

立法會

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定於2011年12月14日立法會會議上提出的質詢

提問者：

- (1) 王國興議員 (口頭答覆) (新的質詢)
(取代其原先提出的質詢)
- (2) 陳淑莊議員 (口頭答覆)
- (3) 林大輝議員 (口頭答覆)
- (4) 陳茂波議員 (口頭答覆)
- (5) 李華明議員 (口頭答覆) (新的質詢)
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- (15) 謝偉俊議員 (書面答覆) (新的質詢)
(李慧琼議員已放棄編配給她的質詢時段)
- (16) 石禮謙議員 (書面答覆)
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註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

《職業安全及健康條例》下職業司機的安全保障

(1) 王國興議員 (口頭答覆)

根據《職業安全及健康條例》(下稱“《職安條例》”),僱主有責任為僱員提供安全的工作環境。然而,現行《職安條例》並沒有將職業司機駕駛的車輛及駕駛室範圍當作工作地點,故此不屬《職安條例》所保障的範圍。儘管僱主在《僱員補償條例》的規定下,必須為僱員購買工傷補償保險,僱員一旦在工作期間受傷或死亡,他們或其家人可按該條例獲得賠償,不過車主未必為職業司機購買保險,而且部分職業司機屬自僱人士,故不受《僱員補償條例》保障。就此,政府可否告知本會:

- (一) 過去5年,涉及職業司機的交通意外中,有多少宗個案的職業司機獲得工傷補償保險賠償,有多少沒有得到工傷補償保險保障;當局有否評估《職安條例》並未將“位於公眾地方的陸上載具的司機佔用的座位或位置”納入保障範圍,是否歧視職業司機的職業安全保障需要和權利;當局會否考慮進行全面檢討,並研究修訂《職安條例》;若會,詳情及時間表為何;若否,理據及原因為何;
- (二) 過去5年,當局有否就職業司機工作環境的職業安全進行調查、巡查及監察;若有,結果為何;若否,原因為何;及
- (三) 當局有否就職業司機患上職業病的情況及病因進行普查,並進行研究及分析,以制訂改善職業司機工作安全和健康的具體措施及計劃;如有,過去5年的情況及具體工作為何;如否,原因為何?

Safety of professional drivers under
Occupational Safety and Health Ordinance

(1) Hon WONG Kwok-hing (Oral Reply)

The Occupational Safety and Health Ordinance (“OSHO”) require employers to provide a safe working environment for employees. Yet, under the existing OSHO, the definition of “workplace” does not include the vehicles operated by professional drivers and the cabs of these vehicles, hence they are not within the scope of protection of OSHO. Although employers are required, under the Employees’ Compensation Ordinance (“ECO”), to take out employees’ compensation insurance so that if employees are injured or killed at work, they or their families will be entitled to compensation under ECO, vehicle owners may not take out insurance policies for the professional drivers and some of these drivers are self-employed and thus are not protected by ECO. In this connection, will the Government inform this Council:

- (a) among the traffic accidents in the past five years which involved professional drivers, of the number of cases in which the professional drivers were granted compensation under employees’ compensation insurance, and the number of cases in which the professional drivers were not protected by employees’ compensation insurance; whether the authorities have assessed if the exclusion of “the seat or position occupied by the driver of a land vehicle located in a public place” from the scope of protection under OSHO is an act of discrimination against the occupational safety needs and rights of professional drivers; whether the authorities will consider

conducting a comprehensive review of and a study on amending OSHO; if they will, of the details and the timetable; if not, the justifications and reasons for that;

- (b) whether the authorities had, in the past five years, monitored as well as carried out investigation and inspection regarding the occupational safety of the working environment of professional drivers; if they had, of the outcome; if not, the reasons for that; and
- (c) regarding the prevalence of occupational diseases among professional drivers and the causes of such diseases, whether the authorities have carried out relevant surveys, studies and analyses so as to formulate specific measures and plans for improving the work safety and health of professional drivers; if they have, of the details and the specific work done in the past five years; if not, the reasons for that?

