

立法會
Legislative Council

LC Paper No. CB(2)1231/07-08
(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, 29 January 2008, at 4:30 pm
in the Chamber 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 Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon Howard YOUNG, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Members absent** : Hon Margaret NG
Hon Bernard CHAN, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, 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
Senior Assistant 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 reconsider the views of the Independent Police Complaints Council (IPCC) regarding full and unrestricted access to information, or otherwise to consider setting out in the Bill the circumstances under which the Commissioner of Police (CP) might refuse IPCC's request for information subject to legal professional privilege (LPP) that related to a reportable complaint, and/or to provide for the Secretary for Security or the Chief Secretary for Administration to determine whether IPCC's request for information subject to LPP should be acceded to;

- (b) to consider setting out in clearer terms the circumstances under which CP might refuse to comply with the requirements of IPCC under clause 27;
- (c) to reconsider adding an express provision in the Bill to require CP to submit amended investigation reports and supplementary investigation reports to IPCC;
- (d) to provide information on provisions in local legislation concerning the submission of reports by statutory bodies to the Chief Executive (CE) and the requirement, if any, that CE should respond to such reports;
- (e) to consider amending clause 22 to empower IPCC to require CP to inform a complainant how the complaint concerned had been followed up, the outcome of investigation as well as the basis on which the relevant conclusion was drawn;
- (f) to provide a comparison between the Bill and the Personal Data (Privacy) Ordinance (Cap. 486) (PD(P)O) in respect of the power to delegate some of the functions of IPCC or the Privacy Commissioner for Personal Data to technical and professional persons engaged by it or him;
- (g) to reconsider adding a provision similar to that in PD(P)O to provide for IPCC to delegate some of its functions to a technical or professional person whose service was engaged by IPCC under clause 5(3); and
- (h) to advise whether and how Legislative Council Members could make enquiries or comments about cases included in the general statistics on the complaints handled in the year but not in the cases of interest in the annual report of IPCC.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for 21 February 2008 at 10:45 am to continue discussion with the Administration.
4. The meeting ended at 6:40 pm.

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Tuesday, 29 January 2008, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000848	Chairman	Opening remarks; relevant papers	
000849 - 002541	Admin Hon James TO Hon Alan LEONG Chairman	Items 1 and 2 of part A of the annex to the Administration's response to issues raised by the Independent Police Complaints Council (IPCC) (LC Paper No. CB(2)829/07-08(01)); views of the Independent Police Complaints Council (IPCC) regarding full and unrestricted access to information	Admin to reconsider IPCC's views regarding full and unrestricted access to information, or otherwise to consider setting out in the Bill the circumstances under which the Commissioner of Police (CP) might refuse IPCC's request for information subject to legal professional privilege (LPP) that related to a reportable complaint, and/or to provide for the Secretary for Security or the Chief Secretary for Administration to determine whether IPCC's request for information subject to LPP should be acceded to
002542 - 003712	Admin Hon Alan LEONG Dr Hon LUI Ming-wah Chairman	Item 3 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	Admin to consider setting out in clearer terms the circumstances under which CP

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			might refuse to comply with the requirements of IPCC under clause 27
003713 - 003920	Chairman Admin	Item 4 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	
003921 - 005226	Admin Hon Alan LEONG Chairman SALA1	Item 5 of part A of the annex to LC Paper No. CB(2)829/07-08(01); adding an express provision in the Bill to require CP to submit amended investigation reports and supplementary investigation reports to IPCC	Admin to reconsider adding an express provision in the Bill to require CP to submit amended investigation reports and supplementary investigation reports to IPCC
005227 - 010714	Admin Chairman Hon Alan LEONG	Items 6 and 7 of part A of the annex to LC Paper No. CB(2)829/07-08(01); provisions in local legislation on statutory bodies making reports to the Chief Executive	Admin to provide information on provisions in local legislation concerning the submission of reports by statutory bodies to the Chief Executive (CE) and the requirement, if any, that CE should respond to such reports
010715 - 011125	Admin Hon Alan LEONG Chairman	Item 8 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	
011126 - 011333	Admin Chairman	Item 9 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	
011334 - 012000	Admin Chairman	Item 10 of part A of the annex to LC Paper No.	Admin to consider amending clause 22

