

# 立法會

## Legislative Council

LC Paper No. CB(3) 192/09-10

**Paper for the House Committee meeting  
on 27 November 2009**

**Questions scheduled for the  
Legislative Council meeting on 2 December 2009**

Questions by:

- |      |   |                 |                |
|------|---|-----------------|----------------|
| (1)  | Hon WONG Sing-chi<br><i>(Replacing his previous question)</i>       | (Oral reply)    | (New question) |
| (2)  | Hon WONG Kwok-kin   | (Oral reply)    |                |
| (3)  | Hon Vincent FANG Kang   | (Oral reply)    |                |
| (4)  | Hon Starry LEE Wai-king<br><i>(Replacing her previous question)</i> | (Oral reply)    | (New question) |
| (5)  | Hon LI Fung-ying  | (Oral reply)    |                |
| (6)  | Hon Fred LI Wah-ming<br><i>(Replacing his previous question)</i>    | (Oral reply)    | (New question) |
| (7)  | Hon IP Kwok-him   | (Written reply) |                |
| (8)  | Hon Andrew CHENG Kar-foo  | (Written reply) |                |
| (9)  | Hon TAM Yiu-chung   | (Written reply) |                |
| (10) | Hon Audrey EU Yuet-mee  | (Written reply) |                |
| (11) | Hon IP Wai-ming   | (Written reply) |                |
| (12) | Hon Andrew LEUNG Kwan-yuen  | (Written reply) |                |
| (13) | Hon James TO Kun-sun  | (Written reply) |                |
| (14) | Hon Abraham SHEK Lai-him  | (Written reply) |                |
| (15) | Hon Miriam LAU Kin-yee  | (Written reply) |                |
| (16) | Hon LEE Wing-tat  | (Written reply) |                |
| (17) | Hon LEUNG Kwok-hung   | (Written reply) |                |
| (18) | Hon Emily LAU Wai-hing  | (Written reply) |                |
| (19) | Hon Albert CHAN Wai-yip   | (Written reply) |                |
| (20) | Hon KAM Nai-wai   | (Written reply) |                |

註 :

NOTE :

# 議員將採用這種語言提出質詢

# Member will ask the question in this language

## 立法會功能界別的存廢問題

### # (1) 黃成智議員 (口頭答覆)

政府於11月18日發表的《二零一二年行政長官及立法會產生辦法諮詢文件》，不但沒有處理立法會功能組別的存廢問題，反而建議增加功能組別的議席數目。政務司司長翌日出席電台節目時更揚言，普選不等如要取消功能組別，只要所有人有兩票，就是公平和平等的；司長更反問聽眾，《基本法》中哪項條文規定功能組別須予廢除。就此，政府可否告知本會：

- (一) 有否評估普及而平等的立法會選舉是否必定包括取消所有由功能組別選舉產生的議席；
- (二) 是否打算把選民基礎擴大至涵蓋全港選民的功能組別議席稱為由普選產生；及
- (三) 會否斬釘截鐵地承諾，完全由普選方式產生的立法會絕不能包含功能組別的元素，而且提名候選人的權利和選民的投票權利亦須符合普及而平等的原則？

Retention or otherwise of functional constituencies  
of the Legislative Council

(1) Hon WONG Sing-chi (Oral Reply)

The Consultation Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 published by the Government on 18 November has not dealt with the issue of the retention or otherwise of the Functional Constituencies (“FCs”) of the Legislative Council (“LegCo”). On the contrary, it has proposed to increase the number of seats returned by FCs. On a radio programme on the following day, the Chief Secretary for Administration (“CS”) even said that universal suffrage was not equivalent to abolition of FCs and it would be fair and equal as long as everyone had two votes. CS even put a counter-question of which provision in the Basic Law required that FCs had to be abolished to the audience. In this connection, will the Government inform this Council whether:

- (a) it has assessed if LegCo elections which are universal and equal must include the abolition of all seats returned by FC elections;
- (b) it intends to claim that the seats of FCs with electorates expanded to cover all the voters in Hong Kong are returned by universal suffrage; and
- (c) it will undertake categorically that the LegCo returned totally by universal suffrage absolutely cannot include the FC component and that the right to nominate candidates and voting right of voters are also required to conform with the universal and equal principle?

