

立法會

Legislative Council

LC Paper No. CB(2)311/07-08
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by the Administration)

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Panel on Manpower

Minutes of meeting
held on Thursday, 18 October 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Chin-shek, JP (Chairman)
Hon KWONG Chi-kin (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-hing, MH
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
- Members absent** : Hon Frederick FUNG Kin-kee, SBS, JP
Hon LEUNG Kwok-hung
- Public Officers attending** : Item I
Mr Matthew CHEUNG Kin-chung, GBS, JP
Secretary for Labour and Welfare
Mr Paul TANG Kwok-wai, JP
Permanent Secretary for Labour and Welfare
Mrs Cherry TSE LING Kit-ching, JP
Commissioner for Labour

Mr Fred TING, JP
Deputy Commissioner for Labour
(Occupational Safety and Health)

Mrs Jenny CHAN MAK Kit-ling, JP
Deputy Commissioner for Labour
(Labour Administration)

Ms Karyn CHAN Ching-yuen
Principal Assistant Secretary for Labour and Welfare
(Manpower)

Ms Subrina CHOW Shun-yee
Administrative Assistant to Secretary for Labour and
Welfare

Item II

Mr Michael SUEN Ming-yeung, GBS, JP
Secretary for Education

Mr Raymond WONG Hung-chiu, JP
Permanent Secretary for Education

Mr Michael WONG, JP
Deputy Secretary for Education (1)

Mr Daniel CHENG
Principal Assistant Secretary (Further Education)

**Clerk in
attendance** : Mrs Sharon TONG
Chief Council Secretary (2)1

**Staff in
attendance** : Ms Janet SHUM
Senior Council Secretary (2) 8

Miss Helen DIN
Legislative Assistant (2) 1

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- I. Briefing by the Secretary for Labour and Welfare on relevant policy initiatives in the Chief Executive's 2007-2008 Policy Address (LC Paper No. CB(2)40/07-08(02))**

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Secretary for Labour and Welfare (SLW) briefed members on the new initiatives of the Labour and Welfare Bureau (LWB) relating to the labour and manpower portfolio in the 2007-2008 Policy Address and Policy Agenda and the progress of the ongoing initiatives.

(Post-meeting note: SLW's speaking note was subsequently issued vide LC Paper No.CB(2)125/07-08(01))

Wage Protection Movement

2. Mr WONG Kwok-hing pointed out that although the Panel had passed a motion at the meeting in July 2007 urging the Administration to provide the Panel with a paper setting out clearly the criteria for assessing the Wage Protection Movement (WPM) for cleaning workers and security guards before the end of August 2007, such information had still not been provided. He urged SLW to inform members of the criteria for assessing the progress of WPM in the mid-term review and details of the preparatory legislative work on a statutory minimum wage.

3. SLW responded that the Chief Executive (CE) had in this 2007-2008 Policy Address clearly spelt out the road map and timetable on the introduction of a statutory minimum wage for cleaning workers and security guards. SLW said that the Administration would continue to promote WPM and secure the support of different sectors in the community. A mid-term review would be conducted in October 2007 to gauge the progress of WPM, and a final review would be carried out in October 2008 to evaluate its overall effectiveness. If the mid-term review showed that the progress of WPM was unsatisfactory, the Administration would further promote the movement as well as proceed immediately with the preparatory legislative work on a statutory minimum wage. If the overall review of WPM showed that the voluntary movement had failed, the Administration would introduce a bill on a statutory minimum wage for cleaning workers and security guards as early as possible in the 2008-2009 legislative session.

4. SLW further said that the preparatory legislative work for a statutory minimum wage would involve complicated issues, such as, among others, the scope and definition of cleaning workers and security guards, the modus operandi, level of a statutory minimum wage, penalty against breaches of statutory requirements, and impact of a statutory minimum wage on the employment opportunities of the disabled. SLW added that the Labour Advisory Board (LAB) would hold a meeting later this month to review the progress of WPM. It would be for LAB to advise the Administration on whether progress was unsatisfactory.

