

立法會

Legislative Council

立法會CB(3) 161/12-13號文件

2012年11月23日內務委員會會議文件

定於2012年11月28日立法會會議上提出的質詢

提問者：

- (1) 何俊仁議員 (口頭答覆) (新的質詢)
(取代其原先提出的質詢)
- (2) 易志明議員 (口頭答覆)
- (3) 梁家傑議員 (口頭答覆) (新的質詢)
(取代其原先提出的質詢)
- (4) 何秀蘭議員 (口頭答覆)
- (5) 葉國謙議員 (口頭答覆)
- (6) 李卓人議員 (口頭答覆)
- (7) 毛孟靜議員 (書面答覆)
- (8) 林健鋒議員 (書面答覆)
- (9) 涂謹申議員 (書面答覆)
- (10) 劉皇發議員 (書面答覆)
- (11) 陳恒鏞議員 (書面答覆)
- (12) 鍾樹根議員 (書面答覆)
- (13) 黃定光議員 (書面答覆)
- (14) 梁國雄議員 (書面答覆)
- (15) 梁繼昌議員 (書面答覆)
- (16) 莫乃光議員 (書面答覆)
- (17) 陳家洛議員 (書面答覆)
- (18) 馮檢基議員 (書面答覆)
- (19) 陳偉業議員 (書面答覆)
- (20) 林大輝議員 (書面答覆) (新的質詢)
(取代其原先提出的質詢)

註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

中央政策組的工作

(1) 何俊仁議員 (口頭答覆)

據報，中央政策組(下稱“中策組”)首席顧問最近在接受電視訪問時表示，日後會投放更多資源和人手，密切留意互聯網上的社交網站和討論區的訊息。此外，中策組獲委派一項新任務，就是為數以百計的諮詢組織及委員會物色人才。亦有報道指出，最近有政務主任收到通知，所有重要的法定機構和諮詢組織公職的委任，均須向中策組一名新任全職顧問匯報。就此，政府可否告知本會：

- (一) 未來5年，中策組會投放多少資源和人手，監察市民在互聯網上的社交網站和討論區發表對公共事務的意見；會否增聘人手在社交網站和討論區發表評論；若會，會增聘多少人手；
- (二) 有關法定機構和諮詢組織公職的委任，過往各決策局是否須向中策組的顧問匯報；自該措施實施以來，各決策局共匯報了多少個公職的人選，以及該名顧問有否對任何人選提出反對；若有提出反對，有關的人選最終有否獲委任；及
- (三) 有否評估中策組在委任法定機構和諮詢組織公職的新職能，會否削弱決策局委任社會人士擔任公職的權力；若評估結果是會，詳情為何；若評估結果是不會，原因為何？

Work of the Central Policy Unit

- (1) Hon Albert HO Chun-yan (Oral reply)

The Head of the Central Policy Unit (“CPU”) has reportedly said in a recent television interview that, in future, CPU will deploy more resources and manpower to closely attend to messages posted on social networking web sites and discussion forums on the Internet. In addition, CPU has been assigned a new duty of identifying talents for hundreds of advisory bodies and committees. It has also been reported that some Administrative Officers have recently been informed that all appointments to public offices of important statutory and advisory bodies are required to be reported to a newly appointed full-time member of CPU. In this connection, will the Government inform this Council:

- (a) of the resources and manpower that CPU will deploy in the next five years for monitoring the opinions on public affairs expressed by members of the public on social networking web sites and discussion forums on the Internet; whether it will recruit additional manpower to post comments on these social networking web sites and discussion forums; if it will, of the additional manpower to be recruited;
- (b) whether various policy bureaux were previously required to report to CPU’s members appointments to the public offices of statutory and advisory bodies; of the total number of candidates for appointment to public offices which have been reported by various policy bureaux since the implementation of the measure, and whether the CPU member concerned has raised objection to any of these candidates; if objections have been raised, whether the candidates concerned have been appointed eventually; and
- (c) whether it has assessed if CPU’s new function concerning appointments to public offices of

statutory and advisory bodies will undermine the power of policy bureaux in appointing members of the community to public offices; if the assessment outcome is in the affirmative, of the details; if the assessment outcome is in the negative, the reasons for that?

