

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2514/07-08  
(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 Friday, 30 May 2008, at 3:00 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
Hon Bernard CHAN, GBS, JP  
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  
Hon KWONG Chi-kin
- Member attending** : Hon CHEUNG Man-kwong
- Members absent** : Hon LEE Cheuk-yan  
Dr Hon LUI Ming-wah, SBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Daniel LAM Wai-keung, SBS, JP  
Hon LEUNG Kwok-hung
- 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

Miss Helen DIN  
Legislative Assistant (2) 1

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**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 provide samples explaining the difference between an "explanation" under clause 24 and a "report" under clause 25(b);
- (b) to consider providing explicitly in the Bill that the word "action" in clause 24 included "non-action";
- (c) to consider deleting "types of" in clause 25(a); and
- (d) to consider providing the Bills Committee with a copy of the orders and manuals referred to in clause 26(1)(b).

3. The Administration advised that it would propose amendments to clause 27 to provide that the Commissioner of Police must comply with any requirement made by the Independent Police Complaints Council unless the Secretary for Security certified that compliance with the requirement would be likely to prejudice the security of Hong Kong or the investigation of any crime, and that a certificate signed by the Secretary for Security certifying such matters was conclusive evidence as to the matters so certified.

## **II. Date of next meeting**

- 4. The Bills Committee noted that the next meeting had been scheduled for 3 June 2008 at 11:00 am.
- 5. The meeting ended at 5:00 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 Friday, 30 May 2008, at 3:00 pm  
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 - 000242	Chairman	Opening remarks	
000243 - 000707	Admin	Briefing on clause 24	
000708 - 010559	Hon James TO Chairman Hon Alan LEONG Hon Mrs Selina CHOW Secretary of IPCC Admin	Views of the Independent Police Complaints Council (IPCC) in relation to clauses 7, 24 and 25; amendments proposed by IPCC to broaden the scope of clause 24; effect of amending the word "explanation" in clause 24 along the line of "report" and the Administration's position towards such an amendment; whether the scope of clause 7(1)(b) should be broadened; amendments to be proposed by the Administration to clause 18; provision of samples explaining the difference between an "explanation" under clause 24 and a "report" under clause 25(b)	<b>Admin to provide samples explaining the difference between an "explanation" under clause 24 and a "report" under clause 25(b)</b>
010600 - 010911	Hon James TO Chairman Admin SALA1	Providing explicitly in the Bill that the word "action" in clause 24 included "non-action"	<b>Admin to consider providing explicitly in the Bill that the word "action" in clause 24 included "non-action"</b>
010912 - 011712	Hon James TO Chairman Admin	Whether the word "reportable" in clause 7(1)(c) and clause 25(a) should be deleted; deleting "types of" in clause 25(a); scope of clause 7(1)(a) and (c)	<b>Admin to consider deleting "types of" in clause 25(a)</b>
011713 - 012209	Hon Alan LEONG Admin	Whether clause 24 and clause 7(1)(b) should be amended to allow IPCC to give its opinion on actions of the Commissioner of	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		Police taken in connection with any reportable complaint not covered by clause 7(1)(a) and (c)	
012210 - 012311	Admin	Briefing on clause 26	
012312 - 012607	Hon James TO Admin	Providing the Bills Committee with a copy of the orders and manuals referred to in clause 26(1)(b)	<b>Admin to consider providing the Bills Committee with a copy of the orders and manuals referred to in clause 26(1)(b)</b>
012608 - 013608	Hon James TO Admin Chairman Secretary of IPCC Deputy Secretary of IPCC	Scope of clause 26(1); whether IPCC was notified of all amendments relating to the handling or investigation of reportable complaints to any orders or manuals of the Police Force	
013609 - 014118	Admin	Briefing on clause 27; amendments to be proposed by the Administration to clause 27	
014119 - 020008	Hon James TO Admin Chairman	Whether a time limit should be imposed on a certificate issued by the Secretary for Security that compliance with a requirement made by IPCC under the Bill would be likely to prejudice the security of Hong Kong or the investigation of any crime	
020009 - 020055	Chairman	Examination of clause 28 at the next meeting	