

# 立法會

## *Legislative Council*

LC Paper No. CB(3) 759/11-12

### **Paper for the House Committee meeting of 18 May 2012**

### **Questions scheduled for the Legislative Council meeting of 23 May 2012**

Questions by:

- |      |   |                                |
|------|---|--------------------------------|
| (1)  | Hon LI Fung-ying  | (Oral reply)                   |
| (2)  | Hon KAM Nai-wai<br><i>(Replacing his previous question)</i>         | (Oral reply) (New question)    |
| (3)  | Hon CHEUNG Kwok-che   | (Oral reply)                   |
| (4)  | Hon WONG Kwok-hing  | (Oral reply)                   |
| (5)  | Hon WONG Sing-chi<br><i>(Replacing his previous question)</i>       | (Oral reply) (New question)    |
| (6)  | Hon CHEUNG Hok-ming<br><i>(Replacing his previous question)</i>     | (Oral reply) (New question)    |
| (7)  | Hon Miriam LAU Kin-yee  | (Written reply)                |
| (8)  | Hon Albert HO Chun-yan  | (Written reply)                |
| (9)  | Hon LEUNG Yiu-chung   | (Written reply)                |
| (10) | Hon LAU Wong-fat  | (Written reply)                |
| (11) | Hon CHAN Kin-por  | (Written reply)                |
| (12) | Hon LEUNG Kwok-hung   | (Written reply)                |
| (13) | Hon Mrs Regina IP LAU Suk-yee                                       | (Written reply)                |
| (14) | Hon CHAN Hak-kan  | (Written reply)                |
| (15) | Hon Paul TSE Wai-chun<br><i>(Replacing his previous question)</i>   | (Written reply) (New question) |
| (16) | Hon Audrey EU Yuet-mee  | (Written reply)                |
| (17) | Dr Hon Priscilla LEUNG Mei-fun                                      | (Written reply)                |
| (18) | Hon Starry LEE Wai-king<br><i>(Replacing her previous question)</i> | (Written reply) (New question) |
| (19) | Dr Hon LAM Tai-fai  | (Written reply)                |
| (20) | Hon Frederick FUNG Kin-kee  | (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

## 本港電力市場的發展

### # (2) 甘乃威議員 (口頭答覆)

能源價格近年大幅上升，使本港的電費在未來有機會增加，市民有可能面對很大的電費增幅。新一屆政府將於明年展開與兩家電力公司(下稱“兩電”)就《管制計劃協議》中期檢討及《五年發展計劃》的談判，與民生、環境和經濟息息相關，影響香港未來的可持續發展。就此，政府可否告知本會：

- (一) 明年與兩電進行《管制計劃協議》中期檢討及訂定《五年發展計劃》的時間表，及政府建議的檢討內容為何；當局會否諮詢公眾對《管制計劃協議》及兩電《五年發展計劃》的意見；當局會否公開本港電力市場的背景資料(包括未來10年全港售電量及最高電力需求的預測數據)；若會，詳情為何；若否，原因為何；
- (二) 鑒於據報中電指由於特區政府在2008年與國家能源局簽訂的《能源合作諒解備忘錄》，本港長期依靠內地供應天然氣，燃料價格缺乏競爭力，本地電費將大幅提高，當局有否評估增加天然氣作為發電燃料對兩電在未來10年的固定資產投資有何影響；若有評估，詳情為何；當局有否估計兩電是否需要各自增建新天然氣機組及輸配電網絡和涉及開支多少；若有評估，詳情為何；以及《能源合作諒解備忘錄》的內容對香港電燈有限公司有何其他影響；及
- (三) 當局會否參考外國電力市場的經驗，提出新的條例草案，釐定電網擁有人對第三方租用輸電設備所收取的費用，以落實電力市場廠網分家；當局曾否評估由政府直接投資兩電全面聯網設備的可行性，或直接投資在全港大廈安裝節能設備，以減輕電費支出的可行性？

## Development of Hong Kong's electricity market

(2) Hon KAM Nai-wai (Oral reply)

The surge in energy prices in recent years raises the chance of upward adjustment in Hong Kong's electricity tariff in the future, and members of the public may face a substantial level of increase in electricity tariff. The new-term Government will commence negotiation with the two power companies next year in respect of the Interim Reviews of the Scheme of Control Agreements ("SCAs") and the Five-year Development Plans, which are closely related to people's livelihood, the environment and the economy and will affect the sustainable development of Hong Kong in the future. In this connection, will the Government inform this Council:

