

立法會
Legislative Council

LC Paper No. CB(3) 370/10-11

**Paper for the House Committee meeting
on 7 January 2011**

**Questions scheduled for the
Legislative Council meeting on 12 January 2011**

Questions by:

- | | | |
|------|--------------------------------|-----------------|
| (1) | Hon LEE Cheuk-yan | (Oral reply) |
| (2) | Hon WONG Yuk-man | (Oral reply) |
| (3) | Hon Jeffrey LAM Kin-fung | (Oral reply) |
| (4) | Hon KAM Nai-wai | (Oral reply) |
| (5) | Ir Dr Hon Raymond HO Chung-tai | (Oral reply) |
| (6) | Hon Emily LAU Wai-hing | (Oral reply) |
| (7) | Hon Alan LEONG Kah-kit | (Written reply) |
| (8) | Dr Hon Priscilla LEUNG Mei-fun | (Written reply) |
| (9) | Hon CHAN Kin-por | (Written reply) |
| (10) | Hon Tanya CHAN | (Written reply) |
| (11) | Hon Audrey EU Yuet-mee | (Written reply) |
| (12) | Hon LEE Wing-tat | (Written reply) |
| (13) | Hon CHEUNG Hok-ming | (Written reply) |
| (14) | Hon Paul CHAN Mo-po | (Written reply) |
| (15) | Dr Hon LAM Tai-fai | (Written reply) |
| (16) | Hon Fred LI Wah-ming | (Written reply) |
| (17) | Hon Miriam LAU Kin-yee | (Written reply) |
| (18) | Dr Hon David LI Kwok-po | (Written reply) |
| (19) | Hon IP Wai-ming | (Written reply) |
| (20) | Hon Albert CHAN Wai-yip | (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

退休保障制度

(1) 李卓人議員 (口頭答覆)

在立法會福利事務委員會2010年12月18日的會議席上，政府表示“中央政策組現正研究現行退休保障模式的可持續性”。然而根據紀錄，中央政策組早於2004年7月已成立了一個專家小組，就有關課題進行研究，並分別於2007年及2008年接獲初步的研究結果。就此，政府可否告知本會：

- (一) 上述的初步研究結果的詳情為何；
- (二) 為何沒有公布上述的初步研究結果；
及
- (三) 鑒於上述研究已進行超過6年，當局預計該等研究何時才可完成？

Retirement Protection

(1) Hon LEE Cheuk-yan (Oral Reply)

At the meeting of the Panel on Welfare Services of the Legislative Council held on 18 December 2010, the Government indicated that “t[T]he Central Policy Unit (“CPU”) is studying the sustainability of the existing retirement protection model”. However, according to records, an expert panel had been formed under CPU as early as in July 2004 to conduct studies on the subject, and CPU had received the preliminary findings of the studies in 2007 and 2008. In this connection, will the Government inform this Council:

- (a) of the details of the aforesaid preliminary findings of the studies;
- (b) why it has not published the aforesaid preliminary findings of the studies; and
- (c) given that the aforesaid studies have been conducted for more than six years, when the authorities expect the studies will be completed?

對“隱蔽長者”的支援

(2) 黃毓民議員 (口頭答覆)

據報，去年9月先後發生兩宗駭人聽聞的倫常悲劇；沙田一名長者疑不堪妻子受癌病的痛苦，與妻燒炭自殺未遂後，將妻子扼斃再跳樓自殺身亡，而另一宗發生在將軍澳，一名婦人亦疑不堪老伴受疾病的痛苦，以枕頭焗死丈夫後跳樓自殺身亡。另外，去年亦有報道指，石硤尾大坑西新邨一對年老夫婦，以及葵涌梨木樹邨一名六旬獨居長者，亦分別倒斃家中數天後才被人發現。就上述有關“隱蔽長者”的事件，政府可否告知本會：

- (一) 是否知悉，現時全香港的長者中心共有多少位社工專門負責服務“隱蔽長者”；該等專責社工是否同時須兼顧長者中心的其他服務；過去5年，該等社工每年共主動發現多少位“隱蔽長者”；
- (二) 政府會否考慮運用獎券基金的盈餘，或增撥其他資源，用以加強識別及支援“隱蔽長者”的服務；及
- (三) 政府會否針對“隱蔽長者”問題，檢討現行的安老政策？

Support for the “hidden elderly”

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

It has been reported that two horrifying family tragedies happened in September last year. An elderly man living in Shatin, who allegedly could not bear seeing his wife suffer from the pain of cancer, strangled his wife to death and then jumped to his death from a building after an unsuccessful attempt to commit suicide together with his wife by burning charcoal. Another case happened in Tseung Kwan O where a woman, who also allegedly could not bear to see her elderly spouse suffer from illness, suffocated her husband to death with a pillow before jumping to her death from a building. Moreover, it had also been reported last year that an elderly couple in Tai Hang Sai Estate in Shek Kip Mei and a 60-year-old singleton elder in Lei Muk Shue Estate in Kwai Chung laid dead at their homes for several days before they were found. Regarding the aforesaid incidents about the “hidden elderly”, will the Government inform this Council whether:

- (a) it knows at present the total number of social workers working in elderly centres throughout the territory who are dedicated to serving the “hidden elderly”; whether such dedicated social workers have to concurrently attend to other services in the elderly centres; of the total number of the “hidden elderly” identified by these social workers on their own initiative in each of the past five years;
- (b) the Government will consider using the surplus of the Lotteries Fund or providing other additional resources so as to enhance the services for identifying and supporting the “hidden elderly”; and
- (c) the Government will review the existing elderly care policy in view of the problem of the “hidden elderly”?

發展香港成為離岸人民幣業務中心

(3) 林健鋒議員 (口頭答覆)

2010年10月底，香港金融管理局突然宣布，中銀香港作為香港唯一人民幣業務清算銀行，其80億元人民幣兌換年度配額已經用盡，各銀行需要利用本身頭寸為客戶作結算。就此，政府可否告知本會：

- (一) 當局會否和中國人民銀行商討有關檢討及增加每年度的人民幣兌換額度，以及提議讓其他金融機構加入人民幣清算行的行列，以進一步強化本港作為人民幣離岸中心的角色；
- (二) 鑒於有報道指出，隨著人民幣跨境貿易結算量日趨上升，再加上人民幣升值預期，境外市場上人民幣資金量日益“囤積”，當局會否加快在港推行人民幣股票，以及向中央爭取加快推行小型合格境外機構投資者計劃，打造香港成為匯聚境外人民幣資金的平台；及
- (三) 鑒於美國不斷採取貨幣寬鬆政策，人民幣滙率不斷創新高，令到熱錢不斷流入香港，導致通脹不斷惡化，政府會否檢討現行和國家及美國的貨幣關係？

Development of Hong Kong as an offshore
Renminbi business centre

(3) Hon Jeffrey LAM Kin-fung (Oral Reply)

In late October 2010, the Hong Kong Monetary Authority suddenly announced that the annual quota of eight billion Renminbi (“RMB”) yuan for conversion of RMB of the Bank of China (Hong Kong) Limited, which is the sole Clearing Bank for RMB Business in Hong Kong, has been fully depleted, and individual banks need to make use of their own positions to settle trade transactions for customers. In this connection, will the Government inform this Council:

- (a) whether the authorities will discuss with the People’s Bank of China the review of and increase in the annual quota for RMB conversion, and propose to include other financial institutions in the list of Clearing Banks for RMB Business, so as to further strengthen Hong Kong’s role as an offshore RMB centre;
- (b) given that it has been reported that with the continuous growth in RMB trade settlement, coupled with the anticipated appreciation of RMB, the volume of RMB funds have been accumulating in overseas markets, whether the authorities will expedite the issue of RMB stocks in Hong Kong and urge the central authorities to expedite the launch of the small-scale Qualified Foreign Institutional Investors Scheme to make Hong Kong a platform to pool overseas RMB funds; and
- (c) given that the United States (“US”) has continued to adopt monetary easing policies and the RMB exchange rate has been hitting new highs, resulting in continuous inflow of hot money into Hong Kong and further aggravation of inflation, whether the

Government will review its existing monetary relations with the State and US?