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	Hon Alan LEONG	CB(2)829/07-08(01); amending clause 22 to empower IPCC to require CP to inform a complainant how the complaint concerned had been followed up, the outcome of investigation as well as the basis on which the relevant conclusion was drawn	to empower IPCC to require CP to inform a complainant how the complaint concerned had been followed up, the outcome of investigation as well as the basis on which the relevant conclusion was drawn
012001 - 012157	Admin Chairman	Item 11 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	
012158 - 012209	Admin Chairman	Item 12 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	
012210 - 012224	Admin Chairman	Item 13 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	
012225 - 012246	Admin Chairman	Item 14 of part A of the annex to LC Paper No. CB(2)829/07-08(01)	
012247 - 012354	Chairman Admin	Item 1 of part B of the annex to LC Paper No. CB(2)829/07-08(01)	
012355 - 013304	Admin Chairman Hon Alan LEONG SALA1	Item 2 of part B of the annex to LC Paper No. CB(2)829/07-08(01); comparison between the Bill and the Personal Data (Privacy) Ordinance (Cap. 486) (PD(P)O) in respect of the power to delegate some of the functions of IPCC or the Privacy Commissioner for Personal Data to technical and professional persons engaged by it or him; reconsider adding a provision similar to that in PD(P)O to	Admin to provide a comparison between the Bill and PD(P)O in respect of the power to delegate some of the functions of IPCC or the Privacy Commissioner for Personal Data to technical and professional

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		provide for IPCC to delegate some of its functions to a technical or professional person whose service was engaged by IPCC	persons engaged by it or him; reconsider adding a provision similar to that in PD(P)O to provide for IPCC to delegate some of its functions to a technical or professional person whose service was engaged by IPCC under clause 5(3)
013305 - 013333	Chairman	Part C of the annex to LC Paper No. CB(2)829/07-08(01)	
013334 - 013510	Chairman Admin	Item 1 of the annex to the Administration's response to issues raised by Zi Teng, JJJ Association, Action for REACH OUT, Civil Human Rights Front, Hong Kong Christian Institute, Hong Kong Human Rights Monitor and Hong Kong Unison Limited in their submissions to the Bills Committee (LC Paper No. CB(2)829/07-08(02))	
013511 - 013534	Admin Chairman	Item 2 of the annex to LC Paper No. CB(2)829/07-08(02)	
013535 - 013736	Admin Chairman Hon Howard YOUNG	Item 3 of the annex to LC Paper No. CB(2)829/07-08(02)	
013737 - 014107	Admin Chairman	Item 4 of the annex to LC Paper No. CB(2)829/07-08(02)	
014108 - 014234	Chairman Admin	Item 5 of the annex to LC Paper No. CB(2)829/07-08(02)	
014235 - 014456	Chairman Admin	Item 6 of the annex to LC Paper No. CB(2)829/07-08(02)	
014457 - 014749	Admin Chairman	Item 7 of the annex to LC Paper No. CB(2)829/07-08(02)	

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014750 - 014809	Admin Chairman	Item 8 of the annex to LC Paper No. CB(2)829/07-08(02)	
014810 - 014902	Admin Chairman	Item 9 of the annex to LC Paper No. CB(2)829/07-08(02)	
014903 - 014920	Chairman Admin	Item 10 of the annex to LC Paper No. CB(2)829/07-08(02)	
014921 - 015343	Admin Chairman	Item 11 of the annex to LC Paper No. CB(2)829/07-08(02); whether and how Legislative Council Members could make enquiries or comments about cases included in the general statistics on the complaints handled in the year but not in the cases of interest in the annual report of IPCC	Admin to advise whether and how Legislative Council Members could make enquiries or comments about cases included in the general statistics on the complaints handled in the year but not in the cases of interest in the annual report of IPCC
015344 - 015424	Chairman Admin	Item 12 of the annex to LC Paper No. CB(2)829/07-08(02)	
015425 - 015652	Chairman Admin	Item 13 of the annex to LC Paper No. CB(2)829/07-08(02)	
015653 - 020008	Chairman Admin	Item 14 of the annex to LC Paper No. CB(2)829/07-08(02)	
020009 - 020104	Chairman Admin	Item 15 of the annex to LC Paper No. CB(2)829/07-08(02)	
020105 - 020328	Admin	Item 16 of the annex to LC Paper No. CB(2)829/07-08(02)	
020329 - 020508	Admin Chairman	Item 17 of the annex to LC Paper No. CB(2)829/07-08(02)	
020509 - 020616	Admin Chairman	Item 18 of the annex to LC Paper No. CB(2)829/07-08(02)	

Time marker	Speaker	Subject(s)	Action Required
020617 - 020700	Admin Chairman	Item 19 of the annex to LC Paper No. CB(2)829/07-08(02)	
020701 - 020904	Admin Chairman	Item 20 of the annex to LC Paper No. CB(2)829/07-08(02)	
020905 - 020937	Chairman	Papers to be discussed at the next meeting	

Council Business Division 2
Legislative Council Secretariat
28 February 2008