- (a) of the timetable for conducting the Interim Reviews of SCAs and formulating the Five-year Development Plans next year with the two power companies, as well as the contents of the Interim Reviews proposed by the Government; whether the authorities will consult the public on SCAs and the Five-year Development Plans of the two power companies; whether the authorities will make public the background information (including data on projected electricity sales and maximum electricity demand in Hong Kong for the next decade) on Hong Kong's electricity market; if they will, of the details; if not, the reasons for that;
- (b) given that it has been reported that CLP Power Hong Kong Limited has claimed that with the signing of the Memorandum of Understanding on Energy Co-operation between the SAR Government and the National Energy Administration in 2008, Hong Kong's long-term reliance on natural gas supply from the Mainland and uncompetitive fuel prices would result in drastic increases in local electricity tariff, whether the authorities have assessed the

impact of the increasing use of natural gas for power generation on the investment on fixed assets of the two power companies in the next decade; if they have, of the details; whether the authorities have estimated if the two power companies need to install additional new natural gas-fired generation units and transmission and distribution networks as well as the expenditure involved; if they have, of the details; and the other impact of the contents of the Memorandum of Understanding on Energy Co-operation on Hongkong Electric Company Limited; and

- (c) whether the authorities will make reference to the experience of overseas electricity markets and introduce a new bill to determine the charges to be imposed by an electricity network owner on a third party for hiring its transmission facilities, with a view to implementing the segregation of the generation sector from the network sector in the electricity market; whether the authorities have assessed the feasibility of making direct government investment in facilities for full interconnection of the networks of the two power companies or in the installation of energy-saving equipment in the buildings in Hong Kong to reduce the expenditure on electricity tariff?

## 候任行政長官辦公室的政治委任制度官員

### # (5) 黃成智議員 (口頭答覆)

候任行政長官辦公室(下稱“候任特首辦”)近日宣布，委任羅范椒芬女士為候任特首辦主管，職級相當於局長。根據《政治委任制度官員守則》(下稱“《守則》”)，政治委任制度官員離職後要遵守以下3個規則：第一，在離職後1年內展開任何工作，必須事前徵詢行政長官所委任的專責委員會的意見；第二，在離職後1年內不得在任何牽涉或針對政府的索償、訴訟、索求、法律程序、交易，或談判中代表任何人；以及第三，在離職後一年內不得參與任何與政府有關的游說活動。據報，政府就《守則》的部分規定向屬政治委任制度官員的羅范椒芬女士作出豁免，讓她在離職後不受部分守則規管。就此，行政機關可否告知本會：

- (一) 羅范椒芬女士獲政府豁免遵守《守則》的哪些規定；其獲豁免的理據為何；公務員事務局局長是否同意作出豁免；若否，是否由候任行政長官行使豁免權，令她有特權獲得豁免；若否，由誰人行使豁免權；
- (二) 鑒於根據報道，最近在陳冉事件及羅范椒芬事件中，政府均額外行使豁免權，當局有否評估接連作出該等豁免，會否令市民認為候任特首辦擁有特權不斷作出豁免而不受監管；及
- (三) 鑒於社會對向羅范椒芬女士作出豁免存有質疑和表示反對，擔心會有涉及私人利益和利益輸送的情況，當局會否重新評估是次作出的豁免是否正確，以及會否考慮撤回？

Politically appointed officials of the  
Chief Executive-elect's Office

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

The Chief Executive-elect's Office ("CEEO") has recently announced the appointment of Ms Fanny LAW as the Head of CEEO, the rank of which is equivalent to that of a Director of Bureau. According to the Code for Officials under the Political Appointment System ("the Code"), politically appointed officials who step down from office have to observe the following three rules: first, within one year after stepping down from office, they shall seek the advice of a committee appointed for this purpose by the Chief Executive ("CE") before commencing any employment; second, within one year after stepping down from office, they shall not represent any person in connection with any claim, action, demand, proceedings, transaction or negotiation against or with the Government; and third, within one year after stepping down from office, they shall not engage in any lobbying activities on matters relating to the Government. It has been reported that the Government has exempted Ms Fanny LAW, who is a politically appointed official, from certain provisions under the Code, so that she will not be subject to part of the Code after stepping down from office. In this connection, will the Executive Authorities inform this Council:

- (a) of the provisions of the Code from which Ms Fanny LAW has been granted exemption by the Government; the justifications for such exemption; whether the consent of the Secretary for the Civil Service to grant such exemption has been given; if not, whether CE-elect has exercised the power of exemption to enable her to enjoy such privilege of exemption; if not, who has exercised the power of exemption;
- (b) as it has been reported that recently, in the cases of Miss Ran CHEN and Ms Fanny LAW, the Government has exceptionally exercised the

power of exemption, whether the authorities have assessed if the granting of such exemption one after another will cause the public to think that CEEO possess the privilege to incessantly grant exemption without being subject to any regulation; and

- (c) given that society has queried and expressed objection to the granting of exemption to Ms Fanny LAW, and there are concerns that personal interests and transfer of benefits may be involved, whether the authorities will re-assess if the granting of exemption this time is correct, and whether they will consider withdrawing it?