5. Mr LEUNG Yiu-chung expressed concern that the issue of standard

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working hours for workers was not among the policy initiatives of the Administration. Referring to some employees of residential care homes for the elderly under the Bought Place Scheme of the Social Welfare Department who had to work for long hours exceeding the contractual requirement of 10 hours of work per day, Mr LEUNG suggested that the Administration should first consider setting standard working hours for such employees of residential care homes for the elderly subvented by the Government. Mr LEUNG expressed concern about the low income of non-skilled workers who were not in the cleansing and guarding services sectors.

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6. SLW said that the Administration was equally concerned about long working hours of workers. However, priority had to be accorded to WPM and the issue of minimum wage. SLW pointed out that the issue of working hours had been, to certain extent, factored into the design of the WPM. Specifically, under WPM, workers paid at an hourly wage level not lower than the average market rate would be suitably compensated if they had to work beyond contractual working hours. He nevertheless took note of Mr LEUNG's suggestion.

7. SLW further said that the wage level of some occupations, in particular, at entry-level positions would inevitably be lower. The Administration considered it important to provide training opportunities for workers so as to enhance their employability and mobility.

8. Mr LEUNG Yiu-chung stressed the importance for the low-income group to enjoy a basic quality of life where there was a balance between working hours and leisure time.

9. Mr LEE Cheuk-yan said that the provision of training and retraining would not help resolve the problem of low income of non-skilled workers. He was of the view that the Administration should not confine the implementation of a statutory minimum wage in the cleansing and security guard services sectors, but extend to low-paid workers in all sectors. Mr LEUNG Yiu-chung and Mr Andrew CHENG shared his view.

10. SLW responded that training and retraining programmes would not only help employees to change jobs from one sector to another of similar skills level, but would also enhance their upward mobility. For example, a cleaning worker acquiring new skills after training could advance to other work categories of higher skills requirements within the cleansing services industry.

11. Ms LI Fung-ying urged the Administration to adopt a pragmatic approach and work out the benchmarks and performance indicators as early as possible to facilitate the gauging of the progress of WPM and avoid unnecessary dispute on the overall review to be conducted in October 2008.

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12. Miss CHAN Yuen-han said that the Administration should have worked on the criteria for assessing WPM once it had decided to conduct a mid-term review of WPM. As the Administration had stated that it would proceed immediately with the preparatory legislative work on a statutory minimum wage if the mid-term reviews showed that the progress of WPM was unsatisfactory, it should not continue dragging on the issue. Miss CHAN was of the view that WPM was doomed to fail.

13. Mr Andrew CHENG pointed out that statutory standard working hours would mean that employers had to provide extra pay to workers who worked in excess of the standard hours. This was not a welfare to workers. He urged the Administration to prescribe a statutory minimum wage and standard working hours, as measures to enhance the quality of life of working members of the community and to help resolve problems of low-income families.

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14. SLW stressed that the Administration had no intention of procrastinating on the issue of a statutory minimum wage. CE had already set out clearly in his Policy Address the road map to put in place minimum wage legislation for cleaning workers and security guards should the overall review find that WPM had failed. He said that the Administration would report to the Panel in November this year the mid-term review of WPM pursuant to LAB's deliberations later this month. SLW further said that the advent of WPM, to certain extent, had brought benefits to some workers of the cleansing and guarding services sectors. Starting on 27 October 2006, the Labour Department (LD) had only extended its free employment service of vacancies for cleaning workers and security guards to those vacancies offering wages not lower than the average market rates. As a result, the wage level of close to 3 000 vacancies had been increased to at least the relevant market averages upon persuasion by LD. He added that an overall review of WPM would be conducted in October 2008. Hence, it was too early to conclude that WPM was a failure.

15. Mr WONG Kwok-hing expressed doubt on whether LAB, which comprised an equal number of representatives of employees and employers, would come up with a consensus on the progress of WPM. As he understood it, the issue on the criteria of assessing the progress of WPM had so far not been discussed at meetings of LAB. He held the view that the Administration would continue to drag on the issue by claiming that no consensus was reached on the progress of WPM. He urged SLW to specify the benchmarks and performance indicators for gauging the progress of WPM and respond to the former Secretary for Economic Development and Labour's view that the benchmark participation rate for assessing the overall effectiveness of WPM, both in terms of employers and workers, would be set at 90%.

