

立法會

Legislative Council

立法會CB(3) 287/10-11號文件

2010年12月10日內務委員會會議文件

定於2010年12月15日立法會會議上提出的質詢

提問者：

- | | | | |
|------|----------------------------|--------|--------|
| (1) | 梁美芬議員 | (口頭答覆) | |
| (2) | 陳偉業議員 | (口頭答覆) | |
| (3) | 鄭家富議員 | (口頭答覆) | |
| (4) | 張國柱議員 | (口頭答覆) | |
| (5) | 黃成智議員 | (口頭答覆) | (新的質詢) |
| | <i>(黃毓民議員已放棄編配給他的質詢時段)</i> | | |
| (6) | 謝偉俊議員 | (口頭答覆) | |
| (7) | 梁家傑議員 | (書面答覆) | |
| (8) | 吳靄儀議員 | (書面答覆) | |
| (9) | 葉國謙議員 | (書面答覆) | |
| (10) | 何俊仁議員 | (書面答覆) | |
| (11) | 潘佩璆議員 | (書面答覆) | |
| (12) | 王國興議員 | (書面答覆) | |
| (13) | 陳茂波議員 | (書面答覆) | |
| (14) | 葉偉明議員 | (書面答覆) | |
| (15) | 劉慧卿議員 | (書面答覆) | |
| (16) | 葉劉淑儀議員 | (書面答覆) | |
| (17) | 甘乃威議員 | (書面答覆) | (新的質詢) |
| | <i>(黃成智議員已放棄編配給他的質詢時段)</i> | | |
| (18) | 馮檢基議員 | (書面答覆) | |
| (19) | 劉江華議員 | (書面答覆) | |
| (20) | 石禮謙議員 | (書面答覆) | |

註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

就破壞鄉村風水所作的補償

(5) 黃成智議員 (口頭答覆)

有甲龍村居民以廣深港高速鐵路香港段(下稱“高鐵”)的工程破壞風水為由，向政府申索補償，而政府為了工程能順利開展，並顧及居民的憂慮，正考慮有關要求。關於處理居民聲稱與風水有關的補償申索，政府可否告知本會：

- (一) 就高鐵的工程而言，當局收到居民聲稱與風水有關的每宗索償的詳細聲稱影響及要求為何；當局有否就有關的聲稱影響進行任何評估；若有，結果為何；若沒有，原因為何；哪些申索已獲當局原則上同意跟進，原因為何，相關的公眾諮詢時間表為何；
- (二) 2007年至今，當局共收到多少宗涉及居民聲稱與風水有關的補償申索，並按補償類別(即搬遷墓地津貼、躉符津貼、興建或翻新村公所、興建或修葺牌樓或塔、興建或修葺寺廟、神殿或宗族墓地、興建或翻新避兩亭、興建或擴建道路設施及綠化園景工程和其他)列出分項數字；當中已批准了多少宗和涉及多少款項，如有涉及委聘風水師傅，費用多少；由哪些政府部門支出有關款項；不批准的有多少宗，理由為何；有多少宗仍在處理，以及涉及甚麼類別；及
- (三) 當局考慮居民聲稱與風水有關的補償申索時，有否任何準則及指引，例如會否考慮政府工程帶來的負面影響與

申索要求的關係(包括委聘風水師作出鑒證)、會否就津貼及提供或改善社區設施的工程費用設定上限，及補償工程會否涉及收地；若沒有準則及指引，會否研究設立相關審批制度；若有準則及指引，有否任何指引防止申索人涉及利益衝突；補償工程是否需要進行公開投標、有否限制申索人競投，以及會否設有公眾諮詢程序；若有，程序為何，以及有否指引防止居民借風水為名斂財？

Compensation for disturbance to the fung shui of villages

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

Some residents of Kap Lung Tsuen have lodged claims for compensation with the Government on grounds that the works relating to the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL works”) will disturb the fung shui of the village. To ensure that the works can commence smoothly and to take into account the concerns of the residents, the Government is considering the requests in question. Regarding the handling of claims for compensation which the residents claim to be related to fung shui (“fung shui claims”), will the Government inform this Council:

- (a) of the respective details of the alleged impact and requests of each fung shui claim received by the authorities in respect of XRL works; whether the authorities have assessed the alleged impact; if they have, of the results of their assessment; if not, the reasons for that; which claims the authorities have, in principle, agreed to follow up, of the reasons for that and the related timetable for public consultation;
- (b) of the total number of fung shui claims received by the authorities since 2007, broken down by the type of compensation (i.e. allowance for removal of graves, Tun Fu allowance, construction or refurbishment of village office, construction or repair of Pai Lau or pagoda, construction or repair of temple, worship place or ancestors’ grave, construction or refurbishment of rain shelter, construction or widening of road facility as well as landscaping works and others); and among them, of the number of claims that had been approved, the total amount of money involved and, if fung

shui masters had been appointed, the amount of consultation fees involved; which government departments were responsible for making the payments; the number of claims that had been rejected and the reasons for rejection; the number of claims that are being processed and the types of compensation involved; and

- (c) whether any criteria and guidelines are in place for the authorities to consider fung shui claims lodged by residents, e.g. whether they will take into account the relationship between the adverse impact brought about by the public works and the claim (including appointing fung shui masters to verify the claim), whether the relevant allowances and the costs for the works involved in the provision of or improvement to community facilities will be capped, as well as whether land resumption will be involved in undertaking the compensatory works; if there are no criteria and guidelines, whether the authorities will examine the establishment of a system for vetting and approving such claims; if there are criteria and guidelines, whether there are any guidelines to prevent the claimants from having conflict of interest; whether it is necessary to conduct open tenders for the compensatory works; whether claimants are restricted from bidding for the works, and whether there will be a public consultation process; if there will be such a process, of the details, and whether there are guidelines to prevent the residents concerned from swindling money in the name of fung shui?

更改住宅單位用途

(17) 甘乃威議員 (書面答覆)

關於將私人住宅單位改作其他用途的情況，政府可否告知本會：

- (一) 是否知悉現時有多少舊式私人住宅單位被業主自行改作與佔用許可證(俗稱入伙紙)中指明用途不同的用途(例如將住宅單位改作小型商舖)，涉及違反入伙紙規定，以至違反政府土地契約中有關土地用途的條款；
- (二) 過去5年，當局有否接獲有關上述情況的投訴及查詢；如有，按區議會分區劃分，每年接獲多少宗投訴及查詢；
- (三) 過去5年，當局有否於其巡查時發現上述情況；若有，按區議會劃分，每年發現多少宗個案；
- (四) 當局得知私人住宅單位用作違反入伙紙或政府土地契約規定的用途後，會如何跟進及處理；及
- (五) 過去5年，就違反入伙紙或政府土地契約規定用途的個案，當局有否根據《建築物條例》(第123章)第25(2)條作出書面命令，禁止及中止有關情況；若有，按區議會分區劃分，每年作出多少封書面命令；若沒有，當局不作出該等書面命令時所考慮的因素為何？

Change in the use of residential units

(17) Hon KAM Nai-wai (Written Reply)

Regarding the conversion of private residential units for other uses, will the Government inform this Council:

- (a) whether it knows the number of old-type private residential units which have been converted by their owners for uses different from those specified in their occupation permits (“OP”) (e.g. converting their residential units into small shops), which are in breach of the terms and conditions of OPs and even the land use conditions in government leases;
- (b) whether the authorities had received complaints and enquiries about the aforesaid situation in the past five years; if they had, of the respective numbers of such complaints and enquiries received in each year, together with a breakdown by District Council (“DC”) district;
- (c) whether the authorities had uncovered the aforesaid situations during inspections in the past five years; if they had, of the number of such cases uncovered in each year, together with a breakdown by DC district;
- (d) how the authorities follow up and handle such cases when they are aware that private residential units have been used for purposes in breach of the prescribed uses in OPs or government leases; and
- (e) regarding cases in breach of the prescribed uses in OPs or government leases, whether the authorities had made orders in writing in the past five years according to section 25(2) of the Buildings Ordinance (Cap. 123) to prohibit or

discontinue such situations; if they had, of the number of orders in writing made in each year, together with a breakdown by DC district; if not, of the factors considered by the authorities in deciding not to make such orders in writing?