

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting  
on 5 November 2010**

**Questions scheduled for the  
Legislative Council meeting on 10 November 2010**

Questions by:

- |      |                               |                 |
|------|-------------------------------|-----------------|
| (1)  | Hon Miriam LAU Kin-yee        | (Oral reply)    |
| (2)  | Hon Jeffrey LAM Kin-fung      | (Oral reply)    |
| (3)  | Hon James TO Kun-sun          | (Oral reply)    |
| (4)  | Hon LEUNG Kwok-hung           | (Oral reply)    |
| (5)  | Hon KAM Nai-wai               | (Oral reply)    |
| (6)  | Hon WONG Yuk-man              | (Oral reply)    |
| (7)  | Hon LAU Wong-fat              | (Written reply) |
| (8)  | Hon Fred LI Wah-ming          | (Written reply) |
| (9)  | Hon Paul CHAN Mo-po           | (Written reply) |
| (10) | Hon WONG Kwok-kin             | (Written reply) |
| (11) | Hon LEE Wing-tat              | (Written reply) |
| (12) | Hon CHEUNG Hok-ming           | (Written reply) |
| (13) | Hon Audrey EU Yuet-mee        | (Written reply) |
| (14) | Hon LAU Kong-wah              | (Written reply) |
| (15) | Hon Mrs Regina IP LAU Suk-yee | (Written reply) |
| (16) | Hon CHAN Hak-kan              | (Written reply) |
| (17) | Dr Hon David LI Kwok-po       | (Written reply) |
| (18) | Hon Emily LAU Wai-hing        | (Written reply) |
| (19) | Hon WONG Ting-kwong           | (Written reply) |
| (20) | Hon Abraham SHEK Lai-him      | (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

## 裝設護欄

### # (1) 劉健儀議員 (口頭答覆)

香港國際機場上月發生驚險車禍，一輛旅遊巴士從機場客運大樓旁的行車天橋駛往地面時失控，撞開護欄從16米高的天橋墮下，並壓毀兩部的士，猶幸未有造成重大傷亡。有工程師形容肇事地點的護欄相當單薄，僅能抵受私家車撞擊，事件遂引起公眾對本港行車橋樑及高速公路護欄安全的關注。就此，政府可否告知本會：

- (一) 上述肇事路段護欄的防撞等級，包括高度、材料及可抵受的不同類別車輛(例如私家車及巴士)撞擊力度等資料；
- (二) 現時全港有哪些主要行車橋樑及高速公路採用上述類別的護欄，以及該等路段的總長度為何；及
- (三) 鑒於2003年屯門公路雙層巴士墮坡的慘劇發生後，屯門公路交通事故獨立專家小組(下稱“專家小組”)羅列39個優先需要提升護欄防撞等級的地點，至今該等改善工程的進度為何；鑒於專家小組的報告亦建議當局應繼續留意複式防撞等級的護欄(同時能阻擋輕型及重型車輛的護欄)在世界各地的最新發展，並設計適用於香港的護欄，當局有否就此研究出新款的護欄，以及會否在本港全面使用該等護欄；如有研究，詳情為何；如否，原因為何？

## Provision of parapets

- (1) Hon Miriam LAU Kin-yee (Oral Reply)

Last month, a frightening traffic accident occurred at the Hong Kong International Airport in which a tourist coach travelling along the flyover next to the air passenger terminal building and heading for the carriageway at grade ran out of control and crashed through a parapet; it then fell off the 16-metre-tall bridge and crushed two taxis, and fortunately no severe casualty was caused. An engineer has described that the structure of the parapets at the incident spot is very frail and can merely withstand the impact by private cars. The incident has thus roused public concern about the safety of parapets of vehicular bridges and freeways in Hong Kong. In this connection, will the Government inform this Council:

- (a) of the containment level of the parapets at the road section at which the aforesaid accident occurred, including information such as the height and material of the parapets, as well as the energy of impact by different types of vehicles, such as private cars and buses, that they can withstand;
- (b) of the major vehicular bridges and freeways in Hong Kong which use the aforesaid type of parapet at present, as well as the total length of such road sections; and
- (c) given that following the 2003 tragic incident at Tuen Mun Road where a double-decked bus plunged into a valley, the Tuen Mun Road Traffic Incident Independent Expert Panel (“the Expert Panel”) listed 39 spots which are in priority need for upgrading the containment level of parapets, of the progress of such improvement works to date; given that the Expert Panel’s report has also recommended that the authorities should continue to monitor in the international scene the development of multiple containment parapet, which is capable of retaining both light and heavy vehicles, and develop workable parapet designs for the Hong Kong situation, whether the authorities have developed new models of parapet in this

connection, and whether such parapets will be put to use throughout Hong Kong; if they have, of the details; if not, the reasons for that?

## 發展綜合廢物管理設施

### # (2) 林健鋒議員 (口頭答覆)

根據《都市固體廢物管理政策大綱(2005-2014)》的建議，政府會發展採用先進焚化科技作為核心技術的綜合廢物管理設施，以處理無可避免的固體廢物。據悉，政府對該設施的兩個初步選址(即屯門曾咀及大嶼山以南的石鼓洲)正進行最後的環境影響評估(下稱“環評”)，並將於今年年底公布有關的環評報告。就此，政府可否告知本會：

- (一) 除了政府的環評報告之外，當局會否根據其他原則、標準或新的科技，來決定最終的選址；如果會，詳情如何；如不會，原因是甚麼；當局有否考慮除了上述兩個選址外，新增更多的選址，以為應付固體廢物問題作準備；
- (二) 鑒於政府擬擴建將軍澳堆填區的計劃引起當區居民的關注，在決定綜合廢物管理設施的選址後，當局有否計劃如何諮詢當區居民；若有，諮詢的範圍及時間表為何；及
- (三) 鑒於有報告指出，東京、台北及新加坡以焚化的方式處理的固體廢物量，均佔這些城市所處理的廢物總量五成以上，政府會否參照該比率計劃日後以焚化方式處理的固體廢物的比率；如會，擬議的比率為何，以及落實該計劃的時間表為何？

## Development of Integrated Waste Management Facilities

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

As recommended in “A Policy Framework for the Management of Municipal Solid Waste (2005-2014)”, the Government will develop Integrated Waste Management Facilities (“IWWMF”) with advanced incineration as the core technology for the treatment of unavoidable waste. It has been learnt that the Government is finalizing the environmental impact assessment (“EIA”) studies for the two potential sites identified (i.e. Tsang Tsui in Tuen Mun and Shek Kwu Chau to the south of the Lantau Island) for IWWMF, and will release the EIA reports by the end of this year. In this connection, will the Government inform this Council:

- (a) whether the authorities will adopt other principles, standards or new technologies, apart from the Government’s EIA reports, in determining the final choice of the site; if they will, of the details; if not, the reasons for that; whether the authorities have considered adding more potential sites on top of the above two sites to prepare for tackling the problem of solid waste;
- (b) in view of the concern of local residents arising from the Government’s proposal to extend the landfill in Tseung Kwan O, whether the authorities have planned how to consult the local residents after the site for IWWMF has been selected; if so, of the scope and the timetable of consultation; and
- (c) given that it has been reported that Tokyo, Taipei and Singapore all dispose more than 50% of their solid waste by incineration, whether the Government will make reference to such ratio and plan to dispose a certain ratio of solid waste by incineration; if it will, of the proposed ratio and the timetable for implementing such a plan?