16. SLW reiterated that CE had in this Policy Address mapped out clearly the road map for the possible introduction of a statutory minimum wage. He

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said that the analysis of the different sets of data required for an informed assessment of the progress of WPM was in hand and would be examined by LAB at its meeting in October. The data to be collected included, among others, the number of cleaning workers and security guards receiving wages not lower than the average market rate, the number of entities participating in WPM, and the number of substantiated non-compliance cases. The Administration would revert to the Panel in November on the mid-term review. He pointed out that the benchmarks for assessing the progress of WPM would be considered by LAB in the context of the mid-term review. SLW said that the remarks made by the former Secretary for Economic Development and Labour on the benchmark participation rate concerning the overall effectiveness of WPM during a radio interview could not be taken as the view of LAB.

17. Mr LEE Cheuk-yan queried whether it was appropriate that the Administration demonstrated an evasive attitude in proposing benchmarks to gauge the progress of WPM. Miss CHAN Yuen-han said that the Administration should show determination to execute the initiative announced by CE and proceed immediately with the preparatory legislative work on a statutory minimum wage if the mid-term review found the progress of WPM unsatisfactory. She added that a majority of the society supported the implementation of a statutory minimum wage and even the business sector had commenced a discussion on the level of a minimum wage.

18. SLW stressed that in taking forward a controversial issue such as that of a statutory minimum wage which carried far-reaching socio-economic implications and where views of the community remained diverse, it was of utmost importance for the Administration to join hands with both the business community and the labour sector and try its best to bring the two sides closer with a view to reaching a consensus. The Administration had endeavoured to do its best in pressing ahead with the worthy cause and WPM had shown to have benefited some workers of the cleansing and guarding services sectors. The Administration would continue to work with LAB, which had been an effective platform for providing advice on labour policies over the past decades in this regard.

Employees Retraining Scheme

19. Mr LEUNG Yiu-chung sought clarification on the specific timetable where the Employees Retraining Scheme (ERS) would be open to application by people aged between 15 and 29 and those with education level at sub-degree or below.

20. SLW responded that pending the Employment Retraining Board's (ERB) consultation with its training bodies and the necessary preparatory work, the relaxation was expected to be implemented before end-2007 and course

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application should be able to commence in early December this year. He said that the new initiative to relax the eligibility criteria of ERS was a significant improvement. While ERS used to cover only the unemployed and displaced workers aged 30 or above and had no more than junior secondary education, the relaxation would make eligible a large number of people to take part in the scheme, particularly new arrivals from the Mainland aged under 30 and who might have educational attainment beyond junior secondary level. SLW added that people aged between 24 and 29 should be able to benefit most from the relaxation, since unlike those aged between 15 and 24, apart from general employment services, they did not have specialized training tailored to their needs.

21. Mr Andrew LEUNG said that the relaxation of ERS could, on one hand, help to enhance the employability of workers, and on the other, enhance the overall competitiveness of the community. He asked about the measures to be taken to gauge the effectiveness of the training and retraining courses under ERS, and whether quality assurance would be put forward to ascertain optimum result of the training scheme and optimum use of the Employees Retraining Levy currently amounting to \$3.6 billion.

22. SLW shared Mr LEUNG's views that, in tandem with the expansion of ERS in terms of quantity, ERB should ensure the quality of its training and retraining services. He said that a strategic review on the future role and responsibilities of ERB was in progress. The issues of quality assurance of training services and optimum use of the levy would be addressed under the strategic review. ERS which provided skills upgrading and further learning opportunities should be responsive to market needs and up-to-standard. ERB would work closely with employer groups and small and medium enterprises to gauge the market needs for placement. Apart from assisting trainees under ERS to secure continuous employment, follow-up services would also be provided to further enhance their skills and mobility.

23. While supporting a relaxation of eligibility criteria of ERS, Mr LEE Cheuk-yan asked why the new scheme included sub-degree holders who should rather prefer to continue pursuing further education in tertiary institutes. SLW explained that the proposed eligibility criteria of an education level at sub-degree or below meant to provide another option to those with sub-degree qualifications, particularly the new arrivals from the Mainland with such qualifications, who might choose to join the labour market.

