立法會 Legislative Council

LC Paper No. CB(4)14/14-15 (These minutes have been seen by the Administration)

Ref: CB4/PS/2/12

Panel on Food Safety and Environmental Hygiene Subcommittee on Hawker Policy

Minutes of the meeting held on Monday, 16 June 2014, at 2:30 pm in Conference Room 2A of the Legislative Council Complex

Members present: Hon Steven HO Chun-yin (Chairman)

Hon Alan LEONG Kah-kit, SC (Deputy Chairman)

Hon Tommy CHEUNG Yu-yan, SBS, JP Hon WONG Kwok-hing, BBS, MH

Hon Cyd HO Sau-lan Hon CHEUNG Kwok-che Hon WONG Yuk-man Hon Claudia MO

Hon WU Chi-wai, MH Hon CHAN Chi-chuen Hon CHAN Han-pan

Hon Alice MAK Mei-kuen, JP Dr Hon Helena WONG Pik-wan

Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent: Hon Vincent FANG Kang, SBS, JP

Dr Hon Kenneth CHAN Ka-lok

Member attending: Hon CHAN Yuen-han, SBS, JP

Public Officers : Agenda item II attending

Mr Christopher WONG Kwok-bun, JP

Deputy Secretary for Food and Health (Food) 1

Miss Vinci Chan Assistant Secretary for Food and Health (Food) 7

Mr FAN Yung-kai Assistant Director of Food and Environmental Hygiene (Operations) 2

Miss Karen LAU Senior Manager (Tourism) Tourism Commission

Mr Mason HUNG General Manager (Event and Product Development) Hong Kong Tourism Board

Mr David LAM Chief Town Planner(Strategic Planning) Planning Department

Ms Jane LEE
Principal Assistant Secretary for Labour and Welfare
(Poverty)
Labour and Welfare Bureau

Ms Cindy YIM
Senior Labour Officer (Employment Services)
(Operation)
Labour Department

Ms Elaine MAK
Principal Assistant Secretary (Culture) 1
Home Affairs Bureau

Mr Eric HUI Assistant Director (2) Home Affairs Department

Clerk in attendance : Ms Debbie YAU

Chief Council Secretary (4)5

Staff in attendance : Ms Shirley TAM

Council Secretary (4)5

Ms Linda MA Legislative Assistant (4)5

Action

I. Confirmation of minutes of meeting on 15 April 2014

(LC Paper No. CB(4)751/13-14 - Minutes of meeting on 15 April 2014)

The minutes of the meeting were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(4)787/13-14(01)	- List of follow-up actions
LC Paper No. CB(4)787/13-14(02)	- List of questions to be addressed by the Administration's written response
LC Paper No. CB(4)787/13-14(03)	- Administration's written response to CB(4)787/13-14(02)
LC Paper No. FS09/13-14	- Hawker policy in Taiwan
LC Paper No. FS10/13-14	- Hawker policy in Singapore
LC Paper No. FS11/13-14	- Hawker policy in Australia
LC Paper No. FS12/13-14	- Hawker policy in Thailand)

Setting the policy framework for the revitalization and long term development of the hawking trade

2. <u>The Administration</u> briefed members on issues relating to hawkers and hawking.

Discussion

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions to be taken by the Administration

Admin 4. To facilitate further discussion by the Subcommittee, the Administration was requested to provide the following information –

- (a) reference materials on the Mainland policy and management on hawking activities of hawkers who were known as 個體經營者/個體勞動者/個體戶, with reference to their contribution to the economic and societal development during the past decades since the late 1970s;
- (b) lessons to be drawn from the experiences of Australia, Singapore, Taiwan and Thailand on hawker policy (LC Paper Nos. FS09/1314, FS10/13-14, FS11/13-14 and FS12/13-14), and if they were to be implemented in Hong Kong, the difficulties that would likely be encountered;
- (c) responses from the Commerce and Economic Development Bureau on the roles and functions of hawking activities in respect of Hong Kong's economic development, and their relationship with the Bureau's policy responsibility; and
- (d) relevant statistics since post-war era about small business activities (i.e. hawking), including their contributions to the economic growth, starting new businesses and reducing the unemployment rate of Hong Kong, in particular during economic downturns.

