

立法會
Legislative Council

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**Paper for the House Committee meeting
of 3 February 2012**

**Questions scheduled for the
Legislative Council meeting of 8 February 2012**

Questions by:

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|------|----------------------------------|-----------------|
| (1) | Hon LAU Kong-wah | (Oral reply) |
| (2) | Hon CHAN Hak-kan | (Oral reply) |
| (3) | Hon Mrs Sophie LEUNG LAU Yau-fun | (Oral reply) |
| (4) | Hon Miriam LAU Kin-ye | (Oral reply) |
| (5) | Hon CHAN Kin-por | (Oral reply) |
| (6) | Dr Hon PAN Pey-chyou | (Oral reply) |
| (7) | Dr Hon Samson TAM Wai-ho | (Written reply) |
| (8) | Hon WONG Ting-kwong | (Written reply) |
| (9) | Ir Dr Hon Raymond HO Chung-tai | (Written reply) |
| (10) | Hon Paul CHAN Mo-po | (Written reply) |
| (11) | Hon LEUNG Kwok-hung | (Written reply) |
| (12) | Hon TAM Yiu-chung | (Written reply) |
| (13) | Hon CHEUNG Hok-ming | (Written reply) |
| (14) | Hon Abraham SHEK Lai-him | (Written reply) |
| (15) | Hon Tanya CHAN | (Written reply) |
| (16) | Dr Hon LAM Tai-fai | (Written reply) |
| (17) | Hon Paul TSE Wai-chun | (Written reply) |
| (18) | Hon Frederick FUNG Kin-kee | (Written reply) |
| (19) | Ir Dr Hon Raymond HO Chung-tai | (Written reply) |
| (20) | Hon Paul CHAN Mo-po | (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

公立醫院服務輪候時間過長的問題

(1) 劉江華議員 (口頭答覆)

早前有報道指，市民對醫療服務需求殷切，公立醫院急症室及專科門診診所經常爆滿，病人輪候時間過長。報道又指有公立醫院急症室病人等候長達3天才獲安排入住病房，甚至發生病人等候入住病房期間不幸逝世的事件。就此，政府可否告知本會，是否知悉：

- (一) 醫院管理局(下稱“醫管局”)有否統計，現時各區公立醫院急症室的平均輪候時間為何；是否達到現有服務承諾的指標；去年各區的急症室求診個案中，最長的輪候時間分別是多久；若沒有統計，原因為何；
- (二) 現時各區公立醫院的專科門診診所的平均輪候時間，以及去年各區的專科門診診所的求診個案中，輪候時間最長的個案的情況分別為何(以表列出)；及
- (三) 醫管局會否於每年流感高峰期靈活調配醫護人手，以紓緩常會出現的急症室病人輪候診症及等候入住病房過久的問題；當局有何對策，長遠解決公立醫院急症室及專科門診診所輪候時間過長的問題？

Long waiting time for public hospital services

- (1) Hon LAU Kong-wah (Oral reply)

It has been reported earlier that the public's demand for medical services is keen, the accident and emergency ("A&E") departments and specialist outpatient clinics of public hospitals are always full, and the waiting time of the patients is too long. It has also been reported that some A&E patients of public hospitals had to wait for three days before they were admitted to the wards, and an unfortunate incident of a patient passing away while awaiting admission to the ward even happened. In this connection, will the Government inform this Council if it knows:

- (a) whether the Hospital Authority ("HA") has compiled statistics on the average waiting time at present at the A&E departments of public hospitals in various districts; whether the existing pledged performance targets are achieved; the respective longest waiting times among the cases of patients seeking consultation at the A&E departments in various districts last year; if HA has not compiled such statistics, the reasons for that;
- (b) the average waiting time at present at specialist outpatient clinics of public hospitals in various districts, as well as respective details of the cases with the longest waiting time among the cases of patients seeking consultation at the specialist outpatient clinics in various districts last year (set out in table form); and
- (c) during peak seasons of influenza each year when the problem of patients having to wait too long for consultation at the A&E departments and for

admission to the wards frequently occurs, whether HA will flexibly deploy its healthcare manpower to alleviate the problem; the strategies taken by the authorities to solve the problem of long waiting time for consultation at the A&E departments and specialist outpatient clinics of public hospitals in the long run?

檢討打擊內地孕婦來港分娩的措施

(2) 陳克勤議員 (口頭答覆)

食物及衛生局於去年4月公布了7項措施，以應對內地孕婦持續湧港分娩的問題。然而，當局早前公布去年全年共有1 656名內地孕婦未經預約直接衝入急症室分娩，較前年急升逾1倍，不少孕婦更是在中介公司職員陪同下到達急症室分娩。行政長官在上月出席本會的答問會時表示，將會推出4項新措施堅決打擊內地孕婦“闖關”入境的情況(包括與內地政府合作打擊協助運送她們入境的中介公司、加強在入境管制站截查非本地孕婦、加強取締無牌經營旅館，以及檢討非本地孕婦在急症室分娩的收費)。就此，政府可否告知本會：

- (一) 行政長官提及的4項新措施的落實細節(包括負責的政府部門、落實的時間、涉及的額外人手和資源)分別為何；如何評估這些新措施對打擊內地孕婦來港分娩的成效；
- (二) 去年，本港政府有何執法行動打擊上述中介公司在港的非法活動，當中涉及多少宗檢控個案及相關的判罰為何；及
- (三) 何時會就上述於去年4月公布的7項措施進行全面檢討，以及有關詳情為何；預計何時會公布明年內地孕婦來港分娩的配額；會否考慮透過大幅削減配額顯示政府打擊內地孕婦來港分娩的決心？

Review of the measures to combat pregnant mainland women
giving birth in Hong Kong

(2) Hon CHAN Hak-kan (Oral reply)

The Food and Health Bureau announced seven measures in April last year to tackle the problem of continuing influx of pregnant mainland women giving birth in Hong Kong. Yet the authorities announced earlier that the total number of pregnant mainland women rushing directly to the accident and emergency (“A&E”) departments for delivery without appointment was 1 656 in the whole year last year, which surged by more than twice the number in the previous year, and quite a number of pregnant women were accompanied to A&E departments by the staff of agents. The Chief Executive (“CE”) indicated at the Question and Answer Session of this Council last month that four new measures to rigorously combat pregnant mainland women crossing the border to enter Hong Kong will be introduced, including working with the mainland government to combat agents and vehicles bringing such women to Hong Kong, stepping up efforts to intercept non-local pregnant women at immigration control points, enhancing enforcement against unlicensed guesthouses, and reviewing the fee for non-local pregnant women giving birth at A&E departments. In this connection, will the Government inform this Council:

- (a) of the respective implementation details of the four new measures mentioned by CE, including the government department responsible for the implementation, implementation timetable, and additional manpower and resources involved; how it will assess the effectiveness of these new

measures in combating pregnant mainland women giving birth in Hong Kong;

- (b) of the enforcement actions taken by the Hong Kong Government to combat the illegal activities of the aforesaid agents in Hong Kong last year, and the number of cases in which prosecutions were instituted, as well as the penalties imposed; and
- (c) when it will carry out a comprehensive review on the aforesaid seven measures announced in April last year, together with the relevant details; when it expects to announce the quotas for pregnant mainland women giving birth in Hong Kong in the coming year; and whether it will consider substantially reducing the quotas to demonstrate the Government's determination to combat pregnant mainland women giving birth in Hong Kong?

