

立法會
Legislative Council

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Finance Committee of the Legislative Council

**Minutes of the 21st meeting
held at the Legislative Council Chamber
on Friday, 24 June 2011, at 3:45 pm**

Members present:

Hon Emily LAU Wai-hing, JP (Chairman)
Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, SBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Hon LAU Wong-fat, GBM, GBS, JP
Hon Miriam LAU Kin-yeet, GBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, SBS, JP

Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun
Dr Hon LEUNG Ka-lau
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent:

Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon Margaret NG
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon CHIM Pui-chung
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun

Public officers attending:

Ms Alice LAU, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)1
Ms Elsie YUEN	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Tommy YUEN Man-chung, JP	Deputy Secretary for Development (Planning and Lands) 2
Mr LAM Siu-tong	Deputy Director of Buildings
Mrs Marigold LAU LAI Siu-wan, JP	Director of Architectural Services
Mr Charles CHOW Chi-ping	Project Director (3), Architectural Services Department
Mrs Anna MAK CHOW Suk-har	Deputy Director of Social Welfare (Services)
Mr Andrew TSANG Yue-tung, JP	Assistant Director of Home Affairs (2)
Mr LEE Yuk-man	Assistant Director of Leisure and Cultural Services (Libraries and Development)
Dr York CHOW Yat-ngok, GBS, JP	Secretary for Food and Health
Mr Thomas CHAN Chung-ching, JP	Deputy Secretary for Food and Health (Health) 2
Mr Chris SUN Yuk-han	Principal Assistant Secretary for Food and Health (Health) 3
Dr Shirley LEUNG Sze-lee	Assistant Director of Health (Family and Elderly Health Services)

Clerk in attendance:

Mrs Constance LI	Assistant Secretary General 1
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Staff in attendance:

Ms Annette LAM	Chief Council Secretary (1)7
Mr Daniel SIN	Senior Council Secretary (1)7
Miss Lilian MOK	Council Secretary (1)7
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Christy YAU	Legislative Assistant (1)8

**Item No. 1 - FCR(2011-12)29
RECOMMENDATIONS OF THE ESTABLISHMENT
SUBCOMMITTEE MADE ON 8 JUNE 2011**

The Chairman advised that the Establishment Subcommittee (ESC) had recommended that one of the items endorsed at the ESC meeting on 8 June 2011 (EC(2011-12)5) should be considered and voted on separately at the Finance Committee (FC) meeting.

2. The Chairman put the remaining items under FCR(2011-12)29 to vote. The Committee approved the items.

EC(2011-12)5

Proposed creation of one supernumerary bi-disciplinary post of Government Building Surveyor/Government Structural Engineer (D2) in the Buildings Department from 1 July 2011 up to 31 March 2014 to head the new Mandatory Building Inspection Division; conversion of one permanent post of Government Building Surveyor (D2) from single-disciplinary to bi-disciplinary to head the new Corporate Services Division, and revision and realignment of duties and responsibilities among some other directorate posts in the Department with effect from 1 July 2011; and conversion of one permanent post of Chief Structural Engineer (D1) from single-disciplinary to bi-disciplinary to head the new Minor Works and Signboard Control Section with effect from 6 December 2011

Control of sub-division of flat units and unauthorized building works

3. Mr KAM Nai-wai expressed support for the funding proposal as it would facilitate better co-ordination of inspection and clearance of unauthorized building works (UBWs). He asked whether the realignment of duties and responsibilities among directorate officers in the Buildings Department (BD) would enable the stepping up of inspection and law enforcement work against sub-division of flat units in private buildings. As the Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) would be implemented in 2011-12, Mr KAM asked, if the staffing proposals were approved, whether BD staff would check the work of the Registered Inspectors (RIs) to ensure that they complied with the relevant Practice Notes for MBIS and MWIS.

4. The Deputy Director of Buildings (DDB) confirmed that when the posts were created and duties of directorate officers realigned, BD would be

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able to step up inspection of sub-division of flat units in private buildings. He added that BD would select about 150 buildings per year for such inspections, and take follow-up actions on complaints from the public. As regards control of UBWs, DDB explained that, with effect from 1 April 2011, BD had revised its enforcement policy by expanding its scope of UBWs requiring priority enforcement action to include those on rooftops, podia, as well as in yards and lanes. BD planned to select about 500 buildings a year for inspection of UBWs and would issue statutory removal orders against such works or structures as appropriate.