"One-stop" employment service

24. Ms LI Fung-ying enquired about the details on the launching of "one-stop" employment service and action to be taken by the Administration to follow up the recommendations put forward by the Commission on Poverty in June 2007.

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25. SLW said that the Administration aimed to put in place "one-stop" employment service through streamlining, integrating and enhancing the existing employment and training/retraining services provided by LD, Social Welfare Department (SWD), and ERB. The Efficiency Unit would conduct an overall review with a view to making recommendations in early 2008 on the best way to put in place the service. He said that consideration had been given to select one of the ERB resource centres as a platform for trying out the pilot scheme. SLW assured members that, being assigned to lead the Task Force on Poverty, he would take up and follow through the recommendations of the Commission on Poverty.

26. On the mode of operation of the "one-stop" employment service in future, Mr LEE Cheuk-yan asked whether LD would take over from the Social Welfare Department the administration of the self-reliance scheme, whether the "one-stop" service centre would be responsible to take care all unemployed Comprehensive Social Securities Assistance (CSSA) recipients and follow up their needs from processing claims of CSSA allowances to providing placement-tied training and employment assistance, and whether a case officer would be assigned to an unemployed person to follow through the case from training to placement within a two to three years' period.

27. SLW responded that there was a need to study how the employment services of LD, SWD, and ERB would be streamlined to provide "one-stop" employment and training/retraining service for job-seekers. He said that the prime objective was to help the unemployed, including able-bodied CSSA recipients, to re-enter the labour market and promote self-reliance through employment, whereas operational details would be worked out at a later stage.

28. Referring to examples of other places in fostering and expanding a labour market to accommodate a large number of the unemployed, Miss CHAN Yuen-han considered that the Administration should foster employment opportunities and follow through the placement situation of the clients so as to secure for them a prospect of continuous employment. She requested the Administration to provide information on the employment situation of trainees and the number of those who failed to secure a job after attending the training programmes on a three-month basis. SLW agreed.

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29. Ms LI Fung-ying asked whether the Administration had any plan to set up a "one-stop" employment service centre in the New Territories, such as in Tung Chung where there was a great need for such service, in addition to the one planned in Kowloon .

30. SLW said that the ERB resources centre in Lai Kok Estate in Kowloon West which also operated the Special Incentive Allowance Scheme (SIAS) for Local Domestic Helpers (LDH) was intended to be the first "one-stop"

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employment service centre under the pilot scheme. As the tenancy of the resources centre would expire in the near future, consideration had been given to relocating the centre to Kowloon West/East. He would further consider the possibility to set up such service centres in the New Territories. The Chairman suggested that the Administration should set up two to three "one-stop" employment centres simultaneously in Kowloon and New Territories. SLW agreed to consider members' views.

Pilot Transport Support Scheme

31. Mr LEE Cheuk-yan considered that the provision of transport allowances to the needy unemployed persons and low-income workers should be extended. He also asked the Administration to consider advancing the review of the Transport Support Scheme (TSS), say, to the end of this year.

32. Miss CHAN Yuen-han expressed support for TSS and said that the Administration should also consider extending the coverage of TSS to those living in the urban areas but needed to travel outward to remote districts for work. She asked why only around 3 000 claims for transport allowances under the TSS were received while the total number of applications received was more than 4 000.

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33. SLW responded that the pilot TSS launched in June 2007 aimed to provide time-limited transport allowances to needy job seekers and low-income employees living in four remote districts, namely Islands, North, Tuen Mun and Yuen Long. As at end-September 2007, LD recorded 4 071 applications under the Scheme, amongst which 2 961 claims for the allowances totaling some \$1.6 million were received. He said the Administration kept an open mind and would consider members' views in the review scheduled to be conducted at the end of the one-year pilot. As TSS had just been in operation for about three months, a full review at this stage would be too early. As for the disparity between the number of claims for allowances and applications received. Commissioner for Labour explained that in some cases, claims for allowances had yet to be filed by those who had passed the assessment of eligibility under TSS, for example, those who were still searching for jobs or whose job interviews had not necessitated cross-district travels.