鐵路事故應變方案及應對措施

(3) 梁劉柔芬議員 (口頭答覆)

運輸署的資料顯示，鐵路運輸是本港重要的交通系統，每日載客量達390萬人次，佔公共運輸總載客量約百分之37。2011年12月，新加坡地鐵發生24年來最嚴重故障，列車服務停頓逾5小時，受影響乘客數以10萬計。就此，政府可否告知本會：

- (一) 是否知悉，香港鐵路有限公司(下稱“港鐵公司”)有否分級機制應付不同類形及嚴重程度的鐵路故障；若有，分級應變方案的詳情為何；若否，港鐵公司的應變方案詳情為何；在甚麼情況下，當局才會介入處理鐵路事故；及
- (二) 政府有否應變方案，處理本港發生可引致鐵路系統全線癱瘓，不能在短期內恢復運作的重大事故(例如停電、恐怖襲擊及天災等)；若有，政府應變方案的具體詳情(包括如何在短時間內通報公眾、疏散港鐵列車及車站內的乘客、協調路面交通以應付近百萬人次的人流量，以及確保緊急救護服務不會受影響等)為何；若否，相關政府部門及港鐵會否盡快共同制訂聯合應變措施；政府可否加強宣傳鐵路事故的應變方案，並將資料公開，方便公眾查閱？

Contingency plans and response measures for railway incidents

(3) Hon Mrs Sophie LEUNG LAU Yau-fun (Oral reply)

The data from the Transport Department indicate that railway transport is a vital transport system in Hong Kong with 3.9 million passenger trips per day, which account for about 37% of all trips made on public transport each day. In December 2011, the underground railway in Singapore experienced the most serious disruption in 24 years, which resulted in a suspension of train services for more than five hours and affected hundreds of thousands of passengers. In this connection, will the Government inform this Council:

- (a) whether it knows if the MTR Corporation Limited (“MTRCL”) has a graded mechanism in place to deal with railway disruptions of different types and different levels of seriousness; if it has, of the details of the graded contingency plan; if not, of the details of the contingency plan of MTRCL; under what circumstances the authorities will intervene in handling a railway incident; and
- (b) whether the Government has any contingency plan to deal with major incidents occurring in Hong Kong (e.g. power outages, terrorist attacks and natural disasters, etc.) which may paralyse the whole railway system and render it impossible to resume operation within a short time; if it has, of the specific details of its contingency plan (including, within a short time, how to notify the public of the incident, evacuate passengers from the MTR trains and stations, coordinate road traffic to deal with a passenger

flow of nearly 1 million passenger trips, and ensure that emergency ambulance services are not affected, etc.); if not, whether the relevant government departments and MTRCL will work together as soon as possible to formulate joint contingency measures; whether the Government will step up publicity on the contingency plan for railway incidents, and publish the information to facilitate public perusal?

內地和香港關於對所得避免雙重徵稅和
防止偷漏稅的安排

(4) 劉健儀議員 (口頭答覆)

自內地與香港於2006年8月21日簽署《內地和香港特別行政區關於對所得避免雙重徵稅和防止偷漏稅的安排》(下稱“《安排》”)後，不少在某課稅年度內在內地工作和停留超過183天的香港居民，雖然已在內地繳交其所得稅，但同時因在港停留超過60天及有從事受僱活動而須繳納港稅，受到雙重徵稅之苦。就此，政府可否告知本會：

- (一) 是否知悉，自2006年簽訂《安排》至今，每年在內地的香港居民於珠江三角洲地區內及外工作的人數分別為何，以及他們平均每年在內地工作的日數為何；
- (二) 有否統計現時在同一課稅年度，須繳納內地及香港雙重稅款的港人數目及所屬行業；如有，詳情為何；如否，會否進行相關的調查；及
- (三) 自簽訂《安排》後，特區政府和內地當局有否商討簡化183天的計算方法以作出改善(例如不將非工作天、週末及內地公眾假期納入停留日數)；如有，磋商結果為何；如沒有，原因為何；特區政府會否主動提出簡化方案？

Arrangement between the Mainland and Hong Kong for
avoidance of double taxation and prevention of fiscal evasion
with respect to income taxes

(4) Hon Miriam LAU Kin-ye (Oral reply)

Since the signing of the “Arrangement between the Mainland of China and the Hong Kong Special Administrative Region for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income” (“the Arrangement”) by the Mainland and Hong Kong on 21 August 2006, quite a number of Hong Kong residents who work and stay on the Mainland for more than 183 days during a year of assessment, though having paid their income tax on the Mainland, have to pay taxes in Hong Kong as they also stay for more than 60 days and exercise employment in Hong Kong, thereby suffer under double taxation. In this connection, will the Government inform this Council:

- (a) whether it knows the respective numbers of Hong Kong residents on the Mainland working inside and outside the Pearl River Delta region each year since the Arrangement was signed in 2006, and their average number of working days on the Mainland each year;
- (b) whether it has compiled statistics on the current number of Hong Kong people who have to pay taxes both on the Mainland and in Hong Kong for the same year of assessment and the industries to which they belong; if it has, of the details; if not, whether it will conduct relevant surveys; and
- (c) since the signing of the Arrangement, whether the SAR Government and the mainland

authorities have discussed simplifying the method of calculating the 183 days for improvement (e.g. excluding non-working days, weekends and public holidays of the Mainland from the length of stay); if they have, of the outcome of such discussion; if not, the reasons for that; whether the SAR Government will take the initiative to put forward any proposal for simplification?

為及早診斷癌症而進行的預防健康檢查

(5) 陳健波議員 (口頭答覆)

本港的癌症新個案自2000年起的10年間暴增約百分之22，但作為診斷癌症和評估癌症分期的重要工具的放射診斷造影在本港進行的宗數卻遠低於其他地方。美國哥倫比亞大學的研究顯示，癌症造影技術的突破令美國10年間因癌症死亡的人數降低4成。根據醫院管理局(下稱“醫管局”)的數字和按使用公私營醫療服務的人口比例約為9比1推算，2010-2011年度，本港平均每千人口約進行18.3宗磁力共振掃描，遠低於大部分經濟合作與發展組織(下稱“經合組織”)成員國於2009的數字(例如冰島的75.5宗、法國的55.2宗及加拿大的43宗)兩倍至4倍。而該年度進行的電腦斷層掃描平均為每千人口約77.5宗，亦同樣遠低於冰島的156.2宗、法國的138.7宗及加拿大的125.4宗。就此，政府可否告知本會：

- (一) 鑒於香港的癌症新個案於近年大幅增加，而2010-2011年度在醫管局轄下醫院進行的磁力共振掃描及電腦斷層掃描的宗數已分別比5年前增加了約5分之1及3分之1，為何該等數字仍遠落後於上述國家；
- (二) 鑒於經合組織的資料顯示，於2010年希臘每百萬人口有22.6部磁力共振掃描機，澳洲每百萬人口有42.5部電腦斷層掃描機，是否知悉，現時全港每百萬人口分別有多少部磁力共振掃描機及電腦斷層掃描機；鑒於根據報道，去年屯門醫院承認，有非急症病人需要輪候8年才獲得磁力共振掃描服務，這是否因為器材或人手不足；及

(三) 鑒於上述癌症新個案的升幅當中，45歲至64歲及65歲或以上兩個年齡組別的升幅分別達百分之44及17，當局有否提出針對性措施改善這兩個組別的患癌風險；另外，根據美國癌症協會的數字，香港自2005年起的癌症新個案的5年升幅約為美國的兩倍，當局有否分析香港及其他地方的癌症個案數字及近年的趨勢，深入比較環境、生活習慣及基因的差異以找出本港的升幅高於外地的原因，並從宏觀政策層面上減低癌症的發生率？

Preventive health screening for early detection of cancer

(5) Hon CHAN Kin-por (Oral reply)

While the number of new cancer cases in Hong Kong surged by about 22% in the decade since 2000, the number of radiological imaging scan, which is a crucial tool for diagnosing cancer and assessment of cancer stages, performed in Hong Kong was much lower than those in other places. Studies conducted by the Columbia University of the United States (“US”) reveal that the breakthrough in cancer imaging technologies resulted in a drop in the number of cancer-related deaths in US by 40% in a period of 10 years. Based on the figures of the Hospital Authority (“HA”) and the ratio of around nine to one for the number of people using public medical services to those using private medical services, it is projected that in 2010-2011, the average number of Magnetic Resonance Imaging (“MRI”) scans performed in Hong Kong per 1 000 population was about 18.3, which was two to four times lower than those in most member countries of the Organization for Economic Co-operation and Development (“OECD”) in 2009 (e.g. 75.5 in Iceland, 55.2 in France and 43 in Canada). Similarly, the average number of Computed Tomography (“CT”) scans performed in that year was about 77.5 per 1 000 population, which was much lower than the numbers of 156.2 in Iceland, 138.7 in France and 125.4 in Canada. In this connection, will the Government inform this Council:

- (a) given the significant increase in new cancer cases in Hong Kong in recent years, and that compared to the numbers five years ago, the numbers of MRI and CT scans performed in 2010-2011 at the hospitals under HA had already increased by about one-fifth and

one-third respectively, why such numbers still lagged far behind those in the aforesaid countries;

- (b) given that according to the information of OECD, in 2010, there were 22.6 MRI machines per one million population in Greece and 42.5 CT machines per one million population in Australia, whether it knows the respective numbers of MRI and CT machines per one million population in Hong Kong at present; as it has been reported that last year, Tuen Mun Hospital admitted that some non-urgent patients had to wait for eight years before they could use the MRI scanning service, whether this was caused by insufficient equipment or manpower; and
- (c) given that of the aforesaid rate of increase in new cancer cases, the rate of increase in the two age groups of 45 to 64 and 65 or above was 44% and 17% respectively, whether the authorities have put forward any targeted measure to reduce the cancer risks of people in these two age groups; in addition, given that according to the statistics of the American Cancer Society, the rate of increase in the number of new cancer cases in Hong Kong in the five years since 2005 almost doubled the corresponding rate of increase in US, whether the authorities have analyzed the numbers and recent trends of cancer cases in Hong Kong and in other places, and compared in depth the environmental, lifestyle and genetic differences so as to identify the causes of the higher rate of increase in Hong Kong as compared to other places, and reduce

the incidence of cancers at the macro policy level?