兩位香港電台節目主持不獲續約

(5) 李華明議員 (口頭答覆)

香港電台兩名時事節目主持人周融和吳志森明年不獲政府續約，引起社會廣泛討論，其中有意見質疑政府該決定有政治考慮，旨在撤換具獨立觀點及批評政府的節目主持人，打壓言論自由。亦有意見質疑政府的解釋，指撤換兩人的原因是因應節目改革的說法，邏輯犯駁。就此，政府可否告知本會：

- (一) 不與周融和吳志森續約的決定由誰作出；過去5年，周融和吳志森主持的節目的收聽率分別為何；是否知悉，該等節目的收聽率與商業電台同一時段的時事節目的收聽率如何比較；
- (二) 過去3年，當局收到針對周融和吳志森主持節目的書面投訴的數字為何，以及該等投訴的內容為何；及
- (三) 是否為了於節目內增加公眾發表意見的時間而撤換兩人；是否因為兩人的主持風格及個人觀點而撤換兩人；日後會否因應節目改革後的收聽率及公眾的意見，重新調動主持人的人選？

Non-renewal of the contracts of two programme hosts of
the Radio Television of Hong Kong

(5) Hon Fred LI Wah-ming (Oral Reply)

The contracts of two current affairs programme hosts, Robert CHOW Yung and NG Chi-sum, of the Radio Television of Hong Kong will not be renewed by the Government next year, giving rise to extensive discussions in the community and some views query that the Government's decision has political considerations, which aim to remove programme hosts who have independent viewpoints and criticize the Government and also to suppress the freedom of speech. Some views also query that the Government's explanation, which states that the reason for the removal of the two hosts is to tie in with programme reforms, is illogical. In this connection, will the Government inform this Council:

- (a) who made the decision not to renew the contracts of Robert CHOW Yung and NG Chi-sum; of the respective listener ratings of the programmes hosted by Robert CHOW Yung and NG Chi-sum in the past five years; whether it knows, how the listener ratings of such programmes compare with those of the current affairs programmes of Commercial Radio aired in the same time slots;
- (b) of the respective numbers of written complaints against Robert CHOW Yung and NG Chi-sum in hosting programmes received by the authorities in the past three years and the contents of such complaints; and
- (c) whether the two hosts are removed for the sake of allowing more time for the public to express

their opinions in the programmes; whether the two hosts are removed because of their style of hosting the programmes and their personal viewpoints; whether it will redeploy programme hosts in the light of listener ratings and public views after the implementation of programme reforms?

區議會選舉種票

(6) 何俊仁議員 (口頭答覆)

最近，傳媒廣泛報道上月6日舉行的區議會選舉出現大量懷疑種票個案。審計署於2006年10月發表的《審計署署長第四十七號報告書》提到：“由於沒有核實選民的住址，因此沒有足夠證據確保地方選區正式選民登記冊的資料正確無誤。在極端的情況下，由於可能會發生種票事件，選舉的公平可能受到損害”，並且建議選舉事務處實施查核機制，抽查核實選民登記冊上的選民住址。選舉事務處回應，查核機制涉及資源，會先評估才決定適當落實審計署建議的方法。另外，選舉事務處會把選民記錄與入境事務處和房屋署備存的資料核對，更新選民地址，亦曾與多個政府部門聯絡，研究一起進行資料核對是否可行。這些政府部門提出轉移個人資料可能違反私隱法例和其他法律條文，但該處仍會繼續進行研究。就此，行政機關可否告知本會：

- (一) 自上月的區議會選舉後，至今共接獲多少宗涉嫌種票的投訴；選舉事務處發出多少封書面查詢；警務處和廉政公署又分別展開了多少宗調查；有關進展為何；
- (二) 有否落實審計署於5年前的建議，用抽查方式核實選民地址；若有，詳情及涉及的資源為何；若否，原因為何；及
- (三) 有否評估，選舉事務處與其他政府部門進行選民資料核對時，如何避免違反私隱法例和其他法律條文；有關評估工作進展為何；有否作出上述選民資料核對；若否，原因為何？

Vote-rigging in District Council elections

(6) Hon Albert HO Chun-yan (Oral Reply)