5. DDB further advised that around 2 000 buildings would be selected for building inspections each year under MBIS following the enactment of the Buildings (Amendment) Bill 2010 and the relevant subsidiary legislation. Property owners would engage RIs to carry out prescribed inspections and to undertake prescribed repairs. BD would review all inspection reports submitted by RIs, and would randomly select about 30% of the cases for on-site audit checks to ensure compliance with the relevant statutory requirements and Practice Notes. DDB stressed that BD would require RIs to carry out prescribed inspections and supervise prescribed repair works personally.

6. Mr LEE Wing-tat asked whether the arrangements of conducting random audit checks would apply to building inspections conducted in the rural areas. DDB confirmed that the conducting of audit checks on 30% of inspections under MBIS would apply equally in respect of buildings in both urban and rural areas.

7. Mr LEE Wing-tat criticized the Administration for not taking actions against UBWs found in village small houses in the New Territories (NT), and the inconsistent treatment of UBWs in the urban areas and in NT. Mr LEE queried why the Administration had been reluctant to survey the proliferation of UBWs in buildings in NT, as the absence of an overall picture of the problem would make it difficult for the Legislative Council (LegCo) to monitor the performance of BD objectively.

8. Deputy Secretary for Development (Planning and Lands)2 (DS(PL)2) explained that the policy on the control of UBWs had evolved since 2001. According to a rough estimate at that time, there were about 800 000 UBWs in private buildings in the urban area. Many of these UBWs were caged windows and projections from buildings which posed public safety risk. The Administration had stepped up enforcement action and as a result, about 400 000 UBWs had been cleared in the past ten years. DS(PL)2 said that no systematic survey on UBWs had been conducted in NT, and there were no plans for such a survey at the moment. However, most of the UBWs in NT were

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rooftop structures and BD was able to spot new UBWs using aerial photographs. On-site inspections by BD staff and reports/complaints from neighbouring residents would also provide information about the presence of UBWs. As regards enforcement against UBWs in the urban area and NT, priority would be accorded to those which posed obvious or imminent public safety risks.

9. While supporting the proposed reshuffling of directorate duties in BD, Mr LEE Wing-tat commented that compilation of reliable statistics on UBWs in NT was important to enable the public to assess the overall effectiveness of the UBW clearance programme.

10. DS(PL)2 clarified that the objectives of the re-organization of BD were to implement new building safety measures, to strengthen the existing directorate establishment and to streamline the overall departmental structure. The Panel on Development would further discuss the enforcement measures against UBWs in NT exempted houses on 28 June 2011. DDB supplemented that in tackling UBWs in NT, BD would carry out inspections and issue removal orders to owners concerned in respect of newly constructed UBWs or UBWs under construction.

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11. The Chairman requested the Administration to provide the total number of UBWs in NT which had been removed for members' reference.

Development of a database of sub-division of flat units

12. Ms Starry LEE expressed concern about the proliferation of sub-division of flat units, and asked about the time required for BD to inspect all such units, if only about 150 buildings (involving about 3 000 units) could be inspected each year. Ms LEE suggested that the Administration should develop a database of sub-division of flat units to facilitate enforcement actions on a long-term basis. In this connection, she asked the Administration to provide an estimate of the manpower requirement and the timetable in taking forward the development of such database.

13. DDB advised that in addition to the 150 target buildings each year in inspecting sub-division of flat units, BD would also follow up on complaints against sub-division of flats from the public. Furthermore, RIs carrying out prescribed inspections under MBIS/MWIS might report signs of sub-division of flat units in buildings. BD could follow-up the irregularities reported and take enforcement actions as necessary.

Professional support in building inspections

14. Ms Starry LEE asked why building surveyors instead of structural engineers were deployed to lead inspections against sub-divided flat units. DDB explained that, from the analyses of previous cases, sub-divided flat units mainly involved fire safety and fire escape issues, which were less related to structural safety of buildings. It was considered more appropriate to deploy building surveyors to lead such inspections.

15. Ir Dr Raymond HO said that while he supported the staffing proposals, he considered that sub-divided flat units also involved structural alterations of building (such as removal of walls, raising of floors and diversion of water mains) which might affect structural integrity of the building. He said that structural engineers were professionally trained and were experienced in identifying such problems during building inspections. He commented that many sections in BD were already headed by building surveyors though the work should more appropriately be carried out by the engineering profession. He suggested that the post of Chief Building Surveyor (CBS) of the Slope Safety Section should be converted to a bi-disciplinary post of CBS/Chief Structural Engineer (CSE), to facilitate co-operation between the two professions in BD and enhance the safety standards of private buildings. DDB assured members that the deployment of surveyors and engineers in BD was based on the expertise requirements of the tasks involved in order to achieve maximum efficiency. The modus operandi would be reviewed as necessary to enhance operational efficiency.