(*Post-meeting note*: The Administration's written response in respect of, inter alia, items (c) and (d) was circulated to members on 4 August 2014 vide LC Paper No. CB(4)968/13-14(02). Its further written response to (a) was circulated vide LC Paper No. CB(4)994/13-14(01) on 8 September 2014.)

Date of next meeting

5. <u>The Chairman</u> said that he would work out the schedule of the next meeting with the Clerk and inform members in due course.

(*Post-meeting note*: On the request of the Administration and agreed by the Chairman and Deputy Chairman, a brainstorming session of the Subcommittee was scheduled to be held on 6 October 2014 at 9:30 am, which was subsequently rescheduled. The Secretariat will reschedule the brainstorming session in due course.)

III. Any other business

6. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 4
<u>Legislative Council Secretariat</u>
13 October 2014

Proceedings of the meeting of the Subcommittee on Hawker Policy on Monday, 16 June 2014, at 2:30 pm in Conference Room 2A of the Legislative Council Complex

Time marker	Speaker	Subject(s)	Action required
Agenda ite	m I – Confirmation of min	utes of meeting on 15 April 2014 and matters arising	
000606 – 000742	Chairman	The minutes of the meeting on 15 April 2014 were confirmed. The Chairman recapped that at the working meeting	
		held on 30 May 2014, members noted the fact sheets on hawker policy in selected places prepared by the Secretariat and decided that the Subcommittee would narrow the difference with the Administration on the long-term development of hawker policy in Hong Kong before considering whether to undertake an overseas duty visit.	
Agenda ite	m II – Meeting with the Ad	lministration	
	with Food and Health Bure pment Bureau ("DEVB")	au ("FHB"), Commerce and Economic Development Bu	reau ("CEDB")
000743 -	Chairman	FHB undertook to provide within July 2014 a written	
001033		response to the list of follow-up actions arising from	
	Mr WONG Kwok-hing	the discussion at the meeting on 15 April 2014 (LC Paper No. CB(4)787/13-14(01)).	
001034 – 002448	Chairman FHB Tourism Commission	Briefings by FHB, TC, HKTB and PlanD (LC Paper No. CB(4)787/13-14(03)).	
	("TC") Hong Kong Tourism Board	FHB advised that it was studying the hawker policy in some South-East Asian countries and would include them in the written response to be provided.	
002449 –	Chairman	Mr CHEUNG appreciated the list of questions (LC	
003041	FHB	Paper No. CB(4)787/13-14(02)) drawn up by the Chairman and the Deputy Chairman as it had set out the directions from which hawker policy in Hong Kong could be formulated from a "development" perspective. However, the Administration's written response just recapped the existing measures which sought to manage and control hawkers and hawking activities. Mr CHEUNG was disappointed to note that the Administration failed to respond from a "development" perspective.	
		FHB stressed that it and the Food and Environmental Hygiene Department ("FEHD") were responsible for upholding the mission of ensuring food safety and maintaining a clean and hygienic living environment	

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		for the people of Hong Kong. Without compromising the above principle and the integrity of the existing regulatory regime, they were open to consider any proposals relating to the hawking trade, including those initiated by other bureaux for, say, promotion of tourism and creation of job opportunities for the grassroots. Mr CHEUNG considered that the Administration should provide a paper detailing its study on measures to be taken if the hawker policy was to be formulated from a "development" perspective.	
003042 – 003648	Chairman Mr WONG Kwok-hing FHB TC	Mr WONG requested FHB to provide reference materials on the Mainland policy and management on the hawking activities of hawkers who were known as 個體經營者/個體勞動者/個體戶, with reference to their contribution to the economic and societal development during the past decades since the late 1970s. He considered such information would serve as a useful reference for Hong Kong in developing a long-term and forward-looking hawker policy.	FHB to provide information as per paragraph 4(a) of the minutes
		undertook to coordinate a response from CEDB on this matter. Mr WONG also suggested inviting	CEDB/TC to provide information as per paragraph 4(c) of the minutes
003649 – 004333	Chairman Dr Helena WONG FHB	Dr WONG expressed concern about the development directions of the hawker policy. While FHB was encouraging the surrender of hawker licences, she said that TC might want to see more characterized streets being set up to promote tourism. There was also a need to strike a proper balance for promoting hawking trade between meeting the needs of tourists and local residents. FHB stressed that while it upheld its mission of	

