

立法會
Legislative Council

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**Bills Committee on
Independent Police Complaints Council Bill**

**Minutes of meeting
held on Thursday, 5 June 2008, at 2:30 pm
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
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, 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 LEUNG Kwok-hung
Hon KWONG Chi-kin
- Members absent** : Hon Bernard CHAN, GBS, JP
Hon Timothy FOK Tsun-ting, 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

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

Mr William LEE
Legislative Assistant (2)9

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 consider amending clause 32 along the lines of "to assist the Council in monitoring by observing.....";

- (b) to clarify what constituted "other sufficient cause" in section 3 of Schedule 2;
- (c) to consider providing that the removal of an observer from office should be endorsed by the Chief Executive;
- (d) to consider the appropriate authority for approving the fees and allowances to be paid to observers of the Independent Police Complaints Council (IPCC), making reference to the arrangements for existing statutory bodies;
- (e) to provide information on how IPCC observers were notified of the Police's interviews and collection of evidence;
- (f) to provide statistics on interviews/collection of evidence where the Police had notified IPCC in the past two years and the observers' attendance at such interviews/collection of evidence;
- (g) to provide statistics on surprise visits conducted by IPCC observers in the past two years;
- (h) to provide statistics on the reports of IPCC observers which indicated irregularities in the past two years;
- (i) to provide statistics on the declaration of interests by IPCC observers;
- (j) to advise whether an observer might conduct observation before a complaint was lodged or before a complaint was categorised;
- (k) to consider setting out in the Bill the requirement that the Police must notify IPCC of all interviews and collection of evidence before they were conducted;
- (l) to consider not obliging observers to provide opinion on whether an interview or collection of evidence has been conducted in a fair and impartial manner and to improve the form for completion by observers;
- (m) to provide the guidelines for Justices of the Peace in relation to their visits to penal institutions and the form for their completion after such visits;
- (n) to consider amending "it comes to the knowledge of" in clause 34(3) along the lines of "it appears" in relation to the requirement for IPCC observers to disclose interest;

- (o) to consider providing information to IPCC observers on how an observation should be conducted;
- (p) to provide information on the procedures applicable to observers;
- (q) to consider revising clause 35(c) to spell out that the drawing up of a duty roster of IPCC observers would not affect an observer's right to conduct observation when it was not his turn according to the duty roster;
- (r) to provide information on how an interviewee's objection to the presence of an observer would be handled; and
- (s) to consider publishing the procedures applicable to the IPCC Observers Scheme and improving such procedures.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for 6 June 2008 at 8:30 am.
4. The meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
26 August 2008

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Thursday, 5 June 2008, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000323	Chairman	Opening remarks	
000324 - 000358	Chairman Hon Emily LAU	Deliberations on clause 31 at the last meeting	
000359 - 001021	Hon James TO Admin Chairman	Amending clause 32 along the lines of "to assist the Council in monitoring by bserving....."	Admin to consider amending clause 32 along the lines of "to assist the Council in monitoring by observing....."
001022 - 001252	Admin	Briefing on clause 33 and Schedule 2	
001253 - 002040	Hon Emily LAU Hon James TO Chairman Admin SALA1	What constituted "other sufficient cause" in section 3 of Schedule 2	Admin to clarify what constituted "other sufficient cause" in section 3 of Schedule 2
002041 - 004512	Hon James TO Dr Hon LUI Ming-wah Hon Emily LAU Chairman Admin Secretary of IPCC	Providing in the Bill that the removal of an observer from office should be endorsed by the Chief Executive; to consider the appropriate authority for approving the fees and allowances to be paid to observers of the Independent Police Complaints Council (IPCC), making reference to the arrangements for existing statutory bodies	Admin to consider providing that the removal of an observer from office should be endorsed by the Chief Executive; to consider the appropriate authority for approving the fees and allowances to be paid to IPCC observers, making reference to the arrangements for existing statutory bodies