## 有關中信泰富有限公司的事務的調查進展

### # (3) 涂謹申議員 (口頭答覆)

有關中信泰富有限公司(下稱“中信泰富”)槓桿式外匯買賣事件及相關事務的各項調查，至今已進行了2年。就此，政府可否告知本會：

- (一) 是否知悉，自證券及期貨事務監察委員會(下稱“證監會”)完成其調查並把報告交予律政司後，香港聯合交易所上市科如何跟進其對中信泰富進行的紀律調查，讓公眾清楚得悉事件中有關披露股價敏感資料的做法有否違反《上市規則》；
- (二) 警方的調查進展為何、遇到甚麼困難，以及預計需時多久才可完成調查；及
- (三) 鑒於在現有機制下，證監會要等待律政司的法律指引，才可決定是否轉介個案予財政司司長，以便考慮是否交予市場失當行為審裁處進行研訊，而律政司則要等候警方完成調查後才可決定是否提出刑事檢控，並向證監會提出法律指引，當中律政司或證監會有否等候時限，以及律政司在考慮以刑事或民事案件的準則來處理個別市場失當行為個案時，會考慮哪些因素，從而對足以嚴重影響市場的活動作出有效的回應？



Progress of the investigation into the affairs of CITIC Pacific Limited

(3) Hon James TO Kun-sun (Oral Reply)

The various investigations into the leveraged foreign exchange transactions of CITIC Pacific Limited (“CITIC”) and related affairs have hitherto been conducted for two years. In this connection, will the Government inform this Council:

- (a) whether it knows how the Listing Division of the Stock Exchange of Hong Kong has followed up its disciplinary investigations on CITIC, since the Securities and Futures Commission (“SFC”) completed its investigation and submitted its report to the Department of Justice (“DoJ”), so as to make it clear to the public whether the practice in relation to the disclosure of price-sensitive information in the incident has contravened the Listing Rules;
- (b) of the progress of the investigation conducted by the Police, the difficulties encountered, and the estimated time required for completing the investigation; and
- (c) given that under the existing mechanism, SFC has to wait for DoJ’s legal advice before it can decide whether the case should be referred to the Financial Secretary for considering if the case should further be referred to the Market Misconduct Tribunal for instituting proceedings, and DoJ has to wait for the Police to complete their investigation before it can decide whether criminal prosecution should be instituted and provide legal advice to SFC, whether there are time limits for waiting on the part of DoJ or SFC, and what factors DoJ will take into account when considering whether criminal or civil standards should be adopted for handling individual cases involving market misconduct, so as to respond effectively to activities which may have significant impact on the market?

## 香港女童軍總會的運作

### # (4) 梁國雄議員 (口頭答覆)

本人收到投訴，指香港女童軍總會(下稱“女童軍總會”)的現任香港總監的委任違反該會的年齡限制，但該名總監仍能獲身兼會長的行政長官夫人委任。投訴亦指該會的國際事務總監及香港助理總監(新界地域)在本年10月13日特別會員大會上投票反對確認2007年香港總監選舉有效後，遭現任香港總監“秋後算帳”，將於本年12月停止職務。又有投訴指，該會在本年9月15日透過傳媒錯誤地指出，其慈善獎券從未曾有百分之五十回款給隊伍，並向全港女童軍領袖／家長發公開信，企圖掩飾及否認“肥上瘦下”，削減慈善獎券回款，導致各小隊經費不足。就此，政府可否告知本會：

- (一) 鑒於女童軍總會的《會章》或《政策、組織及規則》的條文規定，香港總監不可超過65歲，是否知悉為何現任香港總監於2007年在超齡的情況下仍可參選、當選及獲得委任；鑒於該會的《會章》乃根據法例訂立，有否評估該會繼續任用該超齡的香港總監是否公然挑戰及違反香港法例；該會會否即時終止任用該總監並向公眾道歉；及民政事務局局長會否就上述“秋後算帳”事件作出跟進，並為一直監管失當而下台；
- (二) 是否知悉女童軍總會會否就錯誤地指出其慈善獎券從未曾有百分之五十回款給隊伍一事立即公開道歉，並即時回復慈善獎券回款比率至百分之五十；若會增加回款比率，何時執行；若否，原因為何；及

(三) 鑒於有投訴指出，女童軍總會一直內定由一些名人及有錢人，甚至一些不會每星期參與小隊集會或訓練的人士擔任總監或副總監，該會會否把出身基層並會參與每星期集會及兼具訓練經驗的副總監晉升為香港總監？

## Operation of the Hong Kong Girl Guides Association

(4) Hon LEUNG Kwok-hung (Oral Reply)

I have received complaints that the appointment of the incumbent Chief Commissioner (“CC”) of the Hong Kong Girl Guides Association (“the Association”) is not in compliance with the age limit of the Association, but she could still be appointed by the wife of the Chief Executive in her capacity as the President of the Association. The complaints also allege that after voting against the proposal to confirm the CC election in 2007 at its extraordinary general meeting on 13 October this year, the International Commissioner and the Assistant Chief Commissioner (New Territories Operation) have been subjected to reprisal by the incumbent CC and their service will cease in December this year. There are also complaints that the Association pointed out mistakenly through the media on 15 September this year that the percentage of raffle refund to its units had never been in the region of 50%, and it also issued an open letter to all Unit Guiders and parents in Hong Kong as an attempt to cover up and deny “fattening the top and thinning the bottom” and cut the raffle refund, resulting in insufficient funding for its units. In this connection, will the Government inform this Council:

- (a) given that it is stipulated in the provisions of the “Constitution” or “Policy, Organization and Rules” of the Association that CC should not be above the age of 65, whether it knows why the incumbent CC could stand in the election and be elected and appointed in 2007 even though she had exceeded the age limit; given that the “Constitution” of the Association was formulated in accordance with the law, whether it has assessed if the Association’s continuous appointment of the overage CC constitutes a blatant challenge to and violation of the laws of Hong Kong; whether the Association will terminate the appointment of the CC immediately and make a public apology; and whether the Secretary for Home Affairs will follow up the aforesaid incident of reprisal and step down for having failed to monitor the Association all along;

- (b) whether it knows if the Association will make a public apology for pointing out mistakenly that the percentage of raffle refund to its units had never been in the region of 50%, and revert the percentage of raffle refund to 50% immediately; if it will increase the percentage of refund, when it will do so; if not, the reasons for that; and
- (c) given that there have been complaints that the Association has all along internally predetermined some celebrities and rich people and even people who will not participate in the patrol assemblies or training each week as CC or Deputy Chief Commissioners (“DCCs”), whether the Association will promote those DCCs who are from the grassroots and participate in the weekly assemblies and possess training experience as CC?

