

## Head 90 — LABOUR DEPARTMENT

**Controlling officer:** the Commissioner for Labour will account for expenditure under this Head.

<b>Estimate 2011–12</b> .....	<b>\$1,298.4m</b>
<b>Establishment ceiling 2011–12</b> (notional annual mid-point salary value) representing an estimated 1 870 non-directorate posts as at 31 March 2011 rising by 326 posts to 2 196 posts as at 31 March 2012 .....	<b>\$812.7m</b>
In addition, there will be an estimated 15 directorate posts as at 31 March 2011 and as at 31 March 2012.	
<b>Commitment balance</b> .....	<b>\$4,262.8m</b>

### Controlling Officer's Report

#### Programmes

<p><b>Programme (1) Labour Relations</b>  <b>Programme (2) Employment Services</b>  <b>Programme (3) Safety and Health at Work</b>  <b>Programme (4) Employee Rights and Benefits</b></p>	<p>These programmes contribute to Policy Area 8: Employment and Labour (Secretary for Labour and Welfare).</p>
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#### Detail

##### Programme (1): Labour Relations

	2009–10 (Actual)	2010–11 (Original)	2010–11 (Revised)	2011–12 (Estimate)
Financial provision (\$m)	117.1	122.0	117.4 (–3.8%)	<b>123.7</b> (+5.4%)
				(or +1.4% on 2010–11 Original)

#### Aim

- 2 The aim is to maintain and foster harmonious employer-employee relations in the non-government sector.

#### Brief Description

3 The Department provides voluntary conciliation service to assist employers and employees to settle their disputes and claims. It promotes understanding of labour laws and encourages good people management practices.

4 The Department promotes family-friendly employment practices with a view to assisting employees to maintain a balance between work and family responsibilities. A new video for mass media publicity was produced and broadcast through various channels to further promote the message to employers, employees and the public. In addition, a new set of panels to showcase such exemplary practices was displayed in roving exhibitions territory-wide. A new television Announcement in the Public Interest on the differences between an employee and a self-employed person was launched in October 2010 to raise public awareness of the subject.

5 The Employment (Amendment) Ordinance (EAO) 2010 has become effective from 29 October 2010. It introduces a new criminal offence under the Employment Ordinance (Cap. 57) (EO) whereby an employer commits an offence if he wilfully and without reasonable excuse fails to pay any sum awarded by the Labour Tribunal or the Minor Employment Claims Adjudication Board (MECAB) that comprises wages and entitlements underpinned by criminal sanctions under the EO. To tie in with the implementation of the EAO 2010, the Department launched a series of promotional activities to enhance public awareness of the new offence and takes out stringent enforcement action to deter breaches.

6 The Department is also responsible for the adjudication of minor employment claims and administration of trade unions.

## Head 90 — LABOUR DEPARTMENT

7 The key performance measures in respect of labour relations are:

### *Targets*

	Target	2009 (Actual)	2010 (Actual)	2011 (Plan)
waiting time for conciliation meetings for claims.....	within 5 weeks	within 5 weeks	within 5 weeks	<b>within 5 weeks</b>
waiting time for consultation meetings.....	30 mins.	30 mins.	30 mins.	<b>30 mins.</b>
processing registration of new trade unions.....	within 4 weeks	within 4 weeks	within 4 weeks	<b>within 4 weeks</b>
processing registration of changes of union names/rules .....	within 10 days	within 10 days	within 10 days	<b>within 10 days</b>
waiting time for claims to be adjudicated after filing with the MECAB.....	within 5 weeks	within 5 weeks	within 5 weeks	<b>within 5 weeks</b>
inspections to trade unions .....	360	373	379	<b>370</b>

### *Indicators*

	2009 (Actual)	2010 (Actual)	2011 (Estimate)
labour disputes and claims handled.....	24 448	20 502	<b>21 000</b>
labour disputes and claims with conciliation service rendered^.....	23 281	19 706	<b>20 000</b>
labour disputes and claims resolved through conciliation.....	16 657	14 362	<b>14 400</b>
labour disputes and claims resolved through conciliation (%).....	71.5	72.9	<b>72.0</b>
working days lost from labour disputes known.....	1 080	329	<b>330</b>
consultation meetings held.....	83 547	68 795	<b>69 000</b>
claims adjudicated by the MECAB.....	2 355	2 112	<b>2 100</b>
cases of registration of new trade unions and changes of union names/rules.....	137	119	<b>120</b>

^ Excluding labour disputes and claims where conciliation service is not rendered because the employers concerned are insolvent or cannot be reached.

