

立法會
Legislative Council

LC Paper No. CB(2)1083/07-08
(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, 22 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
Dr Hon LUI Ming-wah, SBS, JP
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
Hon KWONG Chi-kin
- Members absent** : 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
- 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

Miss Helen DIN
Legislative 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 provide information on the number of cases in the past three years where the Independent Police Complaints Council (IPCC) requested the Complaints Against Police Office (CAPO) to reconsider the categorisation of a complaint and the number of cases where the categorisation was amended after reconsideration by CAPO;

- (b) to consider empowering IPCC to determine the final categorisation of a complaint;
- (c) to consider substituting the terms "reportable complaint" and "non-reportable complaint" with layman terminology;
- (d) to consider whether the Police could provide relevant information on non-reportable complaints to the IPCC to the same extent as reportable complaints;
- (e) to provide a sample of the list of non-reportable complaints for submission to IPCC under clause 8(1)(b);
- (f) to advise whether "A complaint may not be categorized as a reportable complaint" in clause 11 meant that belated complaints might be categorised as reportable complaints;
- (g) to consider empowering IPCC to determine whether a complaint was of a serious nature in clause 11(b);
- (h) to consider deleting "in the opinion of the Commissioner" in clause 10(b);
- (i) to provide information on how the Independent Commission Against Corruption (ICAC) handled a complaint lodged by a person who was not the aggrieved person and, making reference to ICAC's practice, to consider providing for a complaint lodged by a person who was not the aggrieved person to be categorised as a reportable complaint;
- (j) to provide information on the number of cases in the past three years where a complainees had been forewarned of the complaints against him by another police officer;
- (k) to consider stipulating in the Bill that a complainant would be informed of the progress regarding the handling of his complaint;
- (l) to consider establishing a platform or channel for regular communication between the Police and vulnerable groups and to provide information on the Police's work to enhance communication with vulnerable groups and ethnic minorities; and
- (m) to consider including the promotion of communication between the Police and the public as a function of IPCC under the Bill.

3. The Bills Committee requested the Secretariat to prepare a summary of

the suggestions of deputations on specific clauses in the Bill to facilitate the clause-by-clause examination of the Bill.

II. Date of next meeting

4. The Bills Committee noted that the next meeting had been scheduled for 29 January 2008 at 4:30 pm to continue discussion with the Administration.

5. The meeting ended at 1:00 pm.

Council Business Division 2
Legislative Council Secretariat
14 February 2008

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Tuesday, 22 January 2008, at 11:00 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000239	Chairman	Opening remarks and relevant papers	
000240 - 000901	Admin Chairman	Briefing on the Administration's response on the handling of complaints received by the Police concerning Police conduct and Police practices/procedures (LC Paper No. CB(2)911/07-08(01)); paragraphs 2 to 5 of the Administration's response to issues raised at the Bills Committee meeting on 6 December 2007 (LC Paper No. CB(2)810/07-08 (01))	
000902 - 001947	Hon Emily LAU Chairman Admin	Information included in the list of non-reportable complaints submitted to the Independent Police Complaints Council (IPCC); number of cases where IPCC requested the Complaints Against Police Office (CAPO) to reconsider the categorisation of a complaint and the number of cases where the categorisation was amended after reconsideration	Admin to provide information on the number of cases in the past three years where IPCC requested CAPO to reconsider the categorisation of a complaint and the number of cases where the categorisation was amended after reconsideration by CAPO; to provide a sample of the list of non-reportable complaints for submission to IPCC under clause 8(1)(b)
001948 - 011803	Hon LEUNG Kwok-hung Hon Audrey EU Hon James TO	Paragraphs 6 to 8 of the Administration's response to issues raised at the Bills	Admin to consider deleting "in the opinion of the

