

立法會 *Legislative Council*

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Report of the Panel on Economic Services for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Economic Services (the Panel) during the 2006-2007 legislative session. It will be tabled at the meeting of the Legislative Council on 11 July 2007 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000 for the purpose of monitoring and examining Government policies and issues of public concern relating to economic infrastructure and services, including air and sea transport facilities and services, postal and weather information services, energy supply and safety, consumer protection, competition policy and tourism. The terms of reference of the Panel are at **Appendix I**.

3. The Panel comprises 19 members, with Hon Jeffrey LAM Kin-fung and Hon Abraham SHEK Lai-him elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is at **Appendix II**.

Major Work

Tourism

4. The tourism industry, being one of the four main economic pillars of Hong Kong economy, continues to receive Government's support in its development. During the session, the Panel monitored closely the operation of new tourism infrastructure projects including the Hong Kong Disneyland

and the Ngong Ping 360, the development of cruise terminal facilities, as well as initiatives to promote quality tourism in Hong Kong and protect consumer rights of tourists visiting Hong Kong.

Hong Kong Disneyland

5. As a strategic investment by the Government and opened in September 2005, the Panel was keen to ensure that the Hong Kong Disneyland (HKD) would enhance Hong Kong's tourism profile further. Although the theme park received a total of 5.2 million visitors during the first year of its operation, members were concerned that the visitor figure had fallen short of the original projected annual attendance of 5.6 million, and that the less than satisfactory performance of HKD had adversely affected the investment return for the Government. To enable better monitoring of the performance of HKD, members called on the theme park to increase transparency in operation and provide more information on its financial performance. As a large corporate, members also considered it necessary for HKD to undertake its social responsibility in providing more employment for persons with disabilities (PwDs) and enhancing its efforts in community engagement. The theme park management had undertaken to explore the possibilities of offering more jobs for PwDs at various lines of business in HKD and to continue to reach out to the community in the years to come.

6. Pointing out the importance for HKD to step up its promotional and marketing efforts, members suggested that the theme park management should consider partnering with travel agents overseas and Asia World Expo in offering city passes to package customers visiting Hong Kong and half-day tickets to convention participants respectively, as well as providing concessionary tickets to families with senior/junior members in order to promote family tourism. In this regard, the Panel noted that the theme park management had been actively engaging the travel trade in Hong Kong, the Mainland, and other neighbouring source markets in Asia in promoting the park and the two hotels by launching various incentive programmes and special offers to visitors. Moreover, HKD played a key role in the development of Hong Kong family tourism as evidenced by a surge of 24% in the number of overnight family visitors in the first half of 2006 over the same period in 2005.

7. To enrich visitor experience and encourage them to come again, members welcomed HKD's expansion projects to add three new attractions by mid 2008 which would be funded entirely by the theme park.

Ngong Ping 360

8. The Ngong Ping 360 (comprising the Ngong Ping Skyrail and Ngong Ping Village), with the Mass Transit Railway Corporation Limited (MTRCL) as the project franchisee and the Skyrail-ITM (Hong Kong) Limited (Skyrail)

as the operator, was another major new tourist attraction in Hong Kong.

9. Since its commissioning in mid September 2006, Ngong Ping Skyrail had drawn much public concern over several occasions of suspension or disruption of service. The Panel met with the management of MTRCL and Skyrail to discuss measures for improvement. Members urged Skyrail to make improvement on the reliability of the cable car service and the public notification mechanism to provide timely information of different situations to passengers through various channels, and to strengthen contingency arrangements such as working closely with bus and coach operators in providing transport services to facilitate evacuation of passengers in case of suspension of cable car service. Members noted that the cable car system has achieved an overall reliability rate of 98.8% since its opening in September 2007 until end of May 2007. To minimize inconvenience caused to visitors, Skyrail had enhanced the public notification system to inform the public when the cable car service was expected to be delayed or suspended for 30 minutes or more. Besides, special measures were implemented, including extending the operating hours, scheduling group visits in advance and providing contingency bus service, to ensure smooth operation during festive seasons. On members' concern that MTRCL should enhance its monitoring of Skyrail's performance to ensure smooth and safe operation of Ngong Ping Skyrail, MTRCL explained that Key Performance Indicators had been developed covering a wide scope of areas including safety, maintenance, cableway reliability, finance, sales and marketing for monitoring the performance of Skyrail. Subsequent to every suspension incident, MTRCL would investigate into the causes, assess the feasibility of the improvement measures proposed by Skyrail and follow up on their implementation.