### *Matters Requiring Special Attention in 2011–12*

8 Major new plans for 2011–12 include:

- launching a series of activities to promote the EO and good people management practices, including producing a leaflet on the reasonable excuse clause under the EO, illustrated by cases; and
- reviewing the existing arrangement for replacement holiday in the event of a Lunar New Year holiday falling on a Sunday.

### **Programme (2): Employment Services**

	2009–10 (Actual)	2010–11 (Original)	2010–11 (Revised)	2011–12 (Estimate)
Financial provision (\$m)	471.6	468.4	390.3 (–16.7%)	<b>523.7</b> (+34.2%)

(or +11.8% on  
2010–11 Original)

### *Aim*

9 The aim is to provide a comprehensive range of free employment assistance and recruitment services, to help job seekers find suitable jobs and employers find recruits.

## Head 90 — LABOUR DEPARTMENT

### *Brief Description*

**10** The Department provides free employment service to all job seekers. It provides assistance and counselling services to the unemployed and persons with disabilities; career guidance, pre-employment and on-the-job training to young people; and labour market information to all job seekers, including new arrivals and ethnic minorities.

**11** The Department is also responsible for processing applications under the Supplementary Labour Scheme (SLS) and ensuring priority of employment for local workers.

**12** The Transport Support Scheme (TSS) provides time-limited transport allowances to encourage the needy unemployed and low income employees residing in four designated remote districts to “go out” to seek jobs or work across districts. As at the end of 2010, the total number of applicants admitted under the TSS was 41 772. The funds disbursed totalled \$207.3 million and the financial commitment for the approved cases stood at \$325.8 million.

**13** The key performance measures in respect of employment services are:

### *Targets*

	Target	2009 (Actual)	2010 (Actual)	2011 (Plan)
displaying vacancy information upon receipt of request from employers.....	within 24 hours	within 24 hours	within 24 hours	<b>within 24 hours</b>
arranging job referral upon receipt of request from job seekers .....	within 30 mins. of appointment time	within 30 mins. of appointment time	within 30 mins. of appointment time	<b>within 30 mins. of appointment time</b>
arranging in-depth employment counselling session for job seekers registering for the Job Matching Programme $\Omega$ .....	within 1 week	within 1 week	within 1 week	<b>within 1 week</b>
issuing employment agency licences.....	within 2 weeks	within 2 weeks	within 2 weeks	<b>within 2 weeks</b>
inspections to employment agencies.....	1 300	1 326	1 329	<b>1 300</b>

$\Omega$  The Pilot Employment Navigator Programme (ENP) has replaced the Job Matching Programme as from 13 December 2010. Employment consultation will be arranged for job seekers enrolling for ENP at Job Centres within one week.

### *Indicators*

	2009 (Actual)	2010 (Actual)	2011 (Estimate)
able-bodied job seekers			
persons registered .....	181 468	135 236	<b>135 000</b>
placements .....	120 870	149 609	<b>150 000</b>
job seekers with disabilities			
persons registered .....	3 185	3 051	<b>3 100</b>
placements .....	2 436	2 405	<b>2 400</b>
young people receiving employment and self-employment advisory and support services provided by the Youth Employment Resource Centres.....	71 680	72 606	<b>72 000</b>
employment agency licences issued.....	1 998	2 168	<b>2 200</b>
applications under the SLS processed.....	599	855	<b>860</b>

### *Matters Requiring Special Attention in 2011–12*

**14** Major new plans for 2011–12 include:

- launching a Work Incentive Transport Subsidy (WITS) Scheme; and
- setting up a pioneer one-stop employment and training centre in Tin Shui Wai to streamline, integrate and enhance the existing employment and training/retraining services of the Labour Department, Social Welfare Department and Employees Retraining Board.

## Head 90 — LABOUR DEPARTMENT

### Programme (3): Safety and Health at Work

	2009–10 (Actual)	2010–11 (Original)	2010–11 (Revised)	<b>2011–12 (Estimate)</b>
Financial provision (\$m)	354.2	345.6	340.4 (–1.5%)	<b>354.0</b> (+4.0%)

(or +2.4% on  
2010–11 Original)

#### *Aim*

**15** The aim is to ensure that risks to the safety and health of people at work are properly managed by legislation, enforcement, education and publicity efforts.

