task Force would consider whether any useful reference could be drawn from the analytical study on recent developments and best practices in pay administration in the five selected countries to facilitate the conduct of the second phase of the Review.

Pay adjustment mechanism

14. Mr HUI Cheung-ching sought the views of the deputations on how the existing pay adjustment mechanism could be improved to implement a decision of pay reduction. In response, Mr TANG Fuk-ki, Vice-Chairman of GEA, pointed out that GEA respected the existing pay adjustment mechanism. As the existing mechanism had been proven to be effective, it should be retained until a better alternative was identified. He considered that the pay adjustment dispute this year was mainly caused by the legislative approach adopted by the Administration to implement its decision to reduce civil service pay, but not the decision itself. Hence, the crux of the matter was the Administration's inappropriate approach in handling the pay adjustment issue, but not the effectiveness of the pay adjustment mechanism. Ms LI Kwai-yin, Deputy Secretary General of HKCCSA, shared Mr TANG's views. She also pointed out that there had been precedent cases in which pay adjustment disputes had been resolved through the appointment of a Committee of Inquiry under the 1968 Agreement between the Hong Kong Government and the Main Staff Associations (the 1968 Agreement). HKCCSA urged the Administration to appoint such a committee.

15. DSCS2 pointed out that under the existing pay adjustment mechanism, the decision on annual pay adjustment was made after taking full consideration of the six relevant factors, namely, the net Pay Trend Indicators derived from the results of the annual Pay Trend Survey (PTS), the state of the economy, budgetary considerations,

changes in the cost of living, the staff sides' pay claims and civil service morale. She stressed that in determining this year's pay adjustment, the Administration had, as in the past, fully considered all relevant factors under the existing mechanism. As these factors were capable of having a positive or negative effect on the size of civil service pay adjustment, the final decision could be a pay increase or a pay reduction. DSCS2 further pointed out that while the appointment of a Committee of Inquiry was provided for in the 1968 Agreement, an independent Committee of Inquiry would only be appointed by the Chief Executive (CE), provided that CE so decided or the staff associations which were parties to the Agreement so requested, and provided that the matter in dispute was not one which, in the opinion of CE, was trivial, or was a matter of settled public policy, or affected the security of the Hong Kong Special Administrative Region. On the request of the staff side of the Senior Civil Service Council (SCSC) for the appointment of a Committee of Inquiry to look into this year's pay adjustment issue, CE was of the opinion that the matter in dispute was a matter of settled public policy. He therefore decided on 11 June 2002 that there was no case to appoint a Committee of Inquiry as requested by the staff side. In fact, in 1992 the then Governor had turned down a similar request by the staff side of SCSC for the appointment of a Committee of Inquiry to look into that year's civil service pay adjustment on the grounds that the pay adjustment had been determined on the basis of a settled public policy.

16. Ms Emily LAU sought the views of the deputations on whether they would accept the enactment of a general enabling legislation on civil service pay adjustment mechanism to provide the legal framework for implementing upward and downward pay adjustment. Mr Peter WONG, Vice-President of HKCCSA, considered that while the existing pay adjustment mechanism allowed for upward and downward adjustment, there had not been any precedent case of pay reduction. In the circumstance, the appropriate means for implementing pay reduction needed to be carefully considered. Mr TSE Shu-chun, member of PFC (Staff Side), supported the enactment of the general enabling legislation as a long-term solution to address the problem.

Replacing fixed pay scales with pay ranges

17. In response to Mr Howard YOUNG's enquiry, Mr LEUNG Chau-ting, Chairman of HKFCSU, elaborated that the proposal on flexible pay ranges, if implemented, should only apply to civil servants at Master Pay Scale (MPS) Point 34 or above. He also considered that a progressive approach might be adopted so that officers at MPS point 34 to 49 would be subject to flexible pay at a maximum of 10% of their basic salary and officers at the Directorate level subject to higher percentages, i.e. over 10% of their basic salary.

Comparability with private sector pay

18. On the principle of broad comparability of civil service pay with private sector pay, Ms Emily LAU sought the views of the deputations on whether they agreed with this principle and how it could be achieved. Mr LEUNG Chau-ting, Chairman of HKFCSU, considered the existing mechanism effective in achieving this principle. He pointed out that in addition to the annual PTS, Pay Level Surveys (PLS) had also been conducted to assess the pay level in the private sector. Mr Peter WONG, Vice-President of HKCCSA, pointed out that while maintaining broad comparability with private sector pay was the objective of the Government, there had been occasions where this principle was not observed. For example, when equal pay for both sexes and paid maternity leave were introduced in the civil service years ago, such arrangements were rare in the private sector.

19. Ms Emily LAU also sought clarification from PFC (Staff Side) on the statement in page 2 of Annex A of its submission (LC Paper No. CB(1)1953/0102(04)) that “It is abundantly clear that because of the job nature and the fact that the Police Force is the first and last line of resort for the Government, it must therefore be considered a special case and the Police Pay Scale should be maintained.” In reply, Mr TSE Shu-chun, member of PFC (Staff Side), explained that the statement aimed to highlight the special job nature of the Police Force and the fact that no direct comparison could be made with other jobs in the private sector or with the police duties in overseas countries. As such, PFC (Staff Side) considered that there should be a separate pay policy and system for the Police Force and that they should be treated differently from other civil service grades.