## 教科書價格

### # (6) 張學明議員 (口頭答覆)

本港的教科書價格高昂，書價年年上升，有家長表示這令他們的財政負擔百上加斤，故一直期望政府向書商爭取落實將“課本、學材和教材分拆定價”，令書價下調。惟他們表示，根據最新公布的《適用書目表》，有6成教科書未有落實分拆定價，書價平均加幅為百分之4；而已分拆定價的教科書書價下調幅度亦有限，令他們對教育局與書商就教科書格價商討多年卻毫無進展，感到十分憤怒和失望。就此，政府可否告知本會：

- (一) 鑒於教育局曾考慮以中央招標的模式出版教科書，政府是否已擱置該計劃；若是，鑒於分拆定價的策略未能有效令書價下調，政府會否重新考慮採用該計劃，為家長提供多一個選擇；
- (二) 鑒於教育局計劃開拓電子教科書市場，以期引入競爭，為家長及學校增加教科書的選擇，政府有否估算，當電子教科書在2014年面世時，可為家長節省多少支出，以及能促使教科書書價下調多少個百分點；及
- (三) 為減輕家長的負擔，政府會否考慮資助全港家長購買教科書？

## Prices of textbooks

(6) Hon CHEUNG Hok-ming (Oral Reply)

The high textbook prices in Hong Kong keep on rising every year, and some parents have indicated that this imposes additional financial burden on them, and therefore, they have all along hoped that the Government will strive with textbook publishers to implement the “debundling of textbooks from learning and teaching materials for pricing”, so as to bring down textbook prices. However, they have indicated that according to the newly released Recommended Textbook List, 60% of the textbooks are not debundled for pricing, and the average increase of the textbook prices is 4%; and for those textbooks which are debundled for pricing, the drop in their prices is limited, making them feel very angry and disappointed that the Education Bureau (“EDB”) has been negotiating with the textbook publishers on textbook pricing for years but no progress has been made. In this connection, will the Government inform this Council:

- (a) given that EDB has considered publishing textbooks through central tendering, whether the Government has shelved the plan; if so, given that the strategy of debundling for pricing has failed to effectively bring down textbook prices, whether the Government will consider afresh adopting the plan, with a view to providing parents with an additional choice;
- (b) given that EDB plans to develop the electronic textbook (“e-textbook”) market, with a view to introducing competition and increasing the choices of textbooks available to parents and schools, whether the Government has estimated, upon the launching of e-textbooks in 2014, the savings that may be brought to parents, as well as the percentage of downward adjustment in textbook prices that may be brought about; and

- (c) whether the Government will consider subsidizing all parents in Hong Kong in buying textbooks to alleviate their burden?

## 涉及政府的司法覆核案件

### # (15) 謝偉俊議員 (書面答覆)

有關在本屆行政長官任內的司法覆核案件的影響(包括據報核心人物主要是幾名大律師的公民黨涉嫌慫恿長者申請法律援助提出港珠澳大橋環評報告司法覆核，對大橋工程造成延誤並因而額外引致超過88億元公帑開支，以及支持外籍家庭傭工爭取居港權對香港人口政策的衝擊等)，政府可否告知本會：

- (一) 現屆政府和正在籌組新管治班子的候任行政長官，有否正視上述問題，並就此進行溝通及商討對策；
- (二) 鑒於新一屆政府建議重組架構並新增70多個職位而預算每年須涉及7,000多萬元的開支，是否知悉當中有否預留人手，以備新一屆政府在研究及制訂政策並就此進行諮詢期間，及早與上述政黨及其他有可能就政府政策提出司法覆核的人士協調和商討，以盡量減低或避免有人提出司法覆核而對新一屆政府施政造成延誤，以及額外耗用公帑的可能性；若有，計劃為何；相關工作將由哪個政策局及哪些新增的人手處理；若否，可否在現屆立法會審議候任行政長官重組政府架構的方案前，要求他盡快進行研究；及
- (三) 有何政策促使司法機構採取適當的個案管理、優先排期聆訊安排，以至其他行政措施，以減輕資源緊絀的司法機構的工作量，以及盡量減少濫用或拖延司法程序對政府政策的實施造成的惡性影響及公帑的浪費？

