

立法會

Legislative Council

立法會CB(3) 817/10-11號文件

2011年6月3日內務委員會會議文件

定於2011年6月8日立法會會議上提出的質詢

提問者：

- (1) 黃毓民議員 (口頭答覆) (新的質詢)
(劉健儀議員已放棄編配給她的質詢時段)
- (2) 謝偉俊議員 (口頭答覆)
- (3) 張學明議員 (口頭答覆)
- (4) 劉慧卿議員 (口頭答覆)
- (5) 甘乃威議員 (口頭答覆)
- (6) 林大輝議員 (口頭答覆) (新的質詢)
(取代其原先提出的質詢)
- (7) 湯家驊議員 (書面答覆)
- (8) 方剛議員 (書面答覆)
- (9) 林健鋒議員 (書面答覆)
- (10) 余若薇議員 (書面答覆)
- (11) 葉偉明議員 (書面答覆)
- (12) 李永達議員 (書面答覆)
- (13) 陳偉業議員 (書面答覆)
- (14) 馮檢基議員 (書面答覆)
- (15) 黃成智議員 (書面答覆)
- (16) 梁國雄議員 (書面答覆)
- (17) 石禮謙議員 (書面答覆)
- (18) 甘乃威議員 (書面答覆)
- (19) 劉慧卿議員 (書面答覆)
- (20) 黃成智議員 (書面答覆)

註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

政府處理充公所得的私煙

(1) 黃毓民議員 (口頭答覆)

本年4月8日，當本會保安事務委員會在其特別會議上討論“打擊走私及販賣非法香煙的執法行動”這議題時，當局表示政府曾經將充公所得的私煙拍賣或銷毀。就此，政府可否告知本會：

- (一) 當局拍賣充公所得的私煙的政策在何時訂立，以及理據為何；根據當局的估計，一般公眾是否知悉該政策；當局在訂立該政策時曾否進行諮詢或作出任何公布；
- (二) 當局如何確保拍賣的私煙的品質良好，以及該等私煙不曾被不法份子添加危害健康的成份；2000至2007年，當局充公的私煙市值分別為何；過去10年，被當局充公的私煙當中，被拍賣的私煙數目、所得收入及被銷毀的私煙數目分別為何；拍賣的私煙運往哪些地區，以及運往不同地區的私煙數目佔當年拍賣的私煙總數的百分比為何；當局有否評估，拍賣充公所得之私煙是否合乎道德、是否鼓勵市民吸煙、以及是否違背多年來的禁煙及控煙政策；若有評估，結果為何；及
- (三) 過去10年，當局銷毀私煙的方式為何；鑒於有專家指私煙含重金屬及致癌物質，不宜焚毀，故建議當局以堆填的方式處理，當局有何措施確保銷毀私煙的工作安全及不會影響環境衛生？

Handling of illicit cigarettes forfeited by the Government

(1) Hon WONG Yuk-man (Oral Reply)

On 8 April this year, when the Panel on Security of this Council discussed at its special meeting the item of “Enforcement against the smuggling and sale of illicit cigarettes”, the authorities indicated that the Government had disposed of illicit cigarettes forfeited by auction or destruction. In this connection, will the Government inform this Council:

- (a) when the authorities formulated the policy of disposing of forfeited illicit cigarettes by auction, and what the justifications were; according to the authorities’ estimation, whether the general public are aware of that policy; whether the authorities had carried out any consultation or made any announcement in formulating such a policy;
- (b) how the authorities ensure that the illicit cigarettes disposed of by auction are of good quality, and that law-breakers did not add to those illicit cigarettes any substance which is hazardous to health; of the respective market values of the illicit cigarettes forfeited from 2000 to 2007; among the illicit cigarettes forfeited by the authorities in the past 10 years, of the respective quantities of those being disposed of by auction and the proceeds generated, and the quantities of those destroyed; the places where the auctioned illicit cigarettes were shipped to, and the percentages of the illicit cigarettes shipped to the various places in the total quantity of illicit cigarettes being disposed of by auction in that year; whether the authorities have assessed if the auction of forfeited illicit cigarettes is ethical, if

it encourages smoking and if it deviates from the policy of anti-smoking and tobacco control over the years; if they have assessed, of the outcome; and

- (c) how the authorities destroyed illicit cigarettes in the past 10 years; given that some experts have pointed out that as illicit cigarettes contain heavy metal and carcinogenic substances, incineration is not appropriate, and have therefore suggested that the authorities should dispose of the illicit cigarettes by landfilling, what measures the authorities have to ensure that the destruction of illicit cigarettes is safe and will not affect environmental hygiene?

