

立法會
Legislative Council

LC Paper No. CB(2)2515/07-08
(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, 3 June 2008, at 11:00 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
Hon Bernard CHAN, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Howard YOUNG, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Members absent** : Hon LEE Cheuk-yan
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon KWONG Chi-kin
- 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

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 drafting of clause 28, having regard to the views expressed by members;

- (b) to consider adding "reasonable" before the word "fees" in clause 29;
- (c) to consider amending clause 31(1) to the effect that observers were to be appointed by the Council on the recommendation of the Secretary for Security or that observers were to be appointed by the Chief Executive;
- (d) to consider including the immediate family members of members of the Police Force under clause 31(2);
- (e) to review the use of the term "civil servant" in clause 31(2)(a) and whether it covered employees of the Government who were not civil servants or directors of bureaux; and
- (f) to consider amending "if the disclosure is necessary" in clause 37(2) along the lines of "if the Council thinks that the disclosure is necessary".

3. The Bills Committee requested the Independent Police Complaints Council (IPCC) to provide information on the existing fees charged by IPCC for providing copies of, or extract from, documents or publications of IPCC, the number of persons who requested such copies in the last year and the total fees involved.

II. Date of next meeting

- 4. The Bills Committee noted that the next meeting had been scheduled for 5 June 2008 at 2:30 pm.
- 5. The meeting ended at 1:05 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, 3 June 2008, at 11:00 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000244	Chairman	Opening remarks	
000245 - 000441	Admin	Briefing on clause 28	
000442 - 002533	Hon James TO Hon LEUNG Kwok-hung Hon Howard YOUNG Dr Hon LUI Ming-wah Admin Chairman	Views of the Independent Police Complaints Council (IPCC) on clause 28 of the Bill; whether there was a need to provide in the Bill that the Chief Executive (CE) should be required to provide a response to IPCC's report made to him	
002534 - 005843	Hon LEUNG Kwok-hung Dr Hon LUI Ming-wah Hon Margaret NG Hon James TO Hon Alan LEONG Admin Chairman	Whether a report under clause 27 could be made public; duty to keep confidence under clause 37; amending "if the disclosure is necessary" in clause 37(2) along the lines of "if the Council thinks that the disclosure is necessary"	Admin to consider amending "if the disclosure is necessary" in clause 37(2) along the lines of "if the Council thinks that the disclosure is necessary"
005844 - 010518	Hon James TO Hon Mrs Selina CHOW Dr Hon LUI Ming-wah Chairman Admin	Formulation of clause 28	Admin to review the drafting of clause 28, having regard to the views expressed by members
010519 - 010608	Admin	Briefing on clause 29	
010609 - 011641	Hon James TO Dr Hon LUI Ming-wah Admin Chairman Secretary of IPCC	Power of IPCC to determine fees under clause 29; adding "reasonable" before the word "fees" in clause 29; requesting IPCC to provide information on the existing fees charged by	Admin to consider adding "reasonable" before the word "fees" in clause 29

Time marker	Speaker	Subject(s)	Action Required
		IPCC for providing copies of, or extract from, documents or publications of IPCC, the number of person who requested such copies in the last year and the total fees involved	
011642 - 012025	Hon James TO Admin Chairman	Scope of "documents or publication" in clause 29; definition of publication under the Interpretation and General Clauses Ordinance (Cap. 1)	
012026 - 012203	Admin	Briefing on clause 30	
012204 - 012519	Hon James TO Admin Chairman	Scope of clause 30; whether clause 30 was adequate for IPCC to perform its functions under the Bill; why there was a need for IPCC to borrow money under clause 30(c)	
012520 - 012634	Admin	Briefing on clause 31	
012635 - 013532	Hon James TO Admin Chairman	Whether IPCC should be empowered to appoint observers	
013533 - 013631	Hon Howard YOUNG Admin	Whether "a member of the police force" in clause 31(2)(b) covered members of the auxiliary Police Force; interpretation of "civil servant" in clause 31(2)(a)	
013632 - 013924	Chairman Admin	Including the immediate family members of members of the Police Force under clause 31(2)	Admin to consider including the immediate family members of members of the Police Force under clause 31(2)
013925 - 014902	Hon Alan LEONG Hon James TO Admin	Amending clause 31(1) to the effect that observers were to be appointed by the Council on the	Admin to consider amending clause 31(1) to the effect

Time marker	Speaker	Subject(s)	Action Required
	Chairman	recommendation of the Secretary for Security or that observers were to be appointed by the Chief Executive	that observers were to be appointed by the Council on the recommendation of the Secretary for Security or that observers were to be appointed by the Chief Executive
014903 - 020430	Hon James TO Chairman Admin	Whether ", the Secretary, the Legal Adviser or any other employee of the Council" in clause 31(2)(a) should be deleted; reviewing the use of the term "civil servant" in clause 31(2)(a) and whether it covered employees of the Government who were not civil servants or directors of bureaux	Admin to review the use of the term "civil servant" in clause 31(2)(a) and whether it covered employees of the Government who were not civil servants or directors of bureaux