Review of the Employment Ordinance

34. Ms LI Fung-ying expressed dissatisfaction about the slow progress on the review of the definition of continuous employment under the Employment Ordinance (EO). She urged the Administration to take prompt action to extend the applicability of EO to those who were employed on an hourly basis and not under a continuous contract as stipulated in EO.

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35. SLW responded that to take forward the review of the definition of continuous contract under EO, LD had commissioned the Census and Statistics Department to conduct a special topic enquiry in 2006 for the purpose of obtaining updated information on the profile of employees who were not working under a continuous contract. The Administration would brief LAB when the survey results were available.

Special Incentive Allowance Scheme for Local Domestic Helpers

36. Ms LI Fung-ying enquired whether there was any plan to extend SIAS, which aimed to motivate local domestic helpers to work across districts or during "unsocial hours" and had achieved good results. She suggested that an early review be conducted and SIAS be extended in view of its success.

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37. SLW responded that the funding earmarked for of SIAS had not been exhausted. The maximum amount an LDH might claim was capped at \$7,200. The Administration had to examine the relevant statistics so as to consider whether there was a case for further extending the scheme. He agreed to revert to the Panel later.

Family-friendly employment practices

38. Mr LEE Cheuk-yan opined that the Administration should take action other than promotion to ascertain that employers would carry out family-friendly employment practices, such as increasing the number of statutory holidays.

39. SLW responded that in considering improvement to employees' rights, the Administration would need to strike a reasonable balance between the interests of both employees and employers. LD would, in collaboration with the business sector, continue to promote family-friendly employment practices. As the business sector had become aware of corporate social responsibility, he considered it more appropriate to continue disseminating such practices through promotion.

Operation of Labour Tribunal

40. While noting that the operation of the Labour Tribunal (LT) was under the purview of the Judiciary, Mr Alan LEONG considered that initiatives to enhance its operational efficiency such as reducing waiting time for call over hearings would require policy steer and resource allocation from the Administration.

41. SLW said that LD had strengthened liaison with the Judiciary and streamlined the referral procedures, for example, standardizing the claim forms used by both LD and LT to avoid duplication of efforts of the claimants in

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providing the required information. SLW agreed to follow up with the Judiciary on the latest development on improving LT's operational procedures. The Chairman requested the Administration to revert to the Panel. He said that the issue might be followed up by the Panel at an appropriate time.

II. Briefing by the Secretary for Education on relevant policy initiatives in the Chief Executive's 2007-2008 Policy Address
(LC Paper No. CB(2)40/07-08(01))

42. Secretary for Education (SED) briefed members on the relevant initiatives in the 2007-2008 Policy Address and Policy Agenda and the progress of the ongoing initiatives.

(Post-meeting note: SED's speaking note was subsequently issued vide LC Paper No. CB(2)125/07-08(02))

Employment related initiatives

43. Mr WONG Kwok-hing queried whether there was a clash of policies between EDB and LWB in respect of the provision of training opportunities for young people. While the launching of youth training programmes such as the Youth Pre-employment Training Programme (YPTP) and the Youth Working Experience and Training Scheme (YWETS) under the preview of LWB endeavoured to assist young people to enhance their employability, the Education Bureau's (EDB) policy to attract non-local students to work in Hong Kong seemed heading to instigate competitiveness in the youth labour market. As allowing non-local students to work on-campus and during vacations might have an effect on the local labour market, Mr WONG asked why LAB had not been consulted on the new policy initiative. He also sought SED's explanation on his claim that the impact of the proposed scheme on local employment should be minimal.

44. SED said that, as announced by CE in his 2007-2008 Policy Address, the new initiatives of the Government included the upgrading of local human capital and encouraging more quality non-local students to study in Hong Kong and work here after graduation. The increase of the non-local student quota for publicly-funded programmes at the sub-degree, degree and taught post-graduate level from 10% to 20% of the approved student number targets for these programmes was not a significant increase in terms of actual student number. EDB noted the concern of the labour sector regarding the possible impact of the new initiative that might have on the local labour market, and thus, some requirements would be imposed to regulate the carrying out of the employment related initiatives. The Chairman suggested and SED agreed to consult LAB on the new policy initiative.

