

# 立法會

## Legislative Council

立法會CB(3) 475/12-13號文件

2013年4月12日內務委員會會議文件

定於2013年4月17日立法會會議上提出的質詢

提問者：

- |      |        |        |
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| (2)  | 張華峰議員  | (書面答覆) |
| (3)  | 梁美芬議員  | (書面答覆) |
| (4)  | 田北辰議員  | (書面答覆) |
| (5)  | 王國興議員  | (書面答覆) |
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| (21) | 葉劉淑儀議員 | (書面答覆) |
| (22) | 謝偉俊議員  | (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

## 對學前教育的資助

### # (1) 陳志全議員 (書面答覆)

教育局接受2013-2014學年幼稚園調整學費申請的限期已於本年3月初屆滿。早前有報章報道，面對租金及教師薪酬等成本上升的壓力，幼稚園學費今年的申請加幅約為5%至10%；而北區情況尤為嚴重，41所參加學前教育學券計劃(“學券計劃”)的幼稚園中，接近三成計劃增加學費，最高加幅達10%。有北區家長反映，由於學券金額仍維持每年每名學童1.68萬元的水平而沒有調整，北區家長面對沉重的經濟壓力。就此，政府可否告知本會：

- (一) 自2007-2008學年開始推行學券計劃以來，除了教育統籌委員會曾在2010年就該計劃提交檢討報告外，政府有否檢討該計劃；會否因應經濟情況的變動，調整學券金額；若會，詳情為何；若否，原因為何；及
- (二) 除學券計劃外，政府有否制訂政策幫助家長應付幼兒教育費用上升，以及有否考慮向幼兒教育界提供更多協助，以解決經營困難？

## Subsidies for pre-primary education

- (1) Hon CHAN Chi-chuen (Written reply)

The deadline for the Education Bureau to accept applications for tuition fee revision for kindergartens for the 2013-2014 school year expired in early March this year. It has been reported earlier in the press that, in the face of pressure from cost hikes including rents and teacher salaries, etc., the rates of increase in kindergarten tuition fees applied for this year range from about 5% to 10%; and the situation is particularly severe in the North District, where almost 30% of the 41 kindergartens participating in the Pre-primary Education Voucher Scheme (“PEVS”) intend to raise their tuition fees, with the highest rate of increase reaching 10%. Some parents from the North District have relayed that they face heavy financial burden because the voucher value has remained at the level of \$16,800 per student per annum without adjustment. In this connection, will the Government inform this Council:

- (a) apart from the report on the review of PEVS submitted by the Education Commission in 2010, whether the Government has reviewed the scheme since its launch in the 2007-2008 school year; whether it will adjust the voucher value in response to changes in the economic conditions; if so, of the details; if not, the reasons for that; and
- (b) in addition to PEVS, whether the Government has formulated policies to help parents cope with the fee hikes of early childhood education, and whether it has considered providing more assistance to the early childhood education sector in resolving their difficulties in operating the business?

## 設立銀行分行和自動櫃員機

### # (2) 張華峰議員 (書面答覆)

有市民向本人反映，提供櫃枱服務的銀行分行數目不斷減少，對市民的生活造成不便。此外，有長洲和坪洲的居民投訴，指島上的自動櫃員機(“櫃員機”)的數目並不足夠而且屬不同的網絡系統(“系統”)，因而未能應付居民及假日數以萬計的遊客的需求，導致櫃員機前經常大排長龍，而櫃員機亦因不勝負荷而不時暫停服務。就此，政府可否告知本會：

- (一) 是否知悉，過去3年每年全港的銀行分行和櫃員機的數目分別為何，以及每年的變動幅度為何；
- (二) 是否知悉，過去3年每年全港人口與銀行分行和櫃員機數目的比例為何，並按18個區議會分區列出櫃員機數目的分項數字，以及當中易通財和銀聯通寶有限公司系統的櫃員機佔總數的比例分別為何；
- (三) 政府有否措施(例如向銀行提供誘因或在公共服務機構的處所內提供地方)，確保某地區的人口達到指明數目時，區內有基本的銀行服務；如有，詳情為何；如否，原因為何；
- (四) 是否知悉，過去3年每年各個有定期渡輪服務的離島的居民數目、遊客人次，以及島上設有櫃枱服務的銀行分行數目分別為何；
- (五) 是否知悉，過去3年各離島的櫃員機的數目(並按所屬的系統列出分項數字)、使用人次，以及暫停服務的次數分別為何；及

(六) 鑒於有市民反映銀行櫃檯服務近乎絕跡離島，個別系統的櫃員機也經常因為不勝負荷而暫停服務，政府會否促請銀行在各個有定期渡輪服務的離島(特別是長洲和坪洲)增設不同系統的櫃員機，以滿足需求；如會，詳情為何；如否，原因為何？

## Provision of bank branches and automatic teller machines

(2) Hon Christopher CHEUNG Wah-fung (Written reply)

Some members of the public have relayed to me that the number of bank branches providing counter services has been decreasing continuously, causing inconvenience to their daily lives. In addition, some residents in Cheung Chau and Ping Chau have complained that as there are insufficient automatic teller machines (“ATMs”) on the islands and the ATMs operate on different network systems (“systems”), they cannot cope with the demand of residents and tens of thousands of tourists during holidays. As a result, long queues are often formed before ATMs and services of ATMs suspended from time to time due to overloading. In this connection, will the Government inform this Council:

- (a) whether it knows the respective numbers of bank branches and ATMs in Hong Kong in each of the past three years, as well as the rates of change each year;
- (b) whether it knows the ratios of Hong Kong population to the number of bank branches and ATMs in each of the past three years, with a breakdown of the number of ATMs by the 18 District Council districts and, among them, of the respective ratios of ATMs to the total numbers under the systems of Electronic Teller Card and Joint Electronic Teller Services Limited;
- (c) whether the Government has put in place measures (such as providing incentives to banks or providing space at premises of public service organizations) to ensure that basic banking services are available in a district when its population has reached a specified number; if it has, of the details; if not, the reasons for that;
- (d) whether it knows the respective numbers of residents on various outlying islands with regular ferry services, the numbers of tourists to the islands, as well as the numbers of bank branches with counter services on the islands, in each of the past three years;
- (e) whether it knows the respective numbers of ATMs (with a breakdown by system) and the person-times using

ATMs on various outlying islands in the past three years, as well as the number of occasions of service suspension; and

- (f) given that some members of the public have relayed that there is almost no bank counter services on outlying islands, and the services of ATMs under individual systems are always suspended due to overloading, whether the Government will urge banks to increase the numbers of ATMs under different systems on various outlying islands with regular ferry services (in particular Cheung Chau and Ping Chau) in order to cope with the demand; if it will, of the details; if not, the reasons for that?



## 在深水埗的房屋發展計劃

### # (3) 梁美芬議員 (書面答覆)

最近，政府計劃在位於深水埗深旺道、興華街西、東京街西與西九龍公路之間的西北九龍填海區第6號地盤(在《西南九龍分區計劃大綱核准圖編號S/K20/28》上被劃作“綜合發展區”用地)(“第6號地盤”)興建4幢樓高37至39層的住宅大廈，以及把附近一幅位於深旺道、發祥街西及英華街之間、面積約0.61公頃的“休憩”用地改劃為“住宅(甲類)”用地，以興建一幢約40層高的居者有其屋計劃的大廈。另一方面，本人接獲深水埗居民求助。他們認為深水埗人口密集、高樓林立，政府卻在作為該區唯一通風口的第6號地盤興建“一排式”的高層大廈，勢必造成屏風效應，影響當區的空氣流通和環境。就此，政府可否告知本會：

- (一) 在配合當區可持續性發展的前提下，政府會否就上述發展計劃的大廈的可建樓面面積和高度，以及地積比率等，再進行公眾諮詢，務求保留深水埗區現時唯一的通風口，並避免造成屏風效應；若會，詳情為何；若否，原因為何；
- (二) 鑒於深水埗現時沒有大型的社區會堂，政府擬在第6號地盤興建的文娛康樂設施是否包括一個可容納1 000個座位的多用途禮堂的大會堂；若是，詳情為何；若否，原因為何；
- (三) 政府現時的土地發展政策有否以美化西九及建設環保城市作為大方向；若有，會否檢討進行上述發展計劃是否與這個方向背道而馳；及
- (四) 政府會否考慮針對上述發展計劃，成立一個由發展局、運輸及房屋局、環境局及民政事務局代表組成的督導小

組，以確保發展計劃不會影響深水埗居民的生活質素；若會，詳情為何；若否，原因為何？

## Housing development projects in Sham Shui Po

(3) Dr Hon Priscilla LEUNG Mei-fun (Written reply)

Recently, the Government has planned to build four residential blocks of 37 to 39 storeys on Northwest Kowloon Reclamation Site 6 (“Site 6”) in Sham Shui Po, which is bounded by Sham Mong Road, Hing Wah Street West, Tonkin Street West and West Kowloon Highway (this site is zoned “Comprehensive Development Area” in the Approved South West Kowloon Outline Zoning Plan No. S/K20/28). It has also planned to re-zone a nearby site with an area of about 0.61 hectare bounded by Sham Mong Road, Fat Tseung Street West and Ying Wah Street from “Open Space” to “Residential (Group A)” to make way for building a block of about 40 storeys under the Home Ownership Scheme. On the other hand, I have received requests for assistance from Sham Shui Po residents. They consider that Sham Shui Po is a densely populated district with many tall buildings, and yet the Government still plans to build “a row” of high-rise buildings on Site 6 which is at present the only window for air ventilation in the district, and this will inevitably create a wall effect and affect air ventilation and the environment in the district. In this connection, will the Government inform this Council:

- (a) on the premise of dovetailing with the sustainable development of the district, whether the Government will conduct further public consultation on the gross floor area and height of the blocks as well as the plot ratio, etc., of the aforesaid development projects, with a view to preserving the only window for air ventilation in Sham Shui Po at present, and to avoid creating a wall effect; if it will, of the details; if not, the reasons for that;
- (b) given the absence of a large community hall in Sham Shui Po at present, whether the cultural and recreational facilities planned to be built by the Government on Site 6 include a town hall with a 1 000-seat multi-purpose hall; if so, of the details; if not, the reasons for that;
- (c) whether the Government has included beautifying West Kowloon and constructing a green city in the broad direction for its land development policy at present; if it

has, whether it will review if the undertaking of the aforesaid development projects is contrary to that direction; and

- (d) whether the Government will consider, targeting at the aforesaid development projects, setting up a steering group comprising representatives from the Development Bureau, the Transport and Housing Bureau, the Environment Bureau and the Home Affairs Bureau, so as to ensure that the development projects will not affect the quality of life of Sham Shui Po residents; if it will, of the details; if not, the reasons for that?