16. Prof Patrick LAU declared that he represented the "Architectural, Surveying and Planning" constituency and expressed support for the staffing proposal. He hoped the proposal of strengthening the existing directorate establishment in BD would facilitate the new multi-pronged approach in enhancing building safety in Hong Kong. Prof LAU commented that multi-discipline co-operation was important in building inspection operations. He shared the views of Ir Dr Raymond HO that the post of CBS of the Slope Safety Section should be converted to a bi-disciplinary post of CBS/CSE. DDB noted Prof LAU's views and said that there was a cross-discipline consultation mechanism in BD to facilitate co-operation between the two professions in handling building inspections.

Manpower resources

17. While supporting the staffing proposal, Ms Audrey EU queried whether there were sufficient frontline staff to support the directorate posts in

coping with the workload. Referring to the suggestion of developing a database of sub-division of flat units, Ms EU expressed concern that given the dynamic nature of the situation of sub-division of flat units in Hong Kong, the Administration should not only rely on the database to solve the problem of sub-division of flat units. She urged the Administration to set out a timeframe to solve the problem.

18. DS(PL)2 advised that while there was no specific timeframe for dealing with the problem of UBWs, the Administration adopted a four-pronged approach in tackling building safety issues. These included law enforcement, legislation, support and assistance to building owners, and stepping up publicity and public education. The targets to be achieved in these fronts were given in the Controlling Officers Reports in the annual Estimates of Expenditure.

19. While expressing support for the staffing proposal, Mr Abraham SHEK said that the creation of a few directorate posts in BD could not solve the building safety problems. He considered that the Government should formulate a comprehensive policy to improve structural safety of buildings in Hong Kong as a whole and joint operations by enforcement departments should be conducted regularly. The Government should also address the housing needs of the occupants in the subdivided units.

20. In response to the Chairman's query on BD's enforcement action, DDB advised that BD staff had the power under the existing legislation to enter into private premises to conduct enforcement action. Authorized staff of BD could also break into the premises in the presence of a Police Officer, but such power would only be exercised in emergency circumstances.

Barrier-free access facilities

21. The Chairman referred members to a supplementary information note provided by the Administration setting out details on the provision of barrier-free access facilities.

22. Mr Frederick FUNG asked whether the holders of the proposed posts would be responsible for monitoring the provision of barrier-free access facilities in buildings. DDB advised that BD would select certain buildings (which were mostly shopping malls and commercial buildings) for inspection. Owners would be asked to re-provide the proper access and/or facilities in the building for persons with a disability according to the prevailing design standards and requirements.

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23. The Chairman put the item to vote. The Committee approved the funding proposal.

Item No. 2 - FCR(2011-12)30

**RECOMMENDATIONS OF THE PUBLIC WORKS
SUBCOMMITTEE MADE ON 1 JUNE 2011**

24. The Chairman said that a member had requested that item PWSC(2011-12)17 should be voted on separately at the meeting. The Chairman then put FCR(2011-12)30, except item PWSC(2011-12)17, to vote. The Committee approved these items.

PWSC(2011-12)17

192SC – Joint-user complex in Area 44, Fanling

25. The Chairman advised that the item sought to upgrade 192SC to Category A at an estimated cost of \$162.2 million in money-of-the-day prices for the construction of a joint-user complex in Area 44, Fanling.

Small-scale library

26. Mr WONG Shing-chi expressed disappointment that the Administration had not acceded to the repeated requests of the residents of Fanling South for a library in the proposed joint-user complex. He questioned why the Administration was adamant in not providing a small-scale library for the 60 000 residents in Fanling South, despite strong demand from the local community and the support of the North District Council and different political parties. Referring to the proposed design of the building, he considered the plot ratio of 1.58 too low compared to the property development of 30-storey residential blocks in Flora Plaza in the vicinity. He criticized that the site had not been put to optimum use.

27. Mr CHAN Hak-kan said that the North District Council was greatly disappointed that no library would be provided in the proposed joint-user complex. He urged for the provision of a library for Fanling South and suggested optimizing the plot ratio for the proposed site by adding floors or basement to the proposed joint-user complex. He opined that the Administration should take into consideration the anticipated population growth in the North District, and be more forward-looking and flexible in its planning for community facilities to ensure timely delivery of services.

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28. Referring to his own past experience, Mr LEUNG Kwok-hung remarked that apart from providing book borrowing service, a library could also serve as a gathering place for youngsters to study and exchange views. He questioned why the Administration did not accede to the strong request from the community and Members for a library in the proposed joint-user complex.