推行五天工作周

(6) 潘佩璆議員 (口頭答覆)

政府於2006年起分階段在政府部門推行五天工作周，以減輕員工的工作壓力及提高他們的家庭生活質素，並在社會上推廣五天工作周的信息。然而，有前線及需輪班工作的公務員向本人反映，五天工作周推行5年多，但他們任職的部門卻依然未有任何計劃安排他們按五天工作周模式上班。就此，政府可否告知本會：

- (一) 現時並非按五天工作周模式上班的政府僱員(包括公務員、非公務員合約僱員、外判服務合約聘用的僱員及中介公司僱員)的人數，以及該數目佔整體政府僱員人數的百分比為何，並按分屬總薪級表的高層、中層及低層薪金級別或同等薪金級別列出僱員數目及百分比；
- (二) 現時各政府部門中，仍有多少個職系的僱員未按五天工作周模式上班；公務員事務局及該等僱員的所屬部門過去有否進行研究及與員工磋商，以尋求可行方法(例如輪流當值的模式)，令所有政府僱員最終皆可按五天工作周上班；若有，研究及磋商的進展及結果為何；若否，當局會否盡快全面進行研究及磋商工作；及
- (三) 當局自2007年以來，有否就政府資助的公營機構推行五天工作周的情況進行調查及研究；若有，調查結果為何；若否，原因為何；當局未來會否重新考慮推出政策以在政府資助的公營機構實施五天工作周，協助更多僱員平衡工作與家庭的責任；若會，詳情為何；若否，

政府有何具體措施鼓勵公營機構響應其呼籲，自行為員工安排五天工作周？

Implementation of a five-day work week

(6) Dr Hon PAN Pey-chyou (Oral reply)

The Government has implemented five-day work week in phases since 2006 to reduce the work pressure of staff and to improve the quality of their family life, and it has also promoted the message of a five-day work week in the community since then. Yet some frontline civil servants and those who have to work shifts have reflected to me that while the five-day work week has been implemented for more than five years, the departments they serve still do not have any plan to arrange them to follow a five-day week work mode. In this connection, will the Government inform this Council:

- (a) of the number of government employees (including civil servants, non-civil service contract staff, those employed under outsourced service contracts and agency workers) who are not on a five-day week work mode at present, and the percentage of such number in the total number of government employees, together with a breakdown of the staff number and percentage by upper, middle and lower salary band on the Master Pay Scale or equivalent salary band;
- (b) in various government departments, of the number of grades of which the employees are still not on a five-day week work mode at present; whether the Civil Service Bureau and the departments to which such employees belong had conducted any study or consulted the staff in the past to explore possible ways (e.g. a rotational duty roster) to enable all government employees to ultimately follow a five-day week

work mode; if they had, of the progress and outcome of the study and consultation; if not, whether the authorities will comprehensively conduct study and consultation as soon as possible; and

- (c) whether the authorities have since 2007 conducted any survey and study on the implementation of a five-day work week in government-funded public organizations; if they have, of the findings of the survey; if not, the reasons for that; whether the authorities will consider afresh the introduction of policies on implementing a five-day work week in government-funded public organizations in the future, to assist more employees in maintaining a balance between work and family responsibilities; if they will, of the details; if not, what specific measures the Government has in place to encourage public organizations to respond to its appeal and arrange a five-day work week for their employees on their own initiative?

電子化公共參與和電子政府在香港的發展

(7) 譚偉豪議員 (書面答覆)

關於電子化公共參與和電子政府，政府可否告知本會：

- (一) 鑒於“網絡問政”已成趨勢，當局如何透過信息和通信技術，利用互聯網上的社交媒體網站等工具，加強與市民(尤其是年輕人)溝通；
- (二) 有否借鑒外地或鄰近城市的先進經驗(例如透過網路2.0等技術增加管治的透明度)，建立更開放及容許更多市民參與的電子政府和電子社區；
- (三) 鑒於政府於去年3月推出一項為期18個月的試驗計劃，透過“資料一線通”提供公共設施的地理參考數據和主要道路的實時交通資料，現時該服務的使用情況為何；何時會進行檢討；會否考慮開放更多公共資料供市場開發和使用；若會，詳情為何；若否，原因為何；及
- (四) 當局會如何加強使用移動通訊渠道，提高服務質量；現時已提供流動版本的政府服務為何，會否考慮為更多政府服務提供流動版本？

Development of e-citizen engagement and e-government in
Hong Kong

(7) Dr Hon Samson TAM Wai-ho (Written reply)

Regarding e-citizen engagement and e-government, will the Government inform this Council:

- (a) given that “politics on the Internet” has become a trend, how the authorities, through information and communication technology, make use of tools on the Internet such as social media web sites, etc. to enhance communication with members of the public, in particular young people;
- (b) whether it has made reference to the advance experience of overseas or neighbouring cities (e.g. increasing the transparency of governance by means of technologies such as Web 2.0, etc.) to build a more open e-government and e-community which allow more citizen engagement;
- (c) given that the Government launched an 18-month pilot scheme in March last year to make available geo-referenced public facilities data and real time traffic data of major routes at the “Data.One” portal, of the utilization of the service at present; when it will conduct a review; whether it will consider opening up more public sector information for development and use by the market; if it will, of the details; if not, the reasons for that; and
- (d) how the authorities will enhance the use of mobile telecommunication channels to improve service quality; of the government services for

which mobile versions are available at present,
and whether they will consider offering mobile
versions for more government services?

內地購物網站販賣私煙

(8) 黃定光議員 (書面答覆)

據報，有不少商戶涉嫌透過一大型內地購物網站販賣未完稅香煙(“私煙”)；由於這些私煙的售價比已完稅的正貨香煙低6成，以及商戶可於3天內透過速遞公司將私煙運送到買家的住所，所以吸引不少本港年輕人訂購。就此，政府可否告知本會：

- (一) 是否知悉上述網上販賣私煙活動的詳情為何(包括網上出售私煙的運作、每月平均的銷售數量、本港買家的人數和他們主要是甚麼年齡組別的人士等)；若否，原因為何；
- (二) 去年有否檢獲經速遞到港的私煙；若有，檢獲的私煙數量，以及作出檢控的個案宗數為何；及
- (三) 有何措施打擊購物網站售賣私煙給本港市民，以及如何加強打擊速遞私煙的活動？

Sale of illicit cigarettes on a mainland shopping web site

(8) Hon WONG Ting-kwong (Written reply)

It has been reported that quite a number of traders are suspected of selling duty-not-paid cigarettes (“illicit cigarettes”) through a major shopping web site on the Mainland; as the retail price of these illicit cigarettes is 60% lower than that of genuine duty-paid cigarettes, and traders can deliver the illicit cigarettes through courier companies to the buyers’ residences in three days, thus quite a number of young people in Hong Kong are attracted to place orders. In this connection, will the Government inform this Council:

- (a) whether it knows the details of the aforesaid online selling of illicit cigarettes (including the operation of online selling of illicit cigarettes, the monthly average sales volume, the number of local buyers and their main age groups, etc.); if not, of the reasons for that;
- (b) whether it had seized any illicit cigarettes smuggled to Hong Kong through courier service last year; if it had, of the quantity of illicit cigarettes seized, and the number of cases in which prosecutions were instituted; and
- (c) what measures are in place to combat shopping web sites selling illicit cigarettes to Hong Kong people, and how enforcement will be stepped up to combat the smuggling of illicit cigarettes by couriers?