## 監管學前幼兒遊戲小組

### # (4) 田北辰議員 (書面答覆)

近年越來越多家長安排子女參加學前幼兒遊戲小組(“遊戲小組”),希望促進幼兒的智力發展或培養他們的肢體及社交技巧。然而,由於遊戲小組不受《幼兒服務條例》(第243章)及《教育條例》(第279章)監管,有市民關注遊戲小組的安全、質素及收費問題;例如,遊戲小組的質素及師生比例參差、有一些遊戲小組營辦者要求家長預繳數個月的費用,而家長為子女報讀該等小組時亦欠缺小組的有關資料作參考。就此,政府可否告知本會:

- (一) 當局有否定期搜集有關遊戲小組的數據資料,包括遊戲小組的營辦者及參加遊戲小組的幼兒的數目;若有,由哪個政府部門負責,以及可否提供該等資料;若沒有定期搜集該等資料,原因為何;
- (二) 當局有否就遊戲小組的營辦者及小組導師的資歷及背景進行審查;若有,詳情為何;若否,原因為何;
- (三) 會否就遊戲小組的師資、師生比例及課程內容作出規定和監管;若會,詳情為何;若否,原因為何;
- (四) 會否就遊戲小組營辦者可收取的預繳費用設定上限;若會,詳情為何;若否,原因為何;及
- (五) 會否規定遊戲小組營辦者向幼兒家長披露遊戲小組的各項細節(包括師資、師生比例及課程內容等);若會,如何監管;若否,原因為何?

## Regulation of playgroups for pre-school infants

(4) Hon Michael TIEN Puk-sun (Written reply)

In recent years, an increasing number of parents enrol their children in playgroups for pre-school infants (“playgroups”), hoping to enhance the mental development of the infants or nurture the infants’ physical and social skills. However, as playgroups are not subject to regulation by the Child Care Services Ordinance (Cap. 243) and the Education Ordinance (Cap. 279), some members of the public are concerned about the safety, quality and fees of playgroups, e.g. variations in quality and teacher-to-students ratio of playgroups, some playgroup operators demanding parents to make advance payment of fees for several months, and parents having no access to information on the playgroups for reference when enrolling their children in such playgroups. In this connection, will the Government inform this Council whether:

- (a) the authorities have regularly collected data and information about playgroups, including the numbers of playgroup operators and infants participating in playgroups; if they have, of the responsible government department, and whether they can provide such information; if they have not collected such information regularly, the reasons for that;
- (b) the authorities have vetted the qualifications and background of playgroup operators and group teachers; if they have, of the details; if not, the reasons for that;
- (c) it will stipulate requirements in respect of the teacher qualifications, teacher-to-students ratio and programme contents of playgroups and exercise regulatory control in these respects; if it will, of the details; if not, the reasons for that;
- (d) it will set a ceiling on the amount of advance payment of fees which playgroup operators may collect; if it will, of the details; if not, the reasons for that; and
- (e) it will require playgroup operators to disclose to infants’ parents the particulars of their playgroups (including teacher qualifications, teacher-to-students ratio and

programme contents, etc.); if it will, how it will exercise regulatory control; if not, of the reasons for that?

## 港島區的公共租住房屋供應

### # (5) 王國興議員 (書面答覆)

運輸及房屋局計劃在未來5年興建的75 000個公共租住房屋(“公屋”)單位當中，只有約200個位於港島區，不足以應付需求。據報，當局正研究在港島區多幅土地興建公屋的可行性，包括堅尼地城西部的數幅空置土地、加惠民道的香港學堂臨時校舍及其旁邊的前已婚警察宿舍的用地，以及前摩星嶺平房區的用地；香港房屋委員會亦正研究重建華富邨的可行性。就此，政府可否告知本會：

- (一) 過去3年，每年有多少個港島的公屋單位編配給公屋申請人；除了上述用地外，當局現正研究在哪些港島的用地興建公屋，以及該等用地的位置、面積，以及可提供的公屋單位數目；
- (二) 在上述用地興建公屋的可行性研究的進度及預計何時完成；現時有否興建時間表，以及該等用地的面積及可提供的公屋單位數目為何；及
- (三) 重建華富邨的可行性研究的進度及預計於何時完成；現時有否重建時間表；會否預留土地以安置受重建影響的居民；如會，有關土地的位置及面積為何；如否，原因為何？



## Supply of public rental housing on Hong Kong Island

(5) Hon WONG Kwok-hing (Written reply)

Among the 75 000 public rental housing (“PRH”) units planned to be built by the Transport and Housing Bureau in the coming five years, only about 200 units will be located on Hong Kong Island, which are insufficient to meet the demand. It has been reported that the authorities are studying the feasibility of building PRH on a number of sites on Hong Kong Island, including a number of vacant sites in the western part of Kennedy Town, the sites of the temporary campus of the Hong Kong Academy at Ka Wai Man Road and the adjacent former Police Married Quarters, as well as the site of the former Mount Davis cottage area. The Hong Kong Housing Authority is also examining the feasibility of redeveloping Wah Fu Estate. In this connection, will the Government inform this Council:

- (a) of the number of PRH units on Hong Kong Island allocated to PRH applicants in each of the past three years; apart from the aforesaid sites, of the sites on Hong Kong Island which are being examined by the authorities for building PRH, as well as these sites’ respective locations, areas and numbers of PRH units to be provided;
- (b) of the progress and anticipated completion time for the feasibility studies on building PRH on the aforesaid sites; whether there are construction timetables at present, as well as these sites’ respective areas and numbers of PRH units to be provided; and
- (c) of the progress and anticipated completion time for the feasibility study on the redevelopment of Wah Fu Estate; whether there is a redevelopment timetable at present; whether any sites will be earmarked for rehousing the residents affected by the redevelopment; if so, of the locations and areas of such sites; if not, the reasons for that?

提供直接的公共交通工具連接  
屯門與落馬洲支線管制站

# (6) 譚耀宗議員 (書面答覆)

有屯門區居民反映，連接深圳福田區的落馬洲支線管制站(“管制站”)自2007年8月啟用以來，一直是新界西居民前往內地的主要過境口岸之一。然而，現時屯門區居民在日間沒有直接的公共交通工具前往管制站，而只能先乘搭44B或44B1號專線小巴到落馬洲(新田)公共運輸交匯處，再轉乘巴士或小巴前往管制站；該項安排對居民造成不便。另一方面，該兩條路線的專線小巴在晚上11時至早上6時30分獲准駛入管制站。屯門區居民一直爭取上述路線的專線小巴全日獲准駛入管制站，而屯門區議會亦曾經通過支持該項要求的議案，但當局一直拒絕該項要求。就此，政府可否告知本會：

- (一) 有否評估目前屯門區居民每日往返管制站的交通需求，以及現時的公共交通服務能否滿足該需求；若有，詳情為何；若否，原因為何；及
- (二) 當局基於甚麼原因拒絕上述要求，以及當局會否重新考慮准許上述路線的專線小巴在日間駛入管制站，或作出其他安排，以滿足屯門居民往返管制站的交通需要；若會，詳情為何；若否，原因為何？

Provision of direct means of public transport between  
Tuen Mun and Lok Ma Chau Spur Line Control Point

(6) Hon TAM Yiu-chung (Written reply)

Some Tuen Mun residents have relayed that since its commissioning in August 2007, the Lok Ma Chau Spur Line Control Point (“the Control Point”), which connects Futian in Shenzhen, has all along been one of the major boundary crossings to the Mainland for residents in New Territories West. However, there is currently no direct means of public transport available to Tuen Mun residents travelling to the Control Point during daytime, and they can only take a green minibus (“GMB”) of route no. 44B or 44B1 to the Lok Ma Chau (San Tin) Public Transport Interchange first, and then change to a bus or minibus to the Control Point. Such an arrangement has caused inconvenience to the residents. On the other hand, GMBs of the two routes are permitted to access the Control Point from 11:00 pm to 6:30 am. Tuen Mun residents have all along been striving for full-day access to the Control Point by GMBs of the aforesaid routes, and the Tuen Mun District Council has also passed a motion in support of such request, but the authorities have rejected it so far. In this connection, will the Government inform this Council:

- (a) whether it has assessed the current daily transport demand of Tuen Mun residents for travelling to and from the Control Point, as well as whether the existing public transport services can meet that demand; if it has, of the details; if not, the reasons for that; and
- (b) of the reasons for the authorities’ rejection of the aforesaid request, and whether the authorities will consider afresh allowing GMBs of the aforesaid routes to access the Control Point during daytime, or making other arrangements, in order to meet the transport demand of Tuen Mun residents for travelling to and from the Control Point; if they will, of the details; if not, the reasons for that?