#### *Brief Description*

**16** This programme covers the enforcement of the Occupational Safety and Health Ordinance (Cap. 509) (OSHO), the Factories and Industrial Undertakings Ordinance (Cap. 59) (FIUO) and the Boilers and Pressure Vessels Ordinance (Cap. 56) (BPVO). The work undertaken includes the provision of training courses, organising of seminars and rendering advice to stakeholders on the prevention of accidents, work hazards, and publication of guide books and other publicity materials to disseminate such information. In addition, special promotional visits are conducted to encourage employers to take ownership in managing risks at the workplace; statutory suspension notices are issued to remove imminent risks to the safety and health of those at work; improvement notices are issued to secure speedy rectification of irregularities to prevent accidents; and prosecution is taken out to serve as a stern reminder to those who disregard the law and deter others from similar offence.

**17** In enforcing the law, the policy is to target at industries or establishments with poor performance records. In addition to routine surprise inspections, enforcement campaigns targeted at specific risks or accident-prone work situations are launched. In 2010, enforcement campaigns were conducted in several areas, including tower cranes, suspended working platforms and mobile plant operations, construction works (with emphasis on work-at-height and work activities on platforms inside lift shafts), and renovation, maintenance, alteration and addition (RMAA) works, etc.

**18** In 2010, two large-scale promotional programmes were launched to promote safety awareness in the catering and construction industries. A series of intensive promotion and publicity campaigns, targeting work-at-height safety, scaffolding safety and safety of RMAA works, were also organised to arouse the safety awareness of all parties involved.

**19** In 2010, a focused publicity and enforcement campaign targeting outdoor workplaces with a higher risk of heat stroke was launched. Two tailor-made checklists, one each for construction sites and outdoor cleansing workplaces, were issued to further facilitate contractors/employers and workers in these two industries to assess the risk of heat stroke at their workplaces. A checklist was also developed to provide practical guidance on the risk assessment of working outdoor under high air pollution levels.

**20** The key performance measures in respect of safety and health at work are:

#### *Targets*

	Target	2009 (Actual)	2010 (Actual)	<b>2011 (Plan)</b>
inspections under the FIUO and the OSHO .....	108 450	119 029	124 010	<b>109 000</b>
inspections per field inspector under the FIUO and the OSHO.....	450	516	507	<b>450</b>
investigation of occupational diseases.....	within 24 hours upon notification	within 24 hours upon notification	within 24 hours upon notification	<b>within 24 hours upon notification</b>
promotional visits to workplaces under the FIUO and the OSHO.....	4 620	5 730	6 041	<b>4 620</b>
inspections under the BPVO .....	4 630	4 713	4 608	<b>4 630</b>
inspections per field inspector under the BPVO .....	1 030	1 047	1 024	<b>1 030</b>
processing registration of pressure equipment .....	within 3 weeks	within 3 weeks	within 3 weeks	<b>within 3 weeks</b>
organising talks, lectures and seminars.....	2 100	2 280	2 214	<b>2 100</b>

## Head 90 — LABOUR DEPARTMENT

### *Indicators*

	2009 (Actual)	2010 (Actual)	2011 (Estimate)
fatal accidents in industrial undertakings .....	21	18 $\delta$	N.A.
non-fatal accidents in industrial undertakings .....	13 579	12 852 $\delta$	N.A.
accident rate per 1 000 industrial employees .....	24.6	23.0 $\delta$	N.A.
fatal accidents in non-industrial undertakings $\Delta$ .....	144	159 $\delta$	N.A.
non-fatal accidents in non-industrial undertakings.....	25 835	25 552 $\delta$	N.A.
accident rate per 1 000 employees in non-industrial undertakings .....	12.5	12.1 $\delta$	N.A.
investigation of accidents at workplaces .....	11 580	11 582	<b>11 000</b>
warnings issued by occupational safety officers .....	30 559	30 826	<b>31 000</b>
prosecutions taken.....	1 887	1 897	<b>1 900</b>
suspension/improvement notices issued.....	1 377	1 473	<b>1 500</b>
investigations/surveys/examinations/assessments/clinical consultations on occupational health conducted.....	25 906	25 413	<b>25 000</b>
pressure equipment registered.....	1 259	1 579	<b>1 300</b>
examinations conducted and exemptions granted for the issue or endorsement of certificates of competency .....	309	295	<b>300</b>
warnings issued under the BPVO.....	3 539	3 320	<b>3 300</b>

$\delta$  The accident statistics for 2010 are provisional as some of the accidents which occurred towards the end of the year have yet to be verified. The figures are subject to change due to data processing and pending accident investigations. In particular, the figures on accident rate per 1 000 employees can only be confirmed when the annual employment figures are provided by Census and Statistics Department in late March 2011.