10. The incident of the falling of a cabin of Ngong Ping Skyrail on 11 June 2007 sparked off wide public concern over the safety of the cable car system. The Panel took the incident very seriously and held a special meeting on 15 June with the Administration, MTRCL and Skyrail to follow-up the matter. Noting the top priority of ensuring the safety of Ngong Ping Skyrail, members supported the immediate suspension of cable car service until the cause of the incident was identified and remedial actions taken. The Panel considered there was an urgent need for the Government to undertake an independent investigation into the incident covering all aspects in order to restore the confidence of visitors, as well as for relevant parties to step up publicity on Hong Kong's multi-faceted appeal to tourists so as to minimize possible negative impact of the incident on the tourism and related sectors. To this end, the Panel welcomed the appointment of an independent Expert Panel led by two renowned overseas experts in the ropeway industry and investigations of ropeway accidents with the participation of Electrical & Mechanical Services Department to look into the incident. The Expert Panel was tasked to examine and identify the causes of the incident; review the management, design, operation and maintenance of the cable car system; and identify

remedial and improvement measures required for the safe operation of the system including testing and the arrangements for the trial runs before re-opening of the system.

11. Given Skyrail's poor performance in operating the cable car system since the commissioning of the tourist infrastructure, some members urged MTRCL to terminate the contract with the operator. There was also strong call for the Government to review the entrustment of the Ngong Ping 360 project to MTRCL. Members noted that the Administration had required MTRCL to conduct a thorough investigation into the incident and submit a report. As investigations were underway, the Administration pointed out that it was inappropriate to speculate on the causes and faults of parties.

12. In reviewing the arrangements for tourists visiting Ngong Ping, members noted that while the local and overseas promotion of the cable car system had been suspended following the incident, the Ngong Ping Village remained opened and Skyrail had worked with the bus operator to facilitate increased demand for bus service during service suspension as well as staff transport for shop tenants. To address shop tenants' concern about viability of their business during the suspension of cable car service, members suggested that consideration be given to offering compensations to business loss in addition to rent waiver and provision of free transportation for staff. MTRCL undertook to consider the suggestions.

13. According to the Administration, it would take about two to three months for the Expert Panel to complete the full investigation the findings of which would be published for public information. The Panel would continue to monitor the development and discuss with relevant parties.

New Cruise Terminal Facilities

14. To order to capture the growth of the cruise industry in the Asia Pacific Region and sustain Hong Kong's development as a regional cruise hub, the Panel has been urging the Administration to take active steps in developing new cruise terminal facilities in Hong Kong. The Panel welcomed the Government's plan to develop the facilities at the former runway at Kai Tak. Members were briefed on the details of the project including the berthing and supporting facilities, complementary commercial, tourism-related facilities, and transport infrastructure to be provided; as well as the approach of implementing the project through open tender. The successful bidder would need to form the site and design, build and operate the new cruise terminal facilities. It would own the land and the facilities thereof for 50 years and would determine berthing fees and charges.

15. While expressing support for implementing the project through an open tender to enhance the transparency of the land grant process, some members

considered the proposed 50-year land grant too long. There was suggestion for the Administration to conduct an interim review on the operating rights with the successful bidder so as to better protect the interests of the Government. Highlighting the huge investment cost for the project, the Administration maintained the view that the 50-year land grant would be appropriate in providing the operator with reasonable returns against the long-term risks in undertaking the project.

16. To ensure that the new cruise terminal would be a world-class facility meeting the needs of cruise line operators and respond to changing market needs, members agreed that the Administration should consult the tourism industry and the cruise market in working out the technical requirements for the tender exercise. Given that the new cruise terminal would become a major landmark of Kai Tak, some members suggested that due consideration should be given to the design of the facilities. The Panel noted that the Administration would adopt a two-envelope approach in assessing the bids on the basis of highest aggregated score on financial criteria and non-financial criteria. Hence, apart from the land premium offered, the quality of the bids, including the technical and operational aspects, would be taken into account in the tender evaluation.

