

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1940/07-08  
(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 Thursday, 24 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  
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 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  
Hon WONG Yung-kan, SBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Daniel LAM Wai-keung, SBS, JP
- Public Officers attending** : The Administration  
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)

Independent Police Complaints Council

Mr Ronny WONG, SC, JP  
Chairman, Independent Police Complaints Council

Prof Benjamin TSOU, BBS  
Member, Independent Police Complaints Council

Dr Michael TSUI  
Member, Independent Police Complaints Council

Mrs Philomena LEUNG  
Secretary, Independent Police Complaints Council

**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

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**I. Meeting with the Independent Police Complaints Council and the Administration**

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

2. The Bills Committee requested the Administration -
  - (a) to reconsider the Independent Police Complaints Council's (IPCC's) suggestion of incorporating an express provision in the Bill to provide IPCC with full and unrestricted access to information pertaining to complaints investigation, in particular legal advice on facts and legal advice on conclusions regarding the facts, which were relevant to the classification of complaints;
  - (b) to reconsider IPCC's suggestion of incorporating an express provision in the Bill to the effect that IPCC might disclose to the public its disagreement with the Police without unnecessary restrictions or hurdles, or civil or criminal liability;
  - (c) to consider specifying in the Bill that a certain number of persons with management experience or expertise should be appointed as IPCC members; and
  - (d) to consider subsuming the annual financial allocation to the statutory IPCC under the operating expenditure envelope of the Director of Administration.
3. The Bills Committee invited IPCC to provide -
  - (a) its suggested wording for the express provisions suggested in paragraph 2(a) and (b) above; and
  - (b) its views, if any, on the improvements that should be made to the classification of complaints.
4. The Bills Committee agreed that the Secretary of IPCC would be invited to attend all future meetings of the Bills Committee.
5. Mr Alan LEONG said that unless IPCC's suggestions as referred to in paragraph 2(a) and (b) above were taken on board by the Administration, he would not support the passage of the Bill.

## II. Dates of additional meetings

6. The Bills Committee agreed that additional meetings in May and June 2008 would be scheduled as follows to continue discussion with the Administration -

<u>Date</u>	<u>Time</u>
13 May 2008 (Tuesday)	8:30 am - 12:45 pm (merged with the meeting originally scheduled at 10:45 am on the same day)
27 May 2008 (Tuesday)	11:00 am - 1:00 pm
30 May 2008 (Friday)	3:00 pm - 5:00 pm (or immediately after the House Committee meeting, whichever is the later)
3 June 2008 (Tuesday)	11:00 am - 1:00 pm
6 June 2008 (Friday)	8:30 am - 10:30 am
10 June 2008 (Tuesday)	10:45 am - 12:45 pm

7. The meeting ended at 12:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 May 2008

**Proceedings of meeting of the  
Bills Committee on  
Independent Police Complaints Council Bill  
on Thursday, 24 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 - 000502	Chairman	Opening remarks	
000503 - 001256	Representative of IPCC	Presentation of views (LC Paper No. CB(2)1281/07-08(02))	
001257 - 001436	Admin	Administration's response to issues raised by the Independent Police Complaints Council (IPCC) (LC Paper No. CB(2)1689/07-08(01))	
001437 - 010523	Hon James TO Hon Alan LEONG Hon Emily LAU Hon Audrey EU Hon Mrs Selina CHOW Hon Margaret NG Chairman Admin Representative of IPCC	Whether there was a need to incorporate an express provision in the Bill to provide IPCC with full and unrestricted access to information pertaining to complaints investigation, in particular legal advice on facts and legal advice on conclusions regarding the facts, which were relevant to the classification of complaints; inviting IPCC to provide the suggested wording for the suggested express provisions	<b>Admin to reconsider IPCC's suggestion of incorporating an express provision in the Bill to provide IPCC with full and unrestricted access to information pertaining to complaints investigation, in particular legal advice on facts and legal advice on conclusions regarding the facts, which were relevant to the classification of complaints</b>
010524 - 011016	Hon Margaret NG Chairman	Whether the Bills Committee meeting should be suspended	
011017 - 011441	Hon Joseph LI Chairman Representative of IPCC	Declaration as a Vice-Chairman of IPCC; invitation of the Secretary of IPCC to all future meetings of the Bills Committee	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
011442 - 012306	Hon Howard YOUNG Hon LEUNG Kwok-hung Chairman Admin Representative of IPCC	Whether there was a need to incorporate an express provision in the Bill to the effect that IPCC may disclose to the public its disagreement with the Police without unnecessary restrictions or hurdles, or civil or criminal liability	<b>Admin to reconsider IPCC's suggestion of incorporating an express provision in the Bill to the effect that IPCC might disclose to the public its disagreement with the Police without unnecessary restrictions or hurdles, or civil or criminal liability</b>
012307 - 012924	Hon James TO Chairman Admin Representative of IPCC	Communications and discussions between IPCC and the Administration on the proposals in the Bill and the transitional arrangements	
012925 - 015403	Representative of IPCC Hon Emily LAU Hon Alan LEONG Chairman	Distribution of duties between the Chairman and Secretary of IPCC ; subsuming the annual financial allocation to the statutory IPCC under the operating expenditure envelope of the Director of Administration; specifying in the Bill that a certain number of persons with management experience or expertise should be appointed as IPCC members	<b>Admin to consider subsuming the annual financial allocation to the statutory IPCC under the operating expenditure envelope of the Director of Administration; to consider specifying in the Bill that a certain number of persons with management experience or expertise should be appointed as IPCC members</b>
015404 - 015452	Hon James TO Chairman Representative of IPCC	Inviting IPCC to provide views, if any, on the improvements that should be made to the classification of complaints	
015453 - 015629	Chairman Hon James TO	Scheduling of additional meetings in May and June 2008	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
	Hon Emily LAU Hon Alan LEONG		

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