在中央人民政府駐香港特別行政區聯絡辦公室
外進行的抗議行動

(4) 甘乃威議員 (口頭答覆)

據報，政府在2002年5月在沒有諮詢公眾的情況下，便在中央人民政府駐香港特別行政區聯絡辦公室(下稱“中聯辦”)外的行人地帶加建了花槽，令行人地帶原來的闊度由9米減至3米，而修窄後的行人地帶不符合當局在2008年更新的《運輸策劃及設計手冊》中，建議土地用途屬於“政府、機構或社區設施”的行人地帶的闊度最少要有4.5米的標準。就此，政府可否告知本會：

- (一) 政府會否計劃改建及縮小或取消干諾道西中聯辦外行人地帶的花槽，以便在中聯辦外設示威及採訪區和方便市民表達意見；若會，安排為何；若否，政府如何改善中聯辦外行人地帶的空間，讓市民有秩序及安全地表達意見；
- (二) 過去3年，在中聯辦門外曾有多少次請願或示威行動，以及每次請願或示威據警方估計的參與人數及警方出動的警員人數分別為何、該等請願／示威參與人數最多的一次及最少的一次的人數分別為何，以及就該等請願／示威，警方出動警員最多一次的人數為何(以附表列出上述數字)；過去3年，警方曾有多少次起訴在中聯辦門外請願或示威的人士；警方有否評估警力過多會否挑起示威人士的負面情緒；及
- (三) 政府會否改建中聯辦外的行人地帶，令該處的闊度可以符合當局建議的規劃標準？

Protests staged outside the Liaison Office of the Central People's
Government in the Hong Kong Special
Administrative Region

(4) Hon KAM Nai-wai (Oral Reply)

It has been reported that the Government, without consulting the public, constructed a planter at the through zone outside the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office") in May 2002, thereby reducing the width of the original through zone from 9 metres to 3 metres. This narrowed through zone does not meet the minimum width standard of 4.5 metres for through zones of land uses of "government, institution or community facilities", recommended by the authorities in the Transport Planning and Design Manual updated in 2008. In this connection, will the Government inform this Council:

- (a) whether the Government will plan to alter and reduce or remove the planter at the through zone on Connaught Road West outside the Liaison Office so as to provide for a demonstration and press area outside the Liaison Office to facilitate the expression of opinions by members of the public; if it will, of the related arrangements; if not, how the Government will improve the space of the through zone outside the Liaison Office to enable members of the public to express their opinions orderly and safely;
- (b) of the number of petitions or demonstrations staged outside the Liaison Office in the past three years, the respective numbers of participants as estimated by the Police and the police officers deployed in each of these petitions or demonstrations, the largest and smallest numbers of participants among these petitions/demonstrations, as well as the largest number of police officers deployed among these

petitions/demonstrations (set out the aforesaid figures in table format); the number of times that the Police had prosecuted those who had staged petitions or demonstrations outside the Liaison Office in the past three years; whether the Police have assessed if excessive police manpower will trigger negative emotions among the protesters; and

- (c) whether the Government will alter the through zone outside the Liaison Office so that the width of the zone can meet the planning standard as recommended by the authorities?

小型工程承建商的註冊安排

(5) 何鍾泰議員 (口頭答覆)

政府就小型工程引入的承建商註冊安排已在2009年12月30日起實施。有業界人士指出，政府審批小型工程承建商註冊申請緩慢。就此，政府可否告知本會：

- (一) 機電工程專業人員及技術人員報讀由建造業議會訓練學院舉辦的適任技術人員T1訓練課程時，他們在機電工程行業的相關經驗會否被承認為入讀該課程所要求的工作經驗；若否，原因為何；
- (二) 機電工程從業員及建造業從業員在小型工程監管制度的承建商註冊安排下是否同樣獲承認他們的資格；若否，原因為何；及
- (三) 現有小型工程承建商註冊程序的詳情為何；政府會否考慮再次對現有註冊制度作出檢討，以便進一步加快審批，令小型工程監管制度能夠順利實施？

Registration for minor works contractors

(5) Ir Dr Hon Raymond HO Chung-tai (Oral Reply)

The registration arrangement for contractors introduced by the Government for minor works has been implemented since 30 December 2009. Some members of the trade pointed out that the Government was slow in vetting and approving applications for registration of minor works contractors. In this connection, will the Government inform this Council:

- (a) whether the relevant experience of the electrical and mechanical professionals and technicians in the electrical and mechanical engineering professions will be recognized as the working experience required for attending the Technically Competent Person T1 Training Course organized by the Construction Industry Council Training Academy when they enrol in the course; if not, of the reasons for that;
- (b) whether the qualifications of practitioners in electrical and mechanical works and those in the construction industry will similarly be recognized under the registration arrangement for contractors in the minor works control system; if not, of the reasons for that; and
- (c) of the details of the existing procedures for registration of minor works contractors; whether the Government will consider reviewing the existing registration system again so as to further expedite the vetting and approving process to facilitate the smooth implementation of the minor works control system?

保障香港記者在內地的新聞自由

(6) 劉慧卿議員 (口頭答覆)

於2010年3月舉行的十一屆全國人民代表大會第三次會議席上，國務院總理發表政府工作報告時，謂國家要“創造條件讓人民批評政府、監督政府，同時充分發揮新聞輿論的監督作用，讓權力在陽光下運行”。然而，近年香港新聞工作者在內地採訪時多次遭阻撓及被粗暴對待，有香港電視台記者在新疆採訪時遭執法人員毆打、戴上手扣及扣留，更被當地新聞辦誣蔑為煽動鬧事及違規採訪；亦有另一位香港電視台記者在四川採訪時被執法人員指懷疑藏毒，更被阻止外出。2010年12月於北京採訪內地維權人士案件的香港記者及攝影師更分別遭人掌摑及投擲物品。就此，行政機關可否告知本會：

- (一) 政府採取了甚麼行動跟進上述事件及其他香港新聞工作者被粗暴對待的事件，以及該等跟進行動的詳情為何；
- (二) 有否要求內地當局調查上述事件；如有，是否知悉調查的進度、預計完成調查的日期，和會否公布調查結果；及
- (三) 會否向內地當局轉達本會議員和部分市民的意見，認為內地當局有責任保護香港新聞界在內地採訪的權利，並促請內地當局確保香港新聞工作者在採訪時不會被粗暴對待？

Protecting Hong Kong journalists' freedom of press
on the Mainland

(6) Hon Emily LAU Wai-hing (Oral Reply)

At the Third Session of the Eleventh National People's Congress held in March 2010 when the Premier of the State Council presented the Report on the Work of the Government, he stated that the State would "create conditions for the people to criticize and oversee the government, let the news media fully play their oversight role, and exercise power openly". Yet, Hong Kong journalists, while covering news on the Mainland in recent years, have been obstructed and treated rudely on many occasions. Some Hong Kong television reporters, while covering news in Xinjiang, were assaulted, handcuffed and detained by law enforcement officers, and were even slanderously accused by the local information office of inciting disturbance and violating the rules on news coverage; another Hong Kong television reporter covering news in Sichuan was alleged by law enforcement officers of suspected possession of drugs and prohibited from going out. In December 2010, while covering news in Beijing on a case concerning a human rights activist on the Mainland, a Hong Kong reporter was even slapped and objects were hurled at a photographer. In this connection, will the Executive Authorities inform this Council:

- (a) what actions the Government has taken to follow up the aforesaid incidents and other incidents concerning Hong Kong journalists being treated rudely, and the details of these follow-up actions;
- (b) whether they have requested the mainland authorities to investigate the aforesaid incidents; if they have, whether they know the progress and expected completion date of the

investigation, as well as whether the investigation outcome will be released; and

- (c) whether they will convey to the mainland authorities the views of Members of this Council and some members of the public that it is the duty of the mainland authorities to protect the rights of the press in Hong Kong to conduct reporting activities on the Mainland, and whether they will urge the mainland authorities to ensure that Hong Kong journalists will not be treated rudely while conducting reporting activities?