17. Having regard to the remoteness of Kai Tak, members called on the Administration to provide adequate transport infrastructure to enhance the connectivity of Kai Tak. The Panel welcomed the preliminary proposal of building a rail-based environmental friendly transport system to serve the entire Kai Tak area. As regards the development timeframe, members urged the Administration to expedite the programme and tighten its work schedule with a view of advancing the commissioning of the first berth ahead of the target of 2012 to enable Hong Kong establishing a competitive advantage as early as possible in meeting the challenges of increasing competition from neighbouring cruise centres. To ensure timely delivery of the project, the Administration undertook to closely monitor the development programme and where possible to pursue the relevant tasks in parallel.

Consumer protection for Mainland visitors in Hong Kong

18. Complaints from Mainland inbound tour groups about market malpractices involving forced shopping at designated shops by local tourist guides and travel agents, as well as media reports on incidents where Mainland group visitors were suspected of being cheated while shopping in Hong Kong aroused wide public concern about adverse impact on the image of Hong Kong's tourism industry. The Panel met with representatives from the Travel Industry Council of Hong Kong (TIC), the Hong Kong Tourism Board (HKTB), the Consumer Council (CC), and organizations of the retail and travel trades at two meetings to discuss measures to restore visitors' confidence in traveling in Hong Kong.

19. Some members expressed concern that the problems related to "zero-/negative-fare tours" and shopping scams had reflected the ineffectiveness of the present regulatory regime of the travel industry which mainly relied on the self-regulation by TIC and involving various bodies tasked with different regulatory functions, and urged the Administration to undertake a comprehensive review of the regime and consider setting up an independent statutory body to regulate the industry. As a representative body of the tourism industry and being familiar with the industry practices, the Administration considered that TIC was better placed to regulate the travel industry in Hong Kong. TIC had sufficient power and established mechanism to impose sanctions against non-compliant travel agents, tourist guides and registered shops of designated shopping. TIC Board included eight non-trade independent directors appointed by the Government and many of its committees also had members from outside the travel trade. These independent directors and members were professional people representing the interests of the general public.

20. To tackle the problems associated with "zero-/negative-fare tours", members noted TIC's initiatives to impose heavier penalties on non-compliance committed by travel agents on TIC's rules and regulations; to set up dedicated committees for deliberation of the conduct of travel agents and tourist guides involved in the same non-compliance case and for making recommendations on long-term solutions to promote healthy business practices among travel agents and tourist guides and formulating rules and guidelines for Mainland inbound tours. As tourist guides were frontline staff receiving visitors and were key to quality service, members welcomed TIC's efforts in providing a continuing education scheme for tourist guides to improve their professional standard. Members further saw the need to address the problem relating to commission charging arrangement in the industry. While noting that the commission system was a long existed common practice of the travel industry which should not be removed lightly, members urged TIC to explore means to enhance the transparency of the system and to review the salary structure for tourist guides so as to help reducing their dependency on sales commissions as income.

21. The Panel was deeply concerned about shops receiving Mainland tour groups which deceived visitors and considered that such malpractices should not be tolerated. The Panel passed a motion urging the Administration, HKTB, CC and the travel trade to formulate measures expeditiously and take concerted actions against such acts so as to safeguard the interests of tourists and consumers; as well as to step up co-operation with the Mainland in combating unscrupulous business practices arising from "zero-/negative-fare tours" in order to facilitate the healthy development of the travel trade in Hong Kong in the long run.

22. In addition to urging the Administration to step up enforcement action to crack down on the illegal practices, the Panel also stressed the need to strengthen the deterrent effect of existing legislation. Members noted that the establishment of a speedy referral system had enabled relevant parties to deal with complaints of suspected selling of counterfeit goods and to take follow up enforcement action promptly and effectively. The Panel also expressed support for the Administration to review relevant consumer protection law with a view to strengthening enforcement action against misleading and undesirable sales practices.

