

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2772/07-08  
(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 2:30 pm  
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 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 LEE Cheuk-yan  
Hon Bernard CHAN, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
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

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

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

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**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 statistics on interviews/collection of evidence by the Police of which the Independent Police Complaints Council (IPCC) was not notified in 2006 and 2007;
- (b) to provide information on the existing procedures applicable to IPCC observers;

- (c) to consider amending sections 10, 11(6), 14 and 16(6) of Schedule 1 to the effect that if it appeared to an IPCC member that he had an interest in a matter being discussed or to be discussed, a declaration of interest must be made by the IPCC member;
- (d) to consider specifying in section 7 of Schedule 1 that in the absence of the Chairman of IPCC, a Vice-chairman of IPCC might appoint the time and place for IPCC to meet;
- (e) to consider adding "reasonably" before "allow" in section 23(1) of Schedule 1;
- (f) to provide information on provisions similar to section 23(2) of Schedule 1 in existing legislation; and
- (g) to consider including the statutory IPCC under Part I of Schedule 1 to The Ombudsman Ordinance.

3. The Bills Committee requested the IPCC Secretariat to revert to the Panel on Security one year after the enactment of the Bill on the guidelines for observers and the improved forms for completion by an observer after an observation had been conducted as well as statistics on observations conducted by observers.

## **II. Date of next meeting**

4. The Bills Committee noted that the next meeting would be held on 21 June 2008 at 9:00 am.

5. The meeting ended at 6:30 pm.

**Proceedings of meeting of the  
Bills Committee on  
Independent Police Complaints Council Bill  
on Tuesday, 17 June 2008, at 2:30 pm  
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 - 000435	Chairman	Opening remarks	
000436 - 003907	Admin Hon James TO Chairman Deputy Secretary of IPCC Dr Hon Joseph LEE Hon Emily LAU	Paragraphs 12 to 18 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))	
003908 - 004050	Admin Chairman Hon James TO	Paragraph 19 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))	<b>Admin to provide statistics on interviews/collection of evidence by the Police of which the Independent Police Complaints Council (IPCC) was not notified in 2006 and 2007</b>
004051 - 004305	Admin Hon James TO Chairman	Paragraph 20 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))	<b>Admin to consider amending sections 10, 11(6), 14 and 16(6) of Schedule 1 to the effect that if it appeared to an IPCC member that he had an interest in a matter being discussed or to be discussed, a declaration of interest must be made by the IPCC member</b>
004306 - 012546	Admin Hon James TO Chairman Hon Emily LAU Deputy Secretary of	Paragraphs 21 to 23 of the Administration's response to issues raised at the Bills Committee meetings on 5, 6, 10 and 12 June 2008 (LC Paper No.	<b>Admin to provide information on the existing procedures applicable to IPCC observers; IPCC</b>

Time marker	Speaker	Subject(s)	Action Required
	IPCC SALA1 Dr Hon Joseph LEE	CB(2)2330/07-08(01))	<b>Secretariat to revert to the Panel on Security one year after the enactment of the Bill on the guidelines for observers and the improved forms for completion by an observer after an observation had been conducted as well as statistics on observations conducted by observers</b>
012547 - 012823	Admin Chairman Hon Emily LAU Deputy Secretary of IPCC	Paragraph 24 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))	
012824 - 014121	Admin Hon James TO Hon Margaret NG Chairman	Paragraphs 25 to 26 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))	
014122 - 015737	Admin Chairman Hon James TO	Paragraph 27 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))	
015738 - 022920	Admin Hon James TO Chairman SALA1	Paragraph 28 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)); paper prepared by the Legal Service Division on whether there were provisions in existing legislation setting out that the pre-existing rights of parties to legal	

Time marker	Speaker	Subject(s)	Action Required
		proceedings would not be affected by the Ordinance in response to members' request at the meeting on 15 April 2008 (LC Paper No. LS87/07-08)	
Break			
024253 - 024619	Chairman Admin	Paragraph 29 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))	
024620 - 025759	Hon Mrs Selina CHOW Admin Chairman Hon Emily LAU Hon James TO	Paragraphs 30 to 32 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))	<b>Admin to consider specifying in section 7 of Schedule 1 that in the absence of the Chairman of IPCC, a Vice-chairman of IPCC might appoint the time and place for IPCC to meet; to consider adding "reasonably" before "allow" in section 23(1) of Schedule 1</b>
025800 - 025907	Admin	Paragraph 33 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))	
025908 - 030556	Admin Hon Mrs Selina CHOW Chairman Hon Emily LAU	Paragraph 34 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))	<b>Admin to provide information on provisions similar to section 23(2) of Schedule 1 in existing legislation</b>
030557 - 031039	Admin Hon James TO Hon Emily LAU Chairman	Paragraph 35 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))	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
031040 - 033141	Admin Hon James TO Chairman	Paragraphs 36 to 37 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))	
033142 - 035817	Clerk Chairman Admin Hon Emily LAU Hon James TO SALA1	Views of The Ombudsman on the Bill and Part I of Schedule 1 to The Ombudsman Ordinance (LC Paper No. CB(2)2329/07-08(01))	<b>Admin to consider including the statutory IPCC under Part I of Schedule 1 to The Ombudsman Ordinance</b>

Council Business Division 2  
Legislative Council Secretariat  
11 September 2008