

立法會
Legislative Council

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**Paper for the House Committee meeting
of 16 December 2011**

**Questions scheduled for the
Legislative Council meeting of 21 December 2011**

Questions by:

- | | | |
|------|--|--------------------------------|
| (1) | Dr Hon PAN Pey-chyou | (Oral reply) |
| (2) | Hon CHIM Pui-chung | (Oral reply) |
| (3) | Hon WONG Yung-kan
<i>(Replacing his previous question)</i> | (Oral reply) (New question) |
| (4) | Hon Cyd HO Sau-lan | (Oral reply) |
| (5) | Hon LEE Cheuk-yan | (Oral reply) |
| (6) | Hon Ronny TONG Ka-wah
<i>(Replacing his previous question)</i> | (Oral reply) (New question) |
| (7) | Hon Alan LEONG Kah-kit | (Written reply) |
| (8) | Hon CHEUNG Man-kwong | (Written reply) |
| (9) | Hon LEE Wing-tat | (Written reply) |
| (10) | Hon WONG Kwok-kin
<i>(Hon James TO Kun-sun has given up the
question slot allocated to him)</i> | (Written reply) (New question) |
| (11) | Hon Tanya CHAN | (Written reply) |
| (12) | Hon CHAN Hak-kan | (Written reply) |
| (13) | Hon KAM Nai-wai | (Written reply) |
| (14) | Dr Hon LAM Tai-fai
<i>(Replacing his previous question)</i> | (Written reply) (New question) |
| (15) | Hon Paul TSE Wai-chun
<i>(Replacing his previous question)</i> | (Written reply) (New question) |
| (16) | Hon Frederick FUNG Kin-kee | (Written reply) |
| (17) | Hon Cyd HO Sau-lan | (Written reply) |
| (18) | Hon Ronny TONG Ka-wah | (Written reply) |
| (19) | Hon Frederick FUNG Kin-kee | (Written reply) |
| (20) | Hon LAU Kong-wah | (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

初稿

含有放射性銫的日本奶粉

(3) 黃容根議員 (口頭答覆)

據報，日本一食品公司早前抽驗其出產的嬰兒奶粉，驗出奶粉中含有放射性物質銫-134及銫-137，該公司決定回收受影響的40萬罐奶粉，本港部分超市即時將該奶粉所有批次下架停售。由於食物安全中心沒有即時澄清該奶粉受影響的批次有否流入本港，家長不知應否即時停用該奶粉。就此，政府可否告知本會：

- (一) 鑒於日本自福島核電廠事故後出現食品受輻射污染的問題，自該事故發生當日至至今，當局對所有日本進口奶粉(包括水貨及行貨)進行了多少宗檢測；檢測結果為何；現時，政府以何種安全標準對日本奶粉進行檢測及安全評估；
- (二) 鑒於有日本奶粉被驗出含有放射性物質，局方會否考慮對所有日本進口食品加強檢驗及抽查，並定期公布食品所含有的輻射量；及
- (三) 當日本進口食品被日本當局驗出含有放射性物質，香港的食物安全中心會否即時獲通報及取得相關檢驗結果；局方有沒有計劃與日本當局就食品安全制訂事故通報機制，以加強雙方的信息互通？

初稿

Japanese infant formulas containing radioactive cesium

(3) Hon WONG Yung-kan (Oral reply)

It has been reported that earlier on, a Japanese food company carried out sample tests on its infant formulas and found that some of them contained radioactive substances, namely cesium-134 and cesium-137, and the company decided to recall 400 000 tins of the affected infant formulas, while some supermarkets in Hong Kong removed all batches of this brand of infant formulas from the shelves and stopped selling them right away. Since the Centre for Food Safety has not immediately clarified whether the affected batches had been imported to Hong Kong, parents do not know whether they should stop feeding their babies with the formulas concerned at once. In this connection, will the Government inform this Council:

- (a) given that the problem of some food products in Japan being contaminated by radioactivity has arisen after the nuclear power plant incident in Fukushima, of the number of tests which have been carried out by the authorities on all infant formulas imported from Japan (including parallel imports and authorized products) since the outbreak of the incident; the test results; the safety standards adopted by the Government at present in the tests and in the safety assessments made on Japanese infant formulas;
- (b) given that some Japanese infant formulas were tested and found to contain radioactive substances, whether the authorities will consider stepping up testing and sample checking on all imported Japanese food

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products and regularly publishing the radioactivity levels of such food products; and

- (c) whether the Centre for Food Safety of Hong Kong will be notified immediately and obtain relevant test results when imported Japanese food products are found by the Japanese authorities to contain radioactive substances; whether the authorities have any plan to set up a reporting mechanism in respect of food safety incidents with the Japanese authorities, so as to enhance the exchange of information between both sides?