20. Mr James TIEN agreed that the special job nature of police officers should be taken into account when assessing the comparability of their pay with the private sector. He however considered that the principle of comparability with private sector pay should apply to the civilian staff working in police stations. Mr TIEN sought the views of PFC (Staff Side) on the appropriate level of pay for police officers over that of comparable jobs in the private sector, such as security posts.

21. Mr LAU Kam-wah, member of PFC (Staff Side), responded that the civilian staff working in police stations were General Grades staff who were remunerated on MPS, not the Police Pay Scale. He considered it not feasible to work out a pay level for police officers by making a simple comparison with that for security posts in the private sector. Mr TSE Shu-chun, member of PFC(Staff Side), shared his view. He opined that there should be a separate job evaluation and assessment board to review the pay scale and system for police officers. In undertaking the assessment, due consideration should be given to the special job nature, work pressure and danger involved in performing their duties.

Public consultation

22. Miss CHAN Yuen-han urged the Administration to conduct thorough consultation and take full account of civil servants' views on the Review. She considered that public consultation should be conducted at different stages of the Review, particularly when the Task Force had drawn up any recommendations for reform of the civil service pay policy and system. DSCS2 pointed out that the Administration appreciated the need to consult the public on the Review. To allow more time for the public to give views on the Review, the public consultation period for the interim report had been extended to end June 2002.

23. Responding to Ms Emily LAU's enquiry, SG/Joint Secretariat advised that in addition to views collected during the consultation forums, the Joint Secretariat had received over 140 written submissions from individuals and groups. In reply to Ms LAU's further question on the attendance of the consultation forums, SG/Joint Secretariat said that success of these forums should be judged not only on the number of people attending but also the quality of the views expressed. Despite the low rate of attendance recorded for some of the forums, the valuable views collected would facilitate the work of the Task Force in making recommendations during the second phase of the Review. He added that the Joint Secretariat would compile and summarize the views collected for the Task Force's consideration. The views would also be forwarded to the consultant for reference in the preparation of its final report.

24. Ms LI Fung-ying expressed concern about the compilation and handling of views collected during the consultation period. She pointed out that some civil servants were worried that the Task Force would screen the views collected and accord more weight to views which were agreeable to the Administration so as to impose public pressure on the civil service for acceptance of reform measures. In this connection, Ms LI asked whether the views collected and the submissions received would be made available to the public. SG/Joint Secretariat stressed that the Task Force was independent from the Government and would consider all the views collected during the consultation period in an impartial manner. As regards whether the submissions would be made available to the public, it was a matter for the Task Force to decide. Consideration would be given to uploading the submissions to the web site of the Joint Secretariat to facilitate public access to the information.

Pay Trend Survey and Pay Level Survey

25. Responding to Mr James TIEN's enquiry on why the data collected in the annual PTS could not be used as the basis for deriving the pay levels in the private sector, DSCS2 and SG/Joint Secretariat pointed out that the objectives of PTS and PLS as well as the methodologies adopted for these two surveys were not the same. The annual PTS captured data on the year-on-year percentage change in the pay of full-time employees of the private sector companies participating in the survey, and the survey results were used by the Government as one of the consideration factors in deciding the size of the annual

civil service pay adjustment. PLS, on the other hand, served to compare the pay and other remuneration components of employees in the public and private sectors. Quoting the last PLS conducted in 1986 as an example, DSCS2 advised that a job evaluation method was adopted for the survey, whereby a representative sample of civil service jobs was compared with a representative sample of private sector jobs on the basis of three elements: know-how, problem-solving and accountability. The total points scored for each job were then calculated and matched with the salary and the total remuneration of the job. As regards the need for another PLS, DSCS2 said that it would be considered by the Task Force.

26. At the Chairman's request, DSCS2 undertook to provide further information on how the PTS and PLS were conducted.

(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(1)2341/01-02 on 23 July 2002.)

V. Review of the Voluntary Retirement Scheme

(LC Paper No. CB(1)1953/01-02(03)— Paper provided by the Administration)

27. The Deputy Secretary for the Civil Service (3) (DSCS3) briefed members on the paper provided by the Administration. She pointed out that the Voluntary Retirement (VR) Scheme was introduced in July 2000 to enable civil servants in 59 designated grades with identified or anticipated surplus staff to retire from the service voluntarily with immediate retirement benefits and VR compensation. As at mid-June 2002, 9 774 applications for retirement under the VR Scheme had been approved. Some 250 cases were not approved as there was a continued operational need for the posts, and some 50 cases were still held in abeyance pending the outcome of disciplinary proceedings/investigations. The Administration conducted a review of the VR Scheme in early 2002, seeking the views of departmental/grade management and the staff sides on issues relating to the implementation of the Scheme. For departmental/grade management, over 90% of the respondents welcomed the introduction of the Scheme. As regards the staff sides, all submissions received were supportive of the introduction of the Scheme on a voluntary basis. On the whole, the Administration considered that the VR Scheme had helped resolve staffing problems in possible redundancy situations, and that the surplus staff problem in the VR grades had become more manageable. The departure of VR takers had also helped reduce the civil service establishment. The savings achieved through the Scheme should enable the Government to take forward new initiatives and further efficiency enhancement measures.