規管發展項目以達保育目的

(7) 梁家傑議員 (書面答覆)

城市規劃委員會(“城規會”)於1996年批准南生圍發展項目，發展工程至今仍未展開。期間，市民對環境及生態保育的意識亦已提高。《環境影響評估條例》(第499章)及城規會的《后海灣濕地保育區規劃指引》相繼在1998年及1999年實施及頒布，城規會並引入“不可有濕地淨損失”的原則去考慮發展建議，以保護屯洲一帶的濕地及魚塘。不過，有評論指出，由於發展商分別在2001、2004及2007年3次申請延長南生圍項目的發展期限並每次獲批准，在1994年該項目的發展藍圖獲批准後才訂定的法規均對該項目沒有追溯力，所以該項目無須通過現行法定環境評估程序，今日的保育標準明顯無法反映在該項目上。就此，政府可否告知本會：

- (一) 鑒於發展商只擁有南生圍發展項目中不足八成的土地，需與政府換取其餘兩成多的土地，方能開展此項目，局方會否批准換地；如會，條件為何；
- (二) 是否知悉城規會之前3次批准南生圍項目延長發展期限的理據分別為何；
- (三) 是否知悉，過去5年，城規會共批出多少多於一次申請延長發展期限的項目；該數字佔申請延期的項目總數的百分比為何；城規會會否發出新指引，使發展項目的發展圖則的有效期在該等項目的發展期限獲批准延長後不可自動延長；若會，詳情為何；若否，原因為何；及

- (四) 局方會否檢討新界的規劃，以集中開發已被破壞的“棕土”地帶，避免破壞濕地和農地；若會，檢討的時間表為何；若否，原因為何？

Regulation of development projects for conservation purpose

(7) Hon Alan LEONG Kah-kit (Written Reply)

Since the Nam Sang Wai development project was approved by the Town Planning Board (“TPB”) in 1996, development works have not yet commenced. In the meantime, public awareness of conservation of the environment and ecology has been raised. The Environmental Impact Assessment Ordinance (Cap. 499) was implemented in 1998 followed by the issuance of TPB Guidelines concerning the planning in Deep Bay Wetland Conservation Area in 1999. TPB has also introduced the “no-net-loss on wetland” principle for considering development proposals in order to protect the wetlands and fish ponds in areas around Lut Chau. Yet, there are comments that as the developer had applied for three times in 2001, 2004 and 2007 respectively and was approved each time to extend the time for commencement of Nam Sang Wai development project, and statutory regulations which were enacted after the approval of the lay-out plan of the project in 1994 do not have any retrospective effect on the project, the project is therefore not required to undergo the existing statutory Environmental Impact Assessment process, hence the current conservation standard cannot be reflected in the project. In this connection, will the Government inform this Council:

- (a) given that the developer only holds less than 80% of the land for the Nam Sang Wai development project, and it needs to obtain the remaining some 20% of land by means of land exchange with the Government in order to commence the project, whether the Bureau concerned will approve the exchange of land; if it will, of the conditions to be imposed;
- (b) whether it knows the respective justifications for TPB to approve the previous three

applications for extending the time for commencement of the Nam Sang Wai project;

- (c) whether it knows, in the past five years, the total number of projects approved by TPB for which application for extension of the time for commencement had been made for more than once; the percentage of such number in the total number of projects for which applications for such extension had been made; whether TPB will issue new guidelines to prohibit automatic extension of the validity period of the lay-out plans of development projects after approval is given to extend the time for their commencement; if it will, of the details; if not, the reasons for that; and
- (d) whether the Bureau concerned will review the planning in the New Territories to focus on the development of the “brownfield” sites which have already been damaged in order to preserve wetlands and farmlands from destruction; if it will, of the timetable for the review; if not, the reasons for that?

協助花園街火災災民

(8) 梁美芬議員 (書面答覆)

2010年12月6日清晨，旺角花園街發生一宗縱火案，釀成的三級大火共焚毀50個小販攤檔，並波及鄰近店舖及樓上民居。今次火災造成鄰近大廈及地舖嚴重損毀，露天攤檔檔主則財產貨物盡失，生意大受影響。這些受影響的檔主、業主、租客、居民及業主立案法團(“法團”)等，災後均需緊急維修住宅單位和舖位，令他們面對沉重的財政壓力。有火災災民表示，當區居民及檔主多屬長者、基層人士或小本經營商販，霎時要他們拿出一大筆資金去進行維修和重新開業，存在一定困難。就此，政府可否告知本會：

- (一) 花園街火災發生至今，當局曾為受災攤檔檔主及地舖商戶提供甚麼財政支援或資助；面對商販們無錢再入貨經營及業主們無錢維修家居的情況，當局會否提供資助或免息貸款給他們；
- (二) 當局會否要求市區重建局或香港房屋協會透過樓宇更新大行動及樓宇維修資助計劃等計劃，特別為在今次火災嚴重受損的大廈(不論是否設有法團)提供緊急特快審批服務，以便資助大廈法團及單位業主盡快完成維修大廈內所有受損的公共地方及私人住宅部分；
- (三) 若現有的各項援助計劃均無法惠及這批災民，當局會否考慮由政務司司長出任主席的關愛基金督導委員會，研究動用從商界籌集的款項，緊急援助災民；及

(四) 鑒於有評論指出，今次火災凸顯大量露天小販攤檔在同一街道聚集所衍生的消防安全、管理和保安問題，當局會否汲取教訓，採取有效措施以加強全港各區設有大量露天小販攤檔街道的消防安全，以防止火災重演？

Assistance for victims of the fire at Fa Yuen Street

(8) Dr Hon Priscilla LEUNG Mei-fun (Written Reply)

In the early morning of 6 December 2010, an arson attack occurred at Fa Yuen Street in Mongkok, causing a Number 3 alarm fire, in which 50 hawker stalls were burnt down and some neighboring shops and residents living upstairs were affected. The fire has caused serious damages to neighbouring buildings and ground floor shops. Owners of open-air stalls have lost all their properties and goods, and their businesses have been seriously affected. The affected stall owners, flat owners, tenants, residents and owners' corporations ("OCs"), etc. have to face heavy financial burden after the fire as they need to repair their residential units and shops urgently. Some fire victims have indicated that as most residents and stall owners in the district are elderly persons, the grassroots or traders running small businesses, they have considerable difficulties in paying for the huge expenses in repairing and re-establishing their businesses within a short time. In this connection, will the Government inform this Council:

- (a) what financial support or assistance have been provided by the authorities to the affected stall owners and tenants of ground floor shops since the outbreak of fire at Fa Yuen Street; and given that traders have no money to purchase goods for sale again and owners have no money to repair their homes, whether the authorities will provide subsidies or interest-free loans to them;
- (b) whether the authorities will request the Urban Renewal Authority or the Hong Kong Housing Society to, under the Operation Building Bright and the Building Management and Maintenance Scheme, etc., provide express vetting service as a matter of urgency to buildings (with or without OCs) suffering

serious damages in this fire, so that OCs and flat owners of these buildings will receive subsidies to repair all damaged public areas and private residential areas of the buildings as soon as possible;

- (c) whether the authorities will consider asking the Community Care Fund Steering Committee, which is chaired by the Chief Secretary for Administration, to examine allocating funds raised from the business sector to provide emergency assistance to the fire victims, in case the current assistance schemes cannot offer help to these victims; and
- (d) given that there are comments that this fire has highlighted the problems of fire safety, management and security arising from the concentration of a large number of open-air hawker stalls on the same street, whether the authorities will learn from this lesson and take effective measures to enhance the fire safety of streets with a large number of open-air hawker stalls in various districts in Hong Kong, so as to prevent recurrence of fire?

僱員再培訓局接辦的保險業培訓活動

(9) 陳健波議員 (書面答覆)

政府技能提升計劃中的保險業課程，已於2009年12月開始改由僱員再培訓局(“再培訓局”)接辦。資料顯示，在再培訓局接辦前，由於分配開辦課程的資源即將用完，所以保險業課程要減少開班，令報讀人數下跌，由2008年4月至9月的1 800多人，逐步減至2009年10月至2010年3月的148人。就此，政府可否告知本會：

- (一) 由再培訓局接辦後，保險業課程開班的情況為何、報讀人數有否回升，以及當局可否確保有足夠的學額，供保險從業員及有意投身行業的市民報讀；
- (二) 當局有否評估上述課程的效益(包括除了讓在職保險從業員在修畢課程後申請持續專業培訓學分外，該等課程能否達至提升他們實際工作技能的目標)；及
- (三) 當局有否評估，過去3年，有意投身保險業的學員在完成上述課程後，有多少人加入了保險行業工作，以及當局有否向他們提供協助？

Training activities of the insurance industry
taken over by the Employees Retraining Board

(9) Hon CHAN Kin-por (Written Reply)

Since December 2009, the insurance courses in the Government's Skills Upgrading Scheme have been taken over by the Employees Retraining Board ("ERB"). There is information indicating that before ERB took over the courses, the number of classes for insurance courses had to be reduced because of the imminent exhaustion of the resources allocated for organizing such courses, thus causing enrolment to drop from some 1 800 for the period between April and September 2008 to 148 for the period between October 2009 and March 2010. In this connection, will the Government inform this Council:

- (a) of the situation of classes convened for insurance courses since ERB has taken over them, whether enrolment has rebounded and whether the authorities can ensure sufficient places for insurance practitioners and members of the public who are interested in joining the industry to enrol;
- (b) whether the authorities have assessed the effectiveness and benefits of the aforesaid courses (including whether such courses could achieve the objective of enhancing incumbent insurance practitioners' actual working skills apart from allowing them to apply for Continuing Professional Development credits after completing the courses); and
- (c) whether the authorities have assessed how many trainees, who are interested in development a career the insurance industry, had joined the insurance industry after completing the aforesaid courses in the past

three years, and whether the authorities have offered them assistance?

