

立法會
Legislative Council

LC Paper No. CB(2)2771/07-08
(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, 17 June 2008, at 8:30 am
in Conference Room B 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 Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
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
- Members absent** : Hon Margaret NG
Hon Bernard CHAN, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Alan LEONG Kah-kit, SC
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

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

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 CHAU Kwan-bing
Legislative Assistant (2) 8

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 provide information on whether disciplinary actions against Police officers were subject to the Chief Executive's ultimate approval;
 - (b) to consider requiring that a member of the Independent Police Complaints Council (IPCC) having an interest in a complaint case should invariably be required to withdraw from the discussion on the case; to provide information on the circumstances under

which members of existing statutory bodies, especially those involved in handling complaints, having an interest in the matters to be discussed were required to withdraw from the discussion on such matters;

- (c) to provide information on whether IPCC would be consulted/notified prior to the appointment of IPCC observers, whether there were any criteria on the selection of candidates and whether immediate family members of members of the Police Force would be excluded from appointment as IPCC observers as a matter of policy;
- (d) to consider amending clause 18 to provide that IPCC should consider an investigation report submitted under clause 16 and consider whether to endorse the investigation report;
- (e) to consider deleting "in respect of a member of the police force" in clause 24 and adding a new provision to the effect that IPCC might require the Police to provide an explanation in relation to any action taken or to be taken in connection with a reportable complaint;
- (f) to consider amending clause 24 to cover a decision not to take any action; and
- (g) to consider deleting "To enable the Council to make such recommendations as the Council sees fit to the Commissioner" in clause 26(1).

3. The Bills Committee requested the Police and IPCC to jointly consider improving the presentation and contents of the Disciplinary and Criminal Checklist and to revert to the Panel on Security one year after the enactment of the Bill with the improved version.

4. Mr James TO requested the Administration to state in the speech of the Secretary for Security at the resumption of Second Reading debate on the Bill that IPCC was sufficiently empowered under clause 7(2) to reasonably require the Commissioner of Police to compile and submit statistics about the conduct of members of the Police Force that are unrelated to specific reportable complaints but that might lead to reportable complaints.

5. The Bills Committee supported the resumption of Second Reading debate on the Bill at the Legislative Council meeting of 9 July 2008.

II. Date of next meeting

6. The Bills Committee noted that the next meeting will be held on the same day at 2:30 pm.

7. The meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
11 September 2008

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Tuesday, 17 June 2008, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000355	Chairman	Opening remarks; resumption of Second Reading debate on the Bill at the Legislative Council meeting of 9 July 2008	
000356 - 002523	Chairman Admin Hon James TO SALA1 Hon Mrs Selina CHOW Hon Emily LAU	Paragraph 12 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	Admin to consider amending clause 24 to cover a decision not to take any action; to consider deleting "in respect of a member of the police force" in clause 24 and adding a new provision to the effect that the Independent Police Complaints Council (IPCC) might require the Police to provide an explanation in relation to any action taken or to be taken in connection with a reportable complaint
002524 - 004933	Admin Hon James TO SALA1 Chairman	Paragraph 13 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01)); requesting the Administration to state in the speech of the Secretary for Security at the resumption of Second Reading debate on the Bill that IPCC was	

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		sufficiently empowered under clause 7(2) to reasonably require the Commissioner of Police to compile and submit statistics about the conduct of members of the Police Force that are unrelated to specific reportable complaints but that might lead to reportable complaints	
004934 - 014355	Admin Chairman Hon James TO Deputy Secretary of IPCC Hon Emily LAU Hon Mrs Selina CHOW	Paragraphs 14 to 16 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	
Break			
020450 - 025017	Chairman Admin Hon Mrs Selina CHOW Hon Emily LAU Hon James TO Hon Howard YOUNG	Paragraphs 14 to 16 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01)); requesting the Police and IPCC to jointly consider improving the presentation and contents of the Disciplinary and Criminal Checklist and to revert to the Panel on Security one year after the enactment of the Bill with the improved version	Admin to provide information on whether disciplinary actions against Police officers were subject to the Chief Executive's ultimate approval; to consider amending clause 18 to provide that IPCC should consider an investigation report submitted under clause 16 and consider whether to endorse the investigation report
025018 - 031020	Chairman Hon James TO Admin Hon Emily LAU SALA1 Hon Howard YOUNG	Paragraph 17 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	Admin to consider deleting "To enable the Council to make such recommendations as the Council sees fit to the

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			Commissioner'' in clause 26(1)
031021 - 031318	Admin Hon Emily LAU Chairman	Paragraph 18 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	
031319 - 031335	Chairman Admin	Paragraph 19 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	
031336 - 032618	Chairman Admin Hon James TO Hon Emily LAU Deputy Secretary of IPCC	Paragraphs 20 to 22 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	Admin to provide information on whether IPCC would be consulted/notified prior to the appointment of IPCC observers, whether there were any criteria on the selection of candidates and whether immediate family members of members of the Police Force would be excluded from appointment as IPCC observers as a matter of policy
032619 - 032802	Chairman Hon Emily LAU Admin Hon James TO	Paragraph 23 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	

Time marker	Speaker	Subject(s)	Action Required
032803 - 034300	Admin Hon Emily LAU SALA1 Chairman Hon James TO Hon LEE Cheuk-yan	Paragraphs 24 to 26 of the Administration's response to issues raised at the meetings on 22 January, 27 May, 30 May and 3 June 2008 (LC Paper No. CB(2)2313/07-08(01))	Admin to consider requiring that a member of IPCC having an interest in a complaint case should invariably be required to withdraw from the discussion on the case; to provide information on the circumstances under which members of existing statutory bodies, especially those involved in handling complaints, having an interest in the matters to be discussed were required to withdraw from the discussion on such matters
034301 - 034411	Chairman Admin	Paragraph 2 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No. CB(2)2330/07-08(01))	
034412 - 034652	Chairman Admin Hon Emily LAU	Paragraphs 3 to 4 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No. CB(2)2330/07-08(01))	
034653 - 035402	Admin Hon Emily LAU Deputy Secretary of IPCC	Paragraphs 5 to 6 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No. CB(2)2330/07-08(01))	

Time marker	Speaker	Subject(s)	Action Required
035403 - 035553	Chairman Admin Hon Emily LAU	Paragraph 7 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No. CB(2)2330/07-08(01))	
035554 - 035731	Chairman Admin	Paragraph 8 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No. CB(2)2330/07-08(01))	
035732 - 040735	Chairman Admin Hon Emily LAU Hon James TO	Paragraphs 9 to 10 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No. CB(2)2330/07-08(01))	
040736 - 041353	Chairman Admin Hon James TO	Paragraphs 11 to 12 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No. CB(2)2330/07-08(01))	