29. Assistant Director (2)/Home Affairs Department (AD(2)/HAD) responded that the site had been put to optimum use by incorporating the requirements of all user departments. He said that the current proposal of including a community hall, an Integrated Family Service Centre (IFSC) and a District Elderly Community Centre cum Integrated Home Care Services Team (DECC cum IHCST) in the joint-user complex had already met the reference plot ratio as advised by the Planning Department (PlanD) having regard to the developments including those Government, Institution or Community (GIC) sites in the neighbouring areas. Assistant Director (Libraries and Development) (AD(LD)) supplemented that the North District had a population of about 310 000, and was expected to reach 340 000 in 2019. The Hong Kong Planning Standards and Guidelines (HKPSG) drawn up by PD stipulated that there should be a district library for every 200 000 people. For the provision of library facilities in North District, the Government had made reference to the HKPSG and set up two district libraries, namely Sheung Shui and Fanling Public Libraries, in the district. To cater for the community needs for public library services, the Leisure and Cultural Services Department (LCSD) had also provided mobile library stops service, as well as set up community libraries in collaboration with community organizations. Moreover, residents were provided with library services that were unrestricted by time or space, such as telephone renewal service, 24-hour online library services etc. AD(LD) highlighted that generally speaking, library services in the North District including Fanling South were adequate, and the Administration had no plans to provide an additional library in the proposed joint-user complex at present. LCSD would continue to keep in view closely the future development, demographic changes, as well as the use of and demand for library services in the North District as the basis of planning for the provision of library services in the district.

30. Mr WONG Shing-chi disagreed that there were adequate library services in Fanling South. He opined that the provision of mobile library stops services and community libraries in Fanling South demonstrated the genuine demand for a library in the area. He said that the North District covered an extensive area and residents in Fanling South had to travel long distance to the two existing district libraries. He considered that apart from the population size stipulated in the HKPSG, the Administration should also take into account the geographical characteristics and population distribution of the North District

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in planning the provision of library facilities in the district. He asked whether the Social Welfare Department (SWD) would co-ordinate with relevant social welfare organizations to provide for a small-scale library in the complex with a capacity for 100 users.

31. Deputy Director of Social Welfare (Services) (DDSW) replied that the area to be occupied by the IFSC to be housed in the proposed joint-user complex was around 500 square metres (m²) only, and its primary objective was to provide family services to the community. Nonetheless, SWD would work with LCSD and relevant social welfare organizations to make the best use of the area available to cater for the needs of the community. AD(LD) said that LCSD was prepared to collaborate with community organizations or non-profit making organizations and provide them with professional support in setting up community libraries in the district.

32. Mr WONG Shing-chi said that community libraries set up at the offices of district councillors were small and could provide very limited services. The Chairman expressed agreement with Mr WONG that such community libraries were very small and could not address residents' needs for library services.

33. Mr WONG criticized the Administration for not taking heed of the strong views expressed by the North District Council, Legislative Council Members and the community for a small-scale library in Fanling South. He also asked the Administration to consider seriously using the premises currently housing the IFSC and the DECC cum IHCST upon their relocation to the proposed joint-user complex. DDSW explained that the existing IFSC was accommodated in commercial premises at the Wah Ming Shopping Centre, while the existing DECC cum IHCST was located at Chung Ming House, Wah Ming Estate. As there was still a considerable lead time before the completion of the proposed joint-user complex in 2014, there was no concrete plan on the use of the to-be-vacated premises for the time being. SWD would explore the use of the premises for the provision of appropriate social welfare services, having regard to the social needs of the local community and the service demands in the wider context.

34. Mr KAM Nai-wai said that he was the former Chairman of the Provisional Urban Council's Libraries Select Committee. His understanding was that the minimum provision for a district library was 2 500 m², and a small-scale library could be provided regardless of the population size, if the demand so justified. He asked whether the Administration would seriously consider the feasibility of setting up a small-scale library in the proposed joint-user complex.

35. AD(LD) explained that a district library which offered a variety of library services had a standard provision of 2 900 m², while a small library had a standard provision of 500 m² and was used mainly for borrowing services. All libraries including small libraries were interconnected by an integrated automated library system which provided users with convenient access to a wide range of library services throughout the territory. While district libraries formed the backbone of library services, small libraries, mobile library services and other supplementary facilities played a supporting role. LCSD would continue to strengthen the library network and enhance library services to cater for community needs.