Second round of the VR Scheme

28. Mr Albert CHAN and Ms Emily LAU considered that as the VR Scheme was successful and well received by the civil service, the Administration should consider implementing a second round of the Scheme. Mr CHAN asked whether the Administration had any plan for a second round of the Scheme and if so, whether priority would be given to the unsuccessful applicants for the first round of the Scheme. DSCS3 advised that the Administration had no such plan at the present stage. Nevertheless, the views collected from departmental/grade management and staff sides as well as Members' views would be taken into account in the consideration of the need for a second round of the VR Scheme or other exit arrangements in future.

29. The Chairman was concerned about the impact of a second round of the VR Scheme on the unemployment rate. DSCS3 advised that a great majority of the applicants for the VR Scheme had served in the civil service for over 20 years and were close to normal retirement age. According to a survey conducted during the application period by the Administration, over 50% of the VR applicants had indicated that they had no intention to look for jobs after voluntary retirement.

30. In view of the strong objection raised by various civil service unions to the legislative approach adopted by the Administration to implement its decision to reduce civil service pay for 2002-03, Miss CHAN Yuen-han considered that if the Public Officers Pay Adjustment Bill was passed, the Administration should consider offering the VR Scheme to those civil servants who did not accept the pay reduction. DSCS3 reiterated that there was no plan at the present stage for implementing a second round of the VR Scheme. DSCS3 took note of Miss CHAN's view.

31. Mr Albert CHAN pointed out that a number of staff of the Food and Environmental Hygiene Department (FEHD) who had been acting in their posts for one year to five years were requested to step down as a result of a recent review of the establishment of FEHD. Mr CHAN considered it unfair to the staff concerned, having regard to the fact that they had been acting for a long period of time. He suggested the Administration to offer the VR Scheme to the staff concerned. DSCS3 reiterated that there was no plan at the present stage for implementing a second round of the VR Scheme. Separately, FEHD would continue to review its staffing requirement and make a decision by the end of this year as to the number of vacancies available for staff promotion.

Compensation package

32. Referring to the views of some of the departmental/grade management in paragraph 10 of the paper that the current compensation package for the VR Scheme was too generous, Ms Emily LAU urged the Administration to review the compensation package for a second round of the VR Scheme. Mr Albert CHAN however considered that if the compensation package for the second round of the VR Scheme was less favourable, it would be unfair to those unsuccessful applicants for the first round of the

Scheme. DSCS3 assured members that consideration would be given to the appropriate level of compensation in planning for future exit arrangements or VR Scheme, if any.

Impact on staff and departments

33. In reply to the Chairman's enquiry, DSCS3 advised that a great majority of the unsuccessful applicants for the VR Scheme were from the Electrical and Mechanical Services Department. Their applications were not approved because of the continued operational need for the posts. Responding to Mr Albert CHAN, DSCS3 assured members that the unsuccessful applicants would not be discriminated against in their future career.

34. Referring to paragraph 16 of the paper, Miss CHAN Yuen-han shared the staff sides' concern about the increase in workload for staff remaining in the service and the redeployment arrangements following the departure of VR takers. In response, DSCS3 pointed out that the services provided by some of the posts left vacant by VR takers had been contracted out. Moreover, training and briefings were provided to the remaining staff to equip them with the knowledge and skill to take up the new duties. Miss CHAN suggested the Administration to consider recruiting the existing contract staff into the civil service to fill the posts left vacant by VR takers. DSCS3 advised that contract staff were normally appointed to fill temporary posts or take up duties of short-term nature. It was open to departments concerned to create posts on the permanent establishment if considered justified to do so because of long-term operational need. These permanent posts would be open to all eligible applicants, including the contract staff serving in the departments concerned.

35. Referring to paragraph 8 of the paper, the Chairman expressed concern about the impact of departure of experienced staff on the departments concerned. DSCS3 advised that the operation of the departments concerned had not been adversely affected. The Administration would provide more training to the remaining staff so that they could perform the relevant duties effectively.

Other exit proposals

36. Referring to paragraph 16 of the paper, the Chairman asked whether the Administration would consider the exit proposals suggested by the staff sides, e.g. relaxing the minimum qualifying service for a deferred pension period from 10 years to 3 years, shortening the retirement notification period to 6 months, etc. DSCS3 advised that the Administration would take these suggestions into consideration in the planning for future exit arrangements, if any.

VI. Any other business

Concluding remarks of the Chairman

37. As this was the last regular Panel meeting for the 2001-02 session, the Chairman took the opportunity to thank members for their contributions in the session. He also thanked the Secretariat for their support to the work of the Panel.

38. There being no other business, the meeting ended at 1:00 pm.

Legislative Council Secretariat

4 October 2002