法庭傳譯員的服務

(9) 何鍾泰議員 (書面答覆)

去年，因為法庭傳譯員傳譯出錯，一宗已定罪的兇殺案須要重審。關於法庭傳譯服務，政府可否告知本會：

- (一) 法庭傳譯員入職所需的資歷及通過的考核為何；這些標準是否同樣適用於傳譯中文及英文以外的語言或粵語以外的方言的傳譯員；
- (二) 現時的審訊程序有否保險機制，糾正在審訊過程時未有被即時察覺的傳譯錯誤，防止審訊的公正性受到影響；及
- (三) 如何確保法庭需要傳譯非主流語言或方言的傳譯員但沒有合資格的人選時，審訊過程保持公正？

Services of court interpreters

(9) Ir Dr Hon Raymond HO Chung-tai (Written reply)

Last year, a murder case in which the defendant had been convicted was ordered to be re-tried due to an error in interpretation made by the court interpreter concerned. Regarding court interpretation service, will the Government inform this Council:

- (a) of the entry qualifications and the tests required to be passed for appointment of court interpreters; whether such standards are also applicable to court interpreters in languages other than Chinese and English or dialects other than Cantonese;
- (b) whether a fallback mechanism is in place in the existing trial process to rectify errors in interpretation that are not immediately noted in the trials so as to prevent the impartiality of trials from being prejudiced; and
- (c) how it ensures that when court interpreters in non-mainstream languages or dialects are required in court proceedings but no eligible interpreter is available, the trials are conducted in an impartial manner?

在內地服刑港人的假釋事宜

(10) 陳茂波議員 (書面答覆)

當局於去年5月25日答覆本人有關內地被判囚港人(“被判囚港人”)的質詢時表示，不曾接獲被判囚港人的假釋訴求，亦拒絕透露與內地當局協商互相移交被判刑人士安排的進展。其後，有市民向本人指出，近年內地已就被判囚港人如何獲取假釋訂出要求，而南京的監獄已有首宗在內地被判囚的港澳台人士，成功獲取假釋的案例。就此，政府可否告知本會：

- (一) 是否知悉上述首宗港澳台人士獲假釋的個案詳情(包括假釋條件)；如不知悉，會否主動向內地當局瞭解，掌握更確切的資料以便與內地當局協商互相移交被判刑人士的安排，並盡早達成協議；如否，原因為何；
- (二) 鑒於本人得悉上述的假釋條件中，其中一項是被判囚港人的內地親屬須做擔保，但很多港人沒有直系親屬是內地人士，難以符合有關條件，當局與內地協商的過程中，會否要求檢討該項條件，使有需要的港人能符合假釋條件；
- (三) 當局會否因應內地列出的假釋條件，考慮由相關政策局或政府部門專責處理港人的求助；會否透過特區政府駐內地的辦事處向在內地居住和工作的港人宣傳該等假釋條件，讓他們知悉一旦在內地被判囚，他們享有獲假釋的權利，也讓有需要的港人求助有門；及

(四) 與內地當局商討互相移交被判刑人士安排的最新進展為何，以及有否達成協議的目標時間表？

Parole for Hong Kong people
serving imprisonment sentences on the Mainland

(10) Hon Paul CHAN Mo-po (Written reply)

In reply to my question on 25 May 2011 concerning Hong Kong people serving imprisonment sentences on the Mainland (“imprisoned Hong Kong people”), the authorities indicated that it had not received requests for parole from imprisoned Hong Kong people, and it also refused to disclose the progress of negotiation with the mainland authorities on the mutual arrangement for the transfer of sentenced persons. Some members of the public have since relayed to me that the mainland authorities have in recent years set out the conditions for granting parole to imprisoned Hong Kong people, and in a prison in Nanjing, there was the first case of a person from Hong Kong, Macao or Taiwan serving imprisonment sentence on the Mainland successfully applying for parole. In this connection, will the Government inform this Council:

- (a) whether it knows the details of the aforesaid first case of parole granted to the person from Hong Kong, Macao or Taiwan (including the conditions for granting parole); if it does not know, whether it will take the initiative to enquire with the mainland authorities, so as to obtain more exact information to facilitate its negotiation with the mainland authorities on the mutual arrangement for the transfer of sentenced persons and reach an agreement as early as possible; if it will not, of the reasons for that;
- (b) given that I have learnt that one of the aforesaid conditions for granting parole is that the relatives of the imprisoned Hong Kong people

on the Mainland shall be the guarantors, but quite a number of Hong Kong people can hardly meet this condition as they do not have immediate family members who are mainlanders, whether the authorities will, during the process of negotiation with the mainland authorities, request for a review of that condition, so that those Hong Kong people in need can meet the conditions for granting parole;

- (c) whether the authorities will, in response to the conditions for granting parole set out by the Mainland, consider assigning a relevant policy bureau or government department dedicated to handling the requests for assistance from Hong Kong people; whether they will, through the offices of the SAR Government on the Mainland, inform Hong Kong people who live and work on the Mainland of the conditions for granting parole, so that they are aware of their right to be granted parole if they are sentenced to imprisonment on the Mainland, and the Hong Kong people in need will know where to seek help; and
- (d) of the latest progress of its negotiation with the mainland authorities on the mutual arrangement for the transfer of sentenced persons, and whether there is a target timetable for reaching an agreement?

審批機場禁區通行證申請的程序

(11) 梁國雄議員 (書面答覆)

有一名市民向本人求助，指他成功受聘為機艙服務員，但由於3年前他曾因管有危險藥物而被定罪，其機場禁區通行證(“通行證”)的申請被拒，以致他最終失去該工作機會。該名市民表示根據其瞭解，按照《罪犯自新條例》(第297章)(“《條例》”)，他在觸犯上述罪行後經過3年不曾再被定罪，其刑事紀錄在未經其許可下不會被披露，但因《條例》並不適用於審批通行證申請的程序，以致他失去工作。就此，政府可否告知本會：

- (一) 除上述審批通行證申請的程序外，《條例》還不適用於哪些許可證的審批程序；此外，現時有否渠道告知有關人士《條例》並不適用於該等程序；
- (二) 鑒於本人的辦事處曾向民航處查詢，上述市民何時可以獲發通行證，但民航處卻告知這是政府機密，不能披露，有否評估，這會否對該名市民造成不必要的困擾，並違反《條例》的原意；及
- (三) 政府會否考慮公布審批通行證的明確準則(特別是就“保安審查”所採取的具體準則)，讓準備在相關機構工作的市民有所依據；如會，何時執行；如否，原因為何？

Vetting and approval of applications for Airport Restricted
Area Permits

(11) Hon LEUNG Kwok-hung (Written reply)

A member of the public sought assistance from me, indicating that he was successful in being employed as a flight attendant, but as he was convicted of possession of dangerous drug three years ago, his application for an Airport Restricted Area Permit (“ARAP”) was rejected, thus causing him to eventually lose this job opportunity. The member of the public said that, according to his understanding, as a period of three years has elapsed since his aforesaid conviction and he has not been convicted again, his criminal record shall not be disclosed unless so permitted by him under the Rehabilitation of Offenders Ordinance (“the Ordinance”) (Cap. 297), but as the Ordinance is not applicable to the vetting and approval of applications for ARAP, he lost the job as a result. In this connection, will the Government inform this Council:

- (a) other than the aforesaid vetting and approval procedures of ARAP, what permits the vetting and approval procedures of which are also not covered by the Ordinance; further, whether there is any existing channel to notify the relevant persons that the Ordinance is not applicable to such procedures;
- (b) given that my Member’s Office made an enquiry to the Civil Aviation Department (“CAD”) about the time when an ARAP could be issued to the aforesaid member of the public, but CAD replied that this was an official secret and could not be disclosed, whether the Government has assessed if this will cause any unnecessary distress to that

member of the public, and violate the original intent of the Ordinance; and

- (c) whether the Government will consider publishing an explicit set of criteria for vetting and approving ARAP applications (particularly the specific criteria adopted for “security vetting”), for the reference of those members of the public preparing to work for the relevant organizations; if so, of the implementation timeframe; if not, the reasons for that?