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45. Deputy Secretary for Education (DS(Ed)) said that the proposed requirements to regulate internship/employment of non-local students of full-time locally-accredited programmes at degree level or above whose study period was not less than one academic year included the following -

- (a) the internships must be study/curriculum-related and be arranged or endorsed by the institutions they were studying in;
- (b) duration of the internship was up to one academic year, or one-third of the normal duration of the relevant full-time academic programme, whichever was the shorter; and
- (c) non-local students would be permitted to take up part-time on-campus employment for not more than 20 hours per week throughout the year.

46. DS(Ed) added that according to information provided by the University Grants Committee (UGC), the unemployment rate for graduates of UGC-funded institutions was only 1.1%.

47. Ms LI Fung-ying enquired about the estimated figures of non-local students who might take up internship or summer jobs so as to support its claim that the new policy initiative was unlikely to pose any significant impact on local employment. She also asked which department or institution would be in charge to oversee the execution of the new initiative.

48. SED said that as the non-local students' internships must be study/curriculum-related and be arranged or endorsed by the institutions, the institutions concerned would have a responsibility to monitor the employment of non-local students. If EDB received complaints against non-local students for not complying with the requirements, EDB would follow up the matter.

49. DS(Ed) added that EDB had communicated with tertiary institutions and sought their co-operation in carrying out the employment-related new initiatives for non-local students. The institutions would each keep a register to keep track of non-local students' employment. The Immigration Department, being the authority responsible for the granting of entry visa for non-local students, would examine the registers kept by the tertiary institutions should it suspect any cases of breach of requirements.

50. Miss CHAN Yuen-han asked whether the increase of non-local student quota would reduce the number of university places for local students, and whether local students' chances to take up part-time job on campus would be reduced in the light of the competition of non-local students who might be willing to accept lower pay.

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51. In response, SED and Permanent Secretary for Education made the following points -

- (a) the number of First-Year First-Degree places for local students in publicly-funded programmes would remain the same would not be adversely affected by an increase in the quota for non-local students in such programmes;
- (b) non-local students, other than those on scholarships, had to bear their own costs and pay a higher fee than local students; and
- (c) the Administration, as informed by the tertiary institutions, understood that there was only a limited number of part-time jobs available on campus. Furthermore, local students usually preferred to take up higher-paid part-time jobs than seeking part-time jobs on campus. It was also unlikely that tertiary institutions would offer a lower rate to non-local students for on-campus work.

52. Mr LEE Cheuk-yan asked whether the programmes of tertiary institutions offered to non-local students were subsidised, and whether there was any projection on the rate of non-local students participating in the local employment market in the next five to ten years. He also drew the attention of the Administration to the fact that the proposed increase of quota of non-local students to 20% might affect the employability of local graduates belonging to those disciplines of which employment rate had always been low.

53. SED responded that -

- (a) while local students studying publicly-funded programmes of tertiary institutions were subsidised by UGC, non-local students other than those on scholarship had to bear their own costs and pay a higher tuition fee; and
- (b) the estimated number of non-local students participating in the employment market in five to ten years' time ought to tie in with the 20% of the approved student number targeted for the programmes of tertiary institutions. It would be more appropriate to assess the impact of the new initiative on the employment opportunities of local students some time after its implementation.

54. Noting members' concerns on the employment-related initiative, SED reiterated that attracting quality non-local students to study and work in Hong Kong could increase the exposure of our local students, help build a talent pool, increase Hong Kong's competitiveness, and bring economic benefits to the community in the long run.

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55. Miss CHAN Yuen-han expressed concern that the proposed relaxation of ERS to cover people aged between 15 and 29 might result in an overlap of training and retraining programmes run by different institutes.

56. DS(Ed) responded that the proposed relaxation of ERS was under the purview of LWB. He noted Miss CHAN's concern and assured her that EDB would continue to maintain communication with LWB to avoid any duplication of effort. As he understood, ERB's retraining programmes were mostly short-term and skill-based aiming to enhance the employability of the unemployed and local workers, whereas courses provided by training institutes such as the Vocational Training Council might last for two to three years and mainly cater for students who would prefer an alternative pathway to mainstream education.

57. The meeting ended at 4:27 pm.

Council Business Division 2
Legislative Council Secretariat
14 November 2007