

立法會
Legislative Council

LC Paper No. CB(2)2747/07-08
(These minutes have been seen
by the Administration)

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

**Minutes of meeting
held on Friday, 6 June 2008, at 8:30 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 WONG Yung-kan, SBS, JP
Hon Howard YOUNG, SBS, 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
- Members absent** : Hon LEE Cheuk-yan
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon LEUNG Kwok-hung
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

Miss Helen DIN
Legislative 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 clarify whether a member of the Independent Police Complaints Council (IPCC) who was a Legislative Council Member would be

allowed to make disclosure under clause 37(2), if he was approached by a complainant;

- (b) to consider revising clause 37 to the effect that for the avoidance of doubt, the disclosure of disagreement between IPCC and the Police was permitted, if this was for IPCC's performance of its functions under the Bill, and/or that the disclosure was permitted if IPCC thought that it was necessary for the performance of its functions under the Bill;
- (c) to consider permitting disclosure under clause 37(4) to a person who assisted or had assisted the complainant in the handling or investigation of a complaint;
- (d) to clarify whether clause 38(1) would render a specified person not liable to any civil proceedings for any act done, or omitted to be done, by him in good faith in the performance or purported performance of a function under the Bill, even if he had acted negligently or if there was serious default; and
- (e) to clarify whether the Administration would be liable under clause 38(1) for any act done, or omitted to be done, by a specified person in good faith in the performance or purported performance of a function under the Bill.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for 7 June 2008 at 9:00 am.

4. The meeting ended at 10:30 am.

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Friday, 6 June 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000136	Chairman	Opening remarks	
000137 - 000324	Admin	Briefing on clause 36	
000325 - 000357	Chairman Hon James TO Admin	Persons which fell within the scope of subclause (f) under the definition of "specified person" in clause 36	
000358 - 002019	Hon James TO Chairman Admin	Whether the scope of protected information was too broad; consequences of disclosure of protected information; whether a member of the Independent Police Complaints Council (IPCC) who was a Legislative Council (LegCo) Member would be allowed to make disclosure under clause 37(2), if he was approached by a complainant	Admin to clarify whether an IPCC member who was a LegCo Member would be allowed to make disclosure under clause 37(2), if he was approached by a complainant
002020 - 002649	Admin	Briefing on clause 37; amendments to be proposed by the Administration to clause 37(4)	
002650 - 010226	Chairman Hon James TO Hon Alan LEONG Dr Hon LUI Ming-wah Dr Hon Joseph LEE Admin	Amending clause 37 to the effect that for the avoidance of doubt, the disclosure of disagreement between IPCC and the Police was permitted, if this was for IPCC's performance of its functions under the Bill	Admin to consider amending clause 37 to the effect that for the avoidance of doubt, the disclosure of disagreement between IPCC and the Police was permitted, if this was for IPCC's

Time Marker	Speaker	Subject(s)	Action Required
			performance of its functions under the Bill
010227 - 010755	Hon James TO Admin Chairman	Whether clause 37(2) should be amended to cover disclosure for public interest	
010756 - 012737	Hon James TO Hon Mrs Selina CHOW Hon Alan LEONG Chairman Admin	Whether clause 37(2)(c) covered proceedings of LegCo and its committees; interpretation of clause 37(3)(c); amending clause 37 to the effect that disclosure was permitted if IPCC thought that it was necessary for the performance of its functions under the Bill	Admin to consider amending clause 37 to the effect that disclosure was permitted if IPCC thought that it was necessary for the performance of its functions under the Bill
012738 - 014439	Hon James TO Chairman Admin	Scope of clause 37(4)(d); permitting disclosure under clause 37(4) to a person who assisted or had assisted the complainant in the handling or investigation of a complaint	Admin to consider permitting disclosure under clause 37(4) to a person who assisted or had assisted the complainant in the handling or investigation of a complaint
014440 - 014612	Admin	Briefing on clause 38	
014613 - 020005	Chairman Hon James TO Hon Alan LEONG Hon Mrs Selina CHOW Admin	Effect of clause 38, whether clause 38(1) would render a specified person not liable to any civil proceedings for any act done, or omitted to be done, by him in good faith in the performance or purported performance of a function under the Bill, even if he had acted negligently or if there was serious default; whether the Administration would be liable under clause 38(1) for any act	Admin to clarify whether clause 38(1) would render a specified person not liable to any civil proceedings for any act done, or omitted to be done, by him in good faith in the performance or purported performance of a

Time Marker	Speaker	Subject(s)	Action Required
		done, or omitted to be done, by a specified person in good faith in the performance or purported performance of a function under the Bill	function under the Bill, even if he had acted negligently or if there was serious default; to clarify whether the Administration would be liable under clause 38(1) for any act done, or omitted to be done, by a specified person in good faith in the performance or purported performance of a function under the Bill

Council Business Division 2
Legislative Council Secretariat
26 August 2008