

立法會
Legislative Council

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(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, 27 May 2008, at 11:00 am
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 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 Audrey EU Yuet-mee, SC, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon KWONG Chi-kin
- Members absent** : 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
Hon Andrew LEUNG Kwan-yuen, 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 FAN Sik-ming
Chief Superintendent of Police (Complaints and Internal
Investigations Branch)

Ms WONG Ching-han
Senior Inspector of Police

Ms Fanny IP
Senior Assistant Law Draftsman

Independent Police Complaints Council

Mrs Philomena LEUNG
Secretary, Independent Police Complaints Council

Mr Brandon CHAU
Deputy 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

I. Continue discussion on the Bill

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

2. The Bills Committee requested the Administration -

- (a) to review the scope of clause 20(1)(a), having regard to the definition of "material" in the Organized and Serious Crimes Ordinance;
- (b) to consider adding "and investigation report" after "relating to a reportable complaint" in clause 20(1)(a);
- (c) to consider amending clause 20(1)(b) along the lines of "to clarify any fact, discrepancy, allegation or conclusion relating to a reportable complaint and investigation report and to provide further information or material relating to such clarification";
- (d) to consider adding ", information or material" after "explanations" in clause 15(3);
- (e) to consider revising the drafting of clause 21(2)(b) in relation to the word "notified";
- (f) to consider requiring a notification under clause 21(2)(b) to be given by registered post and setting out such a requirement in the Bill;
- (g) to consider amending clause 23(1) along the lines that a member of the Council might, at any time and without appointment, attend interviews or observe the investigation of a reportable complaint, including but not limited to subclauses (a) and (b); and
- (h) to consider providing in sections 10 and 14 of Schedule 1 to the Bill how a member of IPCC or its committee who had an interest in a matter being discussed or to be discussed should be handled, taking into account the requirement for observers to withdraw from an interview or observation of collection of evidence as specified in clause 34(3)(c).

3. The Bills Committee noted that IPCC had confirmed that its suggested amendments to clause 20 as attached to its letter of 16 May 2008 represented IPCC's latest position regarding the draft wording for its proposed amendment to clause 20 of the Bill.

4. In connection with clause 22, the Administration informed the Bills Committee that -

- (a) it would propose amendments to the effect that the Commissioner of Police must inform a complainant or his representative of the classification of his complaint and the reason for the classification, and that the clause did not apply to cases where the complainant

or his representative had indicated to the Commissioner of Police that he did not wish to be so informed; and

- (b) the Police would in future address questions from complainants relating to operational matters and unrelated to the complaint in question so that IPCC's replies to complainants would be confined to matters related to the latter's request for review.

II. Date of next meeting

5. The Bills Committee noted that the next meeting had been scheduled for 29 May 2008 at 10:45 am. The Bills Committee also noted that if the business on the Agenda of the Council meeting of 28 May 2008 could not be finished on the same day and the Council meeting was to be resumed in the morning of 29 May 2008, the Bills Committee meeting scheduled for 29 May 2008 would be cancelled.

6. The meeting ended at 1:00 pm.

Council Business Division 2
Legislative Council Secretariat
4 July 2008

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Tuesday, 27 May 2008, at 11:00 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000337	Chairman Hon Emily LAU Clerk	Arrangements for the next meeting to be held on 29 May 2008	
000338 - 002100	Admin Hon James TO Chairman	Draft amendments proposed by the Independent Police Complaints Council (IPCC) to clause 20; IPCC's latest position regarding the draft wording for its proposed amendment to clause 20 of the Bill; Administration's position regarding the amendments proposed by IPCC to clause 20	
002101 - 003728	Hon Alan LEONG Hon Mrs Selina CHOW Hon Margaret NG Chairman Admin	Whether the Commissioner of Police should be required to provide a brief summary of the information/material referred to in the new subclause proposed by IPCC to clause 20	
003729 - 004522	Hon James TO Admin Chairman	Scope of clause 20(1)(a); definition of "material" in the Organized and Serious Crimes Ordinance	Admin to review the scope of clause 20(1)(a), having regard to the definition of "material" in the Organized and Serious Crimes Ordinance
004523 - 011009	Hon James TO Hon Mrs Selina CHOW Hon LEUNG Kwok-hung Admin Chairman Secretary of IPCC	Scope of clause 20 (1)(b); adding "and investigation report" after "relating to a reportable complaint" in clause 20(1)(a); amending clause 20(1)(b) along the lines of "to clarify any fact, discrepancy, allegation or	Admin to consider adding "and investigation report" after "relating to a reportable complaint" in

Time marker	Speaker	Subject(s)	Action Required
		conclusion relating to a reportable complaint and investigation report and to provide further information or material relating to such clarification"	clause 20(1)(a); to consider amending clause 20(1)(b) along the lines of "to clarify any fact, discrepancy, allegation or conclusion relating to a reportable complaint and investigation report and to provide further information or material relating to such clarification"
011010 - 011442	Hon James TO Chairman Admin	Clauses relating to the categorisation of notifiable complaints; adding ", information or material" after "explanations" in clause 15(3)	Admin to consider adding ", information or material" after "explanations" in clause 15(3)
011443 - 011638	Admin	Briefing on clause 21	
011639 - 012950	Hon James TO Hon LEUNG Kwok-hung Admin Chairman SALA1	Examination of clause 21; provisions regarding service by post in the Interpretation and General Clauses Ordinance (Cap. 1); meaning of clause 21(2)(b) in relation to the word "notified"; requiring a notification under clause 21(2)(b) to be given by registered post and setting out such a requirement in the Bill	Admin to consider revising the drafting of clause 21(2)(b) in relation to the word "notified"; to consider requiring a notification under clause 21(2)(b) to be given by registered post and setting out such a requirement in the Bill

Time marker	Speaker	Subject(s)	Action Required
012951 - 013757	Admin Chairman Hon James TO Secretary of IPCC	Examination of clause 22; amendments to be proposed by the Administration to clause 22 and steps to be taken by the Police in respect of questions from complainants relating to operational matters and unrelated to the complaint in question	
013758 - 014315	Admin Hon James TO Chairman	Examination of clause 23; amending clause 23(1) along the lines that a member of the Council might, at any time and without appointment, attend interviews or observe the investigation of a reportable complaint, including but not limited to subclauses (a) and (b)	Admin to consider amending clause 23(1) along the lines that a member of the Council might, at any time and without appointment, attend interviews or observe the investigation of a reportable complaint, including but not limited to subclauses (a) and (b)
014316 - 015942	Hon James TO Chairman Admin SALA1	Providing in sections 10 and 14 of Schedule 1 to the Bill how a member of IPCC or its committee who had an interest in a matter being discussed or to be discussed should be handled, taking into account the requirement for observers to withdraw from an interview or observation of collection of evidence as specified in clause 34(3)(c)	Admin to consider providing in sections 10 and 14 of Schedule 1 to the Bill how a member of IPCC or its committee who had an interest in a matter being discussed or to be discussed should be handled, taking into account the requirement for observers to withdraw from an interview or observation of collection of

Time marker	Speaker	Subject(s)	Action Required
			evidence as specified in clause 34(3)(c)

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