$\Delta$  These include cases which medical and other evidence subsequently suggests are unrelated to work.

### *Matters Requiring Special Attention in 2011–12*

**21** Major new plans for 2011–12 include:

- reviewing the system for recognition and monitoring of mandatory safety training courses;
- launching large-scale promotional campaigns for the construction and catering industries;
- stepping up enforcement and publicity programmes targeting building renovation and maintenance works;
- intensifying systematic preventive and enforcement measures to forestall high accident toll in the construction sector;
- stepping up publicity programmes to raise awareness of the prevention of lower limb disorders; and
- publishing leaflets to promote the proper use of respirators.

### **Programme (4): Employee Rights and Benefits**

	2009–10 (Actual)	2010–11 (Original)	2010–11 (Revised)	2011–12 (Estimate)
Financial provision (\$m)	225.9	230.3	233.2 (+1.3%)	<b>297.0</b> (+27.4%)

(or +29.0% on  
2010–11 Original)

### *Aim*

**22** The aim is to safeguard the rights and benefits of employees under labour laws.

### *Brief Description*

**23** The Department safeguards the rights and benefits of all employees and combats illegal employment through inspections to workplaces and other premises, processing employees' compensation claims, administering the Protection of Wages on Insolvency Fund (PWIF), and investigating complaints relating to the employment of imported workers.

**24** The Department continues with its vigorous enforcement against wage offences through speedy investigation into reported offences, conducting trade-targeted campaigns to detect offences, strengthening intelligence gathering and evidence collection, and taking out prompt prosecution.

**25** Targeted operations are mounted with the Police and the Immigration Department to combat illegal employment for protecting the job opportunities of local workers. The Department also launches publicity programmes to enhance public awareness of the adverse consequences of employing illegal workers.

## Head 90 — LABOUR DEPARTMENT

26 The Department has continued its promotional efforts to enhance the understanding of both employers and foreign domestic helpers (FDHs) on their statutory and contractual rights and obligations. Two information kiosks were arranged in September and October 2010 and two more were arranged in January 2011. In addition, a publicity video with important guidelines on employment of FDHs was screened at public venues.

27 To promote equal employment opportunities, the Department has launched publicity campaigns to enhance public awareness of the importance of eliminating age discrimination in employment.

28 The key performance measures in respect of employee rights and benefits are:

### *Targets*

	Target	2009 (Actual)	2010 (Actual)	2011 (Plan)
inspections to workplaces.....	120 000	139 718	140 267	<b>142 000</b>
inspections per field labour inspector.....	820	822	830	<b>820</b>
starting investigation of complaints by labour inspector .....	within 1 week upon receipt	within 1 week upon receipt	within 1 week upon receipt	<b>within 1 week upon receipt</b>
waiting time for sick leave clearance with the Occupational Medicine Unit for injured employees .....	within 30 mins. of appointment time	within 30 mins. of appointment time	within 30 mins. of appointment time	<b>within 30 mins. of appointment time</b>
issuing certificates of compensation assessment.....	within 3 weeks	within 3 weeks	within 3 weeks	<b>within 3 weeks</b>
effecting payment in respect of applications to the PWIF .....	within 10 weeks	within 10 weeks	within 10 weeks	<b>within 10 weeks</b>

### *Indicators*

	2009 (Actual)	2010 (Actual)	2011 (Estimate)
warnings issued.....	617	607	<b>N.A.</b>
prosecutions taken.....	4 233	4 947	<b>N.A.</b>
sick leave clearance interviews for injured employees conducted .....	44 403	42 730	<b>43 000</b>
employee compensation claims processed.....	55 799	58 791	<b>59 000</b>
applications for payment under the PWIF processed.....	7 404	5 046	<b>5 000</b>
cases related to imported workers investigated.....	53	49	<b>50</b>