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		ensuring food safety and environmental hygiene, certain facilitating measures were already in place to enhance the hawking trade. It was also open to consider any proposals on a more forward-looking and flexible hawker policy initiated by other bureaux/departments ("B/Ds") without compromising the overarching principle and the integrity of the existing regulatory regime. FHB also stressed that support from the local community would be conducive to implementing the new policy of developing the hawking trade.	
004334 - 005046	Chairman Ms Claudia MO FHB	 (a) tended to disturb the hawking trade instead of providing facilitation. For example, the hawkers in Fa Yuen Street were required to close the awning in case of raining during fire safety inspection, and their merchandises got soaked in heavy rains. In Apliu Street, the stalls were rearranged to closely attach to each other and the issue of fire safety was ignored; (b) should not drive away on-street hawking activities and relocate them into public market or municipal services buildings because these activities represented an indispensible and naturally developed street culture, such as the one found in Temple Street and Lascar Row, which should be preserved; (c) should consider setting up a hawkers department specifically responsible for implementing the hawker policy, as in the case in Singapore; and (d) should recognize that hawking activities did not only relate to local culture and tourism but also the economic development and grassroots' livelihood. In response, FEHD pointed out that in Fa Yuen Street, inspection officers in general would allow hawkers to shelter them from the rain and sun with large umbrellas. For Apliu Street, stalls were rearranged in pairs so that more space could be vacated for the passageway considering the fire safety concern. In addition, the Administration maintained frequent dialogue with relevant hawkers associations and 	
		hawkers of Apliu Street on the arrangements of their activities while implementing the Assistance Scheme	

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		for Hawkers in Fixed-pitch Hawker Areas. Nevertheless, FHB and FEHD undertook to follow up the cases raised by Ms MO.	
005047 – 005718	Chairman Deputy Chairman FHB	The Deputy Chairman pointed out that the Subcommittee's concern on the development of hawking activities could not be addressed by FHB/FEHD's exiting policy which focused on controlling and managing the trade, and a new policy facilitating the development of the trade should involve cross-bureaux efforts and led by a particular bureau. Given that the Subcommittee had sent a letter to the Chief Secretary for Administration ("CS") expressing members' concerns about the need to straighten out the roles of respective bureau in the formulation and implementation of hawker policy, he hoped that CS would designate a Director of Bureau to lead the policy. FHB replied that there had been communication with the relevant bureau on the Subcommittee's requests. The Administration also welcomed members to suggest more concrete proposals or development directions of the hawker policy for its consideration. At the Deputy Chairman's further query on the communication platform, FHB advised that CS had communicated with SFH on the subject matter, and that there was cross-bureau communication involving FHB, DEVB, CEDB, LWB and HAB as requested by the Subcommittee.	
005719 – 010321	Chairman Mr WU Chi-wai FHB	Mr WU proposed that the Government should review the role of hawking activities in the economic development of Hong Kong before considering appropriate measures that could be implemented to facilitate the development of hawking trade. FHB reiterated that the Administration was open to consider any proposals so long as the overarching principle and integrity of the existing regulatory regime would not be compromised. However, it pointed out that the pivotal point on which a new hawker policy should be formulated had yet to be decided. Mr WU opined that — (a) with reference to the fact sheets provided by the Secretariat, Taiwan, Singapore, Thailand and	