社會福利署員工在工作期間遇襲

(12) 譚耀宗議員 (書面答覆)

據報，近日在屯門兒童及青少年院發生社會工作者(“社工”)遇襲事件，造成兩名女社工受傷，涉事女童被制服後，院方有人示意“息事寧人”，遇襲社工無奈要自行報警。關於處理社會福利署(“社署”)員工遇襲的事宜，政府可否告知本會：

- (一) 過去3年，社署員工在執行公務期間遇襲的次數為何；有多少員工因而受傷，甚至死亡；以及員工受傷的程度為何；
- (二) 當局有否就社署員工遇襲制訂指引及預防措施；如有，詳情為何；如否，理據為何；
- (三) 社署的管理階層一般會否把員工遇襲事件交由警方跟進；如會，過去3年，交由警方跟進的次數為何；警方在調查後作出檢控的宗數為何；如不會交由警方跟進，理據為何；及
- (四) 當局的政策或指引有否鼓勵“息事寧人”，勸阻社署的遇襲員工報警求助；如有，理據為何；如沒有，有否紀律處分勸阻員工報警求助的人；如有紀律處分，有關的宗數及處分方式為何？

Social Welfare Department staff being assaulted while at work

(12) Hon TAM Yiu-chung (Written reply)

It has been reported that an incident of social workers being assaulted occurred recently at the Tuen Mun Children and Juvenile Home (“TMCJH”), and two female social workers were injured, and after the girl involved was brought under control, someone from TMCJH management indicated that action not be taken to avoid trouble, and the social workers being assaulted had no choice but to report the case to the Police on their own. Regarding the handling of assaults on staff members of the Social Welfare Department (“SWD”), will the Government inform this Council:

- (a) of the number of cases in the past three years of SWD staff being assaulted while discharging official duties; the number of staff who were thus injured or even killed; and the degree of the injuries sustained by them;
- (b) whether the authorities have formulated guidelines and preventive measures in respect of assault on SWD staff; if they have, of the details; if not, the justifications for that;
- (c) whether, as a general practice, SWD management refers cases of assault on staff to the Police for follow-up; if it does, of the number of cases referred to the Police for follow-up in the past three years; the number of prosecutions instituted by the Police after investigation; and, if it does not refer cases to the Police for follow-up, the justifications for that; and

- (d) whether the authorities' policies or guidelines encourage not taking action to avoid trouble and dissuade SWD staff being assaulted from reporting to the Police for assistance; if they do, of the justifications for that; if not, whether any disciplinary action has been taken against those who dissuaded staff from reporting to the Police for assistance; if disciplinary actions have been taken, of the number of cases and forms of punishment?

新界鄉郊土地用途檢討

(13) 張學明議員 (書面答覆)

規劃署曾於2001年完成一項“新界北部鄉郊土地用途檢討”(“檢討”)，建議把“住宅(丁類)”地帶的地積比率由0.2倍放寬至0.4倍，以及檢視功能並不符合原定的規劃意向的“農業”地帶和“康樂”地帶，並透過修訂用途分區，澄清有關土地的功能和規劃意向。就此，政府可否告知本會：

- (一) 現時新界區內共有多少土地屬於“住宅(丁類)”及“農業”地帶，當中由政府及私人擁有的土地面積分別為何；
- (二) 當局有否落實檢討中放寬“住宅(丁類)”地帶地積比率的建議；若有，共有多少面積的土地獲放寬；當中政府及私人擁有的土地面積分別為何；若否，原因為何；及
- (三) 完成檢討後，當局共主動檢視了多少面積的“農業”地帶，當中有多少面積的農業用地被改變土地用途(按面積及修改後的土地用途分項列出)？

Review of rural land uses in the New Territories

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

The Planning Department completed the Review of Rural Land Uses in Northern New Territories (the “Review”) in 2001, proposing to relax the plot ratio control of “Residential (Group D)” zone from 0.2 to 0.4 and to examine the “Agriculture” and “Recreation” zones of which the functions are not in line with their respective stated planning intentions, as well as to clarify the functions and planning intentions of these areas through zoning amendment. In this connection, will the Government inform this Council:

- (a) of the total area of land in the New Territories which is zoned as “Residential (Group D)” and “Agriculture” zones at present; and among such area, the respective areas which are Government-owned and privately-owned;
- (b) whether the authorities have implemented the proposal of relaxing the plot ratio control of “Residential (Group D)” zone put forward in the Review; if they have, of the total area of land of which the plot ratio control has been relaxed; and among such area, the respective areas which are Government-owned and privately-owned; if not, the reasons for that; and
- (c) of the total area of “Agriculture” zone which the authorities have proactively examined since the completion of the Review; and among such area, the area of agricultural land of which the use has been changed (with a breakdown by area and amended land use)?

(譯文)

供非華語學童就讀的國際學校學額不足問題

(14) 石禮謙議員 (書面答覆)

據報，一名以英語為母語的英語教師(“外籍英語教師”)在政府的外籍英語教師計劃下於兩年前來港定居，雖曾聯絡超過50間國際及直接資助計劃學校，但因難以為其4歲的非華語兒子覓得以英語為教學語言的幼稚園學位，該名兒童遂在家中接受教育。報道指出，該名外籍英語教師曾接觸的其中一間國際幼稚園表示，該名兒童要在輪候名單上輪候兩至3年才可入讀該幼稚園。報道又指出，香港美國商會對國際學校學額不足的問題已屆“危機點”表示關注，並促請政府成立委員會，確保外國投資者和專業人士的子女得到學校教育。就此，政府可否告知本會：

- (一) 有否評估上述情況是否對該名非華語兒童構成間接歧視；若評估的結果為是，詳情為何；若評估的結果為否，原因為何；政府採取了甚麼措施在學校推廣及宣傳反種族歧視信息，以及有否評估措施的成效；若有，評估的詳情為何；
- (二) 是否知悉過去3年有多少名非華語兒童在家中接受教育，以及為非華語學生提供的國際學校學額總數；有否評估為非華語學生提供的國際學校學額是否不足；若評估的結果為是，政府有否採取任何措施，包括但並不限於就申請政府以批給土地或空置校舍形式的資助的非牟利國際學校，其本地學生所佔的百分比設定限額；若有，詳情為何；若否，原因為何；

- (三) 鑒於政府一直推行外籍英語教師計劃以改善中、小學的英語學習和教授，有否評估來年隨父母來港定居的外籍英語教師的子女的教育需要；若有，詳情為何，包括會否有足夠的國際學校學額以應付他們的教育需要；若學額或會有所不足，有否考慮以任何措施回應他們的教育需要；若有，詳情為何；
- (四) 鑒於有報道指輪候國際學校學額的時間長，政府有否評估此情況會否窒礙外籍英語教師來港任教；若有，評估結果為何；若評估的結果為會，會否檢討現行就透過國際學校提供教育的政策；若會，詳情為何；若否，原因為何；及
- (五) 政府有否考慮可否採用美國商會的建議成立委員會解決國際學校學額不足的問題，以及有關建議是否可行；若有，詳情為何；若否，原因為何？

Shortage of international school places for non-Chinese speaking students

(14) Hon Abraham SHEK Lai-him (Written reply)

It has been reported that a four-year-old non-Chinese speaking (“NCS”) child of a Native-speaking English Teacher (“NET”) who settled in Hong Kong two years ago under the Government’s NET Scheme has been schooled at home as there has been difficulty in finding a school place for the child in a kindergarten that uses English as the medium of instruction, despite efforts in contacting more than 50 international and direct subsidy scheme schools. It has been reported that according to one of the international kindergartens that the NET approached, the child has to wait for two to three years on the waiting list for admission to that kindergarten. It has also been reported that the American Chamber of Commerce in Hong Kong (“AmCham”) has expressed concern that the shortage of international school places has reached a “crisis point”, and it has urged the Government to set up a committee to ensure that schooling would be available for children of foreign investors and professionals. In this connection, will the Government inform this Council:

- (a) whether it has assessed if the aforesaid situation constitutes indirect discrimination against the NCS child; if the assessment result is in the affirmative, of the details; if the assessment result is negative, the reasons for that; of the measures the Government has taken in promoting and publicizing messages against racial discrimination in schools, and whether it has evaluated the effectiveness of the measures; if it has, of the details of the evaluation;

- (b) whether it knows the number of NCS children who were schooled at home, as well as the total number of international school places for NCS students in the past three years; whether it has assessed if there is a shortage of international school places for NCS students; if the assessment result is in the affirmative, whether it has taken any measure including but not limited to setting a limit on the percentage of local students attending non-profit-making international schools applying for government assistance in the form of land grant or vacant school premises; if it has, of the details; if not, the reasons for that;
- (c) given that the NET Scheme has been implemented by the Government in improving English learning and teaching in primary and secondary schools, whether it has evaluated the education needs of the children of NETs, who will settle in Hong Kong with their parents in the coming year; if it has, of the details including whether there will be sufficient number of international school places in accommodating their education needs; if there may not be sufficient school places, whether it has considered any measure to address their education needs; if it has, of the details;
- (d) given that it has been reported that the waiting time for international school places is long, whether the Government has assessed if such a circumstance will discourage NETs to come to Hong Kong to teach; if it has, of the assessment result, and if the assessment result is in the affirmative, whether it will review the current policy of the provision of education by

international schools; if it will, of the details; if not, the reasons for that; and

- (e) whether it has considered the possibility of adopting AmCham's proposal of setting up a committee to address the shortage problem of international school places, as well as the feasibility of such proposal; if it has, of the details; if not, the reasons for that?