### *Matters Requiring Special Attention in 2011–12*

29 Major new plans for 2011–12 include:

- implementing and publicising the statutory minimum wage regime;
- conducting proactive inspections to workplaces and launching targeted enforcement campaigns to safeguard employees' entitlements following the implementation of the Minimum Wage Ordinance (Cap. 608) (MWO);
- embarking on a policy study on standard working hours;
- preparing for legislative amendment to expand the scope of the PWIF to cover pay for untaken annual leave and statutory holidays under the EO; and
- carrying out rigorous enforcement action to tackle offenders who wilfully default the awards of Labour Tribunal or MECAB.

## Head 90 — LABOUR DEPARTMENT

### ANALYSIS OF FINANCIAL PROVISION

Programme	2009–10 (Actual) (\$m)	2010–11 (Original) (\$m)	2010–11 (Revised) (\$m)	2011–12 (Estimate) (\$m)
(1) Labour Relations .....	117.1	122.0	117.4	123.7
(2) Employment Services .....	471.6	468.4	390.3	523.7
(3) Safety and Health at Work .....	354.2	345.6	340.4	354.0
(4) Employee Rights and Benefits.....	225.9	230.3	233.2	297.0
	1,168.8	1,166.3	1,081.3 (-7.3%)	1,298.4 (+20.1%)
				(or +11.3% on 2010–11 Original)

#### Analysis of Financial and Staffing Provision

##### Programme (1)

Provision for 2011–12 is \$6.3 million (5.4%) higher than the revised estimate for 2010–11. This is mainly due to the creation of 17 posts for enhancing consultation and conciliation services, strengthening one-stop services for aggrieved workers, undertaking proactive preventive work and handling additional employment claims following the implementation of the MWO and the EAO 2010; salary increments for staff and filling of vacancies.

##### Programme (2)

Provision for 2011–12 is \$133.4 million (34.2%) higher than the revised estimate for 2010–11. This is mainly due to the creation of 247 posts for implementing WITS Scheme and enhancing employment support services, full-year expenditure of the ENP and Special Employment Project for Vulnerable Youths launched in late 2010, salary increments for staff and filling of vacancies, partly offset by deletion of one time-limited post and decreased cash flow requirement for some non-recurrent items.

##### Programme (3)

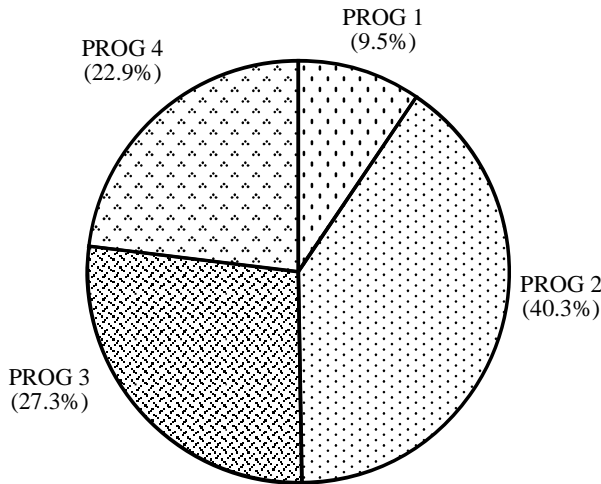
Provision for 2011–12 is \$13.6 million (4.0%) higher than the revised estimate for 2010–11. This is mainly due to the creation of 15 posts to enhance occupational safety at work, salary increments for staff and filling of vacancies.

##### Programme (4)

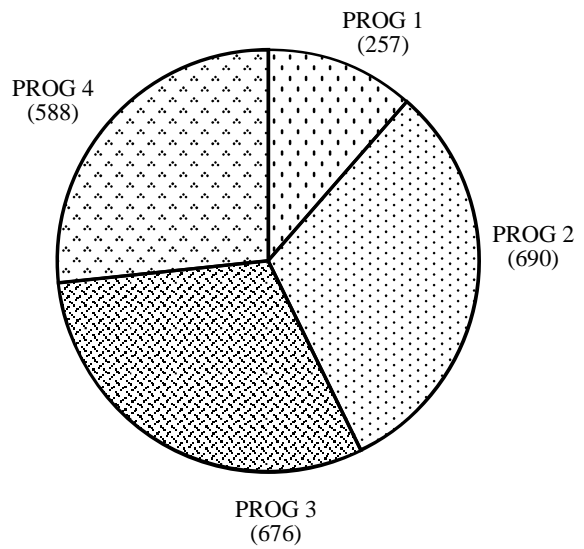
Provision for 2011–12 is \$63.8 million (27.4%) higher than the revised estimate for 2010–11. This is mainly due to the creation of 49 posts for implementing the MWO and the EAO 2010 and safeguarding employees' entitlements following the implementation of the two ordinances, salary increments for staff and filling of vacancies, partly offset by deletion of one time-limited post.