## 政府的賣地機制

### # (7) 謝偉銓議員 (書面答覆)

有專業人士向本人反映，政府近年越來越多以招標方式出售土地，但招標程序欠缺透明度，例如政府只公布招標結果和中標標書的詳情，而不會公布接獲多少份合資格及不合資格的標書、最高及最低的投標價，以及其他標書落敗的原因等。就此，政府可否告知本會：

- (一) 過去5年，每年政府以拍賣和招標方式出售的土地分別有多少幅；以拍賣方式出售的土地是否相對較少；若是，原因為何；政府根據甚麼準則決定採取哪種方式出售土地；
- (二) 政府會否全面檢討並優化現時招標出售土地的程序，以增加透明度；若會，檢討的詳情及落實時間表為何；若否，原因為何，以及日後會否進行檢討；
- (三) 政府日後會否更多以拍賣方式出售土地，尤其是住宅用地；若會，詳情為何；若否，原因為何；及
- (四) 政府會否制訂及公布較長年期(例如3至5年)的出售土地計劃，以取代目前按季公布出售土地計劃的做法，讓市場和市民更清晰掌握未來的土地和物業單位的供應情況；若會，詳情為何；若否，原因為何？

## Government's land sale mechanism

(7) Hon Tony TSE Wai-chuen (Written reply)

Some professionals have relayed to me that in recent years, the Government has sold land more and more often by tender. However, the tendering procedure lacks transparency. For example, the Government announces the tender results and details of the successful bids only, and it will not make public the numbers of qualified and unqualified bids received, the highest and lowest bidding prices, or the reasons why other bids are unsuccessful, etc. In this connection, will the Government inform this Council:

- (a) of the respective numbers of sites sold by the Government through auction and tender in each of the past five years; whether relatively fewer sites were sold by auction; if so, of the reasons for that; the criteria based on which the Government decides on the means of land sale to be adopted;
- (b) whether the Government will comprehensively review and enhance the current procedure for the sale of land by tender, so as to increase its transparency; if it will, of the details of the review and the implementation timetable; if not, the reasons for that and whether it will conduct such a review in future;
- (c) whether the Government will sell land, particularly the residential sites, more often by auction in future; if it will, of the details; if not, the reasons for that; and
- (d) whether the Government will draw up and announce a land sale programme covering a longer period (e.g. three to five years) to replace the current practice of announcing the land sale programme on a quarterly basis, so as to enable the market and members of the public to better grasp the situation of future supply of land and property units; if it will, of the details; if not, the reasons for that?

## 醫療疏忽申索個案

### # (8) 梁家驪議員 (書面答覆)

政府可否告知本會，是否知悉過去5年醫院管理局(“醫管局”)接獲的醫療疏忽申索個案的下列詳情：

(一) 該等個案的最新數目(以下表按處理方式及結果分項列出)；

個案匯報的年份	2008	2009	2010	2011	2012
個案總數					
達成庭外和解的個案數目					
進行調解的個案數目					
於調解過程中達成和解的個案數目					
於調解過程後達成和解的個案數目					
進行仲裁的個案數目					
經仲裁解決的個案數目					
經法庭裁決的個案數目					

(二) 該等個案所涉的賠償金額及有關費用的最新數字(以下表按處理方式及結果分項列出)；

個案匯報的年份	2008	2009	2010	2011	2012
作出的賠償總金額					
就庭外和解個案作出的賠償金額					
根據調解達成的協議作出的賠償金額					
根據仲裁裁決作出的賠償金額					
根據法庭裁決作出的賠償金額					
醫管局支付的 調解費用	調解員				
	律師				
	其他				
醫管局支付的 仲裁費用	仲裁員				
	律師				
	其他				
醫管局支付的 法律費用	律師				
	法庭				
	其他*				

\* 不包括與調解或仲裁相關的費用

- (三) 該等個案按匯報的年份及醫療疏忽類別分類的數目(以表列出)；及
- (四) 該等個案涉及的醫生人數(按個案匯報的年份及他們的職級以表列出分項數字)？

## Claims of medical negligence

(8) Dr Hon LEUNG Ka-lau (Written reply)

Will the Government inform this Council whether it knows the following details of the claims of medical negligence received by the Hospital Authority (“HA”) in the past five years:

(a) the latest numbers of such cases (set out in the following table, broken down by handling method and result);

Year in which the cases were reported	2008	2009	2010	2011	2012
Total number of cases					
Number of cases settled out of court					
Number of cases referred to mediation					
Number of cases settled during mediation					
Number of cases settled after mediation					
Number of cases referred to arbitration					
Number of cases settled through arbitration					
Number of cases ruled by the court					

(b) the latest figures concerning the amounts of compensation and relevant costs involved in such cases (set out in the following table, broken down by handling method and result);

Year in which the cases were reported	2008	2009	2010	2011	2012
Total amount of compensation paid					
Amount of compensation paid in respect of cases settled out of court					
Amount of compensation paid pursuant to the agreements reached by mediation					
Amount of compensation paid pursuant to arbitration awards					
Amount of compensation paid pursuant to court rulings					
Mediation fees paid by HA	Mediators				
	Lawyers				
	Others				



Year in which the cases were reported		2008	2009	2010	2011	2012
Arbitration fees paid by HA	Arbitrators					
	Lawyers					
	Others					
Legal fees paid by HA	Lawyers					
	Court					
	Others*					

\* excluding fees related to mediation and arbitration

- (c) a breakdown of the number of such cases by the year in which they were reported and the type of medical negligence involved (set out in table form); and
- (d) the number of medical practitioners involved in such cases (set out in table form, broken down by the year in which the cases were reported and their ranks)?

## 通訊事務管理局辦公室處理投訴的事宜

### # (9) 黃毓民議員 (書面答覆)

通訊事務管理局辦公室(“通訊辦”)於2012年4月成立，其中一項工作是處理消費者對電訊服務和廣播服務的投訴。有不少市民向本人表示，通訊辦拒絕受理他們就電訊服務和收費電視服務所作的投訴，他們因此感到困惑，亦不瞭解通訊辦受理的投訴的範圍。就此，政府可否告知本會：

- (一) 由2012年4月至今，通訊辦分別接到多少宗與電訊服務和收費電視服務有關的投訴，以及跟進了當中多少項投訴，並按投訴的類別列出分項數字；及
- (二) 通訊辦有何計劃向市民宣傳其受理的投訴的範圍？

Handling of complaints by  
the Office of the Communications Authority

(9) Hon WONG Yuk-man (Written reply)

One of the work of the Office of the Communications Authority (“OFCA”), established in April 2012, is to deal with complaints lodged by consumers about telecommunications and broadcasting services. Quite a number of members of the public have relayed to me that their complaints about telecommunications and pay television services were rejected by OFCA, making them feel perplexed and unsure of the scope of complaints accepted by OFCA. In this connection, will the Government inform this Council of:

- (a) the respective numbers of complaints about telecommunications and pay television services received by OFCA since April 2012 and, among such complaints, the number of those which had been followed up, with a breakdown by type of complaints; and
- (b) the plan of OFCA to publicize among the public the scope of complaints it accepts?

## 新高中學制下的視覺藝術課程

### # (10) 馬逢國議員 (書面答覆)

根據香港考試及評核局的報告，在2010-2011學年修讀新高中學制(“新高中”)的視覺藝術科(“視藝科”)的5 399名中五學生當中，只有4 393名學生在升讀中六時繼續修讀該科目，減幅為18.6%。此外，2012年首屆香港中學文憑考試(“文憑試”)視藝科的考生出席人數為4 425人，比以往香港中學會考視藝科的考生出席人數(2000年有9 512人，而2008至2010年則每年約有6 500至6 800人)低得多。另外，據報，視藝教育關注核心小組較早前進行的一項調查顯示，僅一成受訪的視藝科教師認同新高中視藝科課程，而受訪教師普遍認為文憑試的評分尺度過於嚴苛。在首屆視藝科文憑試中，只有53.5%的考生考獲第3級或以上的成績，而2009至2011年香港高級程度會考(“高考”)平均每年有93.9%的該科考生考獲水平相若的E級或以上的成績。另一方面，只有少數設有藝術或相關學士課程的專上院校，在其相關課程的收生要求中列明優先考慮具文憑試視藝科指明成績的學生。就此，政府可否告知本會：

- (一) 在2012-2013學年修讀視藝科的中四、中五及中六學生的人數分別為何；
- (二) 政府有否研究文憑試視藝科的考生人數下降及不少學生中途放棄修讀該科目的原因；如有，詳情為何，這個現象與課程設計、考試評核準則或首屆文憑試考生的成績是否有關，以及哪個因素的影響較大；
- (三) 當局有否檢討文憑試視藝科考獲第3級或以上成績的考生的百分比，較高考考獲E級或以上成績的考生的百分比為低的原因，以及這情況與該科的課程設計及考試評核準則是否有關係；當局會否考慮採取措施，令該等

百分比相若；如會，詳情為何；如否，原因為何；

- (四) 當局有否評估新高中視藝科學生人數減少，對從事藝術教育的前綫教師及開設該課程的學校有何影響，以及有否制訂措施處理這個問題；有否評估這個問題對香港的藝術教育以至創意藝術的人才培養的影響，以及政府有何措施處理這個問題；
- (五) 政府有否研究新高中視藝科的教師對該科課程的認受性低的原因；如有，詳情為何，以及政府會採取甚麼改善措施；政府現時有何機制，確保前綫視藝科教師對該科的意見得以向當局反映，以及當局會如何回應他們的意見；
- (六) 是否知悉，去年入讀本港專上院校的藝術或相關學士課程的學生中，曾修讀新高中視藝科課程的學生人數有多少；
- (七) 有否評估文憑試視藝科成績現時受本地的相關專上院校認可的程度偏低的原因為何，以及有何改善措施；會否考慮建議相關的專上院校在制訂藝術或相關課程的收生要求時，優先考慮曾修讀視藝科課程的學生；如不會，原因為何；及
- (八) 當局有否檢討新高中視藝科課程的落實情況，以及該課程能否達致預期的課程改革目標？

Visual Arts subject under  
the New Senior Secondary Academic Structure

(10) Hon MA Fung-kwok (Written reply)