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2011年選舉委員會界別分組選舉 出現懷疑“種票”事件及不當情況

(6) 湯家驊議員 (口頭答覆)

據報，2011年選舉委員會界別分組選舉(下稱“選委會界別分組選舉”)出現多宗懷疑“種票”事件及不當情況。例如曾屬某界別的人士，因轉職而不再有資格登記為該界別分組的投票人，仍收到該界別分組的投票通知卡。此外，自動當選的委員中，有漁農界的委員的職業與漁農業務無關。就此，政府可否告知本會：

- (一) 選舉管理委員會在寄出本年選委會界別分組選舉的投票通知卡前，有否根據法例要求核實及更新各界別分組的投票人登記冊；若否，原因為何；若有，核實投票人資格的方法為何，並以表分項列出各界別分組中被取消投票人資格的人數、被取消資格的原因、2006年及本年的選委會界別分組選舉中，各界別分組的投票人人數，以及2006年的人數與本年的人數有何增減；
- (二) 有否評估，職業與漁農業無關的人士當選為該界別分組的委員有否違反選舉法例；若評估後的結論為否，原因為何；及
- (三) 當局有否參考海外例子，研究及檢討如何改善選舉及核查制度，令明年立法會選舉能真正達至公平、開放及廉潔的目標；若有，參考了哪些海外例子，以及其選舉核查制度的詳情為何？

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Suspected vote-rigging and irregularities in the 2011 Election Committee Subsector Elections

(6) Hon Ronny TONG Ka-wah (Oral reply)

It has been reported that there were a number of cases of suspected vote-rigging and irregularities in the 2011 Election Committee Subsector (“ECSS”) Elections. For example, people who used to be members of a subsector continue to receive poll cards of that subsector even though they are no longer eligible to be registered as voters for that subsector after changing jobs. Moreover, among those who were elected uncontested, some members of the agriculture and fisheries subsector are engaged in occupations which are unrelated to the agriculture and fisheries industry. In this connection, will the Government inform this Council:

- (a) whether the Electoral Affairs Commission had verified and updated the registers of ECSS voters in accordance with the requirements in the law before sending out the poll cards for this year’s ECSS Elections; if it had not, of the reasons for that; if it had, the methods employed to verify the eligibility of the voters, together with a table listing the number of voters who were disqualified in each subsectors, the reasons for their disqualification, the number of voters in each subsectors in the ECSS Elections in 2006 and this year, as well as the difference in the number of voters between 2006 and this year;
- (b) whether it has assessed if people engaged in occupations which are unrelated to the agriculture and fisheries industry being elected

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as members of that subsector has contravened electoral law; if the assessment findings are negative, of the reasons for that; and

- (c) whether the authorities have made reference to overseas examples in studying and reviewing ways to improve the electoral and verification systems so as to ensure that the Legislative Council Election to be held next year will really achieve the objectives of fairness, openness and being free from corruption; if they have, of the overseas examples to which they have made reference, and the details of those electoral and verification systems?

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鐵路範圍內的扒竊罪案

(10) 黃國健議員 (書面答覆)

近日有報道指於鐵路範圍內的扒竊罪案數字有上升的趨勢，當中涉及手提電話(“手機”)的扒竊案件更是經常發生，匪徒主要以新式的智能手機為偷竊目標，趁鐵路車站或列車車箱人多擠迫或事主不留神時迅速犯案。就此，政府可否告知本會：