Time marker	Speaker	Subject(s)	Action Required
	<p>Hon Alan LEONG Hon Margaret NG Chairman Admin</p>	<p>Committee meeting on 6 December 2007 (LC Paper No. CB(2)810/07-08 (01)); whether the categorisation of reportable and non-reportable complaints should be made by IPCC; how the Independent Commission (ICAC) handled a complaint lodged by a person who was not the aggrieved person; authority for determining whether a complaint was vexatious or frivolous in clause 10(b); information included in the brief description of reportable complaints and non-reportable complaints submitted to IPCC</p>	<p>Commissioner" in clause 10(b) of the Bill; to provide information on how the ICAC handled a complaint lodged by a person who was not the aggrieved person; to consider whether the Police could provide relevant information on non-reportable complaints to the IPCC to the same extent as reportable complaints; to consider empowering IPCC to determine the final categorisation of a complaint</p>
<p>011804 - 012418</p>	<p>Hon Emily LAU Hon James TO Chairman Admin</p>	<p>Whether a complaint lodged by a person other than the aggrieved should be categorised as a reportable complaint; substituting the terms "reportable complaint" and "non-reportable complaint" with layman terminology; authority for determining whether a complaint was of a serious nature in clause 11(b)</p>	<p>Admin to consider, making reference to ICAC's practice, providing for a complaint lodged by a person who was not the aggrieved person to be categorised as a reportable complaint; to advise whether "A complaint may not be categorized as a reportable complaint" in clause 11 meant that belated complaints might be categorized as reportable complaints; to consider empowering IPCC to determine</p>

Time marker	Speaker	Subject(s)	Action Required
			<p>whether a complaint was of a serious nature in clause 11(b); to consider substituting the terms "reportable complaint" and "non-reportable complaint" with layman terminology</p>
012419 - 012948	<p>Hon LEUNG Kwok-hung Chairman Admin</p>	<p>Paragraphs 9 to 14 of the Administration's response to issues raised at the Bills Committee meeting on 6 December 2007 (LC Paper No. CB(2)810/07-08 (01)); whether the categorisation of reportable and non-reportable complaints should be made by IPCC; drafting of clause 10(b)</p>	
012949 - 014212	<p>Chairman Hon Emily LAU Hon LEUNG Kwok-hung Admin</p>	<p>Including the suggestions of the Hong Kong Bar Association and the Hong Kong Human Rights Monitor as well as the Administration's response on the establishment of a statutory entity, independent of both the Police and the IPCC, to investigate complaints against members of the Police Force in the report of the Bills Committee; preparation of a summary of the suggestions of deputations on specific clauses in the Bill to facilitate the clause-by-clause examination of the Bill</p>	
014213 - 014600	<p>Chairman Hon Emily LAU Admin</p>	<p>Paragraphs 15 to 17 of the Administration's response to issues raised at the Bills Committee meeting on 6 December 2007 (LC Paper No. CB(2)810/07-08(01)); provision of information on the number of</p>	<p>Admin to provide information on the number of cases in the past three years where a complainee had been forewarned of the</p>

Time marker	Speaker	Subject(s)	Action Required
		cases in the past three years where a complaine e had been forewarned of the complaints against him by another police officer	complaint against him by another police officer
014601 - 015129	Chairman Hon Emily LAU Admin	Paragraph 18 of the Administration's response to issues raised at the Bills Committee meeting on 6 December 2007 (LC Paper No. CB(2)810/07-08 (01)); informing a complainant of the progress on his complaint	Admin to consider stipulating in the Bill that a complainant would be informed of the progress regarding the handling of his complaint
015130 - 020000	Chairman Hon Emily LAU Admin	Paragraph 19 of the Administration's response to issues raised at the Bills Committee meeting on 6 December 2007 (LC Paper No. CB(2)810/07-08 (01)); communication between the Police and vulnerable groups/ ethnic minorities	Admin to consider establishing a platform or channel for regular communication between the Police and vulnerable groups; to provide information on the Police's work to enhance communication with vulnerable groups and ethnic minorities; to consider including the promotion of communication between the Police and the public as a function of IPCC under the Bill
020001 - 020055	Chairman	Paper to be discussed at the next meeting	