## Judicial review cases involving the Government

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

Regarding the impacts of the judicial review (“JR”) cases during the term of office of current-term Chief Executive (“CE”), including as reported, the delay of the Hong Kong-Zhuhai-Macao Bridge (“HZMB”) project and the additional public expenditure of more than \$8.8 billion thus incurred, as a result of the JR case on the Environmental Impact Assessment reports for the HZMB project filed by a senior citizen allegedly under the instigation by the Civic Party, the core members of which are several counsel, as well as the impact brought by supporting foreign domestic helpers in seeking the right of abode in Hong Kong, etc., will the Government inform this Council:

- (a) whether the current-term Government and the CE-elect, who is forming a new governing team, have addressed the aforesaid issue seriously, and initiated communication and discussion on formulating counter-measures in this regard;
- (b) given that the new-term Government has proposed re-organization of its structure and creation of some 70 posts involving an estimated annual expenditure of more than \$70 million, whether it knows if manpower has been set aside for the new-term Government, in the process of studying and formulating policies and initiating relevant consultation, to coordinate and discuss as early as possible with the aforesaid political party as well as other individuals who may file JR applications against the policies proposed by the Government, so as to minimize or avoid delays in policy implementation by the new-term Government and additional spending of public money that may possibly be caused by individuals filing JR applications; if so, of the plan; which bureau and newly added manpower will be responsible for the relevant work; if not, whether it can ask CE-elect to conduct study in

this regard as soon as possible before the current-term Legislative Council scrutinizes his proposal on re-organization of the government structure; and

- (c) of the policies to facilitate the Judiciary to adopt appropriate measures of cases management, prioritizing the listing of hearing, as well as other administrative measures, to reduce the workload of the Judiciary which is operating under tight resources, and to minimize as far as possible the adverse impact on the implementation of government policies and the wastage of public money caused by abusing or delaying judicial proceedings?

## 牛熊證的監管

### # (18) 李慧琼議員 (書面答覆)

香港交易及結算所有限公司(“港交所”)於2006年6月12日推出牛熊證。根據港交所的資料，牛熊證發行量由2007年的391隻增至2010年的6 541隻，成交金額達1.46萬億元。而最近3年牛熊證的強制收回比率接近4分之3。就此，政府可否告知本會：

- (一) 會否考慮要求發行商為其牛熊證產品提供抵押品(並且根據發行商的信貸評級、信貸評級的變動或其他可參考的數據，設定靈活合理的抵押品要求)，令投資者在發行商的信貸狀況發生重大變化甚至違約的情況下，有較大機會獲得賠償；
- (二) 是否知悉，監管機構會否定期對發行商的產品說明作出調查，確保投資者不會被誤導；若會，詳情為何；若否，原因為何；
- (三) 是否知悉，監管機構會否要求發行商增加清晰的警告條文提醒投資者該等產品可引致嚴重虧損，以及加強監察及規範在媒體上的廣告宣傳牛熊證及軟推銷活動；及
- (四) 會否考慮就牛熊證製作更有針對性的媒體宣傳節目，透過投資虧損的個案解釋有關風險，以加強投資者教育？

## Regulation of callable bull/bear contracts

(18) Hon Starry LEE Wai-king (Written reply)

The Hong Kong Exchanges and Clearing Limited (“HKEx”) launched callable bull/bear contracts (“CBBCs”) on 12 June 2006. According to the information provided by HKEx, the number of newly listed CBBCs increased from 391 in 2007 to 6 541 in 2010, and the turnover reached \$1,460 billion. In the past three years, almost three quarters of CBBCs were mandatorily called. In this connection, will the Government inform this Council:

- (a) whether it will consider requiring issuers to provide collaterals for their CBBC products (and setting up flexible and reasonable collateralization requirements with reference to the issuers’ credit ratings, changes of credit ratings or other reference data), so that investors will stand a greater chance of getting compensation when the credit conditions of issuers change significantly or even when issuers breach the contracts;
- (b) whether it knows if the regulatory authorities regularly conduct investigation into the issuers’ statements on their products, so as to ensure that investors will not be misled; if they do, the details; if not, the reasons for that;
- (c) whether it knows if the regulatory authorities will require issuers to add explicit warning clauses for reminding investors that such products may cause significant losses, and if they will step up their efforts in monitoring and regulating media advertisements and soft-selling activities relating to CBBCs; and
- (d) whether it will consider producing more targeted media publicity programmes on CBBCs to explain the risks concerned through illustration by cases involving investment losses, so as to enhance investor education?