According to the reports of the Hong Kong Examinations and Assessment Authority, among the 5 399 Secondary Five students who studied the Visual Arts (“VA”) subject under the New Senior Secondary Academic Structure (“NSSAS”) in the 2010-2011 school year, only 4 393 continued to study the subject when they were promoted to Secondary Six, representing a reduction of 18.6%. In addition, the number of candidates who sat for the VA subject in the first Hong Kong Diploma of Secondary Education (“HKDSE”) Examination in 2012 was 4 425, which was much less than those of candidates sitting for the VA subject in the former Hong Kong Certificate of Education Examination (9 512 candidates in 2000, and around 6 500 to 6 800 candidates in each year from 2008 to 2010). Besides, it has been reported that a survey conducted earlier by the Visual Arts Education Concern Core Group indicates that only 10% of the VA teachers interviewed concurred with the VA subject curriculum under NSSAS, and the teachers interviewed generally considered that the marking scheme of the HKDSE Examination was too stringent. Only 53.5% of the candidates obtained the results of Level 3 or above in the VA subject in the first HKDSE Examination, while in each year from 2009 to 2011, an average of 93.9% of the candidates obtained the results of comparable level at Grade E or above in that subject in the Hong Kong Advanced Level (“HKAL”) Examination. On the other hand, only a small number of tertiary institutions offering art or related undergraduate programmes have specified in their admission requirements for such programmes that students who have obtained specified results in the VA subject in the HKDSE Examination will be accorded priority. In this connection, will the Government inform this Council:

- (a) of the respective numbers of Secondary Four, Five and Six students taking the VA subject in the 2012-2013 school year;
- (b) whether the Government has examined the reasons for the drop in the number of candidates sitting for the VA subject in the HKDSE Examination and why quite a

number of students dropped the subject in the course of their study; if so, of the details, whether such phenomenon was related to the curriculum design, examination assessment criteria or the results of the candidates sitting for the first HKDSE Examination, and which factor had a greater impact;

- (c) whether the authorities have examined the reasons why the percentage of candidates obtaining Level 3 or above in the VA subject in the HKDSE Examination is lower than those of the candidates obtaining Grade E or above in the VA subject in the HKAL Examination, and whether such a situation is related to the curriculum design and examination assessment criteria of the subject; whether the authorities will consider taking measures to make such percentages comparable; if they will, of the details; if not, the reasons for that;
- (d) whether the authorities have assessed the impact of the drop in the number of students for the VA subject under NSSAS on the frontline teachers of arts education and on those schools which offer such programmes, and whether they have drawn up measures to tackle this problem; whether they have assessed the impacts of this problem on Hong Kong's art education as well as nurturing of talents in creative arts, and of the Government's measures to tackle the problem;
- (e) whether the Government has studied the reasons for the low recognition for the curriculum of the VA subject under NSSAS among the teachers of the subject; if so, of the details and the improvement measures to be taken by the Government; of the mechanism that the Government currently has to ensure that views of frontline teachers of the VA subject on the subject can be conveyed to the authorities, and how the authorities will respond to such views;
- (f) whether it knows, among the students who enrolled in the art or related undergraduate programmes offered by Hong Kong's tertiary institutions last year, the number of those students who had previously studied the VA subject under NSSAS;

- (g) whether it has assessed the reasons for the relatively low recognition of HKDSE results of VA subject by the local tertiary institutions concerned, and of the improvement measures; whether it will consider suggesting the tertiary institutions concerned to accord priority to those students who have studied the VA subject, when drawing up their admission requirements for art or related programmes; if it will not, of the reasons for that; and
- (h) whether the authorities have reviewed the implementation of the VA subject curriculum under NSSAS, and whether the curriculum can achieve the expected targets of the curriculum reform?



## 涉及水客的入境人數統計

### # (11) 范國威議員 (書面答覆)

據報，廣東省海防與打擊走私辦公室在去年年底披露，在即日多次往返粵港的旅客當中，95%是“水客”。就此，政府可否告知本會：

- (一) 2009年4月至2013年2月期間，每月有多少名內地人士持多次性簽注(即“一簽多行”)經陸路口岸入境(按他們入境和出境相距的日數和月份在下表分項列出)；

月份 \ 人數	入境和出境相距的日數			
	即日	2至3日	4至7日	7日以上至1個月
2009年4月				
2009年5月				
2009年6月				

- (二) 第(一)項所述即日進出香港的內地人士的分項人數(按他們在進出香港當天入境的次數和月份在下表分項列出)；及

月份 \ 人數	同一天內入境的次數			
	1次	2次	3次	4次或以上
2009年4月				
2009年5月				
2009年6月				

- (三) 第(一)項所述的內地人士因參與水貨活動而在本港被拘捕、檢控，以及定罪數目的數目(按月份在下表分項列出)？

月份	被拘捕的內地人士數目	被檢控的內地人士數目	被定罪的內地人士數目
2009年4月			
2009年5月			
2009年6月			

## Immigration statistics relating to parallel traders

(11) Hon Gary FAN Kwok-wai (Written reply)

It has been reported that the Coastal Defense and Anti-Smuggling Office of Guangdong Province disclosed at the end of last year that 95% of the travellers commuting between Guangdong Province and Hong Kong several times on the same day were parallel traders. In this connection, will the Government inform this Council:

- (a) of the respective monthly numbers of mainland people entering Hong Kong on multiple endorsements (i.e. multiple-entry permits) through land boundary control points during the period from April 2009 to February 2013 (set out a breakdown of the figures by month and the number of days between their entries and departures in the following table);

Number of persons Month	Number of days between entries and departures			
	Same day	2 to 3 days	4 to 7 days	More than 7 days to 1 month
April 2009				
May 2009				
June 2009				

- (b) of a breakdown of the mainland people entering and leaving Hong Kong on the same day referred to in (a) (set out the breakdown, by the number of entries to Hong Kong made on the day they entered and left Hong Kong and by month, in the following table); and

Number of persons Month	Number of entries on the same day			
	1 entry	2 entries	3 entries	4 or more entries
April 2009				
May 2009				
June 2009				

- (c) of the numbers of the mainland people referred to in (a) who were arrested, prosecuted and convicted in Hong

Kong because of their participation in parallel trading activities (set out a breakdown of the numbers by month in the following table)?

Month	Number of mainland people arrested	Number of mainland people prosecuted	Number of mainland people convicted
April 2009			
May 2009			
June 2009			

## 遊旅保險的監管

### # (12) 郭偉強議員 (書面答覆)

據報，今年2月在埃及樂蜀發生的熱氣球爆炸事件中遇難的香港旅行團團友當中，有6人在出發前購買的旅遊保險的保障範圍不包括“航空活動”，而有關的保險公司指乘坐熱氣球屬航空活動，因此不會作出賠償。就此，政府可否告知本會：

- (一) 是否知悉，過去3年，遊旅保險每年的毛保費總額、投保人數目、索償宗數及其按申索原因(例如遺失財物、身體損傷及意外身亡等)分類的數字，以及保險公司作出的賠償總額；
- (二) 過去3年，每年關於旅遊保險的投訴宗數及分類數字；當中最終獲得賠償的宗數和涉及的賠償總額，以及最終未獲得賠償的宗數及其原因為何；
- (三) 有否評估現時旅遊保險以“判上判”(即保險公司的旅遊保險產品經由合資格的旅遊保險代理分判給其他代理人銷售)方式銷售的情況，以及當局如何確保銷售旅遊保險的代理人曾獲足夠的專業訓練；
- (四) 鑒於近年港人出外旅遊時不時發生意外，當局有否就加強旅遊保險對市民外遊的保障進行研究；若有，詳情為何；若否，會否考慮進行該項研究；及
- (五) 鑒於當局在剛公布的財政預算案中表示，會於今年內就成立獨立的保險業監管局展開立法工作，當局計劃如何透過該監管局加強對旅遊保險銷售的監管？

## Regulation of travel insurance

(12) Hon KWOK Wai-keung (Written reply)

It has been reported that among the Hong Kong tour group participants who died in the hot air balloon explosion incident in February this year in Luxor, Egypt, six of them had, before the journey, taken out travel insurance policies which did not cover “aerial activities”. The insurance company concerned indicated that hot air balloon rides were regarded as aerial activities and hence no compensation would be made. In this connection, will the Government inform this Council:

- (a) whether it knows in respect of the travel insurance taken out in each of the past three years, the total gross premiums, the number of persons insured, the number of claims and a breakdown of it by reason (e.g. loss of properties, physical injuries and deaths by accident, etc.), and the total amount of compensation paid by insurance companies;
- (b) of the number of complaints about travel insurance and a breakdown of it by type in each of the past three years; among them, of the number of complaints in which compensation had been paid in the end and the total amount of compensation involved, as well as the number of those in which compensation had not been paid in the end and the reasons for that;
- (c) whether it has assessed the present situation of travel insurance being sold by means of “sub-contracting” (i.e. the sale of travel insurance products of insurance companies is sub-contracted by qualified travel insurance agents to other insurance agents), and how the authorities ensure that the sub-contracted travel insurance agents have received adequate professional training;
- (d) as accidents involving Hong Kong people travelling abroad have occurred from time to time in recent years, whether the authorities have conducted studies on enhancing the protection of travel insurance for members of the public travelling abroad; if they have, of the

details; if not, whether they will consider conducting such a study; and

- (e) given that the authorities have indicated in the Budget published recently that they will commence within this year the legislative work for establishing an independent Insurance Authority, of the authorities' plan to step up regulation of the sale of travel insurance through the Authority?