毒殺犬隻事件

(10) 陳淑莊議員 (書面答覆)

據報，半山寶雲道不時發生犬隻被沾有毒藥的肉塊毒殺的事件，過去已有超過100隻犬隻遭毒殺。近日市民又於上址一帶發現有毒肉餌，顯示問題仍然未獲解決。鑒於懷疑有人蓄意毒害及虐待犬隻，政府可否告知本會：

- (一) 過去4年，政府接獲於寶雲道一帶發現犬隻被毒殺或有毒肉塊的個案數目；政府有否跟進這些個案；若有，詳情和結果為何；若否，原因為何；
- (二) 鑒於有報道指於上址遭毒殺的犬隻大部分均有人飼養，政府有否因應上述事件，加強向當區飼養犬隻的人士宣傳，以提高他們對毒殺犬隻的關注和警覺，並告知他們遇到該等情況時應如何處理；若有，詳情為何；若否，原因為何；
- (三) 政府會否考慮加強到上址及其他熱門放狗地點巡邏，以防止不法之徒繼續毒殺犬隻；若會，詳情為何；若否，原因為何；及
- (四) 針對毒殺犬隻或其他嚴重侵害動物權益和生命安全的行為，政府會否考慮檢討現時保障動物權益的法例和執法指引，以收更大的阻嚇作用；若會，詳情為何；若否，原因為何？

Incidents of fatal poisoning of dogs

(10) Hon Tanya CHAN (Written Reply)

It has been reported that incidents of dogs killed by poisoned meat occurred from time to time at Bowen Road in Mid-Levels, and more than 100 dogs have been fatally poisoned so far. Recently, some members of the public have found poisoned baits again in the vicinity of the aforesaid area, indicating that the problem has not yet been solved. In view of the suspected wilful poisoning of and cruelty to dogs, will the Government inform this Council:

- (a) of the number of cases the Government received in the past four years on dogs fatally poisoned or poisoned meat found in the vicinity of Bowen Road; whether it had followed up on these cases; if so, of the details and results; if not, the reasons for that;
- (b) given that it has been reported that most of the dogs fatally poisoned in the aforesaid area had owners, whether the Government has stepped up publicity among the dog owners in that area in view of the above incidents, so as to raise their concern and awareness of fatal poisoning of dogs, and to inform them what they should do if they encounter such situations; if it has, of the details; if not, the reasons for that;
- (c) whether the Government will consider stepping up patrol in the aforesaid area and other popular locations for walking dogs, so as to prevent the law-breakers from continuing to fatally poison dogs; if it will, of the details; if not, the reasons for that; and
- (d) in view of the fatal poisoning of dogs or other serious infringement of animals' rights and safety, whether the Government will consider reviewing the existing legislation and law

enforcement guidelines on protection of animals' rights, so as to achieve greater deterrent effect; if it will, of the details; if not, the reasons for that?

減少食用魚翅的措施

(11) 余若薇議員 (書面答覆)

有環保團體指出，鑒於目前只有3種鯊魚受《瀕危野生動植物種國際貿易公約》保護，被列入國際自然保護聯盟瀕危物種紅色名錄的過百種鯊魚及其近親品種，仍然會因過度捕撈而面臨絕種的危機。就此，政府可否告知本會：

- (一) 按政府部門劃分，去年政府以公費舉辦宴會及聚餐的數字、涉及的金額，以及當中有多少宴會的餐單包括魚翅；
- (二) 過去5年，各政府部門有否制訂在公費宴會中暫停食用魚翅的指引；如否，會否考慮制訂；及
- (三) 去年，政府有否教育市民及宣傳減少食用魚翅以保護生態平衡的訊息；如有，在這方面投入的資源為何；如否，原因為何？

Measures to reduce consumption of shark's fin

(11) Hon Audrey EU Yuet-mee (Written Reply)

Some environmental groups have pointed out that as only three species of shark are at present protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, more than a hundred shark species and closely related species included by the International Union for Conservation of Nature in its Red List of Threatened Species may still face the danger of extinction due to overfishing. In this connection, will the Government inform this Council:

- (a) of the number of banquets and dining parties the Government hosted at public expenses last year, the amount involved, and the number of such banquets in which the menu included shark's fin, with a breakdown by government department;
- (b) whether the various government departments had formulated guidelines on suspending the consumption of shark's fin in banquets hosted at public expenses in the past five years; if not, whether they will consider formulating such guidelines; and
- (c) whether last year the Government had educated members of the public and promoted the message of reducing consumption of shark's fin in order to safeguard the ecological balance; if it had, of the resources devoted in this regard; if not, the reasons for that?

樓宇更新大行動

(12) 李永達議員 (書面答覆)

自2009年起，政府與香港房屋協會(“房協”)及市區重建局(“市建局”)合作，推行總計25億元的“樓宇更新大行動”(“更新行動”)，協助舊樓業主進行維修和保養工程。就此，政府可否告知本會：

- (一) 當局分別於更新行動的第一輪(2009年6月6日截止申請)及第二輪(2010年12月24日截止申請)接獲屬第一類別目標樓宇(即已成立業主立案法團的樓宇)的申請有多少宗；在兩輪的申請中，分別有多少宗符合申請資格或沒有退出申請，以及有多少宗已獲“原則上批准”；
- (二) 截至2010年12月底，已被當局選定為更新行動的第二類別目標樓宇(即在組織維修工程上有困難、在樓宇結構安全上出現問題、以及在衛生設施上有破損的樓宇)的大廈共有多少幢，其中有多少幢需要由屋宇署安排維修工程，以及有多少幢由業主／業主立案法團自組維修工程；
- (三) 第(一)及第(二)項的第一及第二類別目標樓宇的個案，共涉及多少幢樓宇；至目前為止，該等樓宇中分別有多少幢樓宇已於第一輪及第二輪計劃中完成、正進行或正籌組維修工程，以及有多少幢樓宇的申請個案仍在處理中；在已獲批准的個案中，當局估計最高、最低及平均將會發放的顧問及

工程費用津貼額分別為何，與當局原來評估的費用的差額為何；

- (四) 在第(三)項已獲批准進行維修工程的個案中，分別涉及委聘多少個認可人士及承建商，該等人數分別佔市場的認可人士及承建商總數的百分比為何，以及當中有多少個認可人士及承建商已被列入房協或市建局的認可名單內；
- (五) 截至2010年12月底，房協及市建局分別審批了多少幢目標樓宇的申請，當中涉及多少顧問費及工程費、房協及市建局已分別就目標樓宇發放多少維修津貼，以及該等已發放的津貼金額分別佔房協及市建局在更新行動的整體撥款額的百分比為何；及
- (六) 在更新行動下已進行或正進行的維修工程中，當局有否發現懷疑違規的個案；如有，該等個案的數目，以及按類別列出分項數字；當局已發出通知書及要求有關人士作出糾正的個案共有多少宗；當中有多少宗已轉交廉政專員公署跟進，以及有多少個業主立案法團決定與違規的顧問終止合約？

Operation Building Bright

(12) Hon LEE Wing-tat (Written Reply)

Since 2009, the Government has, in collaboration with the Hong Kong Housing Society (“HKHS”) and the Urban Renewal Authority (“URA”), launched the \$2.5-billion “Operation Building Bright” (“the Operation”) to help owners of old buildings to carry out repair and maintenance works. In this connection, will the Government inform this Council:

- (a) of the respective numbers of applications the authorities have received in the first round of the Operation (application deadline fell on 6 June 2009) and the second round (application deadline fell on 24 December 2010) for Category 1 target buildings (i.e. buildings with owners’ corporations (“OCs”) established); among the applications received in these two rounds, the respective numbers of those which meet the eligibility criteria or have not been withdrawn by the applicants, and the respective numbers of those which have been granted “approval-in-principle”;
- (b) of the total number of buildings selected by the authorities as Category 2 target buildings under the Operation (i.e. buildings having difficulties in coordinating repair works, and with structural safety problems and defective sanitary facilities) as at the end of December 2010, and among these buildings, the number of those which need the Buildings Department to arrange their repair works, and the number of those for which the repair works have been organized/will be organized by the owners/OCs themselves;
- (c) of the total number of buildings involved in the cases under Category 1 and Category 2 target buildings in (a) and (b); as at to date, among

these buildings, the respective numbers for which the repair works have been completed in the first and second rounds, are being carried out or are under preparation, and those the applications in respect of which are still being processed; among the approved cases, the largest, smallest and average amounts of grants for consultancy fees and for the works to be granted as estimated by the authorities, and the differences between such estimates and the original estimates as assessed by the authorities;

- (d) among the cases in (c) where repair works have been approved, of the respective numbers of Authorized Persons (“APs”) and contractors involved; the respective percentages of these numbers in the total numbers of APs and contractors in the market; among these APs and contractors, the respective numbers of those who have been included in the approved lists of HKHS or URA;
- (e) as at the end of December 2010, of the respective numbers of target buildings the applications in respect of which have been approved by HKHS and URA, and the consultancy fees and costs of works involved, the respective amounts of grants for repair works that have been released for target buildings by HKHS and URA, and the respective percentages of these amounts in the total fundings for HKHS and URA under the Operation; and
- (f) among the repair works that have been or are being carried out under the Operation, whether the authorities have identified any cases of suspected irregularities; if they have, of the number of such cases with a breakdown by type; the total number of such cases in which

the authorities have issued notices and demanded rectifications; the number of such cases that have been referred to the Independent Commission Against Corruption for follow-up; and the number of OCs that have decided to terminate their contracts with the consultants involved in irregularities?

歸還圖書館資料及逾期歸還罰款

(13) 張學明議員 (書面答覆)

有報道指公共圖書館追討逾期還書罰款不力，帳目混亂。亦有市民指稱已將外借的書籍歸還，然而有關的公共圖書館的電腦系統卻沒有她的還書紀錄，結果她被圖書館追收逾期還書罰款。就此，政府可否告知本會：

- (一) 過去3年，每年分別錄得多少逾期還書的罰款，其中有多少罰款至今仍未收回；
- (二) 署方有何機制追討逾期還書罰款；
- (三) 現時定期點算各圖書館館藏的安排的詳情為何，以及有何措施確保讀者的借閱紀錄準確無誤；及
- (四) 鑒於一般公共圖書館均在館外近出入口位置設置還書箱，方便讀者在休館日或圖書館關閉後歸還書籍，而早前又發現有書籍失蹤，署方除在該等還書箱附近設置閉路電視外，還有何措施加強安全，以免書籍被盜取？

Return of library materials and fines for late return

(13) Hon CHEUNG Hok-ming (Written Reply)

It has been reported that public libraries had made little effort in recovering overdue fines for late return of books and their accounts were messy. A member of the public also claimed that although she had already returned the book she borrowed, this was not recorded in the computer system of the public library concerned and, as a result, she was asked by the library to pay a fine for late return of the book. In this connection, will the Government inform this Council:

- (a) of the amount of fines recorded for late return of books in each of the past three years, and among such fines, the amount yet to be recovered to date;
- (b) what mechanism the Leisure and Cultural Services Department (“LCSD”) has put in place for recovering overdue fines for late return of books;
- (c) of the details of the arrangement for conducting regular inventory checks of library materials, and of the measures in place to ensure the accuracy of readers’ loan records ; and
- (d) given that public libraries in general have bookdrops installed near the entrances to facilitate readers to return books when the libraries are closed or after the library opening hours, and that some books were found to be missing earlier, apart from installing closed-circuit televisions near the bookdrops, what other the measures LCSD has put in place to enhance safety in order to prevent theft of books?

學童及智障人士在校車或旅遊車內的安全

(14) 陳茂波議員 (書面答覆)

近年不時發生學童或智障人士被遺留在校車或旅遊車內。就此，政府可否告知本會：

- (一) 過去5年，當局接獲多少宗涉嫌違反運輸署發出的《學童乘搭學生服務車輛的安全指引》(“《指引》”)的呈報，及其中被確認違反《指引》的呈報有多少宗；該等呈報的個案的跟進情況及結果為何；
- (二) 鑒於目前《指引》只屬勸諭性質，並沒有規定學校須呈報涉嫌違反《指引》的個案，當局會否考慮進一步完善《指引》，包括規定學校須呈報涉嫌違反《指引》的個案，甚至為《指引》加上法律效力；如會，詳情為何；如否，原因為何；
- (三) 過去5年，當局接獲多少宗涉及智障人士被遺留在旅遊車內的個案；當局有否機制跟進這些個案；如有，跟進的結果詳情為何；如否，原因為何，以及當局如何防止類似事件再發生；及
- (四) 當局會否考慮透過運輸署或培訓機構開辦培訓課程，並規定校車及旅遊車司機和跟車保母必須參加該等課程，以加強他們的安全意識；如會，詳情為何；如否，原因為何？

Safety of students and persons with intellectual disability on
school buses and coaches

(14) Hon Paul CHAN Mo-po (Written Reply)

From time to time in recent years, there have been cases in which students or persons with intellectual disability (“ID”) were left inside school buses or coaches. In this connection, will the Government inform this Council:

- (a) of the number of reported cases that the authorities had received in the past five years on suspected violation of the Guidelines for Ensuring Safety of Students on Student Service Vehicles (“the Guidelines”) issued by the Transport Department (“TD”) and, among these cases, the number of substantiated cases; how these reported cases have been followed up and the results;
- (b) given that the Guidelines are at present of an advisory nature and do not require schools to report cases of suspected violation of the Guidelines, whether the authorities will consider further refining the Guidelines, including requiring schools to report cases of suspected violation of the Guidelines and even rendering the Guidelines to have legal effect; if they will, of the details; if not, the reasons for that;
- (c) of the number of cases the authorities had received in the past five years that involved persons with ID being left inside coaches; whether the authorities have any mechanism in place to follow up such cases; if they have, of the details of the follow-up results; if not, the reasons for that, and how the authorities prevent the recurrence of similar incidents; and

- (d) whether the authorities will consider organizing training courses through TD or training institutes, and requiring drivers and escorts of school buses and coaches to attend such courses, so as to raise their safety awareness; if so, of the details; if not, the reasons for that?

《稅務條例》第39E條

(15) 林大輝議員 (書面答覆)

關於《稅務條例》(第112章)第39E條(“第39E條”)的問題，政府可否告知本會：

- (一) 鑒於財經事務及庫務局局長(“局長”)於2010年11月24日回覆本人的質詢時表示，“據我們理解，不少香港企業在內地加工貿易升級轉型時，已選擇以注資方式把機器及工業裝置的擁有權轉至新成立的內地企業”，局長亦在同年12月8日表示，當局是從廣東省有關當局得悉這情況，但廣東省有關當局沒有數據顯示“不少香港企業”的數目，“廣東省有關當局”實際指哪些內地部門，局長何時曾向它們查詢，並提供相關的來往書信和資料文件的副本；以及在缺乏實質數據支持的情況下，政府如何證實“廣東省有關當局”的說法是否正確；
- (二) 鑒於稅務聯合聯絡小組(“小組”)在其檢討報告中，建議修改《稅務條例》第2條有關“租約”的定義，為何政府不肯接納該建議；
- (三) 有否評估，稅務局指《稅務條例》第2條有關“租約”的定義，涵蓋香港企業在“進料加工”下將其機器及工業裝置給予內地企業免費使用的情況，是否屬於過寬的詮釋；如有評估，詳情為何；如沒有評估，原因為何，以及會否進行評估；
- (四) 鑒於小組的檢討報告指出，第39E條在1992年被修訂時，香港企業在“進料加

工”下將其機器及工業裝置給予內地企業免費使用的情況並未普遍，故當時第39E條的修訂原意並非要處理此情況，政府有否評估此說法是否屬實；如有評估，詳情為何；如沒有評估，原因為何，以及會否進行評估；

