

立法會
Legislative Council

LC Paper No. CB(2)2764/07-08
(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, 10 June 2008, at 8:30 am
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 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 Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Alan LEONG Kah-kit, SC
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

Ms Lonnie NG
Senior Government Counsel

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 explain why there was a need to stipulate "to the extent that it is consistent with this Ordinance" in clause 40(3) but not in clause 40(2);
 - (b) to consider deleting "is required to be done" in clause 40(3);
 - (c) to provide information on the Administration's policy on encouraging statutory bodies to comply with the Code on Access to Information published by the Government;
 - (d) to provide information on how maladministration was currently being handled by the Independent Police Complaints Council (IPCC) and to provide statistics on maladministration cases in the past three years;
 - (e) to provide information on the quorum for meetings of existing statutory bodies and to consider the appropriate quorum for the statutory IPCC;
 - (f) to consider specifying in the Bill that in the absence of the Chairman, it should be for a vice-chairman of IPCC to decide on the time and place for IPCC to meet;
 - (g) to consider requiring IPCC to consider the classification of reportable complaints which were serious in nature at meetings instead of by circulation of papers and to hold more meetings at shorter intervals to consider reportable complaints;
 - (h) to consider requiring that a resolution on the classification of reportable complaint must be passed by a certain percentage of the total number of IPCC members and restricting IPCC's power of delegation under section 25 of Schedule 1 accordingly;
 - (i) to consider specifying in section 13 of Schedule 1 that IPCC's committees, panels or sub-groups could only consist of IPCC members;
 - (j) to clarify the rationale for including the provision on the scope of Director of Audit's examination in section 24 of Schedule 1;
 - (k) to consider whether it was necessary to provide for "such further period as the Chief Executive may allow" in section 23(1) of Schedule 1, taking into account the reporting arrangement for other statutory bodies;

- (l) to explain the rationale of section 23(2) in Schedule 1 that the tabling of IPCC's annual report at the Legislative Council was subject to the Chief Executive's approval;
 - (m) to consider spelling out the content of the annual report of IPCC in section 23 of Schedule 1;
 - (n) to consider deleting "observing" in the long title of the Bill; and
 - (o) to provide information on how the Police would handle complaints made by persons who were representatives of mentally incapacitated persons.
3. The Bills Committee agreed that the views of The Ombudsman would be sought on the following -
- (a) whether the Secretariat of IPCC should be included under Part I of Schedule 1 to The Ombudsman Ordinance; and
 - (b) the proposal in clause 44 of the Bill to repeal the Secretariat of IPCC in Part II of Schedule 1 to The Ombudsman Ordinance.

II. Date of next meeting

4. The Bills Committee noted that the next meeting had been scheduled for 12 June 2008 at 8:30 am.
5. The meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
9 September 2008

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Tuesday, 10 June 2008, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000135	Chairman	Opening remarks	
000136 - 000341	Admin Chairman	Examination of clause 39	
000342 - 003437	Admin Chairman Hon James TO SALA1	Examination of clauses 40 and 41; why there was a need to stipulate "to the extent that it is consistent with this Ordinance" in clause 40(3) but not in clause 40(2); deleting "is required to be done" in clause 40(3)	Admin to explain why there was a need to stipulate "to the extent that it is consistent with this Ordinance" in clause 40(3) but not in clause 40(2); to consider deleting "is required to be done" in clause 40(3)
003438 - 005139	Admin Hon James TO Chairman SALA1	Examination of clause 42	
005140 - 005218	Admin Chairman	Examination of clause 43	
005219 - 011001	Admin Hon James TO Chairman	Examination of clause 44; Administration's policy on encouraging statutory bodies to comply with the Code on Access to Information published by the Government	Admin to provide information on the Administration's policy on encouraging statutory bodies to comply with the Code on Access to Information published by the Government

Time marker	Speaker	Subject(s)	Action Required
011002 - 011838	Hon James TO Admin Chairman	Examination of clause 44; seeking the views of The Ombudsman on the proposal in clause 44 of the Bill to repeal the Secretariat of IPCC in Part II of Schedule 1 to The Ombudsman Ordinance and whether the IPCC Secretariat should be included under Part I of Schedule 1 to The Ombudsman Ordinance	Admin to provide information on how maladministration was currently being handled by IPCC; to provide statistics on maladministration cases in the past three years
011839 - 011945	Admin Chairman	Examination of section 1 of Schedule 1	
011946 - 012018	Admin	Examination of section 2 of Schedule 1	
012019 - 012141	Admin Hon James TO Chairman	Examination of section 3 of Schedule 1	
012142 - 012610	Admin Chairman Hon James TO	Examination of section 4 of Schedule 1	
012611 - 013022	Admin Hon James TO Chairman	Examination of section 5 of Schedule 1	
013023 - 013205	Hon James TO Chairman Admin	Examination of section 1 of Schedule 1	
013206 - 013322	Admin Chairman	Examination of section 6 of Schedule 1	
013323 - 013612	Admin Chairman	Examination of section 7 of Schedule 1	
013613 - 013833	Admin Chairman Hon James TO Secretary of IPCC	Examination of section 8 of Schedule 1; quorum for meetings of existing statutory bodies; quorum for the statutory IPCC	Admin to provide information on the quorum for meetings of existing statutory bodies; to consider the appropriate quorum for the statutory IPCC