## 增加使用核電

### # (5) 甘乃威議員 (口頭答覆)

環境局在本年9月公布的《香港應對氣候變化策略及行動綱領公眾諮詢文件》及行政長官於本年10月13日發表的施政報告中均建議大幅增加核能在港發電燃料組合所佔的百分比，由2009年的百分之23，增加至2020年的百分之50。就此，政府可否告知本會：

- (一) 過去兩年，當局有否研究及評估核能發電項目及增加輸入核能對本港構成的風險及對安全的威脅；若有，詳情為何；若否，原因為何；鑒於有報道指出，中央政府在廣東省已有多個選址發展核電項目，而深圳其中一條地震斷裂帶已伸延至香港，是否知悉內地當局有否將地震帶伸延至本港的情況納入新核電項目的選址的考慮因素中；若有，詳情為何；若否，原因為何；現時大亞灣核電廠及各個新核電項目的選址的抗震能力為何；
- (二) 當局有否評估上述增加輸入核能至2020年的百分之50對整體發電成本的影響；若有，詳情為何；若否，原因為何；根據現有技術，當局有否評估現時生產核電的鈾元素可持續供應多久；有否瞭解電力公司輸入核電的成本為何，以及對整體電費的影響為何；及
- (三) 當局有否評估因上述增加核能在本港發電燃料組合所佔百分比而衍生的核廢料的數量為何；根據現時香港處理放射性廢料的標準，需否為增加輸入核能而產生的核廢料制訂處理方案，

以及所涉成本為何；有否參考世界各地處理核廢料的方法和經驗；若有，詳情為何；若否，原因為何；是否知悉現時大亞灣核電廠所產生的核廢料的存放位置為何，以及當地處理該等核廢料的條件為何？

## Increase in the use of nuclear energy

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

The Environment Bureau in its public consultation document on “Hong Kong’s Climate Change Strategy and Action Agenda” released in September this year and the Chief Executive in his Policy Address delivered on 13 October this year have both proposed that the share of nuclear power in the fuel mix for power generation in Hong Kong be substantially increased from 23% in 2009 to 50% in 2020. In this connection, will the Government inform this Council:

- (a) whether the authorities had, in the past two years, studied and assessed the risks and the safety hazards that nuclear power generation projects and an increase in the imported nuclear power will pose for Hong Kong; if they had, of the details; if not, the reasons for that; given that it was reported that the Central Government had identified a number of sites in Guangdong Province for developing nuclear power generation projects, and one of the seismic fracture zones in Shenzhen had extended to Hong Kong, whether they know if the mainland authorities have included extension of the seismic zone to Hong Kong as one of the factors for consideration in identifying sites for developing new nuclear power generation projects; if they have, of the details; if not, the reasons for that; of the seismic resistance of the Daya Bay Nuclear Power Station and the selected sites for new nuclear power generation projects at present;
- (b) whether the authorities have assessed the impact of the aforesaid increase in imported nuclear power to 50% in 2020 on the overall costs of power generation; if they have, of the details; if not, the reasons for that; whether the authorities have, given the technology currently available, assessed how long the supply of Uranium, which at present is essential for the production of nuclear power, will last; whether they have looked into the cost of imported nuclear power of power companies and its overall impact on electricity tariff; and



- (c) whether the authorities have assessed the amount of nuclear wastes that will be produced as a result of the aforesaid increase in the share of nuclear power in the fuel mix for power generation in Hong Kong; whether they need to, in accordance with the prevailing standards for handling radioactive wastes in Hong Kong, formulate a plan for handling the nuclear wastes produced due to the increase in the imported nuclear power, and the costs involved; whether they have made reference to the approaches taken by various places in the world and their experiences in handling nuclear wastes; if they have, of the details; if not, the reasons for that; whether it knows the location for storing the nuclear wastes produced by Daya Bay Nuclear Power Station at present, and the conditions for handling these nuclear wastes in Daya Bay?

## 警方對10月1日遊行示威者所採取的行動

### # (6) 黃毓民議員 (口頭答覆)

據報，本年10月1日，社會民主連線與百多名市民遊行至中央人民政府駐香港特別行政區聯絡辦公室(下稱“中聯辦”)外示威，高呼“六四未平反，只有國殤”、“人民未當家，沒有國慶”等口號，要求還政於民及釋放劉曉波等愛國異見人士時，遭警方打壓表達自由及向示威者濫用胡椒噴霧。此外，報道亦指出，示威當日示威者攜帶一副寫上“人民英雄永垂不朽，屠夫政權遺臭萬年”的棺材，其尺寸在拆去承托的竹樑後，不過是1呎乘4呎半，警方以棺材屬“大件物品”及“有可能會影響公眾安全”等理由，阻止示威者攜帶棺材經過中聯辦。就此，政府可否告知本會：

- (一) 警方稱上述棺材屬“大件物品”及“有可能會影響公眾安全”的理據為何；為何在示威者拆去承托棺材的竹樑後，警方仍然拒絕示威者攜帶該棺材經過中聯辦；是否因在棺材上“人民英雄永垂不朽，屠夫政權遺臭萬年”的標語，警方才阻止示威者攜帶該棺材經過中聯辦；
- (二) 鑒於有報道指出，當棺材被警方強行搶走後，示威者曾表示如能按計劃到中聯辦正門抗議，他們即會和平散去，但警方表示“要示威者放下示威物品才可經過中聯辦正門”，警方根據甚麼法例作出上述指示；有否評估警方的做法是否違反《基本法》及《香港人權法案條例》有關保障表達自由的規定；若有評估，結果為何；及
- (三) 鑒於有報道指出，警方在高舉未有填上內容的警告標語一分鐘後，便向上

述示威者濫用胡椒噴霧，傷害到一名  
電視台攝影師、若干名警員及示威  
者，警方使用胡椒噴霧的理據為何？

Actions taken by the Police against protestors in  
the march on 1 October

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

It was reported that when the League of Social Democrats and more than one hundred members of the public marched to the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office") on 1 October this year to stage a demonstration and shouted slogans such as "without vindicating the 4 June incident, there remain only sorrows of our country" and "without letting the people be their own masters, there be no National Day", etc., demanding that political power be returned to the people and patriotic dissidents such as LIU Xiaobo be released, the Police suppressed their freedom of expression and abused the use of pepper spray on the demonstrators. Moreover, it was also reported that the demonstrators carried a coffin with the words "the people's heroes will remain immortal, the butcher regime will be cursed forever" written on it on the day of the demonstration, the size of the coffin was only one foot by four and a half feet after removal of the supporting bamboo beam, and the Police stopped the demonstrators from carrying the coffin to pass by the Liaison Office on grounds that the coffin was a "bulky item" and "may affect public safety", etc. In this connection, will the Government inform this Council:

- (a) of the justifications for the Police to state that the aforesaid coffin was a "bulky item" and "may affect public safety"; why the Police still refused to allow the demonstrators to carry the coffin and pass by the Liaison Office after they had removed the bamboo beam which supported the coffin; whether it was because of the slogan of "the people's heroes will remain immortal, the butcher regime will be cursed forever" on the coffin that the Police stopped the demonstrators from carrying the coffin to pass by the Liaison Office;
- (b) given that it was reported that after the coffin was forcefully taken away by the Police, the demonstrators had indicated that they would peacefully disperse if they could protest at the front

gate of the Liaison Office as planned, but the Police indicated that “the demonstration items have to be put down before the demonstrators can pass by the front gate of the Liaison Office”, on which legislation the Police have based in giving the aforesaid direction; whether it has assessed if the actions taken by the Police were contrary to the provisions relating to protection of freedom of expression under the Basic Law and the Hong Kong Bill of Rights Ordinance; if an assessment has been conducted, of the outcome; and

- (c) given that it was reported that the Police abused the use of pepper spray on the aforesaid demonstrators right after raising for only one minute a warning notice without content, and had injured one cameraman from a television station, several police officers and demonstrators, of the justifications for the Police to use pepper spray?