- (五) 鑒於局長在2010年11月24日表示，小組沒有提出有效措施以堵塞可能出現的避稅漏洞，局長有否責任研究如何有效堵塞可能出現的避稅漏洞；如有，為何局長沒有提出任何措施；如否，局長在第39E條的問題上負責甚麼工作；
- (六) 鑒於局長在2010年11月24日亦表示，“我們擔憂若果按照部分企業的要求，為該等機器及工業裝置在香港提供折舊免稅額，可能被視為鼓勵轉讓定價……以免令人聯想到我們是否作出一些有違‘公平獨立交易’原則的舉措，及變相鼓勵各地稅務機關均不接受的轉讓定價安排”，過去3年，有否其他商業活動引起類似的轉讓定價的擔憂；如有，該等商業活動是甚麼，以及政府如何處理；
- (七) 有否評估，修改第39E條所帶來的經濟效益和政府聲稱的稅收損失，與政府於2006年取消遺產稅和離岸基金的利得稅，以及於2008年取消葡萄酒稅分別所帶來的經濟效益和稅收損失，有否類同的地方；如有評估，詳情為何；如沒有評估，原因為何，以及會否進行評估；
- (八) 鑒於政府為發展金融業務，在2010-2011年度財政預算案中公布一系

列擴大稅務寬免和修改稅例的措施，包括“擴大交易所買賣基金的印花稅寬免範圍”、“修改《稅務條例》中要求有關債務票據須在香港向公眾發行的條文，使其更能切合市場要求”、由稅務局局長“進一步闡明‘中央管理及控制’的定義，以釋除業界在申請豁免利得稅時，有關離岸基金管理委員會董事居留地的疑慮”及“更新《稅務條例》中的認可證券交易所及期貨交易所名單，擴大離岸基金期貨交易稅務豁免的適用範圍”，政府有否評估，修改第39E條對工商業所產生的經濟效益，與上述寬免措施分別所產生的經濟效益，有否類同的地方；如有評估，詳情為何；如沒有評估，原因為何，以及會否進行評估；

(九) 鑒於局長於2010年10月27日回覆本人的質詢時表示，稅務上訴委員會的D61/08個案是由律政司委派的大律師代表稅務局局長出席聆訊，這說明稅務局在執行第39E條時是符合法律要求，政府有否評估由律政司委派大律師代表稅務局局長出席聆訊，是否等同律政司的獨立法律意見是認同稅務局現時詮釋第39E條的方法；如評估的結果為是，原因為何；如評估的結果為否，局長為何作出如此答覆；

(十) 鑒於局長於2010年10月27日表示，稅務上訴委員會在個案編號D61/08的判詞中指出，第39E條的條文本身無規定須具有“避稅目的”才能引用，可是，根據《釋義及通則條例》(第1章)第19條，條例必須“按其真正用意、涵義及精神，並為了最能確保達致其目的而作

出公正、廣泛及靈活的釋疑及釋義”，政府有否評估，上述稅務上訴委員會對第39E條的詮釋，是否與法庭解釋法例的原則不一致；如有評估，詳情為何；如沒有評估，原因為何，以及會否進行評估；及

- (十一) 鑒於行政長官於2010年7月13日本會的答問會上表示，希望本人與局長和財政司司長跟進第39E條的問題，局長有否就此問題與財政司司長討論，並諮詢其意見；如有，詳情為何；如否，原因為何？

Section 39E of the Inland Revenue Ordinance

(15) Dr Hon LAM Tai-fai (Written Reply)

Regarding section 39E of the Inland Revenue Ordinance (“IRO”) (Cap. 112) (“section 39E”), will the Government inform this Council:

- (a) given that the Secretary for Financial Services and the Treasury (“SFST”) indicated in his reply to my question on 24 November 2010 that “according to our understanding, in the course of upgrading and restructuring the processing trade in the Mainland, considerable Hong Kong enterprises have opted to transfer the title of their machinery and plant to the newly established Mainland enterprises as capital injection”, and SFST also indicated on 8 December of the same year that the authorities learnt about this situation from the relevant authorities of the Guangdong Province, yet the relevant authorities of the Guangdong Province did not have data that indicated the number of “considerable Hong Kong enterprises”, which mainland authorities are actually referred to as “relevant authorities of the Guangdong Province”, when SFST asked them for such information, together with copies of the relevant correspondences and information documents; in the absence of support by actual data, how the Government proves whether the views of the “relevant authorities of the Guangdong Province” are correct;
- (b) given that the Joint Liaison Committee on Taxation (“JLCT”) recommended in its review report to amend the definition related to “lease” in section 2 of IRO, why the Government refuses to accept such recommendation;
- (c) whether it has assessed if it is too loose an interpretation for the Inland Revenue

Department (“IRD”) to indicate that the definition related to “lease” in section 2 of IRO covers the situation of Hong Kong enterprises making available their machinery and plant for use by mainland enterprises free of charge under “import processing”; if it has, of the details; if not, the reasons for that, and whether it will make such an assessment;

- (d) given that the review report of JLCT pointed out that when section 39E was amended in 1992, the situation in which Hong Kong enterprises made available their machinery and plant for use by mainland enterprises free of charge under “import processing” was not prevalent, and therefore the amendments to section 39E at that time were not aimed at handling this situation, whether the Government has assessed if this view is substantiated; if it has assessed, of the details; if not, the reasons for that, and whether it will make such an assessment;
- (e) given that SFST indicated on 24 November 2010 that JLCT had not proposed effective measures to plug possible tax avoidance loopholes, whether SFST is responsible for studying how possible tax avoidance loopholes can effectively be plugged; if so, why SFST has not proposed any measure; if not, of the work for which SFST is responsible in respect of section 39E;
- (f) given that SFST also indicated on 24 November 2010 that “we are worried that if we accede to the request of some enterprises and provide depreciation allowances in Hong Kong for such machinery and plant, we may be perceived as encouraging transfer pricing so as to avoid any perception that we are acting in violation of the ‘arm’s length principle’, and

that we are in a way encouraging transfer pricing arrangements disapproved by the tax authorities around the world”, whether there were other commercial activities that had aroused similar concerns about transfer pricing in the past three years; if so, of such commercial activities, and how the Government handled them;

- (g) whether it has assessed if there are similarities between the cost effectiveness resulting from the amendments to section 39E and losses in tax revenue claimed by the Government, and the cost effectiveness and losses in tax revenue resulting respectively from the abolition of estate duty and profits tax from offshore funds in 2006 and the abolition of duty on wine in 2008 by the Government; if it has assessed, of the details; if not, the reasons for that, and whether it will make such an assessment;
- (h) given that the Government announced in the 2010-2011 Budget a series of measures to broaden tax relief and amend the tax legislation in order to develop the financial business, including the measures to “extend the stamp duty concession in respect of the trading of exchange traded funds”, “amend the provisions under the Inland Revenue Ordinance that require such debt instruments to be issued to the public in Hong Kong” “to better meet market requirements”, “further clarify the definition of ‘central management and control’ to address the industry’s concern about the residency requirement for directors of the management committee of offshore funds in their applications for profits tax exemption” by the Commissioner of Inland Revenue (“the Commissioner”), and “update the lists of recognized stock exchanges and futures exchanges under the Inland Revenue Ordinance

so as to extend the application of tax exemption for offshore funds engaged in futures trading”, whether the Government has assessed if there are similarities between the cost effectiveness to commerce and industry generated by the amendments to section 39E and the cost effectiveness generated respectively by the aforesaid relief measures; if it has, of the details; if not, the reasons for that, and whether it will make such an assessment;

- (i) given that SFST indicated in his reply to my question on 27 October 2010 that at the hearing of the case of the Board of Review (“BoR”) with reference no. D61/08, the Commissioner was represented by a barrister appointed by the Department of Justice (“DoJ”), demonstrating that the implementation of section 39E by IRD is in accordance with the legislation, whether the Government has assessed if the fact that the Commissioner was represented by a barrister appointed by DoJ at the hearing equals to the fact that the current interpretation of section 39E is recognized by the independent legal opinion of DoJ; if the outcome of the assessment is in the affirmative, of the reasons for that; if the outcome of the assessment is in the negative, why SFST made such a reply;
- (j) given that SFST indicated on 27 October 2010 that BoR had pointed out in its written decision on the case with reference no. D61/08 that section 39E had not stipulated that there should be “an intention to avoid tax” for the application of the provision, however, according to section 19 of the Interpretation and General Clauses Ordinance (Cap. 1), an Ordinance “shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Ordinance according to its true intent, meaning

and spirit”, whether the Government has assessed if the aforesaid interpretation of section 39E by BoR is inconsistent with the principle adopted by the court in the construction of legislation; if it has assessed, of the details; if not, the reasons for that, and whether it will make such an assessment; and

- (k) given that the Chief Executive indicated at the Question and Answer Session of this Council on 13 July 2010 that he expected me to follow up the issue of section 39E with SFST and the Financial Secretary (“FS”), whether SFST has discussed this issue with FS and consulted his opinion; if SFST has done so, of the details; if not, the reasons for that?