特殊學校課程

(15) 陳淑莊議員 (書面答覆)

據報，根據現行制度，由政府資助的中學和小學(包括身體弱能兒童學校)均可以向教育局申請參加“以英語為母語的英語教師”(“外籍英語教師”)計劃，但一間專門錄取智障學生的特殊學校(“智障學童學校”)卻不獲教育局批准參加。有評論指隨着社會和就業環境轉變，智障人士或會投身服務行業，智障學生的特殊教育制度應作出檢討。關於特殊學校的課程政策，政府可否告知本會：

- (一) 現時就讀於政府資助的特殊學校的智障學生數目是多少；是否知悉，當中有多少正在修讀英文科，以及有多少受惠於身體弱能兒童學校內的外籍英語教師服務；
- (二) 鑒於現時部分於特殊學校就讀的智障學生，與主流學校的學生都在同一課程架構下學習，差異僅於學習內容的深入程度和學習的進度，智障兒童學校不能參與外籍英語教師計劃的原因和理據是甚麼；
- (三) 是否知悉，現時任教於特殊學校的外籍英語教師是否已接受特殊教學的培訓；當局會否採取措施，吸引更多受過特殊教學培訓的外籍英語教師來港任教；若會，有關的詳情是甚麼；若不會，原因是甚麼；及
- (四) 鑒於智障學生修讀的課程逐漸與主流學校的課程性質接近，以及智障學生的職業出路與早年不同，當局會否考慮全

面檢討智障學生的課程政策；若會，有關的詳情是甚麼；若不會，原因是甚麼？

Curriculum for special schools

(15) Hon Tanya CHAN (Written reply)

It has been reported that under the current system, government-aided secondary and primary schools (including schools for the physically handicapped) can apply to the Education Bureau (“EDB”) for joining the Native-speaking English Teacher (“NET”) Scheme, but a special school admitting students with intellectual disabilities (“ID”) has been denied participation in the Scheme by EDB. There have been comments that with changes in society and the employment environment, persons with ID might work in the service industry, hence the special education system for students with ID should be reviewed. Regarding the policy on the curriculum for special schools, will the Government inform this Council:

- (a) of the number of students with ID studying in government-aided special schools at present; whether it knows among these students, the number of those who take the subject of English language, and the number of those who benefit from NET services in schools for the physically handicapped;
- (b) given that at present, some students with ID studying in special schools and students in mainstream schools study under the same curriculum framework, and the only difference lies in the depth of content and the progress of learning, of the reason and justification for denying schools for students with ID from participating in NET Scheme;
- (c) whether it knows if NETs who teach in special schools at present have received training in

special education; whether the authorities will take measures to attract more NETs who have received training in special education to teach in Hong Kong; if they will, of the relevant details; if not, the reasons for that; and

- (d) given that the nature of the curriculum for students with ID is increasingly similar to that of the curriculum adopted by mainstream schools, and that the career prospects for students with ID are different from those in earlier years, whether the authorities will consider conducting a comprehensive review of the policy on the curriculum for students with ID; if they will, of the relevant details; if not, the reasons for that?

昂坪360的運作

(16) 林大輝議員 (書面答覆)

昂坪360纜車系統(“昂坪360”)自2006年9月18日啟用以來，各類意外事故頻生及經常停駛，更換管理層後，仍然出現同樣情況。據報，上月25日纜車再次突然停駛，令800名乘客在嚴寒天氣下被困車廂近兩小時。有評論指出，事件反映昂坪360有限公司(“纜車公司”)管理不善，嚴重影響本港的旅遊業聲譽。就此，政府可否告知本會：

- (一) 鑒於纜車公司公布將會就上月25日發生的事故進行詳細的調查，當局會否公開調查報告；如會，何時公開；如否，原因為何；
- (二) 是否知悉，昂坪360自啟用以來，所有停駛事故的發生日期、起因、停駛持續時間、受影響乘客的數目、多少宗事故涉及人為疏忽、當中有否任何人須要負上責任，以及曾接獲各種形式的投訴的數目、類別和結果分別為何，並以表列形式分項列出；
- (三) 鑒於有在上述事故被困的乘客公開向傳媒投訴，指過程中纜車公司沒有透過廣播服務向乘客解釋事故原因，令乘客感到不安，是否知悉，纜車公司有否建立機制，確保在事故發生時與乘客保持良好溝通，能盡快和準確地把相關信息清楚告知乘客，以及纜車公司會否檢討對被困乘客的賠償機制(包括對本地乘客提供多次免費再乘搭優惠，以及為海外和內地旅客提供機票或酒店的賠償)；如有，詳情為何；如否，原因為何；

- (四) 鑒於有投訴指上述事故發生後，纜車公司未有即時停售車票，是否知悉原因為何，以及纜車公司有否設立一套突發事故的應變措施及停駛通知安排，以做好各方面的協調工作；如有，詳情為何；如否，原因為何；
- (五) 是否知悉，纜車公司有否定期檢討及評估昂坪360的日常運作、管理及技術支援，以確保服務達至公眾可以接受的水平；如有，詳情為何；如否，原因為何；
- (六) 是否知悉，纜車公司會否因停駛對所有昂坪市集的商戶作出任何形式的賠償(包括提供“停駛日免租”的優惠)；以及會否因事故頻生而減收車資，或提供不同形式的優惠，以吸引人流，改善昂坪市集商戶的經營情況；
- (七) 有否評估多宗事故對昂坪360的形象、本港的旅遊業及昂坪市集的商戶的影響，及有否設立一套挽救昂坪360形象的方案；
- (八) 是否知悉，纜車公司的董事局會否引入管理層薪酬與事故發生數目掛勾的“可加可減”機制(例如事故頻生，全體管理層須減薪)；如會，詳情為何；如否，原因為何；
- (九) 是否知悉，昂坪360自啟用以來，各項收費的水平、加價的幅度及加價的日期和理由，並以表列形式分項列出；有否評估為何其收費不斷增加，但服務水平一直未有改善；若有評估，原因為何；

- (十) 香港鐵路有限公司或當局有否評估，纜車公司管理層的表現是否達到滿意水平，以及昂坪360的營運出現甚麼情況才會考慮撤換管理層；
- (十一) 鑒於昂坪360曾發生多宗足以危害乘客的生命安全的嚴重事故(包括上述事件和2007年的車廂墮地意外等)，當局有否評估昂坪360是否達到安全標準，以及有關標準與其他地方的纜車的安全標準如何比較；及
- (十二) 是否知悉，纜車公司有否為乘客購買保險，以及當昂坪360發生導致乘客受傷或死亡的意外，纜車公司或相關保險公司會向死傷者作出的賠償的上限為何？

Operation of Ngong Ping 360

(16) Dr Hon LAM Tai-fai (Written reply)

Since the commissioning of the cable car system of Ngong Ping 360 (“Ngong Ping 360”) on 18 September 2006, various kinds of incidents and suspension of services have occurred frequently, and the situation remains the same after its management has been changed. It has been reported that the cable car service was suspended again suddenly on the 25th of last month, causing 800 passengers to be stranded in the cabins for around two hours in extremely cold weather. There have been comments that the incident reflects the poor management of the Ngong Ping 360 Limited (“the Company”) which has seriously affected the reputation of Hong Kong’s tourism industry. In this connection, will the Government inform this Council:

- (a) given that the Company has announced that it would conduct a detailed investigation into the incident which occurred on the 25th of last month, whether the authorities will release the investigation report; if they will, when they will do so; if not, of the reasons for that;
- (b) whether it knows the dates, causes, duration of stoppages and the number of passengers being affected by the service suspension incidents which have occurred since the commissioning of Ngong Ping 360; and among such incidents, the number of those involving negligence and whether any person should be held responsible, as well as the respective numbers, types and results of the complaints received, together with a breakdown in table form;

- (c) given that some of the passengers stranded in the aforesaid incident have openly complained to the media that the passengers were anxious as the Company failed to explain the cause of the incident to them through public announcement during the incident, whether the Government knows if the Company has any mechanism in place to ensure that it can maintain proper communication with the passengers during an incident and inform the passengers clearly and accurately of the relevant details as soon as possible; and whether the Company will review the mechanism for providing compensation to the stranded passengers (including offering multiple free rides on the cable cars again to local passengers and compensation for air tickets or hotel accommodation to overseas and mainland visitors); if so, the details; if not, the reasons for that;
- (d) given that there have been complaints that the Company did not stop the sale of tickets immediately after the occurrence of the aforesaid incident, whether the Government knows the reason for that, and if the Company has put in place a set of contingency measures and notification arrangement for suspension of services in respect of unexpected incidents to facilitate comprehensive and proper coordination; if it has, the details; if not, the reasons for that;
- (e) whether it knows if the Company has conducted regular reviews of and assessments on the daily operation and management of Ngong Ping 360, as well as on the technical support for the system, so as to ensure that its service standard

is acceptable to the public; if it has, the details; if not, the reasons for that;