## 以電子複本取代印刷刊物

### # (7) 劉皇發議員 (書面答覆)

關於各政府部門出版的年報及內部刊物，政府可否告知本會：

- (一) 目前有多少個政府部門編製年報及內部刊物；
- (二) 去年上述刊物的總刊印量為何；
- (三) 編製及派發第(二)項的刊物的總支出為多少；及
- (四) 在環保的前提下，政府會否訂下目標日期，要求各政府部門在該日期後只可以提供電子版年報及其他刊物，以電郵及網上閱讀方式，供有興趣者閱覽？

Replacement of printed publications by electronic copies

(7) Hon LAU Wong-fat (Written Reply)

Regarding the annual reports and internal publications published by various government departments, will the Government inform this Council:

- (a) of the current number of government departments which produce annual reports and internal publications;
- (b) of the total number of copies of the aforesaid publications printed last year;
- (c) of the total expenditure on producing and distributing the publications in (b); and
- (d) on the premise of protecting the environment, whether the Government will set a target date and require that various government departments may only provide electronic copies of annual reports and other publications after that date for interested readers to read them through e-mails and on the Internet?

## 母乳代用品銷售守則

### # (8) 李華明議員 (書面答覆)

早於1981年，世界衛生組織(“世衛”)已訂立了《國際母乳代用品銷售守則》(“世衛守則”)，而衛生署最近表示，已成立一個跨界別的專責小組，草擬適用於香港的《母乳代用品銷售守則》(“本地守則”)。就此，政府可否告知本會：

- (一) 上述的專責小組的職權範圍為何；
- (二) 擬訂立的本地守則將如何在香港落實應用世衛守則；
- (三) 鑒於世衛守則訂明奶粉商在銷售母乳代用品時，不可直接或間接向孕婦、母親或她們的家屬派發奶粉樣品，過去5年，政府有否提醒本地醫院和私人執業醫生不應代奶粉商向該等人士推銷或派發奶粉樣品；若有，詳情為何；若否，原因為何；及
- (四) 會否強制執行本地守則；若否，政府會如何令奶粉商自願遵守該守則？



Code of marketing of breast-milk substitutes

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

The World Health Organization (“WHO”) adopted the International Code of Marketing of Breastmilk Substitutes (“WHO Code”) as early as 1981, and recently the Department of Health has indicated that it has set up a multi-disciplinary taskforce to draw up a Hong Kong Code of Marketing of Breastmilk Substitutes (“local code”). In this connection, will the Government inform this Council:

- (a) of the terms of reference of the aforesaid taskforce;
- (b) how the local code to be drawn up will implement the WHO Code in Hong Kong;
- (c) given that the WHO Code stipulates that milk powder dealers should not directly or indirectly provide samples of milk products to pregnant women, mothers or members of their families when marketing breast milk substitutes, whether the Government had reminded local hospitals and private medical practitioners in the past five years that they should not promote or provide samples of milk products to these people on behalf of milk powder dealers; if it had, of the details; if not, the reasons for that; and
- (d) whether the Government will enforce the local code on a mandatory basis; if not, how the Government will make milk powder dealers comply with the local code on a voluntary basis?

## 就物業炒賣所得利潤徵收利得稅

### # (9) 陳茂波議員 (書面答覆)

政府於今年4月1日起，把2,000萬元以上的樓宇買賣印花稅稅率調高至4.25%。財政司司長亦於今年4月21日向本會表示，對於炒賣物業而從中獲利的炒家，稅務局會認真跟進所有個案，並就買賣利潤向有關人士或公司徵收利得稅。司長更表示，2008-2009年度，稅務局人員須作進一步跟進的懷疑炒賣個案有4 000多宗。就此，政府可否告知本會：

- (一) 上述樓宇買賣印花稅措施實行半年以來，政府錄得相關的樓宇成交數量和稅收款項有多少，以及與去年同期的相關數字如何比較；
- (二) 上述經稅務局作進一步跟進的4 000多宗懷疑炒賣的個案中，證實為炒賣個案的有多少宗，懸而未決的有多少宗，證實為非炒賣的有多少宗；證實為炒賣的個案當中，涉及的稅款有多少，已收的稅款有多少，未能成功追討稅款的個案有多少，以及政府有何跟進措施；及
- (三) 政府會否考慮當賣方並非香港居民或香港註冊的公司時，要求律師為賣方辦理手續時，須在賣方所得的款項中，扣起一定百分比的款項，待樓宇賣家繳付利得稅，或獲香港稅務局發出不須繳稅證明後，才將所扣起的款項交還賣家？

Levy of profits tax on profits arising from property speculation

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

Since 1 April this year, the Government has increased the rate of stamp duty on transactions of properties valued at more than \$20 million to 4.25%. On 21 April this year, the Financial Secretary also told this Council that the Inland Revenue Department (“IRD”) would closely follow up all cases involving speculators profiting from property speculation, and profits tax would be levied on the persons or companies earning profits arising from such transactions. The Financial Secretary also indicated that in 2008-2009, some 4 000 suspected speculation cases required further follow-up action by IRD officers. In this connection, will the Government inform this Council:

- (a) of the number of the relevant property transactions recorded and the amount of stamp duty collected by the Government since the aforesaid new rate of stamp duty on property transactions was levied six months ago, and how such figures compare with those of the same period last year;
- (b) among the some 4 000 aforesaid suspected speculation cases which IRD has followed up, of the numbers of cases substantiated to be speculation cases, cases pending decision and cases proved not involving speculation; in respect of the substantiated speculation cases, of the amount of tax involved, the amount of tax collected, and the number of cases in which tax was not successfully recovered as well as the Government’s follow-up actions; and
- (c) in cases where the seller is not a Hong Kong resident or a company registered in Hong Kong, whether the Government will consider requiring the lawyer, when processing the transaction for the seller, to withhold a certain percentage of the seller’s proceeds until the seller has paid the profits tax or IRD has issued a certificate confirming that the seller does not need to pay tax?

利用強制性公積金計劃的累算權益來支付  
遣散費及長期服務金

# (10) 黃國健議員 (書面答覆)

根據《強制性公積金計劃條例》(第485章)第12A條，僱主可向強制性公積金(“強積金”)計劃受託人申請，以利用其在強積金計劃為僱員所繳付的供款所產生的累算權益，來抵銷所須支付的遣散費或長期服務金。就此，政府可否告知本會：

- (一) 是否知悉，自2000年12月強積金制度開始推行至今：
  - (i) 每年度共有多少個強積金帳戶的僱主供款部分所累積的累算權益，曾被提取以抵銷遣散費或長期服務金，當中所涉及的款額及百分比為何；若沒有相關數據，原因為何；
  - (ii) 共有多少個強積金帳戶的僱主供款部分所累積的累算權益，曾多於一次被提取以抵銷遣散費或長期服務金，以及最多被提取多少次；及
  - (iii) 有否強積金帳戶分別因上述的累算權益被提取以抵銷遣散費或長期服務金，而導致該等累算權益的餘額不足原來的50%、30%、10%，甚至是零餘額；若有，詳情為何；及
- (二) 當局會否重新檢討上述機制，包括考慮取消以僱主供款部分的累算權益抵銷遣散費或長期服務金的安排；若

否，當局如何保障僱員在退休時不會因上述安排而受到影響？

Payment of severance payments and long service payments from accrued benefits of the mandatory provident fund schemes