23. As far as measures to strengthen regulatory measures for trade conduct was concerned such as extending the time limit for refund under the 100 Percent Refund Guarantee Scheme from 14 days to 180 days, increasing the demerit points for registered shops on repeated violations and "name and shame" these shops by uploading the formation on TIC websites; while members noted the merits of these measures, there were concerns about possible abuse by visitors on the extension of time limit for refund and the impact of the new measure on non-registered shops. Members urged TIC to clarify the coverage of the new measure and consult registered shops on the operational details before implementing the measure.

24. The Panel agreed with the importance to enhance publicity and consumer education for Mainland visitors to promote awareness of smart consumption and complaint channels. Moreover, to provide quality alternatives to Mainland visitors, members noted that relevant parties had joint efforts in publicizing "Honest and Quality Hong Kong Tours" in various Mainland cities under which emphases were put on honest and high quality itineraries featuring "free shopping" in Hong Kong.

Airport and aviation services

25. Noting the rapid growth in Hong Kong's aviation sector as reflected by significant increase in air passenger and cargo throughput in recent years, the Panel continued to monitor issues relating to development projects at the Hong Kong International Airport (HKIA) and aviation support services during the session.

26. The Panel appreciated the efforts made by Airport Authority Hong Kong (AAHK) in taking forward the SkyCity development comprising mainly Asia World- Expo, a second airport hotel, a permanent Skypier, and Terminal 2 (T2). To facilitate air passengers using T2, members urged AAHK to ensure adequate provision of support facilities including signage for visitors and transport facilities at the Terminal and linking T1. On the development of Skypier, the Administration agreed to consider members' suggestion for Skypier to operate cross-boundary ferry services to cater for non-transit passengers taking into account utilization of existing cross-boundary ferry

facilities and cost-effectiveness of operating a new terminal. The Panel was keen to ensure that the SkyCity development would play a complementary role to the development of Tung Chung in creating more business and job opportunities and generating economic spin-off for the interests of local communities.

27. In examining the development of aviation support services, the Panel stressed the importance for the Administration to step up air traffic management service to ensure safe air traffic and efficient operation of HKIA. In this regard, the Panel was consulted on the funding proposal of \$1.56 billion for replacing the existing air traffic control (ATC) system and the related staffing proposal. While members indicated support for the proposals, given the huge capital cost of the replacement project, some members called on the Administration to ensure the new ATC system would be a state-of-the-art system with large scope for system upgrading and enhancement to cope with the rising demand and advancement in aviation technologies. The Panel was advised that the new ATC system, to be commissioned by end 2012, could provide up to twice the handling capacity of the existing system and was expected to meet the needs of air traffic growth by 2025 as forecast by AAHK. To enhance the operation of the Civil Aviation Department (CAD) and to house the new ATC system, the Panel was briefed on the Administration's proposal with an estimated cost of \$1.59 billion to develop a new integrated CAD headquarters on the Airport Island. The Panel supported the proposal in principle. The Administration would consult members on the details before seeking funding approval for the construction project in the fourth quarter of 2007.

28. In view of the high concentration of airport in the Pearl River Delta (PRD) region, the Panel stressed the need to enhance airspace management in order to increase the efficiency of ATC management. Members suggested that the Administration should explore the feasibility of increasing the runway capacity of HKIA and stepping up liaison with civil aviation authorities on the Mainland and Macao with a view to improving the use of airspace and co-ordination of air traffic management in PRD region. The Panel noted the efforts of the tripartite working group in pursuing the matter resulting in the endorsement of an Initial Proposal on the Planning and Implementation of Air Traffic Management in PRD Region in February 2007 to map out the future development in various aspects of ATC operations. The Panel also urged the Administration to ensure the adequate provision of professional personnel for air traffic management service. In this connection, members supported the proposal to establish an Air Traffic Management Standards Office to oversee the safety of ATC operations.

29. To ensure aviation safety, the Panel also reviewed the legislation governing the safe transport of dangerous goods by air. Members were consulted on the proposal to amend two sets of subsidiary legislation to give

effect to the latest standards promulgated by the International Civil Aviation Organization regarding the carriage of dangerous goods by air where they had expressed support.