- (一) 過去5年發生於鐵路警區各類罪案的數目，當中被拘捕及被定罪的人士的數目分別為何，並按罪行(扒竊、非禮、店舖盜竊、偷拍、刑事毀壞及傷人等)列出分項數字；
- (二) 第(一)項的扒竊案件中，涉及手機的案件數目為何；
- (三) 根據過去5年的數字，最常發生扒竊案件的5個鐵路站是哪幾個；當局有否在該5個鐵路站加強反罪案行動，以減少罪案；如有，具體措施為何；如否，原因為何；及
- (四) 鑒於近期扒竊智能手機的案件有增加的情況，當局有否特別措施及行動減少有關的罪行發生；如有，具體的措施及行動成果為何；當局會否考慮增加鐵路特遣隊及鐵路警區的人手，以打擊鐵路範圍內的罪行？

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Pickpocketing cases within the railway premises

(10) Hon WONG Kwok-kin (Written reply)

It has been recently reported that there is an upward trend in the number of pickpocketing crimes within the railway premises, and among these cases, pickpocketing cases involving mobile phones happen frequently in which the offenders mainly aim at new smart phones and they steal these smart phones in a swift manner in crowded railway stations or train compartments, or when the victims are inattentive. In this connection, will the Government inform this Council:

- (a) of the numbers of the various types of crimes committed within the Railway Police District in the past five years, and among them, the numbers of persons who were arrested and convicted respectively, together with a breakdown by type of offence (pickpocketing, indecent assault, shop theft, clandestine photo-taking, criminal damage and wounding, etc.);
- (b) among the pickpocketing cases in (a), of the number of cases which involved mobile phones;
- (c) of the five railway stations in which pickpocketing cases happened most frequently according to the figures in the past five years; whether the authorities have stepped up anti-crime actions in these five railway stations so as to reduce crimes; if they have, of the specific measures; if not, the reasons for that; and

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- (d) given the recent increase in pickpocketing cases which involved smart phones, whether the authorities have special measures and actions to reduce such crimes; if they have, of the specific measures and the effectiveness of their actions; whether the authorities will consider strengthening the manpower of the Railway District Task Force Sub-unit and the Railway Police District so as to combat crimes within the railway premises?

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根據《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》評稅

(14) 林大輝議員 (書面答覆)

關於財經事務及庫務局局長(“局長”)於本年12月7日就本人的書面質詢作出的回覆，政府可否告知本會：

- (一) 鑒於局長表示，根據《經合組織稅收協定範本》(“《範本》”)的註釋，計算“身處當地天數”是唯一符合《範本》中受僱入息條文的方法，本港是否一定要依從《範本》的全部內容；如是，原因為何；如否，不完全依從《範本》會否引致任何問題出現；如會，詳情為何；
- (二) 是否知悉，有否稅務管轄區沒有完全依從《範本》中以“身處當地天數”來計算受僱入息的方法；如知悉，有關稅務管轄區的名稱、他們不完全依從的原因，以及他們採用的計算方法為何；如不知悉，會否主動瞭解實情；
- (三) 鑒於局長表示，就邊境通勤人士有特別稅務條款的歐洲國家包括法國、德國、意大利、比利時和瑞士，這些國家都奉行全球入息徵稅準則，局長是否意指奉行全球入息徵稅準則是訂立邊境通勤人士特別稅務條款的前提或條件之一；如是，有何理據支持；如否，局長為何提及此事；
- (四) 鑒於局長表示，稅務局與國家稅務總局均認為，由於可能出現雙重不徵稅的情

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況，因此現階段不宜就邊境通勤人士引入特別稅務條款，在甚麼階段或情況下才適宜就邊境通勤人士引入特別稅務條款；

- (五) 鑒於局長表示，提出豁免課繳香港薪俸稅的所有個案數目在2009-2010課稅年度有6 243宗，在2010-2011課稅年度有10 731宗，有否評估為何該等個案數目於一年間增加72%；如有評估，詳情為何；如沒有評估，會否進行評估；
- (六) 稅務局並沒有就2009-2010課稅年度以前的有關數據及第(五)項的兩個課稅年度的個案所涉及稅款的資料作出統計的原因為何；
- (七) 鑒於局長表示，一般情況下，內地僅就香港居民在內地工作期間取得的薪酬收入徵收所得稅，是否知悉，在甚麼非一般情況下，內地不會僅就香港居民在內地工作期間取得的薪酬收入徵收所得稅；
- (八) 鑒於局長表示，稅務局與國家稅務總局均認為，183天的規定(即內地與香港居民於有關納稅年度開始或終了的任何12個月中，在另一方停留連續或累計超過183天，他們因在該另一方從事受僱活動取得的報酬須在當地課稅)是一項國際準則，行之有效，故此不宜改變，是否知悉，有否其他稅務管轄區不採用183天規定；如知悉，有關稅務管轄區的名稱、他們不採用183天規定的原