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

Under section 12A of the Mandatory Provident Fund Schemes Ordinance (Cap. 485), an employer may make an application to a trustee of a Mandatory Provident Fund (“MPF”) scheme for using the accrued benefits derived from his contributions made for his employees under the MPF scheme to offset severance payments or long service payments. In this connection, will the Government inform this Council:

- (a) whether it knows since the MPF system came into operation in December 2000:
  - (i) the annual total number of MPF accounts from which the accrued benefits derived from employers’ contributions had been used to offset severance payments or long service payments, the total amount of such payments and their percentages; if it does not have the relevant data, of the reasons for that;
  - (ii) the total number of MPF accounts from which the accrued benefits derived from employers’ contributions had been used to offset severance payments or long service payments more than once, and the largest number of withdrawals made; and
  - (iii) if there are MPF accounts in which, as a result of the aforesaid accrued benefits being used to offset severance payments or long service payments, the balances of such benefits had become less than 50%, 30% or 10% respectively of their original amounts, or even become as low as zero; if so, of the details; and
- (b) whether the authorities will review afresh the aforesaid mechanism, including considering the abolition of the arrangement whereby the accrued benefits derived from employers’ contributions can be used for offsetting severance payments or long

service payments; if not, how the authorities protect employees from being affected by the aforesaid arrangement upon retirement?





- (二) 第(一)(i)至(vii)項的非業主住戶類別的數目，分別於2010年第一季及第二季，佔第(一)(viii)項的相關住戶人數類別的非業主住戶總數的百分比，並按下表列出分項數字；

住戶人數	下列類別的居住於私人樓宇非業主住戶數目 佔相關住戶人數類別的私人樓宇非業主住戶總數的百分比						
	住戶每月入息超過公屋輪候冊入息限額，但少於13,500元	住戶每月入息超過公屋輪候冊入息限額，但少於23,000元	住戶每月入息超過公屋輪候冊入息限額，但少於27,000元	住戶每月入息超過公屋輪候冊入息限額，但少於39,000元	住戶每月入息超過公屋輪候冊入息限額，但少於“住戶每月入息第25個百分位數”	住戶每月入息超過公屋輪候冊入息限額，但少於“住戶每月入息中位數”	住戶每月入息超過公屋輪候冊入息限額，但少於“住戶每月入息第75個百分位數”
一人							
2人							
3人							
4人							
5人							
6人或以上							
整體住戶 (不論人數)							

- (三) 分別於2010年第一季及第二季，全港非業主住戶每月入息的第25個百分位數、中位數及第75個百分位數為何，並按下表列出分項數字；

住戶人數	居住於私人樓宇非業主住戶的每月入息		
	第25個百分位數	中位數	第75個百分位數
一人			
2人			
3人			
4人			

5人			
6人或以上			
整體住戶 (不論人數)			

- (四) 分別於2010年第一季及第二季，全港非業主住戶的每月入息的第10個百分位數，之後每隔10個百分位數至第100個百分位數為何，並按下表列出分項數字；及

住戶 人數	居住於私人樓宇非業主住戶的每月入息									
	第10 個百 分位 數	第20 個百 分位 數	第30 個百 分位 數	第40 個百 分位 數	第50 個百 分位 數	第60 個百 分位 數	第70 個百 分位 數	第80 個百 分位 數	第90 個百 分位 數	第100 個百 分位 數
一人										
2人										
3人										
4人										
5人										
6人 或 以 上										
整體 住戶 (不 論 人 數)										

- (五) 鑒於當局初步構思“置安心計劃”的申請資格包括單身人士每月入息上限為2.3萬元和資產上限為30萬元，以及家庭申請人的月入上限為3.9萬元和資產上限為60萬元，當局估計分別於2010年第一季及第二季，符合“置安心計劃”申請資格的住戶數目分別為何？

Statistics on households living in private flats

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

In his 2010-2011 Policy Address, the Chief Executive announced the implementation of “My Home Purchase Plan” (“MHPP”) in the hope of facilitating people who have not bought their own home to reach their wish for home ownership. Regarding the statistics on non-owner occupied households living in private flats (“non-owner occupied households”) and other households which may be eligible for applying for MHPP, will the Government inform this Council:

(a) of the respective numbers of non-owner occupied households in Hong Kong in the first and second quarters of 2010, with a breakdown by the items in the table below;

Household size	Number of non-owner occupied households living in private flats							
	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
	Households with monthly incomes above the Waiting List (“WL”) income limits for public rental housing (“PRH”) but below \$13,500	Households with monthly incomes above the WL income limits for PRH but below \$23,000	Households with monthly incomes above the WL income limits for PRH but below \$27,000	Households with monthly incomes above the WL income limits for PRH but below \$39,000	Households with monthly incomes above the WL income limits for PRH but below “the 25th percentile household monthly income”	Households with monthly incomes above the WL income limits for PRH but below “the median monthly household income”	Households with monthly incomes above the WL income limits for PRH but below “the 75th percentile household monthly income”	Overall (irrespective of income level)
1 person								
2 persons								
3 persons								
4 persons								
5 persons								
6 persons or above								
Overall (irrespective of household size)								

(b) of the respective percentages of the numbers of various types of non-owner occupied households in (a)(i) to (vii) in the total numbers of non-owner

occupied households of the relevant household sizes in (a)(viii) in the first and second quarters in 2010, with a breakdown by the items in the table below;

Household size	Respective percentages of the numbers of the following types of non-owner occupied households (“non-owner occupied households”) living in private flats in the total numbers of non-owner occupied households of the relevant household sizes						
	Households with monthly incomes above the WL income limits for PRH but below \$13,500	Households with monthly incomes above the WL income limits for PRH but below \$23,000	Households with monthly incomes above the WL income limits for PRH but below \$27,000	Households with monthly incomes above the WL income limits for PRH but below \$39,000	Households with monthly incomes above the WL income limits for PRH but below “the 25th percentile of household monthly income”	Households with monthly incomes above the WL income limits for PRH but below “the median monthly household income”	Households with monthly incomes above the WL income limits for PRH but below “the 75th percentile of household monthly income”
1 person							
2 persons							
3 persons							
4 persons							
5 persons							
6 persons or above							
Overall (irrespective of household size)							

(c) of the 25th percentile, the median and the 75th percentile monthly income of non-owner occupied households in Hong Kong in the first and second quarters in 2010 respectively, with a breakdown by the items in the table below;

Household size	Monthly income of non-owner occupied households living in private flats		
	The 25th percentile	The median	The 75th percentile
1 person			
2 persons			
3 persons			
4 persons			
5 persons			
6 persons or above			

Overall (irrespective of household size)			
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(d) of the respective monthly incomes of the 10th percentile of the non-owner occupied households in Hong Kong in the first and second quarters in 2010, and every 10 percentage points thereafter up to the 100th percentile, with a breakdown by the items in the table below; and

Household size	Monthly income of non-owner occupied households living in private flats									
	The 10th percentile	The 20th percentile	The 30th percentile	The 40th percentile	The 50th percentile	The 60th percentile	The 70th percentile	The 80th percentile	The 90th percentile	The 100th percentile
1 person										
2 persons										
3 persons										
4 persons										
5 persons										
6 persons or above										
Overall (irrespective of household size)										

(e) given that the authorities have considered initially that the eligibility criteria for MHPP include the income and asset limits for singleton applicants which are \$23,000 per month and \$300,000 respectively and those for household applicants which are \$39,000 per month and \$600,000 respectively, of the numbers of eligible households for MHPP estimated by the authorities in the first and second quarters in 2010 respectively?