**Head 90 — LABOUR DEPARTMENT**

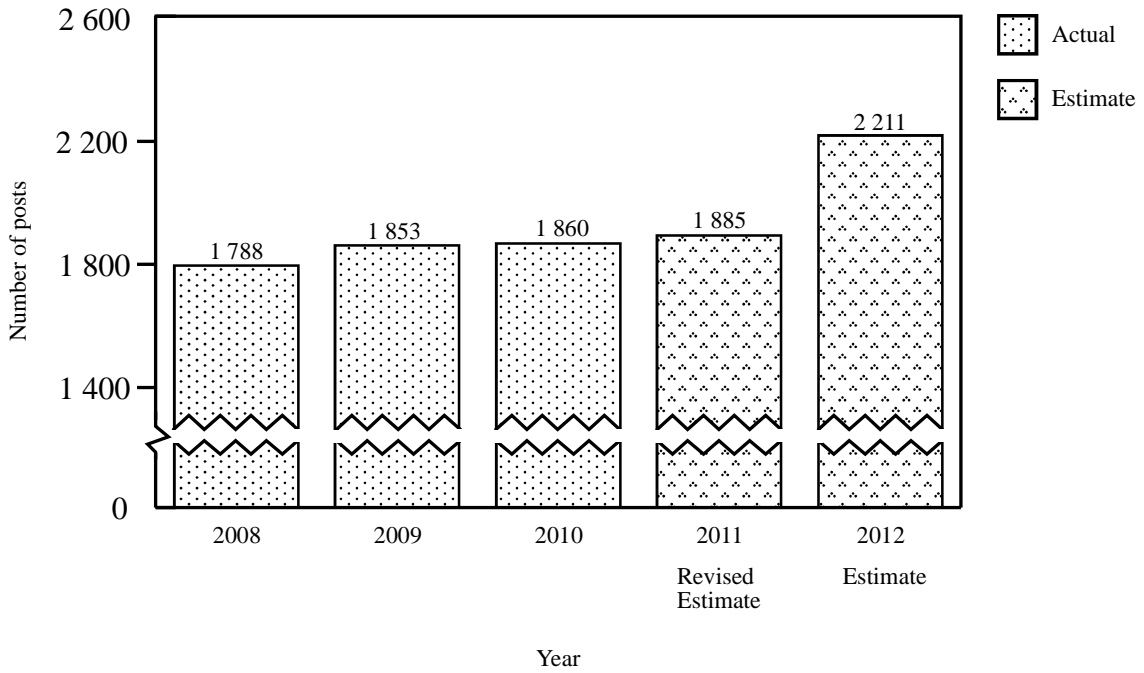
*Allocation of provision  
to programmes  
(2011-12)*



*Staff by programme  
(as at 31 March 2012)*



*Changes in the size of the establishment  
(as at 31 March)*





## Head 90 — LABOUR DEPARTMENT

Sub-head (Code)	Actual expenditure 2009–10	Approved estimate 2010–11	Revised estimate 2010–11	Estimate 2011–12
	\$'000	\$'000	\$'000	\$'000
<b>Operating Account</b>				
Recurrent				
000	934,887	924,976	914,556	<b>1,144,048</b>
280	3,247	3,406	4,000	<b>4,369</b>
295	2,922	3,065	3,600	<b>3,932</b>
	<u>941,056</u>	<u>931,447</u>	<u>922,156</u>	<u><b>1,152,349</b></u>
Total, Recurrent .....				
Non-Recurrent				
700	227,600	232,190	156,934	<b>146,059</b>
	<u>227,600</u>	<u>232,190</u>	<u>156,934</u>	<u><b>146,059</b></u>
	<u>1,168,656</u>	<u>1,163,637</u>	<u>1,079,090</u>	<u><b>1,298,408</b></u>
Total, Operating Account.....				
<b>Capital Account</b>				
Plant, Equipment and Works				
	179	2,630	2,200	—
	<u>179</u>	<u>2,630</u>	<u>2,200</u>	<u>—</u>
	<u>179</u>	<u>2,630</u>	<u>2,200</u>	<u>—</u>
Total, Capital Account .....				
Total Expenditure .....				
	<u><u>1,168,835</u></u>	<u><u>1,166,267</u></u>	<u><u>1,081,290</u></u>	<u><u><b>1,298,408</b></u></u>