規管食物所含的殘餘除害劑

(16) 李華明議員 (書面答覆)

最近，有環保組織抽取香港超級市場內18個蔬菜和水果樣本進行化驗，結果在該等樣本發現有38種不同的殘餘除害劑，當中甚至殘留了含劇毒的除害劑。政府在2010年11月向本會提交的文件中表示會制定法例，並“正進一步完善食物中殘餘除害劑的建議規管方案，以及就不同種類食物訂定法定殘餘限量，涉及約400種除害劑”。當局亦建議訂定“獲豁免物質”列表。此外，歐盟的《建立社區除害劑使用可持續發展框架》法案(2009/128/EC)中規定，歐盟各成員國須制訂減少使用除害劑的量化目標、具體措施及相應時間表，以減少除害劑對人類健康和環境的風險和影響。就此，政府可否告知本會：

- (一) 預計何時將上述法案提交立法會審議；
- (二) 過去3年，當局有否研究當蔬果含有的一種以上的殘餘除害劑混合在一起時所產生的影響，會否超過這些殘餘除害劑各自產生的影響的總和；若有研究，結果為何；政府會如何規管蔬果中多於一種以上殘餘除害劑的含量；
- (三) 政府擬規管的400種除害劑的名稱為何；
- (四) 建議中的“獲豁免物質”共有多少種，並列出該等物質的名稱；及

(五) 會否效法歐盟，要求本地和內地的註冊供港菜場減少使用除害劑；若會，詳情為何；若否，原因為何？

Regulation of pesticide residues in food

(16) Hon Fred LI Wah-ming (Written Reply)

An environmental concern group recently took 18 samples of the vegetables and fruits on sale in local supermarkets for tests, and the result was that 38 different kinds of pesticide residues were detected in these samples, some of which even contained highly toxic pesticide residues. The Government stated in its paper to this Council in November 2010 that it would enact legislation, and was “further refining the proposed regulatory framework for pesticide residues in food, and setting statutory maximum residue limits for different kinds of food involving about 400 pesticides”. The authorities also proposed to develop a list of “exempted substances”. In addition, under the Directive (2009/128/EC) of the European Union (“EU”) on establishing a framework for Community action to achieve the sustainable use of pesticides, individual Member States of the European Union are required to set quantitative objectives, specific measures and timetables accordingly to reduce risks and impacts of pesticide use on human health and the environment. In this connection, will the Government inform this Council:

- (a) of the anticipated time for introducing the aforesaid bill into the Legislative Council for scrutiny;
- (b) whether the authorities had studied in the past three years if the effects of mixed pesticide residues in vegetables and fruits which contain more than one type of pesticide residue would exceed the aggregation of the individual effects of such pesticide residues; if they had conducted such a study, of the outcome; how the Government will regulate the level of pesticide residues in vegetables and fruits

which contain more than one type of pesticide residue;

- (c) of the names of the 400 pesticides which the Government intends to regulate;
- (d) of the number of the types of the exempted substances to be proposed, together with a list of the names of such substances; and
- (e) whether it will follow the approach of EU by requiring local registered vegetable farms and those on the Mainland which supply vegetables to Hong Kong to reduce using pesticides; if it will, of the details; if not, the reasons for that?

詐騙交通意外傷亡援助金

(17) 劉健儀議員 (書面答覆)

根據政府的新聞公報，警方於去年11月拘捕48名涉嫌騙取“交通意外傷亡援助金”(“援助金”)的人士；該等涉案人士聲稱在交通意外中受到不同程度的扭傷，取得病假證明書(“病假紙”)後，向社會福利署(“社署”)提交虛假資料，以騙取援助金，涉及的公帑達200多萬港元。就此，政府可否告知本會：

- (一) 過去5年，根據《交通意外傷亡者(援助基金)條例》(第229章)(“《條例》”)，向道路交通意外受害人或死者的受養人發放的援助金總金額為何；當中有多少宗個案的受助人涉嫌騙取援助金而被檢控，涉及的金額為何，其中有多少宗個案的涉案人士被定罪，以及他們的判罰為何；
- (二) 為使援助金能幫助真正有需要的人士，當局有何措施杜絕一些不法之徒騙取援助金；特別針對那些取得病假紙後向社署提交虛假資料的不誠實行為，當局會否聯合醫院管理局、社署及其他相關政府部門，成立專責小組檢討現時發放援助金的制度，包括如何加強審核病假紙及申請人向社署申報的資料等；
- (三) 鑒於有市民指出，根據《條例》而設立的“交通意外傷亡援助計劃”所給予的經濟援助，無須考慮受惠人的經濟狀況及不論意外的過失，可能會讓一些不法之徒乘機騙取援助金，當局會

否考慮檢討援助計劃的申請資格；若會，詳情為何；若否，原因為何；及

- (四) 當局會否考慮加重詐騙或串謀詐騙援助金罪行的罰則，以增加阻嚇作用，並加強宣傳以呼籲市民切勿因一時貪念以身試法；若會，詳情為何；若否，原因為何？

Fraudulent claims of Traffic Accident Victims Assistance

(17) Hon Miriam LAU Kin-ye (Written Reply)

According to a government press release, in November last year, the Police arrested 48 people suspected of making fraudulent claims of Traffic Accident Victims Assistance (“TAVA”). Those involved in the cases claimed that they had sustained twisting injuries of various degrees of severity in traffic accidents. After obtaining the sick leave certificates, they submitted falsified information to the Social Welfare Department (“SWD”) to obtain TAVA by deception, which involved more than \$2 million in public money. In this connection, will the Government inform this Council:

- (a) of the total amount of TAVA paid out under the Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229) (“the Ordinance”) to road traffic accident victims or dependants of deceased victims in the past five years; among these cases, of the number of cases in which the recipients were prosecuted for allegedly making fraudulent claims of TAVA, the amount of money involved in such cases, the number of cases in which the people involved were convicted and their penalties;
- (b) to ensure that TAVA can help those who are genuinely in need, of the measures that the authorities have in place to combat fraudulent claims of TAVA by law-breakers; targeting specially at dishonest behaviour of submitting falsified information to SWD after obtaining sick leave certificates, whether the authorities will establish a task force in collaboration with the Hospital Authority, SWD and other relevant government departments to review the current system for providing TAVA, including the means for strengthening the vetting of sick

leave certificates and information provided by applicants to SWD, etc.;

- (c) given that some members of the public have pointed out that the financial assistance offered under the TAVA Scheme (implemented in accordance with the Ordinance) is non-means tested and does not take into account the element of fault leading to the accident, and this may give law-breakers opportunities to obtain TAVA by deception, whether the authorities will consider reviewing the eligibility requirements for the TAVA Scheme; if they will, of the details; if not, the reasons for that; and
- (d) whether the authorities will consider imposing heavier penalties on offences of fraud or conspiracy to defraud on TAVA so as to enhance deterrent effect, and stepping up publicity to urge the public not to commit such an offence out of momentary greed; if they will, of the details; if not, the reasons for that?