- (f) whether it knows if the Company will provide any form of compensation for the suspension of services to all shop tenants in the Ngong Ping Village, including the provision of concession in the form of “rent-free day during service suspension”; and whether it will reduce the fares or provide different forms of concessions in view of the frequent occurrence of incidents, so as to attract more visitors and improve the business environment for the shop tenants in the Ngong Ping Village;
- (g) whether it has assessed the impact of the various incidents on the image of Ngong Ping 360, the tourism industry of Hong Kong as well as the shop tenants in the Ngong Ping Village; and whether it has formulated any proposal to restore the image of Ngong Ping 360;
- (h) whether it knows if the Board of the Company will introduce an “adjustment mechanism” to provide for both upward and downward adjustments for the remunerations of the management which are linked with the frequency of incidents (e.g. if incidents occur frequently, the entire management will be subject to pay reduction); if it will, the details concerned; if not, the reasons for that;
- (i) whether it knows the various fare levels, rates of fare increase as well as the dates and justifications for fare increase since the commissioning of Ngong Ping 360, with a breakdown set out in table form; and whether the Government has assessed the reasons for the

continuous lack of improvement in the service standard of Ngong Ping 360 despite the continuous increase in its fares; if it has, of such reasons;

- (j) whether the MTR Corporation Limited or the authorities have assessed if the performance of the management of the Company is satisfactory, and under what situation in the operation of Ngong Ping 360 the authorities will consider changing the management;
- (k) as quite a number of serious incidents which could endanger the safety of the passengers of Ngong Ping 360 (including the aforesaid incident and the cabin dislodgement incident in 2007, etc.) had occurred, whether the authorities have assessed if Ngong Ping 360 complies with the required safety standard; and how its safety standard compares with those of the cable cars in other places; and
- (l) whether it knows if the Company has taken out insurance for the passengers; and the maximum amount of compensation to be paid by the Company or the relevant insurance companies in respect of casualties in incidents resulting in death or injury of the passengers of Ngong Ping 360?

打擊內地孕婦在香港租住非法賓館問題的措施

(17) 謝偉俊議員 (書面答覆)

據報，最近數月有內地孕婦租住廣華醫院附近的私人屋苑單位，以便臨盆之際衝入急症室產子；有關屋苑的物業管理處發現甚至有人帶同10多名內地孕婦入住單位，懷疑有業主或租客經營非法賓館，涉嫌將單位非法日租或“租上租”予內地孕婦。報道又指出，該物業管理處曾多次去信民政事務總署投訴，惟無助解決問題。就此，政府可否告知本會：

- (一) 民政事務總署共多少次接獲上述物業管理處的投訴，以及如何跟進投訴；未能協助解決問題的原因為何；
- (二) 有否估計，現時全港有多少個私人屋苑有單位被用作短期或以“租上租”形式出租予來港產子的內地孕婦，以及涉及多少名內地孕婦；
- (三) 鑒於終審法院就“莊豐源案”裁定不論中國公民是否已在港定居或擁有香港居留權(“居港權”)，他們在港所生的中國籍子女均享有居港權，而現時丈夫及其本人均非香港永久性居民的內地孕婦(“雙非孕婦”)來港產子的問題越來越嚴重，當局對以釋法處理該問題的立場及理據為何；另外，有否評估當局以行政措施打擊“雙非孕婦”來港產子的政策有否實際成效；若評估的結論為有，仍出現上述內地孕婦租住私人屋苑單位以便於臨盆前衝入急症室產子的原因為何；若評估的結論為未能或難以打擊有關個案，有否研究轉以其他方法(例如釋法)，以從根源徹底解決問題；若

有，研究結果為何；若否，原因為何；政府有否計劃定期(例如每3至6個月)評估措施的成效，以及評估本港市民對該等措施的信心，以瞭解民意；若有，計劃為何；若否，原因為何；及

- (四) 鑒於本年1月15日有約千名本港市民(包括孕婦及小童)冒雨遊行，要求政府透過釋法處理“雙非孕婦”來港產子的问题，政府對市民遊行所表達的訴求有何回應？

Measures to combat pregnant mainland women renting and staying in unlicensed guesthouses in Hong Kong

(17) Hon Paul TSE Wai-chun (Written reply)

It has been reported that some pregnant mainland women rent and stay in the units in a private housing estate near Kwong Wah Hospital in recent months, in order to rush to the accident and emergency (“A&E”) department for last-minute delivery; the property management office of the housing estate concerned found that some people even brought with them more than 10 pregnant mainland women to stay in such units, and suspected that some owners or tenants are operating unlicensed guesthouses to lease out units illegally to pregnant mainland women on a daily or “sublease” basis. It has also been reported that the property management office lodged complaints to the Home Affairs Department (“HAD”) in writing many times, but this did not help solve the problem. In this connection, will the Government inform this Council:

- (a) of the total number of complaints received by HAD from the aforesaid property management office, and how HAD followed up the complaints; of the reasons for failing to assist in solving the problem;
- (b) whether it has assessed the current number of private housing estates throughout the territory in which units are leased out on a short-term or “sublease” basis to pregnant mainland women giving birth in Hong Kong, and the number of pregnant mainland women involved;
- (c) given that the Court of Final Appeal handed down the judgment on Chong Fung-yuen’s case that children of Chinese nationality born in

Hong Kong to Chinese nationals have the right of abode (“ROA”) in Hong Kong, irrespective of whether or not their parents have settled or have ROA in Hong Kong, and the problem of those pregnant mainland women whose husbands and they themselves are both not permanent residents of Hong Kong (“doubly non-permanent resident pregnant women”) giving birth in Hong Kong is becoming more and more serious at present, of the authorities’ stance on addressing such problem by seeking interpretation of the Basic Law and the justifications; further, whether it has assessed if the policy of the authorities to combat “doubly non-permanent resident pregnant women” giving birth in Hong Kong through administrative measures has been effective in practice; if the outcome of the assessment is in the affirmative, of the reasons why there are still pregnant mainland women renting and staying in units in a private housing estate in order to rush to A&E department for last-minute delivery as mentioned above; if the outcome of the assessment is that it is impossible or difficult to combat the relevant cases through administrative measures, whether it has studied to completely solve the problem at source through other means, such as interpretation of the Basic Law; if it has, of the outcome of the study; if not, the reasons for that; whether the Government has planned to assess the effectiveness of the measures regularly (e.g. at an interval of every three to six months), and to assess the confidence of the members of the public of Hong Kong in such measures, with a view to

understanding public view; if it has, of the plan; if not, the reasons for that; and

- (d) given that around one thousand members of the public of Hong Kong (including pregnant women and children) staged a march despite the rain on 15 January this year, requesting the Government to deal with the problem of “doubly non-permanent resident pregnant women” giving birth in Hong Kong through interpretation of the Basic Law, of the response of the Government to their aspirations expressed in the march?

本港將引入的新空氣質素指標

(18) 馮檢基議員 (書面答覆)

政府剛在上月17日宣布開展修訂《空氣污染管制條例》(第311章)的工作，以更新現行的空氣質素指標，預計在2012-2013立法年度提交草案，並在2014年正式實施新空氣質素指標(“新指標”)。就此，政府可否告知本會：

- (一) 鑒於當局在2009年年中就更新現行的空氣質素指標進行4個月的公眾諮詢，直到現時才公布結果和決定採納新指標，期間相隔達兩年半之久，原因為何；由現在直到正式提交草案所涉及的實際工作和程序為何；可否加快相關工作，並考慮提前正式實施新指標的日期；另外，可否提早更新現行計算空氣污染指數的方式，或每日同時公布分別按現行的空氣質素指標及新指標計算的空氣污染指數；若否，原因為何；
- (二) 鑒於新指標未有完全採納世界衛生組織(“世衛”)的最終目標(例如二氧化硫平均24小時的指標由每立方米350微克收緊至125微克，但與世衛的最終目標每立方米20微克相距甚遠；可吸入懸浮粒子平均24小時的指標則由每立方米180微克收緊至100微克，與世衛的最終目標每立方米50微克仍有差距；至於新加入的微細懸浮粒子平均24小時及1年的指標分別為每立方米75微克和35微克，與世衛分別為每立方米25微克和10微克的最終目標有明顯差距)，當局未有採納世衛就該等污染物設定的最終目標的具體原因為何(包括是否因本港現時無法就該等污染物達至世衛的最終

目標以及各污染物無法達標的原因);當局會否為最終達至世衛的最終目標訂立時間表;

- (三) 有否評估實施新指標後社會需付出的代價為何;若有,具體詳情為何(包括新指標對未來電費和交通費的具體影響等);預計該等影響何時會在相關的收費和票價上反映出來;當局有否評估這對基層市民的生活有何影響,以及有何措施減輕該等影響;及
- (四) 鑒於政府表明在正式實施新指標前,會致力以建議的新指標,作為尚未開展環境影響評估(“環評”)的政府工程進行環評的基準,當局會否考慮鼓勵和推動其他私人工程,同樣在正式實施新指標前,以建議的新指標進行環評的空氣質素影響評估;若否,原因為何?