Electricity market

30. The Panel was briefed on the annual tariff revision plans by the two power companies. Pointing out that the two power companies were enjoying a high level of permitted rate of return under the existing Scheme of Control Agreements (SCAs) signed with the Government, members urged the power companies to lower their tariffs. They also called on the Administration to tighten its regulatory control over the power companies to meet public expectations for reasonable and stable tariffs. The Panel noted that in negotiating with the power companies on the post-2008 SCAs, the Administration had made clear its stance that it would be unreasonable for the power companies to expect a double-digit rate of return given the present-day business environment. There would also be requirement for power companies to reduce their emissions to meet stipulated targets.

31. With a view to enhancing market competition and lowering costs for consumers, members urged the Administration to implement increased interconnection between the two power companies, and expedite liberalization of the electricity market to allow potential suppliers to enter the market. The Administration was supportive to increased interconnection between the two power companies. It further assured that in formulating the regulatory arrangements for the future electricity market, preparations would be made to facilitate interconnection with Guangdong and introduction of new supply sources from the Mainland having regard to the objectives of ensuring safe and reliable electricity supply to consumers.

Meteorological services

32. To ensure the adequate provision of meteorological services and information for enhancing public safety and facilitating economic development, the Panel continued to monitor the work of the Hong Kong Observatory (HKO) during the session.

33. Noting that the existing high performance computing (HPC) system of HKO was acquired in 1999 and became obsolete with the advances in computing technology, the Panel supported the proposal to replace the system at an estimated non-recurrent cost of \$48.5 million to support HKO's weather forecasting and warning services. The new HPC system, with a peak performance of 3 to 5 TeraFLOPS, would generate high quality outputs of Numerical Weather Prediction to capture rapid changes of inclement weather and enable more advanced data analysis resulting in more timely and detailed weather forecasts and warnings to facilitate the public in planning their

activities. HKO planned to commission the new system by end 2009. Members urged the Administration to ensure the new system would adequately cope with the needs of Hong Kong and decide on the speed requirement of the new HPC system before inviting tender. In view of rapid advances in computer technology, the Administration had taken on board members' suggestion to expedite implementation of the project.

34. Following the passage of Typhoon Prapiroon in early August 2006 where several comments suggested that the existing criterion for the issue of No. 8 signal should be updated to reflect the much dispersed population nowadays, HKO conducted a comprehensive review of the Tropical Cyclone Warning System (TCWS). The Panel was briefed on the outcome of the review and proposed modifications to TCWS, including, inter alia, expanding the reference for the issue of No. 3 and No. 8 signals from the Victoria Harbour to a network of eight near-sea level reference anemometers covering the whole of Hong Kong, and issuing No. 3 or No. 8 signals if half or more of the anemometers in the reference network met or were expected to meet the respective wind speed threshold values and the wind condition was forecast to persist. While expressing support for the modified TCWS, members were concerned about the frequency and duration for issuing No 8 signal would be increased and stressed the importance to strike a balance between ensuring public safety and avoiding unnecessary disruptions to economic and social activities. There was also a need to ensure that the modified TCWS would not result in excessive over-warning. The Administration assured that with enhancement in weather forecasting infrastructure, HKO would be able to issues warnings of tropical cyclones to reflect more precisely the actual wind condition. Moreover, the planned changes in TCWS involved only revising the technical reference HKO used in deciding the issue of No.3 and No. 8 signals. To the public, the same set of signals would continue to be used. There was no need for changes to tropical cyclone-related response plans or guidelines by both the Government and the private sector.

Competition

35. Based on the findings and recommendations of the Report by the Competition Policy Review Committee released in July 2006, the Administration published a public discussion document in November 2006 to seek public views on the way forward for competition policy in Hong Kong. The Panel was consulted on the issues highlighted in the document, and was subsequently briefed on the outcome of the public consultation and the way forward. Given the significant public support for the introduction of a new cross-sector competition law in Hong Kong, the Administration would begin work in drafting of the appropriate legislation.