Time marker	Speaker	Subject(s)	Action Required
013834 - 013909	Admin	Examination of section 9 of Schedule 1	
013910 - 014845	Admin Dr Hon Philip WONG Hon James TO Secretary of IPCC Chairman	Examination of section 10 of Schedule 1	
014846 - 021855	Admin Chairman Hon James TO Secretary of IPCC Dr Hon Philip WONG	Examination of section 11 of Schedule 1; requiring IPCC to consider the classification of reportable complaints which were serious in nature at meetings instead of by circulation of papers and to hold more meetings at shorter intervals to consider reportable complaints; requiring that a resolution on the classification of reportable complaint must be passed by a certain percentage of the total number of IPCC members; restricting IPCC's power of delegation under section 25 of Schedule 1	Admin to consider requiring IPCC to consider the classification of reportable complaints which were serious in nature at meetings instead of by circulation of papers and to hold more meetings at shorter intervals to consider reportable complaints; to consider requiring that a resolution on the classification of reportable complaint must be passed by a certain percentage of the total number of IPCC members and restricting IPCC's power of delegation under section 25 of Schedule 1 accordingly
021856 - 023118	Admin Hon James TO Chairman Secretary of IPCC	Examination of sections 12 to 14 of Schedule 1; specifying in the Bill that in the absence of the Chairman, it should be for a vice-chairman of IPCC to decide on the time and place for IPCC to meet; specifying in section 13 of Schedule 1 that IPCC's committees, panels or sub-groups could only consist of IPCC	Admin to consider specifying in the Bill that in the absence of the Chairman, it should be for a vice-chairman of IPCC to decide on the time and place for IPCC to meet;

Time marker	Speaker	Subject(s)	Action Required
		members	to consider specifying in section 13 of Schedule 1 that IPCC's committees, panels or sub-groups could only consist of IPCC members
023119 - 023155	Admin	Examination of section 15 of Schedule 1	
023156 - 024010	Admin Hon James TO Chairman SALA1	Examination of section 16 of Schedule 1	
024011 - 024045	Admin Hon James TO Chairman	Examination of section 17 of Schedule 1	
Break			
025735 - 025910	Chairman Admin	Examination of section 18 of Schedule 1	
025911 - 030014	Admin Chairman	Examination of section 19 of Schedule 1	
030015 - 030047	Admin Chairman	Examination of section 20 of Schedule 1	
030048 - 030123	Admin	Examination of section 21 of Schedule 1	
030124 - 030441	Admin Dr Hon Philip WONG Chairman	Examination of sections 22 and 23 of Schedule 1	
030442 - 031532	Admin Chairman Hon LEUNG Kwok-hung	Examination of section 24 of Schedule 1; rationale for including the provision on the scope of Director of Audit's examination in section 24 of Schedule 1	Admin to clarify the rationale for including the provision on the scope of Director of Audit's examination in section 24 of Schedule 1

Time marker	Speaker	Subject(s)	Action Required
031533 - 031840	Admin Chairman	Examination of section 25 of Schedule 1	
031841 - 033009	Hon James TO Admin Chairman Secretary of IPCC	Whether it was necessary to provide for "such further period as the Chief Executive may allow" in section 23(1) of Schedule 1; why the tabling of IPCC's annual report at the Legislative Council was subject to the Chief Executive's approval	Admin to consider whether it was necessary to provide for "such further period as the Chief Executive may allow" in section 23(1) of Schedule 1, taking into account the reporting arrangement for other statutory bodies; to explain the rationale of section 23(2) in Schedule 1 that the tabling of IPCC's annual report at the Legislative Council was subject to the Chief Executive's approval
033010 - 033023	Admin	Examination of section 26 of Schedule 1	
033024 - 034159	Hon James TO Secretary of IPCC Hon LEUNG Kwok-hung Chairman Admin	Spelling out the content of the annual report of IPCC in section 23 of Schedule 1	Admin to consider spelling out the content of the annual report of IPCC in section 23 of Schedule 1
034200 - 034959	Chairman Admin Hon James TO	Paragraphs 1 to 6 of LC Paper No. CB(2)1689/07-08(02)	
035000 - 035233	Admin Hon James TO Chairman	Paragraphs 7 to 8 of LC Paper No. CB(2)1689/07-08(02)	
035234 - 035258	Admin	Paragraphs 9 to 10 of LC Paper No. CB(2)1689/07-08(02); deleting "observing" in the long title of the Bill	Admin to consider deleting "observing" in the long title of the Bill

Time marker	Speaker	Subject(s)	Action Required
035259 - 035931	Admin Hon James TO Chairman	Paragraphs 11 to 12 of LC Paper No. CB(2)1689/07-08(02); how the Police would handle complaints made by persons who were representatives of mentally incapacitated persons	Admin to provide information on how the Police would handle complaints made by persons who were representatives of mentally incapacitated persons
035932 - 040757	Admin Hon James TO Chairman	Paragraphs 13 to 15 of LC Paper No. CB(2)1689/07-08(02)	
040758 - 042505	Admin Hon James TO Chairman Secretary of IPCC Hon LEUNG Kwok-hung	Paragraphs 1 to 3 of LC Paper No. CB(2)1702/07-08(01)	

Council Business Division 2
Legislative Council Secretariat
9 September 2008