The new Air Quality Objectives to be introduced in Hong Kong

(18) Hon Frederick FUNG Kin-kee (Written reply)

The Government announced on 17th of last month that it will commence work on the amendment of the Air Pollution Control Ordinance (Cap. 311) to update the existing Air Quality Objectives (“AQOs”), and it expects to introduce a bill in the 2012-2013 legislative session, and officially implement the new AQOs in 2014. In this connection, will the Government inform this Council:

- (a) given that while the authorities launched a four-month public consultation on updating the existing AQOs in mid-2009, of the reasons why the outcome is only announced until now and the decision of adopting the new AQOs is made after a lapse of as long as two and a half years; of the actual work and procedures to be involved from now on up to the date of formal introduction of the bill; whether it can expedite the related work, and consider advancing the date of official implementation of the new AQOs; in addition, whether it can advance the updating of the existing method of compiling the Air Pollution Index (“API”), or simultaneously release on a daily basis the APIs compiled according to the existing AQOs and the new AQOs respectively; if not, of the reasons for that;
- (b) given that the new AQOs have not fully adopted the ultimate objectives set out by the World Health Organization (“WHO”) (e.g. the average 24-hour AQO for sulphur dioxide will be tightened from 350 µg/m³ to 125 µg/m³, which

is significantly different from WHO's ultimate objective of 20 $\mu\text{g}/\text{m}^3$; the average 24-hour AQO for respirable suspended particulates will be tightened from 180 $\mu\text{g}/\text{m}^3$ to 100 $\mu\text{g}/\text{m}^3$, and a gap still exists between this and WHO's ultimate objective of 50 $\mu\text{g}/\text{m}^3$; regarding the newly added average 24-hour AQO of 75 $\mu\text{g}/\text{m}^3$ and annual AQO of 35 $\mu\text{g}/\text{m}^3$ for fine suspended particulates, an obvious gap exists respectively between the two AQOs and WHO's corresponding ultimate objectives of 25 $\mu\text{g}/\text{m}^3$ and 10 $\mu\text{g}/\text{m}^3$), of the specific reasons for the authorities not adopting WHO's ultimate objectives for such pollutants (including whether it is because it is impossible for Hong Kong to achieve WHO's ultimate objectives for such pollutants at present, together with the reasons why it is impossible to achieve the objectives for various pollutants); whether the authorities will draw up a timetable for achieving WHO's ultimate objectives eventually;

- (c) whether it has assessed the price the community has to pay upon the implementation of the new AQOs; if it has, of the specific details (including the specific impact of the new AQOs on electricity tariffs and travelling expenses in future); of the expected time when such impact will be reflected in the levels of relevant charges and fees; whether the authorities have assessed the impact on the livelihood of the grassroots, and what measures they have in place to alleviate such impact; and
- (d) given that the Government has expressly stated that prior to the official implementation of the new AQOs, it will endeavour to adopt the

proposed new AQOs as the benchmark in conducting environmental impact assessment (“EIA”) for government projects for which EIA has not yet commenced, whether the authorities will consider encouraging and facilitating other private projects to adopt the proposed new AQOs in conducting air quality assessment under EIA as well before the official implementation of the new AQOs; if not, of the reasons for that?

非符合資格人士拖欠醫療費用

(19) 何鍾泰議員 (書面答覆)

本港的公營醫療服務(“醫療服務”)獲政府大幅資助，只有“符合資格人士”，即香港身份證持有人或身為香港居民的11歲以下兒童，才可按獲大幅資助的費用使用醫療服務，其他人士則為“非符合資格人士”。就此，政府可否告知本會，是否知悉：

- (一) 過去5年，“非符合資格人士”獲得醫療服務的數字為何，並按年份及獲得的服務類別(即緊急及非緊急服務)列出分項數字；
- (二) 過去5年，“非符合資格人士”所應支付的醫療服務費用的總額及拖欠的費用總額分別為何，並按年列出分項數字；及
- (三) 醫院管理局向拖欠醫療費用的“非符合資格人士”追收欠款的行動的詳情及成效為何；會否對尚未清還欠款的人士採取進一步的行動，以確保本港的醫療服務不會被濫用？

Default on payment of medical fees by Non-eligible Persons

(19) Ir Dr Hon Raymond HO Chung-tai (Written reply)

The public healthcare services (“healthcare services”) in Hong Kong are heavily subsidized by the Government, and only “Eligible Persons”, i.e. holders of Hong Kong Identity Card or children under 11 years of age who are Hong Kong residents, are entitled to use healthcare services at heavily subsidized rates, whereas other users are “Non-eligible Persons” (“NEPs”). In this connection, will the Government inform this Council whether it knows:

- (a) the numbers of NEPs who received healthcare services in the past five years, with a breakdown by year and type of services received (i.e. emergency and non-emergency services);
- (b) the respective total amounts of medical fees payable by NEPs and the payments in default in the past five years, with a breakdown by year; and
- (c) the details and effectiveness of the actions taken by the Hospital Authority (“HA”) to recover the outstanding medical fees from NEPs who defaulted on payments; whether HA will take further action against those who have not yet settled the outstanding amounts, so as to ensure that there is no abuse of the healthcare services in Hong Kong?

檢討商業登記證徵費率的調整機制

(20) 陳茂波議員 (書面答覆)

破產欠薪保障基金(“破欠基金”)的資金主要來自就每張商業登記證每年徵收的費用。據報，鑒於近年破欠基金持續錄得盈餘，破產欠薪保障基金委員會(“基金委員會”)將會調低商業登記證徵費率(“徵費率”)。關於破欠基金的收入及儲備的用途，政府可否告知本會：

- (一) 自破欠基金成立至今，曾否就徵費率的調整機制進行檢討；若曾進行檢討，何時進行及檢討內容為何，以及有否就徵費率設定上下限；若不曾檢討，有否計劃或規定何時進行檢討；及
- (二) 鑒於根據《破產欠薪保障條例》(第380章)的規定，破欠基金的儲備只可作港元定期存款，如獲得財政司司長事先批准，則可將破欠基金的款項用作基金委員會認為適當的其他投資，自破欠基金成立至今，有否向財政司司長申請並獲得批准將基金的款項用作其他投資；若有，何時作出投資及其回報的詳情為何；若否，原因為何；會否因應社會的經濟情況，檢討現時基金的款項一般只可作港元定期存款的規定，使基金的投資更加靈活，取得更理想的回報？

Review on the adjustment mechanism of the levy rate of
Business Registration Certificate

(20) Hon Paul CHAN Mo-po (Written reply)

The Protection of Wages on Insolvency Fund (“PWIF”) is mainly financed by an annual levy on each Business Registration Certificate (“BRC”). It has been reported that as PWIF has persistently recorded surpluses in recent years, the Protection of Wages on Insolvency Fund Board (“PWIF Board”) will lower the levy rate of BRC. Regarding the income of PWIF and the use of its reserve, will the Government inform this Council:

- (a) whether any review on the adjustment mechanism of the levy rate has been conducted since the establishment of PWIF; if so, when such review was conducted and the details of the review, and whether any upper/lower limit in respect of the levy rate was set; if no review was conducted, whether there is any plan or requirement regarding when such a review will be conducted; and
- (b) given that according to the requirements of the Protection of Wages on Insolvency Ordinance (Cap. 380), the reserve of PWIF may only be deposited on fixed term in Hong Kong dollars, and with the prior approval of the Financial Secretary, its moneys can be invested in such other investments as the PWIF Board thinks fit, whether any application for investing the moneys of PWIF in other investments has been submitted to the Financial Secretary since the establishment of PWIF and obtained approval; if so, when such investments were made and the details of their returns; if not, of the reasons for

that; whether it will, in response to the economic situation in society, review the existing requirement that moneys of PWIF may normally be deposited on fixed term in Hong Kong dollars only, so as to increase flexibility of investments under the fund and yield higher returns?