## 木材／藤料都市固體廢物

### # (13) 黃碧雲議員 (書面答覆)

根據環境保護署出版的《香港固體廢物監察報告》，由2007至2011年，木材／藤料廢物的每日平均量分別為344、407、326、295及318公噸。就此，政府可否告知本會：

- (一) 有否研究2008年的木材／藤料廢物的數量較2007年的為高，以及2011年的較2010年為高的原因分別為何；
- (二) 有否研究2008至2010年的木材／藤料廢物的數量呈下降趨勢的原因為何；
- (三) 按廢物來源在下表分項列出2007至2012年，每年棄置的木材／藤料廢物的每日平均量及其佔每日平均總數的百分比為何；

每日平均量(公噸)／佔每日平均總數的百分比								
年份	廢物來源							總計
	物流業(例如木卡板等)	建築業(例如模板、竹棚等)	裝修業(例如木地板等)	展覽業(例如展板、展框等)	飲食業(例如木筷、竹筴等)	修剪出來的樹枝或被砍伐的樹木	節日佈置(例如聖誕樹、桃花等)	
2007								
2008								
2009								
2010								
2011								
2012								

- (四) 按處理方式在下表列出2007至2012年，每年的木材／藤料廢物的每日平均量及其佔每日平均總數的百分比為何；及



每日平均量(公噸)／佔每日平均總數的百分比					
年份	處理方式				
	分類、回收及循環再造	棄置於堆填區	出口	其他 (請說明)	總計
2007					
2008					
2009					
2010					
2011					
2012					

- (五) 過去3年，當局有否推行鼓勵市民及工商業界進行木材廢物的分類、回收及循環再造的計劃；若有，按年列出該等計劃及其成效；若否，原因為何？

## Municipal solid waste of wood/rattan

(13) Dr Hon Helena WONG Pik-wan (Written reply)

According to the “Monitoring of Solid Waste in Hong Kong” reports published by the Environmental Protection Department, the average daily quantities of wood/rattan waste from 2007 to 2011 were 344, 407, 326, 295 and 318 tonnes respectively. In this connection, will the Government inform this Council:

- (a) whether it has studied the respective causes for the quantity of wood/rattan waste in 2008 being higher than that in 2007, and the quantity of such waste in 2011 being higher than that in 2010;
- (b) whether it has studied the causes for the downward trend in the quantity of wood/rattan waste from 2008 to 2010;
- (c) of a breakdown by source of the average daily quantity of wood/rattan waste disposed of, and their percentages in the average daily total quantity, in each year from 2007 to 2012, set out in the following table;

Average daily quantity (tonnes)/percentage in the average daily total quantity								
Year	Source of waste							Total
	Logistics industry (e.g. wooden pallets, etc.)	Construction industry (e.g. formwork, scaffolding, etc.)	Decoration industry (e.g. wood flooring, etc.)	Exhibition industry (e.g. exhibition panels and frames, etc.)	Catering industry (e.g. wooden and bamboo chopsticks, etc.)	Branches trimmed off or felled trees	Festival decorations (e.g. Christmas trees, peach blossoms, etc.)	
2007								
2008								
2009								
2010								
2011								
2012								

- (d) of a breakdown, by way of treatment, of the average daily quantity of wood/rattan waste, and their percentages in the average daily total quantity, in each year from 2007 to 2012, set out in the following table; and

Average daily quantity (tonnes)/percentage in the average daily total quantity					
Year	Way of treatment				Total
	Separation, recovery and recycling	Disposal at landfills	Export	Others (please specify)	
2007					
2008					

Average daily quantity (tonnes) / percentage in the average daily total quantity					
Year	Way of treatment				
	Separation, recovery and recycling	Disposal at landfills	Export	Others (please specify)	Total
2009					
2010					
2011					
2012					

- (e) whether the authorities have launched any programmes to encourage members of the public and the industrial and commercial sectors to carry out separation, recovery and recycling of wood waste in the past three years; if so, set out such programmes and their effectiveness by year; if not, of the reasons for that?

## 規管個人資料用於直接促銷的情況

### # (14) 涂謹申議員 (書面答覆)

《2012年個人資料(私隱)(修訂)條例》(“《修訂條例》”)自今年4月1日起全面實施。其中一項新規定是：個人資料使用者在把個人資料用於直接促銷(“直銷”)，或提供個人資料予另一人以供用於直銷(“直銷用途”)前，須告知資料當事人，並收到回覆表示不反對資料使用者這樣做。《修訂條例》有不溯既往的安排，如果有關機構在該項規定生效前曾通知其客戶收集和使用他們的個人資料的目的、曾向他們進行直銷活動，以及他們從無拒絕該等直銷活動，則該等機構可以在該項規定生效後繼續把有關的個人資料用作直銷用途。不少銀行和電訊服務公司等機構因此在4月1日前向其現有客戶發出通知函件，表示機構會把他們的個人資料用於直銷用途，如果客戶不同意這做法，他們可通知機構行使選擇權拒絕促銷。就此，政府可否告知本會：

- (一) 鑒於不少資料當事人並不知悉他們不理會通知函件，即表示同意有關機構繼續使用他們的個人資料作直銷用途，當局是否知悉，個人資料私隱專員公署(“公署”)有否評估上述規定會否因此不能有效地防止該等機構的現有客戶的個人資料，在他們不知情的情況下，被繼續用作直銷用途；
- (二) 是否知悉，各銀行和電訊服務公司提供的安排(包括客戶可否從該等機構的網頁下載回應表格)，是否便利其客戶就上述於4月1日前收到的通知函件作出回應，拒絕把他們的個人資料用作直銷用途，或於日後提出停止該用途的要求，以及該等機構提供的回應表格的內容有否違反公署於本年1月發出的《直接促銷新指引》；若該等機構沒有提供便利的安排或其提供的回

應表格的內容違反該新指引，公署會否要求該等機構作出改善；

- (三) 是否知悉，大部分機構是否已在其回應表格內，讓客戶分別選擇是否同意接收循不同途徑(例如郵寄、人對人直銷電話、流動電話訊息及電郵等)發出的直銷信息；
- (四) 是否知悉，大部分機構是否已在其回應表格內，讓客戶分別指明他們是否同意該等機構(i)把其個人資料用於直銷機構的產品及服務，以及(ii)提供其個人資料予另一人以供用於直銷；若沒有提供這樣的選項，公署會否要求該等機構作出改善；
- (五) 是否知悉，大部分銀行是否已在其回應表格內，讓客戶分別選擇是否同意接收不同種類的產品(包括存款、按揭貸款、私人貸款、信用卡、投資、保險及強積金產品等)的直銷信息；若沒有讓客戶作出該等選擇，公署會否要求銀行作出改善；及
- (六) 是否知悉，公署會於何時檢討上述規定的實施情況，以保障個人資料在未得資料當事人明確同意下不會被用作直銷？

## Regulation of the use of personal data in direct marketing

(14) Hon James TO Kun-sun (Written reply)

The Personal Data (Privacy) (Amendment) Ordinance 2012 (“Amendment Ordinance”) has come into full operation with effect from 1 April this year. One of the new requirements therein is that before using personal data in direct marketing or providing personal data to another person for use in direct marketing, the data user must notify the data subject of its intention of so doing and receive an indication of no objection from the data subject. Under the grandfathering arrangement provided under the Amendment Ordinance, if an organization has, prior to the coming into effect of the aforesaid requirement, informed customers of the purpose of collecting and using their personal data as well as approached customers in its direct marketing activities, and the customers have never raised objection to such activities, the organization concerned may continue to use the relevant personal data in direct marketing after the requirement has come into effect. Therefore, quite a number of organizations, such as banks and telecommunications service companies, etc., issued letters to their existing customers before 1 April, notifying them that the organizations would use their personal data in direct marketing, and if the customers did not agree to such practice, they might notify the organizations that they exercise their opt-out rights against direct marketing. In this connection, will the Government inform this Council:

- (a) given that quite a number of data subjects are not aware that their ignoring of such notification letters is tantamount to agreeing to the continued use of their personal data in direct marketing by the organizations concerned, whether the authorities know if the Office of the Privacy Commissioner for Personal Data (“PCPD”) has assessed whether the aforesaid requirement will thus fail to effectively prevent the personal data of the existing customers of these organizations from being used in direct marketing continuously without their knowledge;
- (b) whether it knows if the arrangements (including whether customers are able to download reply forms from the organizations’ web sites) provided by various banks and telecommunications service companies facilitate their

customers to respond to the aforesaid notification letters received before 1 April to indicate their objection to the use of their personal data in direct marketing, or to raise requests for ceasing such use in future, and whether the contents of the reply forms provided by these organizations have violated the New Guidance on Direct Marketing issued by PCPD in January this year; if these organizations have not provided such facilitating arrangements or the contents of their reply forms have violated the New Guidance, whether PCPD will request these organizations to make improvement;

- (c) whether it knows if most of the organizations have allowed their customers to choose separately in the reply forms whether they agree to receive direct marketing messages sent via various channels (e.g. mails, person-to-person telemarketing calls, mobile phone messages and emails, etc.);
- (d) whether it knows if most of the organizations have allowed their customers to specify separately in the reply forms whether they agree to the organizations (i) using their personal data in the direct marketing of the organizations' products and services; and (ii) providing their personal data to another person for use in direct marketing; if such options have not been provided, whether PCPD will request the organizations to make improvement;
- (e) whether it knows if most of the banks have allowed their customers to choose separately in the reply forms whether they agree to receive direct marketing messages in respect of various kinds of products (e.g. bank deposits, mortgage loans, personal loans, credit cards, investments, insurance and Mandatory Provident Fund products, etc.); if such options have not been provided to the customers, whether PCPD will request the banks to make improvement; and
- (f) whether it knows when PCPD will review the implementation of the aforesaid requirement with a view to safeguarding personal data from being used in direct marketing without the express consent of the data subjects?

## Employees Compensation Assistance Ordinance

# (15) Hon Dennis KWOK (Written reply)

Under the Employees Compensation Assistance Ordinance (Cap. 365), injured employees who are unable to recover payments of damages from their employers are required to prove their claims in court before they may claim payments from the Employees Compensation Assistance (“ECA”) Fund. The ECA Fund Board is, however, not liable to pay interests on those damages that have been awarded, nor is it liable for the costs incurred by the employee in proving the case in court and obtaining judgment against the employer. In a recent court case, the presiding judge has expressed his “disquiet” at the aforesaid rules in the concluding section of his judgment, and suggested that if steps are not taken to address the problem “as quickly as possible,” there might be a case for judicial review of the relevant provisions. In this connection, will the Government inform this Council whether it has any plans for introducing amendments to the Ordinance to ensure that it adheres to the relevant legal principles and to alleviate the current hardship faced by injured employees applying for payments from the ECA Fund; if it has, of the details; if not, the reasons for that?