## 規管銷售樓宇的手法

### # (4) 李慧琼議員 (口頭答覆)

據報，本年10月，西半山住宅發展項目天匯的一個特色單位以每平方呎價格逾7萬1千元破全球紀錄的“天價”售出；然而有評論質疑，由於購入該單位的買家亦同時購入了4個低層單位，令人懷疑發展商有否把低層單位的樓價轉移到特色單位，使該單位的呎價比普通單位高出很多，藉以誤導準買家。關於規管銷售樓宇的手法，政府可否告知本會：

- (一) 過去3年，發展商在銷售樓宇時發放誤導性資料、作出失實陳述或欺詐行為，因而須負上刑事或民事法律責任的個案共有多少宗，以及個案的詳情為何；
- (二) 對於發展商以誤導手法銷售樓宇的投訴，現時由哪個政府部門負責處理，以及現時有何法例規管該等行為；當局會否調查上述交易是否涉及發放誤導性資料；若會，詳情為何；若不會，原因為何；及
- (三) 當局會否考慮設立類似證券及期貨事務監察委員會的機構，以調查及監管發展商銷售樓宇的手法，以維持住宅物業市場的健康發展，避免小投資者承受不必要的風險及損失；若會，詳情為何；若不會，原因為何？

## Regulation of sales practices of properties

(4) Hon Starry LEE Wai-king (Oral Reply)

It has been reported that in October this year, a special unit at 39 Conduit Road, a residential development project in Mid-levels West, was sold at an “astronomical price” of over \$71,000 per square foot, breaking world records. Yet, there have been comments querying that since the buyer of that unit has also bought four lower floor units at the same time, it is doubtful whether the developer has transferred the property prices of the lower floor units to that of the special unit, so that the price per square foot of that unit is much higher than that of an ordinary unit, so as to mislead prospective buyers. Regarding the regulation of sales practices for properties, will the Government inform this Council:

- (a) of the total number of cases in the past three years in which developers had to shoulder criminal or civil liabilities for releasing misleading information, committing misrepresentation or fraudulent acts during the sale of properties, as well as the details of the cases;
- (b) which government department is currently responsible for handling complaints about developers selling properties using misleading practices, and what legislation regulates such kinds of activities; whether the authorities will investigate if the aforesaid transaction involved releasing misleading information; if they will, of the details; if not, the reasons for that; and
- (c) whether the authorities will consider setting up an organization similar to the Securities and Futures Commission to investigate and monitor developers’ sales practices for properties, so as to maintain a healthy development of the residential property market and prevent small investors from bearing unnecessary risks and losses; if they will, of the details; if not, the reasons for that?

就香港房屋委員會分拆出售的停車場設施  
批出的租契條件豁免

# (6) 李華明議員 (口頭答覆)

領匯管理有限公司(下稱“領匯公司”)轄下部分停車場獲地政總署豁免遵守有關的政府租契條件，可將部分月租泊車位租予非有關公共屋邨住戶的人士(下稱“非住戶”)。較早前，該公司被揭發在有關豁免到期後沒有申請續期，但仍把泊車位租予非住戶。就此，政府可否告知本會：

- (一) 在領匯房地產投資信託基金於2005年年底上市時，哪些停車場有月租泊車位租予非住戶，按停車場列出有關的泊車位數目，以及各項豁免的屆滿日期；領匯公司曾就哪些豁免期已屆滿的停車場申請續期，當中有哪些申請已獲批准，每年須繳交多少豁免費；
- (二) 現時哪些停車場有月租泊車位租予非住戶，並按停車場列出有關數目，以及領匯公司現時欠交多少豁免費；及
- (三) 鑒於有非住戶指出，他們租用泊車位時，停車場管理公司的員工曾誘導他們填報為住戶，而且沒有要求他們遞交證明文件，以圖將責任轉移給他們，當局有否瞭解這情況；有否評估非住戶虛報為住戶，以及涉嫌誘導該行為的管理公司和領匯公司有否犯法；當局有何監管及防止該等行為的措施？

Waivers of lease conditions granted in respect of the car parking facilities divested by the Hong Kong Housing Authority

(6) Hon Fred LI Wah-ming (Oral Reply)

Some of the car parks under The Link Management Ltd (“The Link”) have been granted waiver of government lease conditions by the Lands Department to lease some of the monthly parking spaces in these car parks to non-residents of the relevant housing estates (“non-residents”). It has been disclosed earlier that The Link has not applied for renewal upon the expiry of the waivers concerned, but has continued to lease these parking spaces to non-residents. In this connection, will the Government inform this Council:

- (a) of the car parks with monthly parking spaces leased to non-residents when The Link Real Estate Investment Trust was listed at the end of 2005, together with a breakdown of the number of such parking spaces by car park as well as the expiry dates of the various waivers; the car parks the waivers of which had expired and The Link had applied for their renewal and, among such applications, which ones have been approved and the annual waiver fees payable;
- (b) of the car parks with monthly parking spaces currently leased to non-residents, together with a breakdown of the number of such parking spaces by car park, as well as the amount of waiver fees which have not yet been settled by The Link; and
- (c) given that some non-residents have pointed out that when they rent the parking spaces, staff of the car park management companies had induced them to state that they are “residents” without asking them to submit any documentary proof, so as to pass on the liability to them, whether the authorities have looked into such situations; assessed whether the non-residents who falsely claimed to be residents, the management companies which allegedly have induced the non-residents to do so and The Link have committed an offence; what measures the authorities have put in place to regulate and prevent such activities?