防止高層政府官員出現利益衝突的措施

(3) 梁家傑議員 (口頭答覆)

行政長官在上任翌日表示，政府希望最終做到“零廚餘”。環境局局長亦曾經表示，政府會“積極支持消滅廚餘”。據報，行政長官夫人在本月中成立了一間公司，推動消滅廚餘。根據該公司的計劃書，公司會投入人力資源進行食物分發、教育公眾和研究等工作，並計劃聯合各個團體、游說政府進行立法及向商界籌募經費。就此，政府可否告知本會：

- (一) 根據現行的利益申報規定，行政長官須否申報他的配偶開設與政府積極推動的政策有直接關係的公司；若須申報，詳情為何及公眾能否查閱該等申報；如無須申報，原因為何；
- (二) 有否評估一方面政府積極推動消滅廚餘的政策，而另一方面行政長官夫人開設處理廚餘公司，兩者會否在觀感上或實質上構成利益衝突；如評估結果為會，詳情為何；如評估結果為不會，原因為何；及
- (三) 現行防止行政長官及政治委任官員出現利益衝突的法例或守則中，有否規管他們的配偶及直系親屬經營公司，或透過該等公司接受政府資助或商界捐款；如有，有否評估上述個案是否已違反相關規定；如否，政府有否考慮擴大有關的法例或守則，以涵蓋上述情況，防止出現利益衝突？

Measures to prevent conflict of interests on the part of
senior government officials

(3) Hon Alan LEONG Kah-kit (Oral reply)

On the day after assumption of office, the Chief Executive (“CE”) indicated that the Government hoped to achieve the goal of “zero food waste” eventually. The Secretary for the Environment has also said that the Government will “actively support reduction of food waste”. It has been reported that CE’s wife has set up a company in the middle of this month to promote the reduction of food waste. According to its proposal, the company will deploy manpower resources to undertake such work as food distribution, public education and research, etc., and it plans to collaborate with various organizations in its work, lobby the Government to introduce legislation in this regard and solicit funds from the business sector. In this connection, will the Government inform this Council:

- (a) according to the current requirements on declaration of interests, whether CE is required to declare the companies set up by his spouse which are directly related to the policies actively promoted by the Government; if such declarations are required, of the details and whether such declarations are available for public inspection; if such declarations are not required, of the reasons for that;
- (b) whether it has assessed if it will give rise to perceived or real conflict of interests when on the one hand the Government actively promotes the policy of food waste reduction and, on the other hand, CE’s wife has set up a company engaged in food waste treatment; if the assessment result is in the affirmative, of the details; if the assessment result is in the negative, the reasons for that; and
- (c) whether the operation of companies by the spouses and immediate family members of CE and politically appointed officials (“PAOs”) as

well as their acceptance of government subsidies or donations from the business sector through such companies are subject to regulation by existing legislation or codes for CE and PAOs on prevention of conflict of interests; if so, whether it has assessed if the aforesaid case violates the relevant requirements; if such regulation is not in place, whether the Government has considered expanding the scope of the relevant legislation or codes to cover the aforesaid situation to prevent conflict of interests?

買家印花稅

(20) 林大輝議員 (書面答覆)

政府在2012年10月26日宣布，推出進一步的措施，以應付樓市過熱的情況，當中包括引入買家印花稅，所有購入住宅物業的公司及非香港永久性居民均須繳付相當於樓價15%的稅款。政府曾解釋買家印花稅適用於所有公司而不能作出任何豁免，原因是難以堵塞透過股權轉讓進行物業交易以規避該稅項的漏洞。然而，有法律界人士建議，當局可豁免股東全部為香港永久性居民的香港註冊公司繳付買家印花稅，條件是有關公司的所有股東作出法定聲明，確認他們持有其名下股份的全數實益權益(作出虛假聲明則須負上刑事責任)，以及承諾在有關公司獲得豁免繳交買家印花稅後的若干年內，不會作出任何股份轉讓，否則轉讓人及承讓人須即時補繳買家印花稅。就此，政府可否告知本會：

- (一) 政府會否考慮上述建議，豁免合資格的香港註冊公司繳付買家印花稅；如會，詳情為何；如否，原因為何；
- (二) 鑒於政府曾表示，上述措施是“非常時期的非常措施”，並會在“樓市供應平衡回復穩定”之後考慮撤銷，政府有否具體準則用以評估樓市是否已達至“供應平衡回復穩定”的狀況；如有，詳情為何；如否，原因為何；
- (三) 政府如何訂出買家印花稅的水平應為樓價的15%；
- (四) 鑒於土地註冊處的資料顯示，2012年首10個月的住宅成交量為71 012宗，政府有否評估買家印花稅對住宅成交量和樓價的影響；如有，詳情為何；如否，原因為何；
- (五) 在推出買家印花稅前，有否評估該稅項會如何影響境外投資者在香港進行投