## 《僱員補償援助條例》

### (15) 郭榮鏗議員 (書面答覆)

根據《僱員補償援助條例》(第365章)，無法向僱主追討損害賠償的受傷僱員，須在法庭上證明其聲請，才可申請從僱員補償援助基金支取款項。然而，僱員補償援助基金管理局並無法律責任支付有關僱員獲判的損害賠償的利息，亦無法律責任支付僱員就其個案在法庭上舉證及取得判僱主敗訴的判決所引致的費用。在最近的一宗訴訟案件中，主審法官在判辭的總結中表達對上述規定的“不安”，並表示若不“盡快”採取行動處理此問題，或會出現就相關條文提出司法覆核的案件。就此，政府可否告知本會，有否計劃修訂該條例，以確保該條例符合相關的法律原則，並能紓解受傷僱員現時申請從僱員補償援助基金支取款項時面對的困境；若有，詳情為何；若否，原因為何？

## 漁農自然護理署處理所捕獲及接收的動物的情況

### # (16) 毛孟靜議員 (書面答覆)

近年，政府每年預留約130萬元予漁農自然護理署(“漁護署”)作人道毀滅動物的用途。很多動物福利團體對此表示關注。就此，政府可否告知本會：

- (一) 在過去3個財政年度，漁護署用於捕捉動物及人道毀滅動物的實際開支和詳細帳目(例如購買醫療器材的費用及行政費等)為何；
- (二) 人道毀滅動物的平均每隻成本由2009-2010年度的102元上升至2011-2012年度的138元的詳細原因為何；
- (三) 漁護署於過去3個財政年度捕獲的流浪動物當中，被領回／領養及人道毀滅的動物分別有多少；該等動物平均被飼養多久後被領回／領養或被人道毀滅；
- (四) 漁護署在2012-2013年度接收的棄養動物有多少；該署在過去3個財政年度接收的動物當中，被領回／領養及人道毀滅的動物分別有多少；
- (五) 動物的健康狀況是否漁護署考慮將其人道毀滅的主要因素；過去3個財政年度，有多少健康的動物被人道毀滅；
- (六) 漁護署有否就人道毀滅動物訂立明確的準則及詳盡的實務指引，供相關的職員及獸醫依循；如有，詳情為何、該等準則及指引的訂立日期及最後修訂日期為何，以及有否第三者監察人道毀滅動物過程是否依循指引；如果沒有準則及指引，該署會否考慮訂

立，以及會否在指引中訂明須有第三者監察整個過程；

- (七) 現時漁護署採用甚麼方法人道毀滅動物，是否包括使用吸入性氣體及注射藥物；如果包括，使用的氣體及藥物為何，以及在動物身體哪個部位(例如四肢靜脈、頸部靜脈或心臟)注射藥物；及
- (八) 在2012-2013年度，漁護署推行了哪些加強管理流浪動物和推廣動物福利的措施，以及實際的開支為多少？

Handling of the animals caught and received  
by the Agriculture, Fisheries and Conservation Department

(16) Hon Claudia MO (Written reply)

In recent years, the Government earmarked about \$1.3 million per year for the Agriculture, Fisheries and Conservation Department (“AFCD”) to euthanize animals. Many animal welfare groups have expressed concern in this regard. In this connection, will the Government inform this Council:

- (a) of the actual expenditure incurred by AFCD for catching and euthanizing animals in the past three financial years, together with the detailed accounts (such as the costs for purchasing medical equipment and the administration expenses, etc.);
- (b) of the detailed causes for the rise of the unit euthanasia cost from \$102 in 2009-2010 to \$138 in 2011-2012;
- (c) of the respective numbers of those animals reclaimed/re-homed and euthanized among the stray animals caught by AFCD in the past three financial years; for how long such animals had been kept on average before they were reclaimed/re-homed or euthanized;
- (d) of the number of abandoned animals received by AFCD in 2012-2013; the respective numbers of those animals reclaimed/re-homed and euthanized among the animals received by AFCD in the past three financial years;
- (e) whether the animals’ health conditions are a major factor in AFCD’s consideration for euthanasia; of the number of healthy animals euthanized in the past three financial years;
- (f) whether AFCD has formulated clear criteria and detailed practical guidelines on animal euthanasia for relevant staff members and veterinary surgeons to follow; if it has, of the details, as well as the dates on which such criteria and guidelines were formulated and last revised, and whether there is a third party to monitor the compliance or otherwise of the process of animal

euthanasia with the guidelines; if there are no criteria and guidelines, whether AFCD will consider formulating them and stipulating in the guidelines the requirement for a third party to monitor the whole process;

- (g) of the methods currently adopted by AFCD to euthanize animals, and whether such methods include the use of inhalable gases and drug injection; if such methods are included, of the gases and drugs used, as well as the parts of the animal's body (e.g. veins in the limbs, veins in the neck or the heart) where the injection is administered; and
- (h) of the measures implemented by AFCD in 2012-2013 to enhance the management of stray animals and promote animal welfare, as well as the actual expenditure incurred?

## 推行《全面水資源管理策略》及相關的措施

### # (17) 胡志偉議員 (書面答覆)

政府於2008年公布推行《全面水資源管理策略》(“《策略》”), 透過加強節約用水及開拓水資源, 平衡原水的供求, 以配合香港的可持續發展。就推行《策略》的進展及相關的措施, 政府可否告知本會:

- (一) 按現時香港的人口趨勢推算, 2014至2030年每年本港的用水需求為何; 鑒於政府在2011年2月表示, 會在該年進行住宅用水調查, 並“考慮可否制定中期節水目標, 及除總節水量之外的其他節水指標”, 現時制訂該等節水指標的進展為何;
- (二) 鑒於政府在2008年表示, “會在具適當規模和性質的工程計劃內進行試驗, 以汲取經驗和鼓勵私人發展商考慮採用[再造水]”, 政府除在昂坪及石湖墟進行使用再造水作沖廁和其他非飲用用途的試驗計劃外, 在過去3年, 曾在哪些工程計劃中推行使用再造水的試驗計劃, 以及有多少個私人發展商參與試驗計劃(列出有關工程計劃的名稱, 以及相關試驗計劃的內容及成效);
- (三) 鑒於政府在2010年5月表示, 已在學校及政府設施試驗推行, 把循環再用的洗盥污水和集蓄雨水應用於其他非飲用用途, 由2009年至今, 當局在學校及政府設施推行了多少項試驗計劃, 以及有關的詳情及成效為何; 鑒於政府在2011年10月表示已進行顧問研究, 為洗盥污水循環再用及集蓄雨水作非飲用用途制訂技術標準, 該項研究及制訂技術標準的工作進展為何;

- (四) 過去3年，用水量最高的5個政府部門每年分別的用水量及其主要用途(例如清洗街道或車輛、灌溉等)，以及該等數字有沒有包括該等部門的服務外判商的用水量；
- (五) 有沒有分別為各個政府部門制訂短期及長期的節水指標及用水指引；如有，詳情為何；鑒於政府在2010年5月時表示，“已計劃委聘顧問進行研究，檢討主要政府部門的用水模式”，有關的研究的進展為何；
- (六) 鑒於政府於2010年5月表示正檢討用水收費結構以鼓勵減少用水，檢討的結果及跟進的政策建議為何；
- (七) 有沒有統計或估計每年經排洪設施(例如雨水排放隧道、蓄洪池等)或因水塘溢流排出大海的雨水量；如有，過去3年每年的數字為何；如沒有，原因為何；
- (八) 除已計劃在九龍副水塘與下城門水塘間興建溢流轉運隧道以節約水資源外，政府在過去5年有沒有研究或進行其他的水塘間轉運溢流計劃；
- (九) 現時有沒有定期檢測流經雨水排放系統的雨水的水質，是否適合作非飲用用途；如有，過去3年的檢測結果為何；如沒有，會否計劃進行有關的檢測；及
- (十) 現時有沒有計劃把流經雨水排放系統的雨水收集並供應給部分政府部門作非飲用用途，或進行相關研究；如有，詳情為何；如沒有，原因為何？

Implementation of  
the Total Water Management Strategy and related measures

(17) Hon WU Chi-wai (Written reply)

In 2008, the Government announced the implementation of the Total Water Management (“TWM”) Strategy for a balanced supply and demand of raw water, through strengthening water conservation and developing alternative water sources, so as to support the sustainable development of Hong Kong. Regarding the progress of the implementation of the TWM Strategy and related measures, will the Government inform this Council:

- (a) of Hong Kong’s projected demand for water in each year from 2014 to 2030 based on Hong Kong’s current population trend; as the Government indicated in February 2011 that it would conduct a domestic water consumption survey that year and “consider the feasibility of establishing water conservation targets for the medium term and other water saving targets in addition to the total water saving target”, of the current progress of establishing such water saving targets;
- (b) as the Government indicated in 2008 that it would “conduct trials in projects of appropriate scale and nature to gather experience and encourage private developers to consider [using reclaimed water]”, of the works projects in which pilot schemes on the use of reclaimed water had been carried out by the Government in the past three years, apart from the pilot schemes on the use of reclaimed water at Ngong Ping and Shek Wu Hui for toilet flushing and other non-potable uses, as well as the number of private developers which had participated in such pilot schemes (set out the names of the works projects concerned as well as the contents and results of related pilot schemes);
- (c) as the Government indicated in May 2010 that it had implemented some trial schemes in schools and government facilities for recycling grey water and harvesting rainwater for other non-potable uses, of the number of such trial schemes implemented in schools and government facilities since 2009, as well as the



related details and effectiveness; as the Government indicated in October 2011 that it had conducted a consultancy study to establish technical standards for recycling grey water and harvested rainwater for non-potable uses, of the progress of such study and the establishment of the technical standards;

- (d) of the respective annual water consumption levels of the top five government departments in water consumption and main uses of water consumed (e.g. cleansing of streets or vehicles, irrigation, etc.) in the past three years, and whether such figures had included the water consumption of these departments' outsourced service contractors;
- (e) whether it has separately drawn up short and long term water saving targets as well as guidelines on water consumption for various government departments; if so, of the details; as the Government indicated in May 2010 that it had "planned to commission a consultancy study on water consumption practice of major government departments", of the progress of such study;
- (f) as the Government indicated in May 2010 that it was reviewing the water tariff structure to encourage reduction of water consumption, of the outcome of the review and the follow-up policy proposals;
- (g) whether it has compiled statistics on or estimated the annual quantity of rainwater discharged to the sea via drainage facilities (e.g. drainage tunnels, flood storage ponds, etc.) or due to overflow from reservoirs; if so, of such figures in each of the past three years; if not, the reasons for that;
- (h) apart from the plan to construct an overflow transfer tunnel from Kowloon Byewash Reservoir to Lower Shing Mun Reservoir to conserve water resources, whether the Government studied or implemented other inter-reservoirs overflow transfer schemes in the past five years;

- (i) whether it has regularly tested the water quality of the rainwater running through the stormwater drainage system to see if such water is suitable for non-potable uses; if so, of the outcome of such tests in the past three years; if not, whether it will plan to carry out such tests; and
- (j) whether currently it has any plan to collect rainwater running through the stormwater drainage system and supply such water to some government departments for non-potable uses, or to conduct related studies; if so, of the details; if not, the reasons for that?