Recently, there has been widespread media coverage that there were quite a number of suspected vote-rigging cases in the District Council (“DC”) Election held on 6th of last month. The Audit Commission stated in the Report No. 47 of the Director of Audit published in October 2006 that “without verifying the residential addresses of electors, there is insufficient evidence to ensure the accuracy of the GC [geographical constituencies] final registers. In extreme cases, the fairness of an election may be impaired due to possible vote planting”, and recommended that the Registration and Electoral Office (“REO”) should implement a checking system to verify the residential addresses of registered electors recorded in the electoral register on a sampling basis. REO responded that a checking system would have resource implications, and that assessment would be made before deciding on the appropriate way to take forward the audit recommendation. Further, REO would match the elector records with the information kept by the Immigration Department and the Housing Department for address updating purpose, and it had approached quite a number of government departments to explore the feasibility of concerted efforts in data matching. Those government departments had expressed concerns that the transfer of personal data might contravene the privacy law and other legal provisions, but REO would continue to study such possibilities in data matching. In this connection, will the Executive Authorities inform this Council:

- (a) of the number of complaints on suspected vote-rigging received since the DC Election

last month; the number of written enquiries issued by REO; the respective numbers of investigations made by the Police and the Independent Commission Against Corruption, as well as the progress of such investigations;

- (b) whether it has implemented the recommendation made by the Audit Commission five years ago to verify the residential addresses of registered electors on a sampling basis; if it has, of the details and resources involved; if not, the reasons for that; and
- (c) whether it has assessed how REO and other government departments could avoid contravening the privacy law and other legal provisions in matching the data of electors; of the progress of the assessment; whether it has conducted the aforesaid data matching exercise; if not, the reasons for that?

核實區議會選舉的登記選民的地址

(10) 余若薇議員 (書面答覆)

根據2006年10月發表的《審計署署長第四十七號報告書》(“《報告書》”)中，審計署建議選舉事務處研究要求可疑個案的選民登記申請人或登記選民提供證明文件，以核實其住址，以及考慮以抽查方式核實地方選區正式選民登記冊上的登記選民住址。總選舉事務主任回應《報告書》的建議時指出，按照一貫做法，選舉事務處若發現選民登記申請表上填報的地址不完整或有可疑，會致電或去信申請人查明究竟。此外，就《報告書》中指出，在同一地址有超過10名選民登記而交由選舉事務處作進一步跟進的個案，總選舉事務處主任表示，根據查核2006年的正式選民登記冊、致電查詢、家訪和發信查詢時所得資料，該處沒有發現有任何可疑的違法行為，而且該處人員會一直保持警覺，查察選民登記表格上填報的資料是否有不妥當之處。但本屆區議會選舉後，傳媒廣泛報道多宗懷疑種票個案，當中包括一屋多姓、登記地址不完整或不明確、或以不存在的住宅樓宇、大廈樓層或不能居住的地方(例如學校、貨倉及中央郵政信箱等)登記作主要地址的個案。就此，政府可否告知本會：

- (一) 2007年至今，選舉事務處每年分別透過查核正式選民登記冊、致電查詢、家訪和發信方式，發現多少宗選民登記地址不完整或有可疑的個案(以表列出分項數字)；政府有否深入調查該等個案；若有，結果為何(按調查結果以表分項列出每年的調查個案數字)；及
- (二) 選舉事務處會否承諾在發表2012年的臨時選民登記冊前，重新檢視所有已登

記選民的資料，找出包括地址不完整或不明確、一屋多姓，和以不存在的住宅樓宇、大廈樓層或不能居住的地方(例如學校、貨倉及中央郵政信箱)登記作主要地址等的可疑個案，並主動調查和跟進該等個案，以核實存疑的選民和申請人的身份？

Verification of addresses of registered electors
for District Council elections

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

In the Report No. 47 of the Director of Audit (“the Report”) published in October 2006, the Audit Commission recommended the Registration and Electoral Office (“REO”) to explore the feasibility of requiring the applicants for voter registration or registered electors in doubtful cases to provide supporting evidence for verifying their residential addresses, and to consider verifying the residential addresses of registered electors recorded in the geographical constituencies final registers on a sampling basis. In response to the recommendations of the Report, the Chief Electoral Officer (“CEO”) stated that as an established practice, REO will clarify with the applicants by phone or in writing if the addresses in their application forms for voter registration are incomplete or doubtful. Furthermore, regarding those cases of more than 10 electors registered under the same address which were passed to REO for further investigation as pointed out in the Report, CEO indicated that based on the information collected through checking the 2006 final register, making telephone enquiries, paying household visits and sending enquiry letters, REO did not detect any suspected illegal conduct, and the staff of REO had been vigilant in detecting any irregularities which appeared in voter registration forms. However, after the 2011 District Council Election, there have been extensive media reports on many suspected vote-rigging cases, including those cases involving several electors with different surnames registered under one particular address, incomplete or unspecific registered addresses, or electors who had used the

addresses of residential buildings or floor levels in a building which do not exist, or of locations not for residential purposes (e.g. schools, warehouses and general post office boxes, etc.) to register as their principal residence. In this connection, will the Government inform this Council:

- (a) of the respective numbers of cases where the registered addresses of electors were found to be incomplete or doubtful by REO through checking the final register, making telephone enquiries, paying household visits and sending enquiry letters in each year since 2007 (with a breakdown set out in table form); whether the Government has conducted in-depth investigations into such cases; if it has, of the results (with a breakdown of the number of cases investigated in each year by investigation result and set out in table form); and
- (b) whether REO will undertake to review afresh the particulars of all registered electors before publishing the 2012 provisional register to identify doubtful cases including those cases involving incomplete or unspecific registered addresses, several electors with different surnames registered under one particular address, and electors who had used the addresses of residential buildings or floor levels in a building which do not exist, or of locations not for residential purposes (e.g. schools, warehouses and general post office boxes) to register as their principal residence, etc., and to proactively investigate and follow up such cases to verify the identities of suspicious electors and applicants?

向內地旅客售賣冒牌成藥

(15) 謝偉俊議員 (書面答覆)

據報，近年本港的遊客區湧現大量“黑藥房”，涉嫌以價錢貼紙遮蔽冒牌中成藥包裝上的品牌名稱，專向內地旅客售賣這些冒牌“假藥”。報道亦指出，即使警員接到投訴後到達涉案的藥房，亦只調停了事。受騙的旅客在內地多個論壇申訴，部分更表明對在香港購物失去信心。就此，政府可否告知本會：

- (一) 是否知悉，過去3年，警方、香港海關、香港旅遊發展局及消費者委員會分別接獲多少宗涉及店鋪疑售賣冒牌成藥的投訴；該等政府部門及機構在接獲投訴後，如何處理有關個案；當中有多少宗個案涉及的店鋪負責人因該等銷售行為而被檢控；
- (二) 過去3年，警方就上述投訴僅作調停處理的個案數目為何，以及接到有關投訴後，警方不落案處理及主動調查的原因分別為何；
- (三) 鑒於旅客訪港的時間短暫，現時有何政策及措施，在懷疑受騙旅客訪港期間向他們提供適時的協助；及
- (四) 現時有何政策和措施，打擊上述專以蒙騙手法銷售冒牌成藥的店鋪；此外，如何把該等政策和措施清晰地告知訪港的內地旅客，讓他們知悉投訴及檢舉的途徑，以及本港保障消費者及其權益的措施？

Spurious proprietary medicines sold to mainland tourists

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

It has been reported that a large number of unscrupulous pharmacies have emerged at tourist spots in Hong Kong in recent years, and they are suspected of covering the brand names on the package of fake proprietary Chinese medicines with price labels and selling these spurious medicines specifically to mainland tourists. It has also been reported that even though the police officers, after receiving the complaints, have come to the pharmacies involved, they only settle the cases by mediation. The defrauded tourists vent their grievances at various forums on the Mainland, and some of them even indicate that they have lost their confidence in shopping in Hong Kong. In this connection, will the Government inform this Council:

- (a) whether it knows the respective numbers of complaints received by the Police, Hong Kong Customs and Excise Department, Hong Kong Tourism Board and Consumer Council in the past three years involving any shop alleged to be selling fake proprietary medicines; how such government departments and organizations handled the relevant cases after receiving the complaints; among the complaints, of the number of those in which the persons-in-charge of the shops involved were prosecuted due to such selling activities;
- (b) in the past three years, of the number of the aforesaid complaint cases which the Police dealt with by mediation only, and the respective reasons why after receiving the

relevant complaints, the Police did not lay any charge or initiate any investigation;

- (c) given that tourists stay in Hong Kong for a brief period, of the existing policies and measures to provide timely assistance to tourists suspected to be defrauded during their stay in Hong Kong; and
- (d) of the existing policies and measures to deal with the aforesaid shops which sell fake proprietary medicines by means of fraud; in addition, how it will clearly inform the mainland tourists visiting Hong Kong of such policies and measures, so that they know the channels through which they can lodge complaints and make reports, and the measures for protecting consumers and their rights in Hong Kong?