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		policy on regulating the hawking activities, e.g. allowing temporary hawking activities at designated streets. This approach could enable hawkers to operate flexibly without the need to set up fixed stalls affecting urban outlook; (b) hawking activities should be operated at locations readily accessible by customers. The Administration designating particular areas for hawking activities such as the case of Tin Sau Bazaar might not be a sustainable option; and (c) hawking activities should tally with street management and not interfere with normal street use like in Tin Kwong Hui. At Mr WU's request, FHB undertook to revert after reviewing whether any experiences on the hawker policies adopted in those other places could be drawn for Hong Kong's reference. However, it cautioned that as Hong Kong had its own characteristics, policy applicable to other places might not be suitable for Hong Kong taking into account the need to resolve the conflict between street hawking and street management.	provide information as per paragraph
010322 – 011026	Chairman Mr CHAN Chi-chuen FHB	Mr CHAN expressed concern whether the Administration was satisfied with the current hawker policy and found it necessary to formulate a hawker policy from the development perspective. He enquired whether the Administration would set up a cross-bureau working group under the Financial Secretary to formulate a new hawker policy. He was also keen to ensure that the cross-bureau working group, if any, would be supported by government officials of appropriate levels and meet regularly to discuss subject matters of genuine interests. FHB responded that its mission was to ensure food safety and maintain a clean and hygienic living environment for the people of Hong Kong. So long as its mission was not compromised, FHB was open to consider any development proposals. However, FHB might not be the appropriate bureau to initiate a new trade facilitation policy and related measures.	
011027 – 011638	Chairman Miss CHAN Yuen-han	Ms CHAN was disappointed at the Administration's response. She considered that on-street hawking was one of the mainstays of the Hong Kong's local economy. Hawking was related to the grassroots'	

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		livelihood in the 1960s and 1970s, and nowadays, it became a livelihood of many Hong Kong people including youngsters and those with knowledge and experience.	
		She considered that a new hawker policy with a clear development direction should be formulated under the leadership of the Financial Secretary who would designate the Secretary for Commerce and Economic Development to coordinate three to four bureaux to take forward this work.	
011639 – 012124	Chairman	The Chairman considered that the existing hawker policy focusing on control and management did not address the Subcommittee's expectation for a flourishing hawking trade. He disagreed with the Administration's current approach to move hawkers off street into public markets and opined that both type of activities should be developed vibrantly. He shared the concern of Deputy Chairman and Mr CHAN Chi-chuen that formulation of a forward-looking hawker policy would hinge on the effectiveness and frequency of the cross-bureau meetings. He urged the Administration to respond to the last	
		meeting's requests, including whether the hawker policies adopted in other places could be drawn for Hong Kong's reference. He also requested FHB to come up with a timetable for working out a proposal on hawker policy from the long-term, forward-looking and continuous development perspectives.	information as per paragraph
012125 – 013016	Chairman Mr WONG Kwok-hing FHB	Mr WONG considered that the Administration's response (LC Paper No. CB(4)787/13-14(03)) did not address members' concerns, and requested the Administration to consider formulating the hawker policy from the long-term, forward-looking and continuous development perspectives having regard to the economic role of hawking. He said that it was necessary for the Administration to think out of the box on this matter.	
		FHB noted the concerns mentioned by Mr WONG and undertook to consider his views in consultation with other relevant bureaux.	
013017 – 013302	Chairman Mr WU Chi-wai FHB	Mr WU considered that the following viewpoints were important -	

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		(a) FHB was open to explore the feasibility of any proposals to develop the hawking trade so long as the requirements in respect of food safety and environmental hygiene were satisfied;	
		(b) on-street economic activities should be evolved naturally under a flexible policy approach; and	
		(c) all the four places studied by the Secretariat aimed to provide a platform for people from all walks of life to earn their living and/or develop their potentials when formulating their hawker policies.	
		He considered that subject to the Subcommittee's concurrence, a study of the hawker policy for Hong Kong might be commissioned based on these three important viewpoints.	
013403 – 014139	Chairman Miss CHAN Yuen-han FHB	Miss CHAN opined that the reasons for formulating a hawker policy to facilitate the trade were because –	
	1115	(a) the existing policy rooted from the former Municipal Councils aiming to eradicate hawkers should be abolished;	
		(b) little room was provided for different people to earn their living through hawking and the Hong Kong's economy today was dominated by financial and property sectors with very little room for other industries thus resulting in the local poverty issue;	
		(c) small street shops were almost replaced by chain stores and shopping arcades comprising branded outlets; and	
		(d) rocketing rents of shops and stores drove away grassroots and young people from making their living from small businesses, and only the shops selling luxurious products could be found.	
		Miss CHAN called on the Chief Executive to honour his commitment advocated during election, viz. creating alternative means for people in need to earn a living. She was prepared to provide concrete proposals for the Administration's consideration.	
014140 - 014600	Chairman FHB	The Chairman pointed out that while the lack of upward social mobility created a surge of public	