資的宗數；如有，詳情為何；如否，原因為何；

- (六) 鑒於政府預期上述措施會讓住宅物業市場可“優先滿足香港永久性居民的房屋需要”，政府有否評估有多少香港永久性居民會受惠於買家印花稅的實施而購得住宅物業；如有，詳情為何；如否，原因為何；
- (七) 政府有否考慮豁免慈善機構、非牟利團體和公營機構在購入住宅物業時繳交買家印花稅；如有，詳情為何；如否，原因為何；
- (八) 鑒於政府表示已分別約見各國駐港領事、香港律師會、香港地產建設商會、地產代理監管局、地產代理業界和本地及外國的商會等，向它們簡介新措施，政府已會見的人士的名單及會見日期為何；如不能提供該等資料，原因為何；該等人士有否就對政府實施買家印花稅表示支持；如有，詳情為何；如否，原因為何；
- (九) 有否評估買家印花稅對地產代理及銀行的按揭部門員工的就業和收入情況造成的影響；如有，詳情為何；如否，原因為何；及
- (十) 鑒於財經事務及庫務局局長於本年11月14日立法會會議上回應議員質詢時表示，香港金融管理局(“金管局”)注意到，推出買家印花稅後，可能有更多資金流向購買車位或非住宅物業，所以金管局會“提點”銀行，銀行亦會採取措施按嚴謹的按揭成數向車位投資者提供貸款，從而減低整體宏觀風險，政府有否評估這說法會否令銀行收緊住宅物業按揭貸款申請的審批；如有，詳情為何；如否，原因為何？

Buyer's Stamp Duty

(20) Dr Hon LAM Tai-fai (Written Reply)

The Government announced on 26 October 2012 the launching of further measures to address the overheated property market. Such measures include the introduction of a Buyer's Stamp Duty ("BSD") under which all companies and non-Hong Kong permanent residents acquiring residential properties are required to pay a tax of an amount equivalent to 15% of the prices of the properties. The Government has explained that BSD applies to all companies and exemption cannot be granted because it is difficult to plug the loophole that the duty may be evaded by effecting property transactions through the transfer of shares. However, some people from the legal sector have suggested that the authorities may exempt those companies registered in Hong Kong whose shareholders are all Hong Kong permanent residents ("HKPRs") from paying BSD on the conditions that all shareholders of the company concerned have made a statutory declaration to confirm that they hold the full beneficiary interest of the shares under their names (and the making of false declaration entails criminal liabilities), and an undertaking that they will not transfer any shares within certain years from the company concerned being exempted from paying BSD, reneging which the transferor and the transferee are required to render a make-up payment for BSD immediately. In this connection, will the Government inform this Council:

- (a) whether the Government will consider the aforesaid suggestion to exempt those eligible Hong Kong-registered companies from paying BSD; if it will, of the details; if not, the reasons for that;
- (b) as the Government has indicated that the aforesaid measure is "an extraordinary measure introduced under exceptional circumstances" and it will consider cancelling the measure after "the demand-supply situation of the property

market has regained its balance”, whether the Government has specific criteria for evaluating if the property market has reached the state in which “the demand-supply situation has regained its balance”; if it has, of the details; if not, the reasons for that;

- (c) how the Government determined that BSD should be set at the level of 15% of the prices of properties;
- (d) as the information of the Land Registry shows that there were 71 012 residential property transactions in the first 10 months of 2012, whether the Government has assessed the impact of BSD on the number of transactions and prices of residential properties; if it has, of the details; if not, the reasons for that;
- (e) whether it has, prior to introducing BSD, assessed how this duty will affect the number of cases of foreign investors making investments in Hong Kong; if it has, of the details; if not, the reasons for that;
- (f) as the Government expects that the aforesaid measures will enable the residential property market to “accord priority to meeting the housing needs of HKPRs”, whether the Government has assessed the number of HKPRs who will be benefited from the implementation of BSD and acquire residential properties; if it has, of the details; if not, the reasons for that;
- (g) whether the Government has considered exempting charities, non-profit-making organizations and public organizations from paying BSD for acquisition of residential properties; if it has, of the details; if not, the reasons for that;
- (h) as the Government has indicated that it has arranged to meet with the consuls of various countries in Hong Kong, the Law Society of Hong Kong, the Real Estate Developers’

Association of Hong Kong, the Estate Agents Authority, the estate agency trade, as well as local and foreign chambers of commerce, etc. to brief them on the new measures, of a name list of the persons whom the Government has met, together with the dates of the meetings; if it cannot provide such information, the reasons for that; whether those persons have expressed support for the Government's implementation of BSD; if they have, of the details; if not, the reasons for that;

- (i) whether it has assessed the impact of BSD on the employment and income of estate agents and staff in the mortgage departments of banks; if it has, of the details; if not, the reasons for that; and
- (j) as the Secretary for Financial Services and the Treasury indicated in the reply to a Member's question at the Legislative Council meeting of 14 November this year that the Hong Kong Monetary Authority ("HKMA") was aware that more funds may flow to the purchase of vehicle parking spaces or non-residential properties after the introduction of BSD, and HKMA would thus give "reminders" to banks, and the banks would also take measures to offer loans under stringent loan-to-value ratios to those investing in vehicle parking spaces so that the overall macroscopic risks might be lowered, whether the Government has assessed if this remark will cause banks to tighten up their vetting and approval of mortgage applications for residential properties; if it has, of the details; if not, the reasons for that?