

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2747/07-08  
(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, 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**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
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	<b>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</b>
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	<b>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</b>

Time Marker	Speaker	Subject(s)	Action Required
			<b>performance of its functions under the Bill</b>
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	<b>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</b>
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	<b>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</b>
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	<b>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</b>

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		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	<b>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</b>

Council Business Division 2  
Legislative Council Secretariat  
26 August 2008