

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1835/07-08  
(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 April 2008, at 10:45 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 Bernard CHAN, GBS, JP  
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  
Dr Hon Joseph LEE Kok-long, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Alan LEONG Kah-kit, SC
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Daniel LAM Wai-keung, SBS, JP  
Hon LEUNG Kwok-hung  
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 Assistant Law Draftsman (Acting)

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

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Mr Raymond LAM  
Senior Council Secretary (2) 5

Miss Helen DIN  
Legislative Assistant (2)1

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## **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 categories of persons, such as contractors engaged by the Police and forensic pathologists, covered/not covered by the definition of "member of the police force" in clause 2(1);
  - (b) to review the definition of "member of the police force" in clause 2(1) and the scope of clause 10(a)(iii);

- (c) to consider deleting "and known by the names referred to in section 3(1)(b)" in the definition of "Council" in clause 2(1);
- (d) to consider deleting the reference to "existing immediately before the commencement of this Ordinance" in clause 3(1);
- (e) to consider relocating the provisions in clause 30 to clause 3;
- (f) to consider adding a provision in the Bill to specify expressly that clause 38 of the Ordinance would not affect the respective rights of the Independent Police Complaints Council (IPCC) and other parties that existed before the incorporation of IPCC in relation to litigation between IPCC and other parties;
- (g) to explain, with the provision of information on the length of membership in IPCC and the number and name of advisory and statutory bodies served by the respective members of the existing IPCC, whether the appointment of the existing IPCC members was in compliance with the six-year and six-board guideline;
- (h) to consider allowing non-government organisations to nominate candidates for appointment to IPCC by the Chief Executive;
- (i) to consider specifying in the Bill that some IPCC members should come from certain specific sectors and providing that the Legislative Council (LegCo) Members to be appointed to IPCC should be elected from among LegCo Members;
- (j) to review whether clause 4(2) as presently drafted could exclude political appointees and persons who were not civil servants but fell under the definition of "members of the police force" in clause 2(1) from being appointed as IPCC members;
- (k) to consider the suggestion of extending each term of appointment of the Chairman of IPCC to a longer period of time, say three years;
- (l) to consider appointing the Chairman of IPCC on a full-time basis; and
- (m) to consider deleting the requirement for approval by the Chief Executive or adding "employment" before "terms" in clause 5(1).

3. The Bills Committee requested the Legal Service Division to provide information on whether there were provisions in existing legislation setting out that the pre-existing rights of parties to legal proceedings would not be affected

by the Ordinance.

**II. Date of next meeting**

4. The Bills Committee noted that the next meeting had been scheduled for 24 April 2008 at 10:45 am.
5. The meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
5 May 2008

**Proceedings of meeting of the  
Bills Committee on  
Independent Police Complaints Council Bill  
on Tuesday, 15 April 2008, at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000250	Chairman	Opening remarks	
000251 - 000333	Admin Chairman	Examination of the definition of "request for review" in clause 2(1)	
000334 - 000543	Chairman Admin	Administration's response to issues raised at the Bills Committee meeting on 6 March 2008 (LC Paper No. CB(2)1585/07-08(01))	
000544 - 000615	Chairman Admin	Examination of the definition of "categorization" in clause 2(1)	
000616 - 000841	Chairman Admin Hon Emily LAU	Examination of the definition of "police conduct" in clause 2(1)	
000842 - 000859	Chairman Admin	Examination of the definition of "police force" in clause 2(1)	
000900 - 005042	Hon Emily LAU Hon James TO Hon Alan LEONG Admin Chairman	Examination of the definition of "member of the police force" in clause 2(1); categories of persons covered/not covered by the definition of "member of the police force"; drafting of the definition and clause 10(a)(iii)	<b>Admin to provide information on the categories of persons, such as contractors engaged by the Police and forensic pathologists, covered/not covered by the definition of "member of the police force" in clause 2(1); to review the definition of "member of the police force" in clause 2(1) and the scope of clause 10(a)(iii)</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
005043 - 005312	Chairman Hon James TO Admin	Examination of the definition of "Council" in clause 2(1); drafting of the definition of "Council" in clause 2(1)	<b>Admin to consider deleting "and known by the names referred to in section 3(1)(b)" in the definition of "Council" in clause 2(1)</b>
005313 - 005348	Chairman Admin	Examination of the definition of "observer" in clause 2(1)	
005349 - 005528	Admin Chairman	Examination of clause 3	
005529 - 010134	Hon Emily LAU Clerk Admin Chairman	Views/suggestions of deputations on clause 2 (LC Paper No. CB(2)1594/07-08(01))	
010135 - 011815	Hon James TO Admin Chairman	Drafting of clause 3(1) and 3(2)	<b>Admin to consider deleting the reference to "existing immediately before the commencement of this Ordinance" in clause 3(1); to consider relocating the provisions in clause 30 to clause 3</b>
011816 - 011901	Admin	Briefing on clause 4	
011902 - 012533	Hon James TO Admin Chairman	Drafting of clause 3(3); whether there was a need to specify explicitly in the Bill that clause 38 of the Ordinance would not affect the rights of the Independent Police Complaints Council (IPCC) and other parties that existed before the incorporation of IPCC in relation to litigation between IPCC and other parties	<b>Admin to consider adding a provision in the Bill to specify expressly that clause 38 of the Ordinance would not affect the respective rights of IPCC and other parties that existed before the incorporation of IPCC in relation to litigation between IPCC and other parties</b>

Time marker	Speaker	Subject(s)	Action Required
012534 - 015122	Chairman Hon Emily LAU Hon James TO Admin	Views/suggestions of deputations on clause 4 (LC Paper No. CB(2)1594/07-08(01)); membership of IPCC; length of membership in IPCC and the number and name of advisory and statutory bodies served by the respective members of the existing IPCC; whether the appointment of the existing IPCC members was in compliance with the six-year and six-board guideline; terms of office of IPCC members; allowing non-government organisations to nominate candidates for appointment to IPCC by the Chief Executive; to consider specifying in the Bill that some IPCC members should come from certain specific sectors and providing that the Legislative Council (LegCo) Members to be appointed to IPCC should be elected from among LegCo Members; drafting of clause 4(2); whether the Chairman of IPCC should be appointed on a full-time basis	<b>Admin to explain, with the provision of information on the length of membership in IPCC and the number and name of advisory and statutory bodies served by the respective members of the existing IPCC, whether the appointment of the existing IPCC members was in compliance with the six-year and six-board guideline; to consider allowing non-government organisations to nominate candidates for appointment to IPCC by the Chief Executive; to consider specifying in the Bill that some IPCC members should come from certain specific sectors and providing that the LegCo Members to be appointed to IPCC should be elected from among LegCo Members; to review whether clause 4(2) as presently drafted could exclude political appointees and persons who were not civil servants but fell under the definition of 'members of the police force' in clause 2(1) from being appointed as</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
			<b>IPCC members; to consider the suggestion of extending each term of appointment of the Chairman of IPCC to a longer period of time, say three years; to consider appointing the Chairman of IPCC on a full-time basis</b>
015123 - 020108	Chairman Hon Emily LAU Hon James TO Hon Audrey EU Admin	Examination of clause 5; whether the appointment terms of the Secretary and Legal Adviser of the IPCC Secretariat should be approved by the Chief Executive	<b>Admin to consider deleting the requirement for approval by the Chief Executive or adding "employment" before "terms" in clause 5(1)</b>
020109 - 020130	Chairman	Examination of clause 6 at the next meeting	