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因，以及他們採用的準則為何；如不知悉，會否主動瞭解實情；

- (九) 可否提供稅務局與國家稅務總局在上月召開的年度會議中，有關183天規定或邊境通勤人士特別稅務條款的會議紀錄部分或其他相關資料；如否，原因為何，以及如何可取得該些資料；
- (十) 當局與國家稅務總局進行會議時，雙方或任何一方有否確認兩地在劃分工資薪金所得的來源地的時間標準方面存在差異；如有，詳情為何；如否，原因為何；及
- (十一) 當局與國家稅務總局進行會議時，有否嘗試爭取或探討雙方可採取更加合理的時間標準(實際工作時間)劃分工資薪金所得的來源地；如有，雙方或任何一方有否同意採取此新標準？

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Assessment of taxes under the Arrangement between the Mainland 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

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

Regarding the reply given by the Secretary for Financial Services and the Treasury (“SFST”) to my written question on 7 December this year, will the Government inform this Council:

- (a) given that SFST stated that according to the Commentary of the Organization for Economic Co-operation and Development Model Tax Convention (“the Convention”), the “days of physical presence” method was the only method which was consistent with the wording of the Article on Income from Employment, whether it is mandatory for Hong Kong to fully comply with the Convention; if so, of the reasons; if not, whether any problem will arise if the Convention is not fully complied with; if so, of the details;
- (b) whether it knows if there are tax jurisdictions which do not fully comply with the “days of physical presence” method in the Convention in calculating income from employment; if it does, of the names of such tax jurisdictions, their reasons for not fully complying with such method and the calculating methods they adopt; if it does not, whether it will take the initiative to understand the facts;
- (c) given that SFST stated that European countries which had special tax provisions for frontier

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workers included France, Germany, Italy, Belgium and Switzerland, and that these countries levied tax on a worldwide basis, whether SFST implied that levying tax on a worldwide basis was one of the premises or conditions for introducing special tax provisions for frontier workers; if so, of the justifications; if not, why SFST mentioned it;

- (d) given that SFST stated that both the Inland Revenue Department (“IRD”) and the State Administration of Taxation (“SAT”) considered that as double non-taxation might arise, it was not appropriate to introduce special tax provisions for frontier workers at this stage, at which stage or under what circumstances the introduction of special tax provisions for frontier workers will be considered appropriate;
- (e) given that SFST stated that the total number of claims for exemption of Hong Kong Salaries Tax for the years of assessment 2009-2010 and 2010-2011 was 6 243 and 10 731, whether it has assessed why the number of such claims has increased by 72% in a year; if it has assessed, of the details; if not, whether it will make the assessment;
- (f) of the reasons why IRD did not have the relevant statistics for the years prior to 2009-2010 or the amount of tax involved for the cases of the two years in (e);
- (g) given that SFST stated that generally speaking, the Mainland would only tax Hong Kong residents in respect of their remuneration derived from their work on the Mainland,

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whether it knows under what non-general circumstances the Mainland will tax Hong Kong residents not only in respect of their remuneration derived from their work on the Mainland;

- (h) given that SFST stated that both IRD and SAT considered that the 183-day threshold (i.e. remunerations derived by Mainland and Hong Kong residents from their employment in the Other Side shall be taxed in that Other Side if they are present in the Other Side for a period or periods exceeding in the aggregate 183 days in any 12-month period commencing or ending in the taxable period concerned) should not be changed as it was an international standard which had been effectively applied, whether it knows if there are other tax jurisdictions which do not adopt the 183-day threshold; if it does, of the names of such tax jurisdictions, their reasons for not adopting the 183-day threshold and the standard they adopt; if it does not, whether it will take the initiative to understand the facts;
- (i) regarding the annual meeting held between IRD and SAT last month, whether it can provide an extract of the relevant parts of the minutes of the meeting relating to the 183-day threshold or special tax provisions for frontier workers or other relevant information; if not, of the reasons for that and how such information can be obtained;
- (j) during the meeting between the authorities and SAT, whether both sides or any one side had confirmed that there were discrepancies in the