## 針對阻礙公眾地方的物品採取的執法行動

### # (18) 郭家麒議員 (書面答覆)

據報，食物環境衛生署(“食環署”)於2012年12月5日在中環威靈頓街，根據《公眾衛生及市政條例》(第132章)向一名拾荒長者發出“移走障礙物通知書”(“通知書”)，飭令她於4小時內移走放置在馬路及行人道上的物品，否則會採取進一步的執法行動。有市民指出，有商業宣傳品長期擺放在全港各區不少街道上，有印刷媒體在各區港鐵站出口、行人過路處及主要行人通道擺放及派發報刊，亦有團體在各區設置街站及懸掛橫額宣傳理念，他們質疑當局為何不對有關人士採取執法行動。就此，政府可否告知本會：

- (一) 過去5年，食環署在全港各區接到有關拾荒長者的物品阻街和有礙觀瞻等的投訴數目為何，以及食環署分別就當中多少宗個案發出通知書及提出檢控；
- (二) 過去5年，食環署在全港各區接到有關商業活動(包括示範及宣傳商業產品，以及登記寬頻上網及流動網絡等電訊服務)及團體的宣傳活動阻街等的投訴數目為何；食環署分別就當中多少宗個案發出通知書及提出檢控；
- (三) 過去5年，食環署在全港各區接到有關印刷媒體在各區港鐵站出口、行人過路處及主要行人通道擺放及派發報刊的投訴數目為何；食環署分別就當中多少宗個案發出通知書及提出檢控；及
- (四) 當局在接到第(一)至(三)項的投訴後，會否因應被投訴人的身份、他們被投訴的次數及個案的嚴重性決定是否採取執法行動；如會，具體的執法標準及法律依據為何？

Law enforcement actions relating to  
articles causing obstruction in public places

(18) Dr Hon KWOK Ka-ki (Written reply)

It has been reported that the Food and Environmental Hygiene Department (“FEHD”) issued a “Notice to Remove Obstruction” (“Notice”) under the Public Health and Municipal Services Ordinance (Cap. 132) to an elderly scavenger at Wellington Street in Central on 5 December 2012, ordering her to remove her articles placed on the road and the pavement within four hours, or else further law enforcement actions would be taken. Some members of the public have pointed out that there are commercial publicity materials placed for a long time on quite a number of streets in various districts in Hong Kong, while some print media place and distribute newspapers and magazines at various MTR exits, pedestrian crossings and major pedestrian links, and some organizations also set up booths on the streets as well as hang up banners to propagate their beliefs in various districts. They have queried why the authorities do not take law enforcement actions against the people concerned. In this connection, will the Government inform this Council:

- (a) of the number of complaints received by FEHD in the past five years from various districts in Hong Kong about the articles of elderly scavengers causing street obstruction and becoming an eyesore, etc., and among them, the respective numbers of cases in respect of which FEHD had issued Notices and instituted prosecutions;
- (b) of the number of complaints received by FEHD in the past five years from various districts in Hong Kong about commercial activities (including demonstration and promotion of commercial products as well as registration for telecommunications services such as broadband connections and mobile network, etc.) and publicity activities of organizations causing street obstruction, etc., and among them, the respective numbers of cases in respect of which FEHD had issued Notices and instituted prosecutions;
- (c) of the number of complaints received by FEHD in the past five years from various districts in Hong Kong

concerning print media placing and distributing newspapers and magazines at various MTR exits, pedestrian crossings and major pedestrian links, and among them, the respective numbers of cases in respect of which FEHD had issued Notices and instituted prosecutions; and

- (d) whether the authorities will, upon receipt of the complaints mentioned in (a) to (c), determine if law enforcement actions are to be taken on account of the identities of the persons under complaint, the numbers of complaints against them and the gravity of the cases; if they will, of the specific standards of and legal basis for law enforcement?

## 在課室安裝閉路電視系統

### # (19) 劉慧卿議員 (書面答覆)

據傳媒報道，有學校在課室內安裝閉路電視系統，而此舉受到學生、教育界人士及人權組織批評為有侵犯學生私隱之嫌。就此，行政機關可否告知本會：

- (一) 是否知悉，有關學校在課室內安裝閉路電視系統前，曾否諮詢持份者的意見，以及有否評估此舉對學生私隱的影響；是否知悉該等學校的閉路電視系統的攝錄容貌清晰度為何，以及學校當局有否遵守由個人資料私隱專員公署發出的《閉路電視監察措施指引》；
- (二) 是否知悉，截至本年3月，共有多少間學校(包括幼稚園、小學及中學)已在課室內安裝或正在安裝閉路電視系統，以及該等學校在課室內平均安裝多少個閉路電視鏡頭；已在課室內安裝閉路電視系統但後來停用的學校的數目為何；
- (三) 當局現時有否措施確保學校只在不侵犯學生私隱的情況下在校內安裝閉路電視系統；若有，詳情為何；若否，原因為何；及
- (四) 當局有否向學校發出安裝閉路電視系統的指引，以提醒學校須遵守的程序，包括收集到的資料的保安、保管期限，以及把該等資料轉移給第三者的規限；若有，詳情為何；若否，原因為何？

## Installation of closed-circuit television systems in classrooms

(19) Hon Emily LAU Wai-hing (Written reply)

According to media reports, some schools have installed closed-circuit television (“CCTV”) systems in classrooms, and students, members of the education sector and human rights organizations have criticized that this practice might infringe on the privacy of students. In this connection, will the Executive Authorities inform this Council:

- (a) whether they know if the schools concerned had consulted the stakeholders before installing CCTV systems in classrooms and assessed the impact of such practice on the privacy of students; whether they know the clarity of the facial images recorded in the CCTV systems in these schools, and whether the school authorities had complied with the Guidance on CCTV Surveillance Practices issued by the Office of the Privacy Commissioner for Personal Data;
- (b) whether they know the total number of schools (including kindergartens, primary schools and secondary schools) which have installed or are installing CCTV systems in classrooms as at March this year, and the average number of CCTV cameras installed in classrooms by such schools; the number of schools which had installed CCTV systems in classrooms but subsequently stopped using them;
- (c) whether the authorities currently have measures in place to ensure that schools install CCTV systems in the school premises only under the circumstances that the installation will not infringe the privacy of students; if so, of the details; if not, the reasons for that; and
- (d) whether the authorities have issued guidelines to schools concerning the installation of CCTV systems to remind them of the procedure which schools are required to follow, including regulation of the security and retention period as well as restrictions on transfer to third parties of the data collected; if so, of the details; if not, the reasons for that?

## 在推行新政策之前通知內地官員的做法

### # (20) 湯家驊議員 (書面答覆)

據報，國務院港澳事務辦公室(“港澳辦”)主任早前披露，行政長官曾在去年10月26日宣布開徵買家印花稅前夕致電通知他，政府將會開徵該稅項。行政長官回應報道時表示，致電港澳辦的目的並非“請示”而是“知會”，因為該稅項的徵收對象是香港以外的買家，所以有“辦內交與外交”的需要。就此，政府可否告知本會：

- (一) 基於甚麼準則作出預先通知港澳辦的決定；為何通知的對象是港澳辦而非商務部；
- (二) 政府有否一套保密措施，確保當局於公布市場敏感的政策前，有關的政策資料不會外洩；如有，措施的詳情為何；如否，原因為何；
- (三) 有否評估，預先通知港澳辦的做法有否違反行政會議的保密原則；如評估結果為有違反，有否作出任何懲處；如評估結果為沒有違反，理據為何，以及行政會議成員是否無須繼續遵守保密規定；如是，原因為何；如否，如何確保行政會議成員遵守有關規定；
- (四) 有否採取措施確保港澳辦或其他內地部門的官員不會把開徵買家印花稅的相關資料在公布前外洩；如有，措施的詳情為何；如否，原因為何；
- (五) 鑒於外國投資者同樣受買家印花稅影響，政府在實施買家印花稅前，曾否知會國際投資者或外國駐港領事館的人員；如有，詳情為何；如否，原因為何，以及當局基於哪些準則及原因，決定不預先通知外國駐港領事館



的人員，該等原因是否包括未有“辦外交”的需要；

- (六) 政府有否一套準則以決定在推出新政策前需否向某些機構預先通報；如有，準則為何；及
- (七) 自本屆政府上場以來，除了開徵買家印花稅外，有否把機密的新政策在公布前通知港澳辦或其他內地部門的官員；如有，請表列詳情；如否，原因為何；上述預先通知港澳辦的做法會否成為先例；當局會否承諾，日後不再把機密的新政策在公布前通知港澳辦，以體現“一國兩制”及“港人治港”的原則？

The practice of notifying mainland officials  
before the implementation of new policies

(20) Hon Ronny TONG Ka-wah (Written reply)