Time marker	Speaker	Subject(s)	Action Required
004513 - 004623	Admin	Briefing on clause 34	
004624 - 005331	Hon Emily LAU Secretary of IPCC Chairman	How IPCC observers were notified of the Police's interviews and collection of evidence; statistics on interviews/collection of evidence where the Police had notified IPCC in the past two years and the observers' attendance at such interviews/collection of evidence; statistics on surprise visits conducted by IPCC observers in the past two years; statistics on the reports of IPCC observers which indicated irregularities in the past two years; statistics on the declaration of interests by IPCC observers	Admin to provide information on how IPCC observers were notified of the Police's interviews and collection of evidence; to provide statistics on interviews/collection of evidence where the Police had notified IPCC in the past two years and the observers' attendance at such interviews/collection of evidence; to provide statistics on surprise visits conducted by IPCC observers in the past two years; to provide statistics on the reports of IPCC observers which indicated irregularities in the past two years; to provide statistics on the declaration of interests by IPCC observers
005332 - 010122	Hon James TO Secretary of IPCC Chairman Admin	Whether an observer might conduct observation before a complaint was lodged or before a complaint was categorised	Admin to advise whether an observer might conduct observation before a complaint was lodged or before a complaint was categorised

Time marker	Speaker	Subject(s)	Action Required
010123 - 010844	Hon LEUNG Kwok-hung Chairman Hon Emily LAU Admin	Setting out in the Bill the requirement that the Police must notify IPCC of all interviews and collection of evidence before they were conducted	Admin to consider setting out in the Bill the requirement that the Police must notify IPCC of all interviews and collection of evidence before they were conducted
010845 - 011137	Hon Emily LAU Hon James TO Chairman	Statistics on declaration of interests by IPCC observers	Admin to provide statistics on the declaration of interests by IPCC observers
011138 - 012146	Hon James TO Secretary of IPCC Chairman Hon Emily LAU Admin	Whether observers should be obliged to provide opinion on whether an interview or collection of evidence has been conducted in a fair and impartial manner and to improve the form for completion by observers; guidelines for Justices of the Peace in relation to their visits to penal institutions and the form for their completion after such visits	Admin to consider not obliging observers to provide opinion on whether an interview or collection of evidence has been conducted in a fair and impartial manner and to improve the form for completion by observers; to provide the guidelines for Justices of the Peace in relation to their visits to penal institutions and the form for their completion after such visits
012147 - 012321	Hon James TO Chairman Admin	Amending "it comes to the knowledge of" in clause 34(3) along the lines of "it appears" in relation to the requirement for IPCC observers to disclose interest	Admin to consider amending "it comes to the knowledge of" in clause 34(3) along the lines of "it appears" in relation to the requirement for IPCC observers to disclose interest

Time marker	Speaker	Subject(s)	Action Required
012322 - 012351	Admin	Briefing on clause 35	
012352 - 012923	Hon James TO Admin Chairman Secretary of IPCC	Providing information to IPCC observers on how an observation should be conducted	Admin to consider providing information to IPCC observers on how an observation should be conducted
012924 - 013103	Hon James TO Secretary of IPCC	Procedures applicable to observers	Admin to provide information on the procedures applicable to observers
013104 - 014120	Hon James TO Secretary of IPCC Chairman Admin	How an interviewee's objection to the presence of an observer would be handled	Admin to provide information on how an interviewee's objection to the presence of an observer would be handled
014121 - 020353	Hon James TO Chairman Hon LEUNG Kwok-hung Hon Emily LAU Admin Secretary of IPCC SALA1	Revising clause 35(c) to spell out that the drawing up of a duty roster of IPCC observers would not affect an observer's right to conduct observation when it was not his turn according to the duty roster; publishing the procedures applicable to the IPCC Observers Scheme and improving such procedures	Admin to consider revising clause 35(c) to spell out that the drawing up of a duty roster of IPCC observers would not affect an observer's right to conduct observation when it was not his turn according to the duty roster; to consider publishing the procedures applicable to the IPCC Observers Scheme and improving such procedures