在高速公路進行維修工程時豎立的指示牌

# (12) 張學明議員 (書面答覆)

有市民向本人反映，現時有關政府部門在高速公路維修路面時，在工程車上豎立的改道指示牌的高度，只適宜遠距離車輛的駕駛者觀看，近距離的駕駛者則難以察覺有關的改道指示，故此易生亂象及對駕駛者和路面工程人員構成危險。就此，政府可否告知本會：

- (一) 過去3年，在高速公路曾發生多少宗交通意外、有關的傷亡數字，以及當中有多少宗涉及正在維修的路段；及
- (二) 會否檢討該等改道指示牌的高度，以及考慮加設高度適合近距離駕駛者觀看的指示牌？

Directional signs erected during repair works on expressways

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

Some members of the public have relayed to me that at present, when the relevant government departments are carrying out repair works on expressways, the height of the directional signs erected on works vehicles for traffic diversion is only suitable for viewing by motorists at a far distance, while motorists near the signs for traffic diversion can hardly be aware of the signs, and hence can cause confusion easily and pose danger to both motorists and road repair workers. In this connection, will the Government inform this Council:

- (a) of the numbers of traffic accidents which occurred on expressways in the past three years, the resultant casualties and, among these accidents, the cases that involved road sections undergoing repair works; and
- (b) whether it will conduct a review on the height of the said directional signs for traffic diversion, and consider installing additional directional signs of an appropriate height for viewing by motorists from a close distance?

## 保障私隱

### # (13) 余若薇議員 (書面答覆)

法律改革委員會(“法改會”)在2004年年底發表《侵犯私隱的民事責任報告書》和《傳播媒介的侵犯私隱行為報告書》，提出立法保障市民“合理私隱期望”的民事權利；立法會亦於2006年10月19日通過“立法規管偷拍行為”的議案，但有評論指出，至今侵犯私隱的情況未有改善。今年6月中旬，發生女藝人及其母親在家中被偷拍的事件，令保障公眾人物私隱問題再次引起社會的關注。就此，政府可否告知本會：

- (一) 自法改會發表上述報告書後，政府採取了甚麼措施加強保障市民的私隱；
- (二) 有否計劃透過民事法保障市民的合理私隱期望；若有，詳情為何；若否，原因為何；及
- (三) 有否計劃透過民事法限制任何人無理宣揚另一人的私生活；若有，詳情為何；若否，原因為何？



## Protection of privacy

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

The Law Reform Commission (“LRC”) released the Report on Civil Liability for Invasion of Privacy and the Report on Privacy and Media Intrusion in late 2004, recommending that legislation be introduced for the protection of people’s civil right of “reasonable expectation of privacy”; the Legislative Council also passed a motion on “introducing legislation to regulate clandestine photo-taking” on 19 October 2006, yet, there are comments that so far there is no improvement to the problem of intrusion of privacy. In mid-June this year, the incident of clandestine photo-taking of a female artiste and her mother at home once again roused public concern about protection of the privacy of public figures. In this connection, will the Government inform this Council:

- (a) what measures the Government has taken to enhance protection of the privacy of members of the public since the release of the aforesaid LRC reports;
- (b) whether there is any plan to protect the reasonable expectation of privacy of members of the public by means of civil law; if so, of the details; if not, the reasons for that; and
- (c) whether there is any plan to, by means of civil law, restrict the unwarranted publicity given by any person to the private life of another person; if so, of the details; if not, the reasons for that?

## 於政府建築物進行屋頂綠化工程

### # (14) 劉江華議員 (書面答覆)

據報，綠化建築近年大行其道。本人最近亦接獲一些沙田區市民提出綠化沙田大會堂及沙田公共圖書館天台空間的要求。他們指出，綠化天台空間一來可以美化環境，二來又可增加休憩空間，三來可降低大廈室溫，節省能源，推動環保。政府曾表示，建築署於2001年起會在可行情況下於新建政府建築物屋頂進行綠化工程。就此，政府可否告知本會：

- (一) 2001年至今，全港進行了多少項政府建築物屋頂綠化工程；未來3年還有多少項該等工程會進行；
- (二) 現時已在屋頂進行綠化工程的政府建築物的數目佔全港政府建築物總數的百分比為何；建築署會否研究在所有舊有政府建築物天台加建綠化設施，使更多市民受惠；及
- (三) 為了減低市區熱島效應，當局會否考慮將綠化天台工程納入新政府建築物(特別是文康設施)的常規建築規格內，以為環保多出一分力？

## Implementation of green roof projects for government buildings

(14) Hon LAU Kong-wah (Written Reply)

It has been reported that green buildings have become very prevalent in recent years. Recently, I have also received requests from some residents of the Sha Tin District for greening the rooftops of the Sha Tin Town Hall and the Sha Tin Public Library. They pointed out that greening rooftops could beautify the environment on the one hand and provide more leisure open space on the other. Furthermore, they can help lower the room temperature in the buildings concerned, reduce energy consumption and promote environmental protection. The Government once said that the Architectural Services Department (“ASD”) would implement green roof projects for new government buildings as far as practicable since 2001. In this connection, will the Government inform this Council:

- (a) of the number of green roof projects implemented for government buildings in Hong Kong since 2001; of the number of such projects to be carried out in the next three years;
- (b) of the percentage of the number of government buildings for which green roof projects have been implemented in the total number of government buildings in Hong Kong at present; whether ASD will explore the possibility of adding green features to the rooftops of all existing government buildings, so as to benefit more people; and
- (c) in order to attenuate the urban heat island effect, whether the authorities will consider including roof greening in the standard construction specifications for new government buildings, in particular cultural and recreational facilities, so as to make an extra effort for the cause of environmental protection?

## 香港金融研究中心

### # (15) 葉劉淑儀議員 (書面答覆)

香港金融研究中心(“研究中心”)由香港金融管理局(“金管局”)根據行政長官1998年施政報告的“施政方針”於1999年8月成立，目的是對香港和亞洲區內的貨幣政策、銀行及金融業具深遠影響的課題進行研究，經費由外匯基金撥款提供。就此，政府可否告知本會：

- (一) 研究中心的工作與金管局內部之經濟研究部有何不同，以及兩者如何分工；
- (二) 研究中心現有多少全職及／或兼職員工，以及該等員工是否由金管局借調；
- (三) 財政司司長及財經事務及庫務局局長在研究中心的角色為何；
- (四) 研究中心在過去11年共撰寫了多少份研究報告，以及其中是否有報告在國際性經濟／金融學術刊物發表；
- (五) 研究中心在過去11年共組織了多少場研討會(包括工作坊、研討會及會議)；以及這些研討會在貨幣政策、銀行及金融業發展和鞏固香港作為國際金融中心方面，為金管局或香港政府帶來了甚麼啟示；及
- (六) 研究中心自成立至今獲得的經費總額，以及其將來發展的方向為何？

Hong Kong Institute for Monetary Research

(15) Hon Regina IP LAU Suk-ye (Written Reply)

The Hong Kong Institute for Monetary Research (“HKIMR”) was established in August 1999 by the Hong Kong Monetary Authority (“HKMA”) in accordance with the “Policy Objectives” set out in the Chief Executive’s 1998 Policy Address, with the objective of conducting research in the fields of monetary policy, banking and finance that are of strategic importance to Hong Kong and the Asian region. HKIMR is funded by grants from the Exchange Fund. In this connection, will the Government inform this Council:

- (a) how is the work of HKIMR and that of HKMA’s own research department different and how is work divided between the two;
- (b) of the existing number of full-time and/or part-time staff in HKIMR, and whether these staff members are seconded from HKMA;
- (c) of the respective roles played by the Financial Secretary and the Secretary for Financial Services and the Treasury in HKIMR;
- (d) of the total number of research reports compiled by HKIMR over the past 11 years, and whether any of these reports had been published in international journals in economics/finance;
- (e) of the total number of seminars (including workshops, forums and conferences) organized by HKIMR over the past 11 years; and what insights these seminars had brought to HKMA or the Hong Kong Government in the aspects of monetary policy, development of the banking and finance industry and consolidation of Hong Kong’s position as an international financial centre; and
- (f) the total amount of funds granted to HKIMR since its establishment and the direction of its future development?