It has been reported that the Director of the Hong Kong and Macao Affairs Office (“HKMAO”) of the State Council disclosed earlier that the Chief Executive (“CE”) had informed him by telephone of the Government’s decision to introduce Buyer’s Stamp Duty (“BSD”) on the eve of its announcement on 26 October last year. In response to the reports, CE said that the purpose of his call was to “inform” rather than “asking for instructions” from HKMAO, since BSD targeted on non-local buyers and it was necessary to undertake both “internal diplomacy” and “external diplomacy”. In this connection, will the Government inform this Council:

- (a) of the criteria based on which the decision to notify HKMAO in advance was made; why HKMAO and not the Ministry of Commerce was notified;
- (b) whether the Government has put in place a set of security measures to ensure that information on market-sensitive policies will not be divulged prior to their announcement by the authorities; if it has, of the details of such measures; if not, the reasons for that;
- (c) whether it has assessed if the notification of HKMAO in advance has violated the confidentiality principle of the Executive Council (“ExCo”); if the assessment result is in the affirmative, whether any punishment has been imposed; if the assessment result is in the negative, of the justifications for that, and whether ExCo Members are no longer required to comply with the confidentiality requirements; if they are no longer required to do so, of the reasons for that; if they are required to do so, how it assures that ExCo Members comply with the relevant requirements;
- (d) whether it had adopted measures to ensure that relevant information concerning the introduction of BSD would not be divulged by officials of HKMAO or other mainland authorities prior to the announcement of such

information; if it had, of the details of the measures; if not, the reasons for that;

- (e) given that foreign investors are equally affected by BSD, whether the Government had informed international investors or officers of the consulates in Hong Kong prior to the implementation of BSD; if it had, of the details; if not, the reasons for that, and the criteria and reasons based on which the authorities decided not to notify officers of the consulates in Hong Kong in advance, and whether one of the reasons was that it was unnecessary to “undertake external diplomacy”;
- (f) whether the Government has put in place a set of criteria for deciding whether it is necessary to notify certain organizations in advance prior to the introduction of new policies; if it has, of the criteria; and
- (g) whether the Government of the current term has, since its inauguration, informed officials of HKMAO or other mainland authorities of its confidential new policies prior to their announcement, apart from the introduction of BSD; if it has, set out the details in table form; if not, of the reasons for that; whether the aforesaid practice of notifying HKMAO in advance will become a precedent; whether the authorities will undertake not to notify HKMAO in advance prior to the announcement of confidential new policies in future in order to realize the principles of “One Country Two System” and “Hong Kong people ruling Hong Kong”?

## 在浩園土葬的政策

# (21) 葉劉淑儀議員 (書面答覆)

香港警察隊員佐級協會(“協會”)向本人反映有關殉職警務人員在浩園安葬的問題。協會指出，根據現行政策，未獲頒授英勇勳章的殉職警員的遺體須在安葬在浩園6年後掘出，重新安放在園內的永久甕盎(俗稱“金塔”)葬位，或於火化後安放在園內的靈灰安置所的壁龕。協會表示，將殉職公務員的遺體從2呎乘6呎的土葬葬位遷移至不足10米外2呎乘2呎的金塔葬位，實際上未能有效節省園內的土地資源，但卻對為港捐軀的死者不敬，亦令其家人再次傷心。另一方面，現時所有在執行最後職務時因“英勇過人的行為”而殉職，並獲行政長官追授英勇勳章的公務員，則可永久土葬。就此，政府可否告知本會：

- (一) 浩園的土葬葬位、金塔葬位，以及放置靈灰的壁龕的數目及現時已佔用的數目分別為何；現時永久土葬葬位的數目，以及該數目佔土葬葬位總數的百分比為何；
- (二) “英勇過人的行為”的定義為何；該定義與“因公殉職”的定義有何區別，當局有否把“因公殉職”的行為細分為“英勇的”與“非英勇的”；
- (三) 鑒於當局現時已訂明殉職公務員在浩園安葬的條件，即：“公務員如在實際執行職務期間受傷；非因本身蓄意的嚴重錯失而受傷；又或因職務性質受傷，以致死亡”，為何英勇殉職的公務員與其他同樣符合該條件的殉職公務員有不同的土葬安排；
- (四) 鑒於協會建議當局容許所有“為港捐軀”的殉職公務員在浩園永久土葬，並將“為港捐軀”界定為“公務員在執行行

動性任務時，因不能估計的原因而犧牲性命，又或是勇敢犯險而付出生命”，當局有否就該建議展開相關的研究，以及若研究結果為當局因現行的法律原則及未能修例而不能允許所有殉職公務員永久土葬，當局會否參考外國的做法(例如興建私人墓園)，讓殉職公務員永久土葬；及

- (五) 鑒於現時把殉職公務員的骸骨於安葬6年後掘出並遷葬所涉的費用是由有關的家屬支付，當局會否考慮代他們(特別是失去經濟支柱的家庭)支付有關費用？

## Policy on earth burial at Gallant Garden

(21) Hon Mrs Regina IP LAU Suk-ye (Written reply)

The Junior Police Officers' Association of the Hong Kong Police Force ("JPOA") has relayed to me issues concerning burial at Gallant Garden for police officers who died on duty. JPOA has pointed out that, under the existing policy, the remains of police officers who died on duty and had not been awarded a bravery medal have to be exhumed, after six years of burial at Gallant Garden, for re-interment in permanent urn (commonly known as "kam tap") spaces or columbarium niches in the Garden after cremation. JPOA has indicated that relocating the remains of civil servants who died on duty from earth burial spaces of two feet times six feet to kam tap spaces of two feet times two feet located only less than 10 metres away cannot really conserve the land resources at Gallant Garden effectively. However, the arrangement shows no respect to those who sacrificed their lives for Hong Kong and also brings grief to their family members again. On the other hand, at present, all civil servants who died on duty while performing "exceptional bravery acts" in their final duties and posthumously awarded a bravery medal by the Chief Executive are given permanent earth burial. In this connection, will the Government inform this Council:

- (a) of the respective numbers of earth burial spaces, kam tap spaces and niches for remains after cremation at Gallant Garden, as well as those which have been taken up at present; the current number of permanent earth burial spaces and the percentage of such number in the total number of earth burial spaces;
- (b) of the definition for "exceptional bravery acts"; the difference between such definition and that for "death on duty", and whether the authorities have classified the acts associated with "death on duty" into "bravery" and "non-bravery" acts;
- (c) given that at present, the authorities have already stipulated the condition for civil servants who died on duty to be buried at Gallant Garden, i.e. a civil servant who "dies as a result of injuries received in the actual

discharge of his duty; without his own serious and wilful misconduct; and on account of circumstances attributable to the nature of his duty”, of the reasons why there are different earth burial arrangements for civil servants who died on duty while performing bravery acts and those who died on duty and have equally met such condition;

- (d) given that JPOA has suggested that the authorities allow all civil servants who “sacrificed their lives for Hong Kong” to be given permanent earth burial at Gallant Garden and that “to have sacrificed lives for Hong Kong” should be defined as “a civil servant who loses his life as a result of unexpected reasons while discharging operational duties, or who courageously stands against danger and gives his life eventually”, whether the authorities have commenced relevant studies in response to such suggestions, and if the results of the studies reveal that the authorities, due to prevailing legal principles and inability to effect legislative amendments, are unable to allow permanent earth burial for all civil servants who died on duty, whether the authorities will make reference to the practices of foreign countries (e.g. constructing private graveyards), so as to allow permanent earth burial for all civil servants who died on duty; and
- (e) given that at present, the expenses for exhumation and relocation, after six years of burial, of the remains of civil servants who died on duty are borne by the family members concerned, whether the authorities will consider paying the expenses on their behalf (especially those families which have lost their major bread winners)?

## 監察受託人管理一筆遺產作慈善用途的情況

### # (22) 謝偉俊議員 (書面答覆)

高等法院於本年2月裁定，“華懋慈善基金有限公司”(“華懋基金”)是一筆數百億港元遺產的受託人，並須嚴格遵守遺囑條文，將遺產作慈善用途。該筆遺產包括華懋集團資產。另一方面，早前有傳媒報道，華懋集團前企業管治總監(“總監”)指出，羅兵咸永道會計事務所同時擔任遺產管理人及華懋集團核數師和行政總裁辦公室成員3個角色，令該集團大幅偏離良好企業管治及收益受損。報道又指出，按該位總監所披露，華懋集團某些人事安排，不利華懋基金履行遺產受託人職務。就此，政府可否告知本會，律政司司長會否以慈善事務守護者身份，調查及跟進上述遺產受託人，有否盡責保護屬該筆遺產的華懋集團資產，使該筆遺產得以妥善保存並作慈善用途；如會，將怎樣跟進；如否，原因為何？



Monitoring of the administration by  
the trustee of an estate for charitable purposes

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

The High Court handed down a judgment in February this year that the Chinachem Charitable Foundation Limited (“Chinachem Foundation”) is the trustee of an estate of tens of billion of Hong Kong dollars and shall strictly abide by the provisions of the will concerned and apply the estate for charitable purposes. The estate includes the assets of the Chinachem Group. On the other hand, according to earlier media reports, the former Director of Corporate Governance of the Chinachem Group (“the Director”) has pointed out that PricewaterhouseCoopers has assumed three roles at the same time as the estate administrator as well as the auditor and a member of the Chief Executive Officer’s office of the Chinachem Group, rendering the Group deviating considerably from good corporate governance and jeopardizing the Group’s revenue. It has also been reported that as disclosed by the Director, certain personnel arrangements of the Chinachem Group are not conducive to the discharge of duties by the Chinachem Foundation as the estate trustee. In this connection, will the Government inform this Council whether the Secretary for Justice will, in his capacity as the Protector of Charities, investigate and follow up on whether the trustee of the aforesaid estate has exercised due diligence to protect the assets of the Chinachem Group, which form part of the estate, with a view to enabling the estate to be preserved properly and applied for charitable purposes; if he will, of the follow-up actions to be taken; if not, the reasons for that?