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	PlanD	grievances, hawking activities might provide opportunities for the local people to start new businesses and move socially upward. He doubted whether those outdoor hawking activities should be subject to the same stringent requirements of food safety and environmental hygiene as those applicable to public markets.	
		FHB stressed that any on-street economic activities with food operation would be regulated under a stringent system concerning food safety and environmental hygiene and this system was necessary and important in Hong Kong. On the other hand, a less stringent approach would be adopted if the hawking activities did not involve food operation.	
		In response to Chairman's question whether considerations would be given to setting up temporary hawker bazaars or Dai Pai Tongs on unoccupied government land as tourist attractions, PlanD advised that it would be prepared to provide the necessary assistance in respect of land use planning if there was a policy of developing hawking bazaars as tourist attractions.	
014601 – 015244	Chairman Mr WONG Yuk-man Mr WONG Kwok-hing	Mr WONG Yuk-man was disappointed at the Administration's brief response (LC Paper No. CB(4)787/13-14(03)) which was just repeating its previous stance to the public concerns about hawkers and hawking activities expressed over the past decade. He criticized that FHB's facilitating measures were platitudes, and stringent regulatory rules and high penalty charges on hawkers, particularly newspaper stalls, had minimized the room for their survivals resulting in a lot of public grievances.	
		He suggested that Hong Kong should consider modeling the experience of other places, such as the Liuohe Tourist Night Market (六合夜市) in Kaohsiung where stalls selling food were irregularly packed at nights. However, the market area was cleaned up properly in the mornings for traffic operation and this was made possible under a self-regulatory system.	
015245 – 015745	Chairman Mr Tommy CHEUNG	Mr CHEUNG said that in the 1950s when Hong Kong encountered economic recession, a lot of people (including the widows of soldiers killed in World War II) were encouraged to engage in hawking activities as well as to operate Dai Pai Tongs to earn their living.	

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		However, as the number of hawkers had become too many in the 1980s, the former Urban Council formulated some policies, such as restricting Dai Pai Tong licences to be succeeded by or transferred to the licensee's spouse only, to enhance cityscape and increase the control on hawking trade. As a result, the number of Dai Pai Tong licences had substantially reduced from about a thousand to only 20 plus. Highlighting the consensus on hawker policy among Subcommittee members, he considered that further discussion on the existing Government policy would not help to facilitate the hawking trade. Instead, the Subcommittee should meet with SFH to discuss a feasible policy framework in the long-run and understand the Administration's concerns on the difficulties/obstacles, if any, that would likely be encountered during implementation of members' proposals.	
015746 – 020206	Chairman Mr CHAN Han-pan FHB	Mr CHAN echoed Mr WONG Yuk-man's views that the Administration's work on enhancing the operating environment of hawkers was not good enough. He enquired whether the Administration would consider members' suggestion of setting up hawking areas, e.g. developing the open spaces at Yat Tung Estate or other areas in Tung Chung as hawking areas/night markets for the grassroots to earn their living and such areas/markets could also become tourist attractions. He would draft a proposal with the Tung Chung community for the Administration's consideration.	
		subject and undertook to consider them along with other concerned B/Ds with an open mind.	
)20207 – 021446)		
_	em II – Meeting with the Acg g with Food and Health Bu	Iministration reau, Labour and Welfare Bureau ("LWB") and Home	Affairs Bureau
021447 – 021702	Chairman LWB	Briefings by LWB (LC Paper No. CB(4)787/13-14(03)).	
021703 – 023041	Chairman Mr WONG Kwok-hing LWB HAB/Home Affairs Department ("HAD")	Mr WONG was disappointed at LWB's response. He pointed out that hawking trade was an important means to alleviate unemployment and enhance economic growth during Hong Kong's liberation after World War II. In addition, people without work might earn a living from hawking activities which also	