## Head 90 — LABOUR DEPARTMENT

### Details of Expenditure by Subhead

The estimate of the amount required in 2011–12 for the salaries and expenses of the Labour Department is \$1,298,408,000. This represents an increase of \$217,118,000 over the revised estimate for 2010–11 and of \$129,573,000 over the actual expenditure in 2009–10.

#### *Operating Account*

#### Recurrent

**2** Provision of \$1,144,048,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Labour Department. The increase of \$229,492,000 (25.1%) over the revised estimate for 2010–11 is mainly due to a net increase of 326 posts and the increased requirement for enhancing employment support services and implementing the Minimum Wage Ordinance (Cap. 608).

**3** The establishment as at 31 March 2011 will be 1 885 permanent posts. It is expected that there will be a net increase of 326 posts in 2011–12. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2011–12, but the notional annual mid-point salary value of all such posts must not exceed \$812,655,000.

**4** An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2009–10 (Actual) (\$'000)	2010–11 (Original) (\$'000)	2010–11 (Revised) (\$'000)	<b>2011–12 (Estimate) (\$'000)</b>
Personal Emoluments				
- Salaries .....	752,015	766,047	756,667	<b>858,669</b>
- Allowances .....	11,468	8,106	11,444	<b>12,465</b>
- Job-related allowances.....	—	3	3	<b>3</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution .....	1,920	2,624	2,241	<b>3,305</b>
- Civil Service Provident Fund contribution .....	2,921	3,186	4,567	<b>11,260</b>
Departmental Expenses				
- General departmental expenses.....	145,442	129,448	124,140	<b>236,589</b>
Other Charges				
- Campaigns, exhibitions and publicity .....	21,121	15,562	15,494	<b>21,757</b>
	934,887	924,976	914,556	<b>1,144,048</b>

**5** Provision of \$4,369,000 under *Subhead 280 Contribution to the Occupational Safety and Health Council* is to meet the annual contribution to the Occupational Safety and Health Council (OSHC). The amount of contribution is currently based on a proportion of the amount of levy received by the OSHC, with the proportion equivalent to the ratio of the size of the civil service to the working population in Hong Kong. The increase of \$369,000 (9.2%) over the revised estimate for 2010–11 is mainly due to an increase in the amount of levy received by the OSHC.

**6** Provision of \$3,932,000 under *Subhead 295 Contribution to the Occupational Deafness Compensation Board* is to meet the annual contribution to the Occupational Deafness Compensation Board under a similar arrangement as for the OSHC. The increase of \$332,000 (9.2%) over the revised estimate for 2010–11 is mainly due to an increase in the amount of levy received by the Board.

## Head 90 — LABOUR DEPARTMENT

### Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2010	Revised estimated expenditure for 2010–11	Balance
			\$'000	\$'000	\$'000	\$'000
<b><i>Operating Account</i></b>						
700	<i>General non-recurrent</i>					
050	Loan guarantee scheme for Severe Acute Respiratory Syndrome impacted industries.....		3,500,000	31,539	154	3,468,307
532	Youth Work Experience and Training Scheme .....		700,000	532,760	11,700	155,540
863	Enhanced and integrated employment programmes .....		398,600	36,852	99,800	261,948
864	Internship Programme for University Graduates.....		140,000	46,685	7,581	85,734
873	Pilot Employment Navigator Programme .....		124,500	—	300	124,200
874	Special Employment Project for Vulnerable Youths.....		33,000	—	2,500	30,500
891	Pilot Transport Support Scheme .....		365,000	193,575	34,829	136,596
	Total .....		<u>5,261,100</u>	<u>841,411</u>	<u>156,864</u>	<u>4,262,825</u>