Provision for future expansion

36. Prof Patrick LAU said that the growing population in North District would sooner or later substantiate the demand for an additional district library. He questioned why the Administration would not consider allowing additional loading in the piling works to cater for future expansion of the proposed joint-user complex so as to provide more community facilities to meet the demands of the growing population. Citing the example of the Tamar Development Project, in which additional loading in the piling works had allowed the building of extra storeys at the new LegCo Complex, he said that it was a common practice world-wide to cater for future expansion and ensure effective use of land resources. Noting that additional loading in the piling works for adding extra three storeys in the proposed joint-user complex was estimated to cost about \$12.9 million only, Prof LAU expressed disappointment at the Administration's lack of forward planning in making allowance for future expansion.

37. AD(2)/HAD replied that the incorporation of additional storeys to the complex after it had already been in use, though technically feasible, would entail considerable alteration works to the existing facilities. Not only would this be costly, it would also inevitably disrupt the provision of existing services and create inconvenience to the public. Furthermore, there was the question of value for money if no new facilities would eventually be added to the complex. The Administration therefore considered it not justified to provide additional loading in the piling works of the proposed joint-user complex.

38. Mr WONG Shing-chi remained of the view that the Administration should provide additional loading in the piling works to cater for the future expansion of the joint-user complex in accommodating a library.

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39. The Chairman put the item to vote. The Committee approved the item.

Item No. 3 - FCR(2011-12)31

HEAD 37 – DEPARTMENT OF HEALTH

Subhead 700 General non-recurrent

Item 887 Health Care Voucher Pilot Scheme

40. The Chairman advised that the Committee was invited to approve an increase in the commitment for the Elderly Health Care Voucher Pilot Scheme (the Pilot Scheme) from \$505.33 million by \$1,032.60 million to \$1,537.93 million for a further three-year pilot period until 31 December 2014.

41. Dr LEUNG Ka-lau, Chairman of the Panel on Health Services, reported the Panel had considered the proposal on 14 March 2011 and members raised no objection to the proposal. However, Panel members considered that the proposed increase in the total value of vouchers for each beneficiary from \$250 to \$500 per year was still inadequate to meet the healthcare needs of the elderly. Panel members suggested that additional vouchers should be provided to encourage them to seek private healthcare services, including preventive health checks and dental services. Panel members urged the Administration to encourage more healthcare service providers, especially those who practised in the vicinity of public housing estates and in the New Territories, to enrol in the Pilot Scheme. The Panel also suggested that the Administration should lower the eligible age for receiving health care vouchers from 70 to 65 years old during the extended pilot period, and exempt private healthcare service providers from the requirement of prior registration before offering services to the elderly. Dr LEUNG said that the Panel was concerned about privacy of patients and had asked the Administration to exercise care when collecting diagnosis information and data under the eHealth System.

42. Mr WONG Kwok-hing said that he supported the funding proposal. He suggested that the total value of the vouchers should be further increased to \$1,000 per year and the age threshold for receiving the subsidy should be lowered. Noting that all unused vouchers would lapse on the expiry of the extended pilot period on 31 December 2014, Mr WONG asked whether these vouchers could be carried forward after that date.

43. Secretary for Food and Health (SFH) responded that the Administration would take on board the suggestions made by the Panel on Health Services in considering whether or not the Pilot Scheme should become a regular service. The Administration would review the effectiveness of the

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Pilot Scheme and revert to the Panel on Health Services by the end of the three-year pilot period in 2014. SFH further said that as the Pilot Scheme was intended to encourage elderly people to prevent ailments by attending preventive health check and services, he hoped the elderly would use these vouchers for such purposes and not to save them for contingent medical needs.

44. Noting that only 13% of the Chinese medicine practitioners had registered in the Pilot Scheme, Mr WONG Kwok-hing commented that many Chinese medicine practitioners did not have the computer facilities for accessing the eHealth System. He asked whether the Administration would encourage more Chinese medicine practitioners to participate in the Pilot Scheme by assisting them to upgrade their computer facilities. SFH responded that more and more Chinese medicine practitioners had installed computer facilities in their clinics, and the lack of computer facilities was not the reason for the low participation of Chinese medicine practitioners in the Pilot Scheme. Some Chinese medicine practitioners had indicated that their consultation fees were already quite low and they did not intend to accept the health care vouchers.

45. The Chairman said that discussion of the item would continue in the next meeting which would be held immediately after the House Committee had finished the business on the agenda for the meeting on 24 June 2011.

46. The meeting was adjourned at 5:30 pm.

Legislative Council Secretariat
28 December 2011