

立法會
Legislative Council

LC Paper No. CB(2)1006/07-08
(These minutes have been seen
by the Administration)

Ref: CB2/BC/13/06

**Bills Committee on
Independent Police Complaints Council Bill**

**Minutes of meeting
held on Tuesday, 15 January 2008, at 11:00 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP
Hon Bernard CHAN, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon KWONG Chi-kin
- Public Officers attending** : Mrs Jessie TING, JP
Deputy Secretary for Security
- Ms Manda CHAN
Principal Assistant Secretary for Security

Ms Jane LEE
Assistant Secretary for Security

Mr MA Wai-luk
Assistant Commissioner of Police (Service Quality
Wing)

Ms WONG Ching-han
Senior Inspector of Police

Ms Fanny IP
Acting Deputy Law Draftsman

Ms Lonnie NG
Senior Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2) 1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 5

Ms Camy YOONG
Clerical Assistant (2) 1

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration -
 - (a) to consider including an express provision in clause 7 to provide for the monitoring of whether a complaint should be categorised by the Commissioner of Police as non-reportable as one of the functions of the Independent Police Complaints Council (IPCC);
 - (b) to explain, with the assistance of a diagram, the types of complaints not subject to the monitoring of the IPCC (i.e. those covered by clause 9) and those complaints that were to be categorised as reportable complaints and non-reportable complaints;

- (c) to explain what constituted a complaint "made in good faith" under clause 10(b) and to explain whether a complaint which was not vexatious or frivolous but lodged by a person who had previous disputes with the Police officer under complaint could be considered as a complaint made in good faith under clause 10(b);
- (d) to explain with examples the meaning and need for the term "directly affected" in clause 10(c);
- (e) to consider including a complaint relating to the conduct of a member of the police force believed to be on duty but had not identified himself as such a member as a reportable complaints; and
- (f) to review the drafting of clause 13.

II. Dates of subsequent meetings

3. The Bills Committee agreed that the meetings between mid-February and early June 2008 would be scheduled as follows to continue discussion with the Administration -

21 February 2008 (Thursday)	10:45 am - 12:45 pm
6 March 2008 (Thursday)	2:30 pm - 4:30 pm
13 March 2008 (Thursday)	10:45 am - 12:45 pm
28 March 2008 (Friday)	8:30 am - 10:30 am
15 April 2008 (Tuesday)	10:45 am - 12:45 pm
24 April 2008 (Thursday)	10:45 am - 12:45 pm
8 May 2008 (Thursday)	4:30 pm - 6:30 pm
13 May 2008 (Tuesday)	10:45 am - 12:45 pm
22 May 2008 (Thursday)	2:30 pm - 4:30 pm
29 May 2008 (Thursday)	10:45 am - 12:45 pm
5 June 2008 (Thursday)	2:30 pm - 4:30 pm

4. The meeting ended at 12:50 pm.

Council Business Division 2
Legislative Council Secretariat
4 February 2008

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Tuesday, 15 January 2008, at 11:00 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 001117	Chairman Hon Emily LAU Dr Hon Joseph LEE Hon Howard YOUNG Hon Margaret NG	Opening remarks and dates of meetings from mid-February to early June 2008	
001118 - 001456	Admin	Briefing on the Administration's paper setting out a comparison between the Independent Police Complaints Council (IPCC) Bill introduced in 2007 (the 2007 Bill) and the IPCC Bill introduced in 1996 (the 1996 Bill) (LC Paper No. CB(2)243/07-08(02))	
001457 - 003021	Hon Emily LAU Hon Margaret NG Admin Chairman	Scope of the 1996 Bill and the 2007 Bill; definition of "complaint" in the 1996 Bill and the 2007 Bill	
003022 - 004553	Hon James TO Hon Howard YOUNG Hon TAM Yiu-chung Hon Emily LAU Hon LEUNG Kwok-hung Chairman Admin	Scope of clause 10 of the 2007 Bill; meaning of the term "directly" in clause 10(c) of the 2007 Bill; approach for discussion of the Administration's paper; whether the Bills Committee had consulted the public on the proposals in the 2007 Bill	
004554 - 011533	Hon Margaret NG Hon Mrs Selina CHOW Hon Alan LEONG Hon James TO Admin Chairman	Kinds of complaints subject to monitoring by IPCC under the 1996 Bill and the 2007 Bill; categorisation of complaints	
011534 - 012848	Hon James TO Hon Emily LAU Chairman	Whether there were complaints not subject to monitoring by IPCC; scope of clause 7 of the	Admin to consider including an express provision in

Time marker	Speaker	Subject(s)	Action Required
	Admin	2007 Bill; monitoring the categorisation of complaints by the Commissioner of Police	clause 7 to provide for the monitoring of whether a complaint should be categorised by the Commissioner of Police as non-reportable as one of the functions of IPCC
012849 - 013237	Admin Chairman Hon Emily LAU	Administration's response to issues raised by members at the meeting on 6 December 2007 (LC Paper No. CB(2)810/07-08(01))	
013238 - 014149	Hon Mrs Selina CHOW Hon LEUNG Kwok-hung Admin Chairman	Administration's response on the suggestion of adding a provision to the Bill to require the Police to provide information on "cases which are neither reportable complaints nor non-reportable complaints" to IPCC for monitoring purpose; types of complaints subject to monitoring by IPCC; interpretation of clause 13	Admin to explain, with the assistance of a diagram, those complaints that were to be categorised as reportable complaints and non-reportable complaints; to review the drafting of clause 13
014150 - 014505	Hon James TO Chairman	Whether a complaint which was not vexatious or frivolous but lodged by a person who had previous disputes with the Police officer under complaint could be considered as a complaint made in good faith under clause 10(b); whether there was a need for the term "directly affected" in clause 10(c)	Admin to explain what constitute a complaint "made in good faith" under clause 10(b) and to explain whether a complaint which was not vexatious or frivolous but lodged by a person who had previous disputes with the Police officer under complaint could be considered as a complaint made in good faith under

Time marker	Speaker	Subject(s)	Action Required
			clause 10(b); to explain with examples the meaning and need for the term "directly affected" in clause 10(c)
014506 - 014555	Hon Emily LAU	Types of complaints not subject to the monitoring of IPCC	Admin to explain, with the assistance of a diagram, the types of complaints not subject to the monitoring of IPCC
014556 - 014811	Hon James TO Hon Emily LAU Chairman	Including complaints relating to the conduct of a member of the police force believed to be on duty but had not identified himself as such a member as reportable complaints	Admin to consider including a complaint relating to the conduct of a member of the police force believed to be on duty but had not identified himself as such a member as a reportable complaint