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time standard adopted by the two places in determining the places in which wages and salaries were derived; if so, of the details; if not, the reasons for that; and

- (k) whether the authorities had, during their meeting with SAT, attempted to fight for or examine the adoption by both sides of a more reasonable time standard (actual working time) to determine the places in which wages and salaries were derived; if so, whether both sides or any one side had agreed to adopt such new standard?

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香港旅客受日本核輻射影響的風險

(15) 謝偉俊議員 (書面答覆)

本人的辦事處近日接到多名將到日本旅遊的人士來電，聲稱曾經到過日本旅遊的親友，回港後經醫療檢查，顯示他們明顯曾受高輻射污染影響。該等人士要求本人協助與旅行代理商商討轉團。就此，政府可否告知本會：

- (一) 福島核輻射洩漏事故(“福島事故”)至今，政府掌握的日本各區被核輻射影響的數據為何；數據的來源為何；有否評估數據資料來源的可靠性；
- (二) 有否理解導致上述旅客健康可能被核輻射污染影響的原因；如有，結果為何；如否，可否深入研究；
- (三) 福島事故至今，每月向政府查詢日本核輻射資料或影響的市民為數多少；
- (四) 鑒於保安局曾指出，每逢旅遊旺季前，該局會評估各個港人外遊熱點的安全程度，局方有否計劃在聖誕、新年及春節假期前，評估日本各縣市適合旅遊或公幹的程度；如有，結果為何；如否，可否立即評估；及
- (五) 是否知悉，旅遊事務署及香港旅遊業議會(“旅議會”)至今收到多少宗因近日日本核輻射事故要求退款、轉團或取消行程的求助個案；該兩個機構對上述尋求轉團安排的旅客，可提供甚麼協助；保安局有否持續監察旅遊事務署及旅議會收到的求助個案的數字，作為調整

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對日本發出的外遊警示的考慮因素？

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Risk of Hong Kong travellers being affected by nuclear radiation in Japan

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

My office has recently received phone calls from a number of persons who are about to visit Japan shortly, saying that their friends and relatives received medical checks after they had visited Japan and returned to Hong Kong, and the results indicated that they had obviously been exposed to high-level radiation contamination. These persons requested me to assist them in negotiating with travel agents to transfer them to other tours. In this connection, will the Government inform this Council:

- (a) of the data obtained by the Government regarding the impact of nuclear radiation on various prefectures in Japan since the nuclear radiation leakage incident at Fukushima (“Fukushima incident”), together with the sources of such data; and whether it has assessed the reliability of the sources of such data;
- (b) whether it has conducted any study to find out the reasons why the health of the aforesaid travellers may have been affected by nuclear radiation contamination; if so, of the results; if not, whether it will conduct any in-depth study in this regard;
- (c) of the respective numbers of members of the public making enquiries to the Government in each month since the Fukushima incident about nuclear radiation in Japan or its impact;

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- (d) given that the Security Bureau has pointed out that the Bureau will assess the safety level of Hong Kong people's favourite travelling destinations before each travelling peak season, whether the Bureau has any plan to assess, prior to the Christmas, New Year and Lunar New Year holidays, the suitability for conducting sightseeing tours or business trips to the various prefectures in Japan; if so, of the results; if not, whether it will conduct the assessments immediately; and
- (e) whether it knows the numbers of assistance-seeking cases that the Tourism Commission and the Travel Industry Council of Hong Kong ("TIC") have received so far which involve requests for refund, tour transfer or tour cancellation arising from the recent nuclear radiation incident in Japan; of the assistance that these two organizations may offer to the aforesaid travellers requesting tour transfer; whether the Security Bureau has continued to monitor the numbers of assistance-seeking cases received by the Tourism Commission and TIC and used such numbers as the factors it refers to when considering adjustment to the Outbound Travel Alert issued for Japan?