## 處理棄掉的一次性使用電池

### # (16) 陳克勤議員 (書面答覆)

消費者委員會於本年10月15日公布其就測試一次性使用電池的報告中表示，在測試18款一次性使用的碳性電池後，發現部分樣本的水銀及鎘含量，均超過歐盟環保指令的標準。報告亦指出，本港至今並沒有法例規管一次性使用電池的重金屬含量，也缺乏回收制度。早前有團體向本人表示，該團體原本打算在地區推行回收電池計劃，藉此推動環保教育，但最終因沒有回收商願意處理電池回收工作而擱置計劃。就此，政府可否告知本會：

- (一) 是否知悉，過去5年，每年本港棄掉一次性使用電池的數量，當中被棄掉至堆填區及運送至海外作處理的數量分別為何，以及碳性電池所佔的百分比為何；當局如何確保該等電池被棄掉後，不會對環境造成污染；
- (二) 有否瞭解現時本港沒有回收商處理回收電池的原因；當局如何提供協助，推動上述回收行業的發展；
- (三) 現時棄掉的電池在運送海外處理前需否經由相關的政府部門審批，或需符合國際標準；若然，詳情為何；
- (四) 會否要求電池生產商列明碳性電池的重金屬含量，供消費者參考，以及會否研究立法規管碳性電池的重金屬含量；
- (五) 現時環境保護署(“環保署”)回收可充電電池的回收率為何；署方會否考慮擴大回收範圍以涵蓋一次性使用電池；及

(六) 鑒於環保署在其公布的都市固體廢物管理政策大綱(2005至2014)中表示，計劃將充電池納入“生產者責任計劃”內，以及考慮禁止在堆填區棄置某些特定產品，現時會否重新研究上述建議；若會，具體落實的時間表為何？

Hong Kong Institute for Monetary Research

(16) Hon CHAN Hak-kan (Written Reply)

The Consumer Council had indicated in its test report on single-use batteries published on 15 October of this year that after testing 18 models of single-use zinc carbon batteries, it found that the contents of mercury and cadmium in some of the models had exceeded the limits set in the European Union directive on environmental protection. The report also pointed out that there was neither regulation on heavy metal content for single-use batteries in Hong Kong, nor was there any recovery system. An organization had relayed to me earlier on that it had planned to launch a battery recovery programme in the districts so as to promote environmental education, but since there was no recycler willing to undertake the recovery of batteries, the programme was eventually shelved. In this connection, will the Government inform this Council:

- (a) whether it knows the number of single-use batteries discarded in Hong Kong in each of the past five years, and among them, the respective numbers of such batteries discarded at landfills and those being shipped overseas for handling, as well as the percentages of zinc carbon batteries in such batteries; how the authorities ensure that such batteries will not cause pollution to the environment after they are discarded;
- (b) whether it has ascertained the reasons for the lack of recyclers undertaking battery recovery in Hong Kong at present, and how the authorities will render assistance to promote the development of the aforesaid recycling industry;
- (c) whether at present, discarded batteries, before being shipped overseas for handling, are required to go through the relevant government departments for vetting and approval or to meet international standards; if so, of the details;
- (d) whether it will request battery manufacturers to list the heavy metal content of zinc carbon batteries for the reference of consumers, and whether it will



study introducing a legislation to regulate the heavy metal content of zinc carbon batteries;

- (e) of the current recovery rate of rechargeable batteries recovered by the Environmental Protection Department (“EPD”); whether EPD will consider extending the scope of recovery to cover single-use batteries; and
- (f) since EPD had indicated in its Policy Framework for the Management of Municipal Waste (2005-2014) that it had planned to include rechargeable batteries in the producer responsibility schemes and would consider banning the disposal of certain specific products at landfills, whether it will study afresh the aforesaid suggestions; if it will, of the specific timetable for implementation?

## 內地買家對本港物業市場的影響

(17) 李國寶議員 (書面答覆)

據報，就價值1,200萬港元或以上的物業而言，在2010年上半年，涉及內地買家的交易分別佔一手市場和二手市場總成交金額的35%和20%。關於內地買家在本港物業市場的活動，政府可否告知本會：

- (一) 過去3年，政府有否就內地買家在本港物業市場的活動蒐集數據；
- (二) 2010-2011年度施政報告所載的房屋供求推算，有否包含內地個人在本地物業市場的權益；及
- (三) 過去3年，政府有否進行任何研究，探討內地個人投資對本地物業市場的影響；若有，所得結論為何？

## Influence of mainland buyers on the Hong Kong property market

# (17) Dr Hon David LI Kwok-po (Written Reply)

It was reported that in respect of properties valued at HK\$12 million or above, mainland buyers accounted for 35% and 20% of the total transaction value in the primary and secondary markets respectively in the first half of 2010. Regarding mainland buyers' activities in the Hong Kong property market, will the Government inform this Council:

- (a) whether the Government had collected data on mainland buyers' activities in the Hong Kong property market in the past three years;
- (b) whether the projections on supply/demand in housing contained in the 2010-2011 Policy Address have incorporated interest of mainland individuals in the local property market; and
- (c) whether the Government had conducted any study in the past three years to gauge the impact of the investments of mainland individuals in the local property market; if so, of any conclusion reached?