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		helped alleviate the expenditure burden of the Government's Comprehensive Social Security Assistance Scheme. He urged LWB as well as HAB to recognize the roles of hawkers and functions of hawking activities.	
		LWB acknowledged the role of hawkers during economic downturn. However, during the prevailing favourable economic climate and with sturdy labour demand, efforts were made to improve the employability of people in need through better education and training/re-training services without singling out the development and promotion of the hawking trade as a poverty alleviation strategy.	LWB to
		Mr WONG urged LWB to provide to the Subcommittee relevant statistics since post-war era about small business activities (i.e. hawking), including their contributions to the economic growth, starting new businesses and reducing the unemployment rate of Hong Kong, in particular during economic downturns. Noting HAB/HAD's response in respect of possible involvement of social enterprises in operating the business or managing the proposed hawker areas, Mr WONG considered it paramount importance to first formulate a comprehensive and forward-looking policy for the hawking trade.	follow up as per paragraph 4(d) of the
023042 – 023724	Chairman Mr CHAN Chi-chuen HAB	Mr CHAN considered HAB's response (LC Paper No. CB(4)787/13-14(03) was too brief and urged it to give a more comprehensive view on formulating a new hawker policy. He also recalled the initiative of developing local community economy in the 18 districts in the last decade and enquired about the involvement of HAB.	
		HAB/HAD pointed out that the development of local community economy involved various policy matters under several B/Ds such as land provision, tourism and licensing which should be reviewed concurrently by responsible B/Ds. Should there be a decision to develop local community economy, HAB/HAD would be willing to work with the project proponent(s) and the B/Ds concerned and provide facilitation in consultation with the respective district councils. HAB/HAD added that hawking activities were now regulated under the purview of FHB and FEHD, and relevant policy to be formulated should tie in with FHB/FEHD's overall hawker policy direction.	

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		Having regard to HAB/HAD's response, Mr CHAN reiterated that the work on formulating a new policy for hawking trade should be led by one of the Secretaries of Departments.	
023725 – 024738	Chairman Mr CHAN Han-pan FHB	Mr CHAN considered that hawking trade addressed both the needs of grassroots making their living and consumers getting cheaper merchandises. He also expressed concern that rentals for shops were too high in Hong Kong and small street-shops were getting replaced by chain stores in large shopping arcades. As a result, there was a tendency that consumers in Hong Kong could only buy from the chain stores in shopping arcades.	
		Regarding cooked food hawker bazaars, Mr CHAN expressed concern that a number of them developed in the 1950s and 1960s had become old and dilapidated and badly needed renewal. In this regard, he urged the Administration to renew them as he believed that once the bazaar conditions improved, they would be more appealing to customers whose patronage could in turn sustain the operation of the markets.	
		FHB responded that it would consider the suggestion of renovating existing cooked food hawker bazaars having regard to the merits of each case. Mr CHAN suggested the Subcommittee to arrange	
		site visit to Dai Pai Tongs.	
024739 – 025141	Chairman Mr Tommy CHEUNG	Mr CHEUNG considered that the presence of hawkers (and wet markets) could prevent the oligopoly of daily supplies by the four supermarkets in Hong Kong. It was also necessary to identify suitable operators to run the business without interference and unnecessary control of the Administration. He reiterated that the Subcommittee should first consider the overall policy before devising individual measures.	
025142 – 025838	Chairman FHB	The Chairman opined that the Singapore's hawker policy might serve as a good reference for Hong Kong. Based on the relevant fact sheet (FS10/13-14), he suggested the Administration to consider a proposal under which the stallholders of fixed pitch stalls could buy the stalls on a 20-year lease at a discount. Those who declined to buy their stalls could surrender them and opt for cash grants or continue to rent their stalls at a revised rate instead. This could serve as a strategy for poverty alleviation,	

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		provision of ex-gratia payments for licensees and/or encouraging the lower to middle-class residents to start businesses.	
		FHB undertook to study the Singapore's case and provide a response on whether its experience could be drawn for Hong Kong's situation. However, it cautioned that the practice adopted in other places might need to be fine-tuned with reference to different development stages and circumstances of the studied place before being applied to Hong Kong.	provide information as per paragraph
Agenda item III – Any other business			
025839 – 030010	Chairman	Conclusion Discussion on the date of next meeting	

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