

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

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

**Minutes of meeting
held on Friday, 28 March 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
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 Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon KWONG Chi-kin
- Members absent** : Hon LEE Cheuk-yan
Hon Bernard CHAN, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- 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

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 deleting "to provide for the appointment of observers in relation to reportable complaints;" and adding "reviewing" after "monitoring" in the long title of the Bill;
 - (b) to consider amending the Chinese version of "Independent Police Complaints Council" in the Bill along the lines of "監察投訴警方獨立委員會" or "監察警方處理投訴獨立委員會" or other appropriate formulations and to consider amending the English version correspondingly;

- (c) to consider setting out all the existing classifications of reportable complaints in the definition of "classification" and revising the order of classifications in the definition;
- (d) to consider deleting the provision for appointing persons to act as appointed members under section 4 of Schedule 1 to the Bill and amending the definition of "appointed member" in clause 2(1) accordingly;
- (e) to consider determining the pay point of the Secretary and Legal Adviser and advise the Bills Committee accordingly;
- (f) to consider amending the Chinese version of "Secretary" as "秘書長";
- (g) to explain how the Police determine whether a person was "mentally incapacitated", including whether there was any requirement for documentary proof; and
- (h) to explain whether the respective references to "function" in the Bill referred to the power or duty of the Independent Police Complaints Council and consider substituting the term "function" with "power" or "duty" as appropriate.

3. The Administration advised that it proposed to amend the Chinese version of "reportable complaint" as "須匯報投訴". It also proposed to amend the English and Chinese versions of "non-reportable complaint" as "notifiable complaint" and "須知會投訴" respectively.

II. Date of next meeting

4. The Bills Committee noted that the next meeting had been scheduled for 15 April 2008 at 10:45 am.

5. The meeting ended at 10:35 am.

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Friday, 28 March 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000457	Chairman	Commencement of clause-by-clause examination of the Bill; relevant papers	
000458 - 002809	Chairman Admin Hon Emily LAU Hon James TO Hon Audrey EU SALA1	Examination of the long title; proposal by the Administration to amend the Chinese version of "reportable complaint" as "須匯報投訴"; proposal by the Administration to amend the English and Chinese versions of "non-reportable complaint" as "notifiable complaint" and "須知會投訴" respectively	Admin to consider deleting "to provide for the appointment of observers in relation to reportable complaints;" and adding "reviewing" after "monitoring" in the long title of the Bill
002810 - 003418	Chairman Hon Emily LAU Hon James TO Admin Hon Mrs Selina CHOW Hon Audrey EU	Examination of clause 1	Admin to consider amending the Chinese version of "Independent Police Complaints Council" in the Bill along the lines of "監察投訴警方獨立委員會" or "監察警方處理投訴獨立委員會" or other appropriate formulations and to consider amending the English version correspondingly
003419 - 011109	Chairman Hon Emily LAU Hon James TO Hon Audrey EU Admin Clerk	Examination of the definition of "classification" in clause 2(1)	Admin to consider setting out all the existing classifications of reportable complaints in the

Time marker	Speaker	Subject(s)	Action Required
			definition of "classification" and revising the order of classifications in the definition
011110 - 011200	Chairman Admin	Examination of the definition of "Chairman" in clause 2(1)	
011201 - 011240	Chairman Admin	Examination of the definition of "complainant" in clause 2(1)	
011241 - 011931	Chairman Hon James TO Hon Emily LAU Hon TAM Yiu-chung Admin	Examination of the definition of "appointed member" in clause 2(1); acting appointment	Admin to consider deleting the provision for appointing persons to act as appointed members under section 4 of Schedule 1 to the Bill and amending the definition of "appointed member" in clause 2(1) accordingly
011932 - 012025	Chairman Admin	Examination of the definition of "committee" in clause 2(1)	
012026 - 013721	Chairman Hon Emily LAU Hon James TO Dr Hon LUI Ming-wah Hon TAM Yiu-chung Hon Mrs Selina CHOW Admin SALA1	Examination of the definition of "Legal Adviser" in clause 2(1); interpretation of the terms "Secretary" and "Legal Adviser" in clause 5; whether the terms for appointment of the Secretary and Legal Adviser of the Independent Police Complaints Council (IPCC) should be approved by the Chief Executive	Admin to consider determining the pay point of the Secretary and Legal Adviser and advise the Bills Committee accordingly
013722 - 013733	Chairman Admin	Examination of the definition of "Secretary" in clause 2(1)	Admin to consider amending the Chinese version of "Secretary" as "秘書長"

Time marker	Speaker	Subject(s)	Action Required
013734 - 013807	Chairman Admin	Examination of the definition of "Vice-Chairman" in clause 2(1)	
013808 - 013812	Chairman Admin	Examination of the definition of "Commissioner" in clause 2(1)	
013813 - 013900	Chairman Admin	Examination of the definition of "reportable complaint" and "non-reportable complaint" in clause 2(1)	
013901 - 014633	Chairman Hon James TO Admin SALA1	Examination of the definition of "mentally incapacitated person" in clause 2(1)	Admin to explain how the Police determine whether a person was "mentally incapacitated", including whether there was any requirement for documentary proof
014634 - 020649	Chairman Hon Emily LAU Hon James TO SALA1 Admin	Examination of the definition of "function" in clause 2(1)	Admin to explain whether the respective references to "function" in the Bill referred to the power or duty of IPCC and consider substituting the term "function" with "power" or "duty" as appropriate