就港珠澳大橋環境影響評估報告提出的司法覆核個案

(6) 林大輝議員 (口頭答覆)

有市民向本人投訴，不滿某些政黨及政客的行為和處事手段，指他們不親自提出訴訟，卻不惜利用一位目不識丁及領取綜援的長者申請法律援助，提出司法覆核，濫用司法程序，狙擊港珠澳大橋的建造工程，迫使工程“落馬”，嚴重損害香港的利益，不僅拖延港珠澳大橋香港段的工程、使費用大漲，更可能令78項其他工程受到影響，導致香港的經濟發展嚴重受阻，失業率上升，以及造成無可估量的損失。亦有傳媒報道，公民黨承認協助該位東涌居民提出司法覆核。就此，政府可否告知本會：

- (一) 政府有否收到任何投訴或意見，指上述個案涉及包攬訴訟、助訟或其他濫用司法程序的行為；以及政府會否主動調查是否有人背後操控官司、妨礙司法公正及獲得利益；如會，詳情為何；如否，原因為何；及
- (二) 鑒於公民黨梁家傑議員於本年5月19日的行政長官答問會上聲稱，本會一直有提點政府，政府處理《環境影響評估條例》的手法會被視為違法的機會很高，而政務司司長於本年5月20日本會內務委員會的特別會議上，卻指政府翻查記錄，當中並沒有意見要求政府進行是次法院判決所要求的基線研究，政府會否主動向梁議員瞭解，提出該等意見的具體內容和時間；如會，詳情為何；如否，原因為何？

Judicial review case regarding the environmental impact
assessment reports of the Hong Kong-Zhuhai-Macao Bridge

(6) Dr Hon LAM Tai-fai (Oral Reply)

Some members of the public have complained to me that they are dissatisfied with the acts and practices of certain political parties and politicians as they have not instituted legal proceedings on their own, but have made use of an illiterate elderly recipient of Comprehensive Social Security Assistance to apply for legal aid to initiate a judicial review, thus abusing judicial proceedings, attacking the construction project of the Hong Kong-Zhuhai-Macao Bridge (“HKZMB”), forcing the project to be halted and seriously undermining the interests of Hong Kong. This has not only procrastinated the progress of the works of the HKZMB Hong Kong section and pushed up the construction costs, but may also affect 78 other projects, thereby seriously hampering the economic development of Hong Kong, pushing up the unemployment rate and leading to immeasurable losses. There are also media reports that the Civic Party has admitted that it assisted a Tung Chung resident to apply for judicial review. In this connection, will the Government inform this Council:

- (a) whether the Government has received any complaint or view which alleged that the aforesaid case involved “champerty”, “maintenance” or other acts of abusing judicial proceedings; and whether the Government will initiate investigations to ascertain if anyone has manipulated the litigation behind the scene, perverted the course of justice and gained benefits in the process; if it will, of the details; if not, the reasons for that; and

- (b) given that at the Chief Executive's Question and Answer Session on 19 May this year, the Hon Alan LEONG Kah-kit of the Civic Party claimed that this Council had been cautioning the Government that it was highly likely that the Government's approach of handling the Environmental Impact Assessment Ordinance would be regarded as breaching the law, while at the special meeting of the House Committee of this Council held on 20 May this year, the Chief Secretary for Administration said that after going through all the records, the Government had not found any record indicating that requests had been made for the Government to conduct the kind of baseline studies requested by the Court in its judgment, whether the Government will take the initiative to find out from Mr LEONG the specific contents of such views and when such views had been given; if it will, of the details; if not, the reasons for that?