## 《僱傭條例》有關連續性合約的規定

### # (18) 劉慧卿議員 (書面答覆)

根據《僱傭條例》(第57章)，僱員須根據連續性合約受僱，即為同一僱主連續工作4星期或以上，每星期工作18小時或以上，才有權享有該條例下的某些僱員權益。此外，當局早前表示會就《僱傭條例》中有關連續性合約的規定進行檢討。就此，行政機關可否告知本會：

- (一) 何時開始就《僱傭條例》中有關連續性合約的規定進行檢討，以及預期何時完成；
- (二) 是否知悉《僱傭條例》中有關連續性合約的規定存有法律漏洞，令很多兼職僱員和“散工”不受保障，以及就此當局有何對策；
- (三) 過去3年，有否蒐集並非根據連續性合約受僱的員工的數據；若有，當中女性僱員的百分比為何；若否，會否開始收集這方面的資料；及
- (四) 鑒於當局曾表示，不論是否根據連續性合約受僱的僱員，只要是因工受傷，均可獲得工傷賠償，過去3年，政府有否收集這些非根據連續性合約受僱的僱員因工受傷而獲賠償的數字；若有，詳情為何？

Provisions concerning continuous contract under  
the Employment Ordinance

(18) Hon Emily LAU Wai-hing (Written Reply)

Under the Employment Ordinance (“EO”) (Cap. 57), an employee shall be entitled to certain employee rights and benefits under the Ordinance only if he or she is employed under a continuous contract, i.e. he or she has worked for the same employer continuously for four or more weeks and for 18 hours or more in each week. Besides, the authorities have indicated earlier that a review will be carried out on the provisions concerning continuous contract under EO. In this connection, will the Executive Authorities inform this Council:

- (a) when they will commence the review on the provisions concerning continuous contract under EO and when the review is expected to complete;
- (b) whether they know that many part-time employees and “casual workers” are not afforded protection due to loopholes in the provisions concerning continuous contract under EO; and what counter-measures the authorities have to address such situation;
- (c) whether they had collected data in the past three years on employees who were not employed under a continuous contract; if they had, of the percentage of female employees among them; if not, whether they will start collecting such information; and
- (d) given that the authorities have advised that regardless of whether employees are employed under a continuous contract, as long as they have sustained work-related injuries, they may obtain work injury compensation, whether the Government had collected data in the past three years on work injury compensation received by employees who were not employed under a continuous contract; if so, of the details?

## 《版權條例》的實施

### # (19) 黃定光議員 (書面答覆)

《版權條例》(第528章)下有關複製及分發罪行的條文已於本年7月16日生效。在未獲版權擁有人的特許下，任何人如為任何貿易或業務的目的或在任何貿易或業務的過程中，定期或頻密地為分發而製作或分發屬刊印形式並載於書本(包括連環圖冊)、報章、雜誌或期刊的版權作品之侵權複製品，而其製作或分發的程度超逾法定數字界線並導致版權擁有人蒙受經濟損失，即屬犯罪。就此，政府可否告知本會：

- (一) 自上述新條文實施以來，當局共收到多少宗有關觸犯該條文的投訴，以及當局共採取了多少次跟進行動，並按個案類別列出分項數字；
- (二) 當局為上述新條文進行了哪些宣傳推廣活動，以及涉及的資源為何；會否在未來一年加強宣傳工作；若會，詳情為何；若會，原因為何；及
- (三) 在宣傳上述新條文時，當局有否瞭解相關機構所關注的主要問題；若有，會否相應地增加宣傳教育的工作？

Implementation of the provisions of the Copyright Ordinance  
concerning the copying and distribution offence

(19) Hon WONG Ting-kwong (Written Reply)

The provisions of the Copyright Ordinance (Cap. 528) concerning the copying and distribution offence came into effect on 16 July this year. A person commits an offence if he, for the purpose of or in the course of any trade or business and on a regular or frequent basis, without the license of the copyright owner, makes for distribution or distributes an infringing copy of a copyright work in a printed form contained in a book (including a comic book), newspaper, magazine or periodical to an extent in excess of the prescribed numeric limits resulting in a financial loss to the copyright owner. In this connection, will the Government inform this Council:

- (a) of the total number of complaints received by the authorities in relation to breaches of the aforesaid new provisions since they came into effect, and of the total number of follow-up actions taken by the authorities, together with a breakdown by the category of the cases;
- (b) what publicity and promotional activities have been carried out by the authorities for the aforesaid new provisions and the resources involved; whether they will step up the publicity efforts in the coming year; if so, of the details; if not, the reasons for that; and
- (c) whether the authorities have, in promoting the aforesaid new provisions, ascertained the major issues of concern of the related organizations; if they have, whether they will step up the publicity and education efforts accordingly?

## 打擊濫用公屋資源

(20) 石禮謙議員 (書面答覆)

根據政府向立法會房屋事務委員會提交的2007-2008年度施政綱領有關房屋事務的措施：“房屋委員會(‘房委會’)亦會加強打擊濫用公屋個案，透過日常租務管理及定期家訪，及早偵察濫用公屋資源的個案，亦會透過宣傳提高公眾善用公屋資源的意識。”有關濫用公屋資源的問題，房屋署(‘房署’)最近公布，有5名公屋居民就他們的收入或資產作出明知的虛假陳述，被法庭裁定罪名成立。就此，政府可否告知本會：

- (一) 過去3年，每年用於打擊濫用公屋資源的人手編制；
- (二) 過去3年，每年房署人員為偵察可能濫用公屋資源的個案而進行的定期家訪次數；
- (三) 過去3年，每年房委會證實有濫用公屋資源的個案數字，連同有關個案的詳情及所採取的跟進行動(包括收回的公屋單位數目、收取的罰款，以及少收及追收的租金款額)；
- (四) 過去3年，就透過宣傳以加強公眾對善用公屋資源的重要性的認知，房委會的工作為何，以及有否檢討該等宣傳活動的成效；
- (五) 鑒於現行的公屋住戶資助政策要求在公屋住滿10年或以上的租戶，須每兩年申報他們的收入，政府會否檢討此項政策，以更能反映快速轉變的社會狀況，包括考慮應否縮短現時首次申報的 10年年期和其後每兩年申報一



次的時限；若會，詳情為何；若否，原因為何；及

- (六) 鑒於2010-2011年度施政報告已提到，政府會就租戶的家庭收入及資產額外抽查5 000宗個案，房署會否增聘員工進行這些抽查工作；若會，詳情為何；若否，該署如何確保額外的工作量不會影響其員工的工作質素？

## Measures against abuse of public rental housing resources

# (20) Hon Abraham SHEK Lai-him (Written Reply)

According to the Government's housing-related initiatives in the 2007-2008 Policy Agenda presented to the Legislative Council Panel on Housing, "The Housing Authority ("HA") will step up measures against abuse of public rental housing ("PRH") resources. Suspected abuse cases would be identified at an earlier stage through daily tenancy management and regular home visits. The HA will also step up publicity to promote public awareness of the importance of an effective use of public housing resources". Concerning the abuse of PRH resources, the Housing Department ("HD") has recently announced that five residents of PRH have been convicted by the courts for making false statement knowingly on income or assets. In this connection, will the Government inform this Council:

- (a) of the staff establishment for fighting abuse of PRH resources in each of the past three years;
- (b) of the number of regular home visits performed by HD staff for identifying possible cases of abuse of PRH resources in each of the past three years;
- (c) of the number of cases of abuse of PRH resources substantiated by HA in each of the past three years together with details of the cases and the follow-up actions taken (including the number of PRH units recovered, the fine collected, as well as the amount of rent undercharged and recovered);
- (d) of the work of HA in promoting public awareness of the importance of the effective use of PRH resources through publicity in the past three years, and whether it had reviewed the effectiveness of such publicity campaigns;
- (e) given that under the prevailing Housing Subsidy Policy, households who have been living in PRH for 10 years or more are required to declare household income every two years, whether the Government will review this policy to better reflect the fast-changing social situations, including considering if the existing 10-year period for the first-time declaration and the two-year declaration

interval thereafter should be shortened; if it will, of the details; if not, the reasons for that; and

- (f) given that the 2010-2011 Policy Address has mentioned that an additional 5 000 random checks on tenants' household income and assets will be conducted, whether HD will recruit additional staff to conduct these random checks; if it will, of the details; if not, how it ensures that the additional workload will not affect the work quality of its staff?