存放於土地註冊處的圖則

(18) 李國寶議員 (書面答覆)

香港特別行政區各項條例(“條例”)所提述的圖則很多都存放於土地註冊處，供公眾查閱。市民現時可透過律政司設立的雙語法例資料系統在網上查閱所有條例，但卻未能透過該系統查閱上述圖則；市民須與土地註冊處預約並親身前往該處查閱這類圖則。此外，市民可向政府購買部分上述圖則的副本，但另一些圖則卻不供市民購買，亦不得複印副本。就此，政府可否告知本會：

- (一) 規定須依據有關條例將圖則存放於土地註冊處的所有條例的簡稱，該等圖則的副本是否作公開銷售或公眾可特別訂購，或有關圖則是否被禁止複製，並按下表格式列出該等資料；

規定須依據條例將圖則存放於土地註冊處的條例的章次編號及其簡稱	圖則的副本供公開銷售及其銷售地點	公眾可特別訂購圖則副本	禁止複製圖則

- (二) 為何不得複製第(一)項的部分圖則；
- (三) 在過去5年，土地註冊處有否發現遺失任何第(一)項依據有關條例存放於該處的圖則；如有，所遺失圖則的名稱為何；及

(四) 鑒於本會財務委員會已於2010年5月14日批准撥款建立一個經核實、經認證及可檢索的香港法例電子資料庫，政府會否藉建立該資料庫的機會，令第(一)項的圖則可供網上查閱，及／或就所有提供副本作銷售的圖則，將如何購買其副本的資料上載網上？

Plans deposited in the Land Registry

(18) Dr Hon David LI Kwok-po (Written Reply)

A large number of plans referred in various Ordinances of the Hong Kong SAR (“Ordinances”) are deposited in the Land Registry (“LR”) and open for public inspection. While all Ordinances can now be viewed online using the Bilingual Laws Information System (“BLIS”) of the Department of Justice, such plans are not available on BLIS and members of the public need to make an appointment to visit LR in person in order to inspect them. Moreover, while members of the public may purchase the copies of some of these plans from the Government, they cannot do so for other plans or make copies of them. In this connection, will the Government inform this Council:

- (a) of the short titles of all the Ordinances under which plans are required to be deposited in LR, whether copies of such plans are available for public sale or by special order, or whether copying of the plans is prohibited, and set out the information in the following table format;

Chapter and short title of Ordinance under which plan(s) is/are required to be deposited in the Land Registry	Copies of plan(s) available for public sale and location(s) of sales points	Copies of plan(s) available by special order	Copying of plan(s) prohibited

- (b) why copying of some of the plans in (a) is prohibited;

- (c) whether any plans deposited in LR under the Ordinances in (a) had been found lost in the past five years; if so, of the titles of such lost plans; and
- (d) whether the Government will take the opportunity of the implementation of a verified, authenticated and searchable electronic database of Hong Kong legislation, for which funding was approved by the Finance Committee of this Council on 14 May 2010, to make the plans in (a) available online and/or provide information on how to purchase copies of all those plans which are available for sale?

港鐵有限公司提供的鐵路服務

(19) 葉偉明議員 (書面答覆)

為配合新市鎮的發展及長遠以鐵路為骨幹的運輸政策，本港近年已有多條鐵路線通車，為偏遠地區的居民提供服務。然而，有不少居民反映，部分鐵路線的列車班次疏落、車廂擠迫、座位不足，令他們乘搭長途鐵路列車時感到不便。此外，有團體調查指出，八成在公共交通工具上女性被性騷擾的個案是在港鐵車廂內發生。就此，政府可否告知本會：

- (一) 是否知悉，各鐵路線不同時段列車的班次、車卡數目、載客量、載客率及座位數目為何(以下表列出)；

鐵路線	東鐵線	西鐵線	東涌線	馬鞍山線	將軍澳線	輕鐵
繁忙時間的班次						
非繁忙時間的班次						
路線設計載客量						
現時平均每 日載客量						
現時繁忙時 間的平均載 客率						
現時非繁忙 時間的平均 載客率						
列車車卡數 目						
列車座位數 目						

- (二) 當局現時有沒有一套評估準則或機制，要求港鐵有限公司(“港鐵公司”)對載客率高因而令車廂擠迫的路線作出

改善(例如要求港鐵公司加密班次及增加車卡數目)，以紓緩該等情況；

- (三) 鑒於現時馬鞍山支線及西鐵線列車的車卡數目仍然未用盡，當局會否要求港鐵公司盡快在該些路線增加列車車卡數目，以配合未來沿線新市鎮的發展及不斷增加的地區人口；
- (四) 鑒於在港鐵車廂內發生的非禮及性騷擾個案數目有上升趨勢，而繁忙擠迫的列車車廂更令女乘客受害的機會增加，當局會否促請港鐵公司盡快在繁忙時間設立女性專用車廂，以減少該等風化案件；如否，原因為何；及
- (五) 鑒於近年港鐵公司為增加車廂內的多用途空間，將車廂的部分座位拆去，並改裝扶手加設金屬斜板取代，是否知悉，該計劃自實行以來，港鐵公司在各支線的列車共拆去多少座位及涉及多少車卡；改裝計劃在各路線進行前有否諮詢乘客的意見，而未來港鐵公司是否將持續推行該計劃？

Rail services provided by MTR Corporation Limited

(19) Hon IP Wai-ming (Written Reply)

In order to complement the development of new towns and tie in with the transport policy of using railway as the backbone in the long-run, several railway lines have been commissioned in recent years in Hong Kong to serve residents in remote areas. Yet, quite a number of residents have relayed that in respect of some railway lines, train frequency is low, the train compartments are crowded with insufficient seats and, as a result, they find it inconvenient to take a long-distance train ride. Besides, the surveys conducted by some groups have indicated that 80% of the cases of women being sexually harassed on public transport occurred inside MTR train compartments. In this connection, will the Government inform this Council:

- (a) whether it knows the respective frequency, number of cars, patronage, occupancy rate and number of seats of the trains on various railway lines at different time slots (set out in the table below);

Railway line	East Rail Line	West Rail Line	Tung Chung Line	Ma On Shan Line	Tseung Kwan O Line	Light Rail
Peak hour frequency						
Off-peak frequency						
Design capacity of the line						
Current average daily patronage						
Current average peak hour occupancy rate						
Current average off-peak occupancy rate						

Railway line	East Rail Line	West Rail Line	Tung Chung Line	Ma On Shan Line	Tseung Kwan O Line	Light Rail
Number of cars						
Number of train seats						

- (b) whether at present the authorities have a set of assessment criteria or an assessment mechanism requiring the MTR Corporation Limited ("MTRCL") to make improvement to the lines on which train compartments are crowded because of a high occupancy rate (e.g., requiring MTRCL to increase train frequencies and the number of cars), so as to alleviate such situation;
- (c) given that the number of cars of the trains on the Ma On Shan Line and West Rail Line has not yet reached its maximum, whether the authorities will request MTRCL to increase the number of cars of the trains on these lines as soon as possible in order to complement the future development of the new towns along the lines and cope with the increasing population in the districts;
- (d) given that there is an upward trend in the number of cases of indecent assault and sexual harassment occurring in the compartments of MTR trains, and that female passengers are more likely to fall victim in crowded train compartments during peak hours, whether the authorities will urge MTRCL to introduce women-only compartments for rush hours as soon as possible to reduce such sex crimes; if not, of the reasons for that; and
- (e) given that in recent years, MTRCL have removed some seats in the train compartments and replaced them with additional handrails and perch seats in order to create more

multi-purpose space inside the compartments, whether it knows the total number of seats removed by MTRCL from the trains of various railway lines since the implementation of the scheme and the number of cars involved; whether passengers had been consulted before the conversion scheme was conducted on various railway lines, and whether MTRCL will continue to implement the scheme in the future?

興建第三條機場跑道的環境影響

(20) 陳偉業議員 (書面答覆)

近日不少市民向本人反映，他們憂慮當局在赤鱘角香港國際機場開闢第三條跑道後，更多香港市民會受到飛機噪音滋擾。就此，政府可否告知本會：

- (一) 當局是否已完成興建第三條跑道的可行性研究；若是，研究報告的詳細內容為何；若否，原因為何；
- (二) 有否評估第三條跑道運作後會否加劇東涌、馬灣及青龍頭的飛機噪音問題；若評估的結果為會，詳情為何；若評估的結果為否，原因為何；及
- (三) 還有哪些其他地區會受第三條跑道運作後的飛機噪音影響；受第三條跑道的飛機噪音影響的範圍的詳情為何，並提供第三條跑道的噪音預測25等量線圖，以顯示受影響的範圍；若不能提供該圖表，原因為何？

Environmental impact of the construction of
the third airport runway

(20) Hon Albert CHAN Wai-yip (Written Reply)

Recently, quite a number of members of the public have relayed to me that they are worried that more members of the public in Hong Kong will be affected by the nuisance caused by aircraft noise upon the construction of the third runway of the Hong Kong International Airport at Chek Lap Kok. In this connection, will the Government inform this Council:

- (a) whether the authorities have completed the feasibility study on the construction of the third runway; if so, of the details of the study report; if not, the reasons for that;
- (b) whether it has assessed if the commissioning of the third runway will aggravate the aircraft noise problem in Tung Chung, Ma Wan and Tsing Lung Tau; if the outcome of study is in the affirmative, of the details; if the outcome indicates otherwise, the reasons for that; and
- (c) which other districts will also be affected by aircraft noise upon the commissioning of the third runway; of the details about the areas which will be exposed to aircraft noise from the third runway, together with a Noise Exposure Forecast 25 Contour map of the third runway indicating such areas; if such a contour map is not available, of the reasons for that?