36. While some members indicated full support for introducing a general competition law in Hong Kong, some members had reservation highlighting

the concerns of small and medium-sized enterprises (SMEs) that they might easily fall foul of the new legislation, and be more vulnerable to legal actions by large companies seeking to undermine small market players by accusing them of anti-competitive conduct. Members therefore considered it necessary for the Administration to continue engaging SMEs to allay their worries, and explain to them the proposed regulatory framework as well as the benefits of the new law in promoting fair competition and free market discipline. The Administration assured that given the small scale of operation of SMEs and their lack of market power, it was unlikely that they would be targeted by the regulatory authority. Moreover, to address the concerns, the new law could include provisions that the regulatory authority would invoke its investigatory power on substantiated complaints only when the parties under complaint had a combined market share meeting a prescribed threshold.

37. Pointing out that the new competition law might increase compliance cost and hinder the operation of the business sector, members called on the Administration to ensure the new law would balance the interests of relevant stakeholders and would not impede Hong Kong's status as a free market. Members noted that consideration would be given to including a general prohibition with examples of anti-competitive conduct under the new law, and the regulatory authority would issue guidelines on the types and details of market behaviours which would constitute anti-competitive conduct. The Administration further assured that reference would be drawn on overseas jurisdictions with enacted competition laws in drafting and implementing the new regulatory regime. On the legislative timetable, the Panel noted that it was the Administration's target to introduce the relevant Bill into the Council by end of 2007. The Panel would continue to monitor the development on the subject.

38. The Panel was still concerned about possible collusion in the local auto-fuel market as evidenced by parallel pump pricing by auto-fuel suppliers, and that oil companies were prompt in increasing their pump prices when international oil price was rising but slow in responding when international oil price was falling. The Panel discussed with the Administration and representatives from major auto-fuel suppliers in Hong Kong on the mechanisms for determining and monitoring auto-fuel retail prices, as well as measures to enhance competition in the auto-fuel market. While it was observed that the local pump prices were broadly in line with trend movements of international oil prices, the Panel called on the Administration to step up efforts in monitoring auto-fuel prices and urged fuel suppliers to reduce their prices once there was room for downward adjustment. Noting the Government's objective of enhancing competition in the auto-fuel market, members suggested that the Administration should consider offering better terms in land grant and lower the land premium for Petrol Filling Stations (PFS) sites to facilitate potential new entrants to the market. The Administration pointed out that measures had been taken in recent years to encourage new

operators to tender for PFS sites and that land premium offered by successful bidders was a reflection of the market situation. The role of the Government was to maintain a level-playing field with effective competition in place in the auto-fuel sector while at the same time addressing the problem of market concentration. The Administration further assured that any future measures against anti-competition behaviour would also apply to the auto-fuel retail market.

39. During the period from October 2006 to June 2007, the Panel held a total of 11 meetings. The Panel paid a visit to Ngong Ping 360 in early November.

Council Business Division 1
Legislative Council Secretariat
3 July 2007

Panel on Economic Services

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to economic infrastructure and services, including air and sea transport facilities and services, postal and weather information services, energy supply and safety, consumer protection, competition policy and tourism.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council
Panel on Economic Services**

Membership list for 2006 - 2007 session

Chairman	Hon Jeffrey LAM Kin-fung, SBS, JP
Deputy Chairman	Hon Abraham SHEK Lai-him, SBS, JP
Members	Hon James TIEN Pei-chun, GBS, JP Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP Dr Hon David LI Kwok-po, GBM, GBS, JP Hon Fred LI Wah-ming, JP Dr Hon LUI Ming-wah, SBS, JP Hon CHAN Kam-lam, SBS, JP Hon SIN Chung-kai, SBS, JP Hon Howard YOUNG, SBS, JP Hon LAU Chin-shek, JP Hon Miriam LAU Kin-yeo, GBS, JP Hon Vincent FANG Kang, JP Hon Andrew LEUNG Kwan-yuen, SBS, JP Hon WONG Ting-kwong, BBS Hon Ronny TONG Ka-wah, SC Hon CHIM Pui-chung Hon KWONG Chi-kin Hon TAM Heung-man (Total: 19 members)
Clerk	Ms Connie SZETO
Legal Adviser	Mr Timothy TSO
Date	3 July 2007