

**立法會**  
**Legislative Council**

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(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 Thursday, 18 October 2007, at 8:30 am  
in Conference Room A 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 Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
Hon WONG Yung-kan, SBS, JP  
Hon Howard YOUNG, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Daniel LAM Wai-keung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon KWONG Chi-kin
- Members present** : Hon Bernard CHAN, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon LEUNG Kwok-hung
- Public Officers attending** : 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  
Acting Deputy Law Draftsman

Ms Lonnie NG  
Senior Government Counsel

**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 Janet SHUM  
Senior Council Secretary (2) 8

Miss Helen DIN  
Legislative Assistant (2) 1

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**I. Election of Chairman**

Hon LAU Kong-wah was elected Chairman of the Bills Committee.

**II. Meeting with the Administration**

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. The Bills Committee requested the Administration -

(a) to provide a comparison of the Bill and the Independent Police

Complaints Council (IPCC) Bill introduced into the Legislative Council in 1996;

- (b) to advise whether the power of the proposed statutory IPCC to require the Commissioner of Police to provide information or materials relating to complaints and clarify facts or discrepancies was subject to any restrictions or exceptions;
- (c) to provide a comparison between the secretariat of the existing IPCC and that of the proposed statutory IPCC in terms of the categories and number of staff, whether all such staff were seconded from the civil service and whether such staff were accountable to the proposed statutory IPCC;
- (d) to provide information on the manpower resources for the proposed statutory IPCC;
- (e) to provide a comparison of the financial resources available to the secretariat of the existing IPCC and those of the proposed statutory IPCC;
- (f) to provide information on the honorarium for members and observers of the existing IPCC and that of the proposed statutory IPCC;
- (g) to provide information on the number of observations made by observers of the existing IPCC in a year;
- (h) to provide information on the workload of existing IPCC members, including the time spent on the management of the IPCC secretariat, the monthly average number of cases studied by an existing IPCC member and the time spent on studying such cases;
- (i) to provide statistics on cases handled by the Complaints Against Police Office (CAPO), including reportable and non-reportable complaints, and the existing IPCC in the previous year;
- (j) to provide information on the manpower of CAPO;
- (k) to provide information on the mechanism for the handling of complaints by CAPO, in particular where a complaint involved crime elements;
- (l) to provide a comparison between the protection for members of the proposed statutory IPCC under clause 38 and that for

members of other similar statutory bodies in existing ordinance;  
and

- (m) to explain why the persons referred to in clause 38(3) of the Bill would not be subject to the protection under clause 38(1) and (2);  
and
- (n) to consider the suggestion of empowering the Legislative Council to nominate IPCC members.

### **III. Dates of subsequent meetings**

4. The Bills Committee agreed that further meetings would be scheduled as follows to continue discussion with the Administration –

6 November 2007	8:30 am - 10:30 am
14 November 2007	8:30 am - 10:30 am
23 November 2007	8:30 am - 10:30 am

5. The meeting ended at 10:30 am.

Council Business Division 2  
Legislative Council Secretariat  
13 November 2007

**Proceedings of meeting of the  
Bills Committee on  
Independent Police Complaints Council Bill  
on Thursday, 18 October 2007, 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 - 000413	Hon LEE Cheuk-yan Hon LAU Kong-wah Hon TAM Yiu-chung Hon Andrew LEUNG	Election of Chairman	
000414 - 000432	Chairman	Opening remarks	
000433 - 001235	Admin	Briefing on the Bill	
001236 - 001458	Chairman Hon Margaret NG	Schedule of subsequent meetings	
001459 - 002059	Hon James TO Admin Chairman	Comparison of the Bill and the Independent Police Complaints Council (IPCC) Bill introduced into the Legislative Council (LegCo) in 1996; whether the power of IPCC to require the Police to provide information or materials relating to complaints and clarify facts or discrepancies was subject to any restrictions or exceptions	<b>Admin to provide a comparison of the Bill and the IPCC Bill introduced into the LegCo in 1996; to advise whether the power of the proposed statutory IPCC to require the Commissioner of Police to provide information or materials relating to complaints and clarify facts or discrepancies was subject to any restrictions or exceptions</b>
002100 - 003305	Hon LEE Cheuk-yan Admin	Whether IPCC should be provided with independent investigative power	
003306 - 005632	Hon Margaret NG Hon Audrey EU Admin Chairman	Whether there would be any change in the operations of IPCC after the Bill came into operation; whether there would be any change to the membership of IPCC; whether there was a	<b>Admin to provide a comparison between the secretariat of the existing IPCC and that of the</b>

Time marker	Speaker	Subject(s)	Action Required
		<p>need for the written authorization referred to in clause 14(1)(c) of the Bill; comparison between the secretariat of the existing IPCC and that of the proposed statutory IPCC in terms of the categories and number of staff, whether all such staff were seconded from the civil service, and whether such staff were accountable to IPCC; financial resources for the secretariat of the existing IPCC and those of the proposed statutory IPCC</p>	<p><b>proposed statutory IPCC in terms of the categories and number of staff, whether all such staff were seconded from the civil service, and whether such staff were accountable to the proposed statutory IPCC; to provide a comparison of the financial resources for the secretariat of the existing IPCC and those of the proposed statutory IPCC</b></p>
<p>005633 - 005837</p>	<p>Hon KWONG Chi-kin Chairman</p>	<p>Whether the proposed statutory IPCC should be provided with independent investigative power; membership of IPCC; honorarium for observers of the existing IPCC and that of the proposed statutory IPCC; number of observations made by observers of the existing IPCC in a year</p>	<p><b>Admin to provide information on the honorarium for observers of the existing IPCC and that of the proposed statutory IPCC; to provide information on the number of observations made by observers of the existing IPCC in a year</b></p>
<p>005838 - 011144</p>	<p>Hon Emily LAU Admin Chairman</p>	<p>Honorarium for members of the existing IPCC and that of the proposed statutory IPCC; workload of existing IPCC members; monthly average number of cases studied by an IPCC member and time spent on studying such cases; statistics on cases handled by the Complaints Against Police Office (CAPO) and IPCC in the previous year; manpower of CAPO and the IPCC secretariat;</p>	<p><b>Admin to provide information on the honorarium for members of the existing IPCC and that of the proposed statutory IPCC; to provide information on the workload of existing IPCC members, the monthly average</b></p>

Time marker	Speaker	Subject(s)	Action Required
		information on the manpower resources for the proposed statutory IPCC; empowering LegCo to nominate IPCC members	<b>number of cases studied by an existing IPCC member and the time spent on studying such cases; to provide statistics on cases handled by CAPO and the existing IPCC in the previous year; to provide information on the manpower of CAPO; to provide information on the manpower resources for the proposed statutory IPCC; to consider the suggestion of empowering LegCo to nominate IPCC members</b>
011145 - 012409	Hon Mrs Selina CHOW Admin	Secretariat support for the proposed statutory IPCC; honorarium for its members; whether there was a need for the written authorization referred to in clause 14(1)(c) of the Bill	
012410 - 014018	Hon Alan LEONG Admin Chairman	Whether the provisions of the Bill were a step leading to a long term goal that the proposed statutory IPCC be provided with independent investigative power; role of existing IPCC members; whether there was a need for the written authorization referred to in clause 14(1)(c) of the Bill; protection for members of the proposed statutory IPCC and that for members of other similar statutory bodies	<b>Admin to provide a comparison between the protection for members of the proposed statutory IPCC under clause 38 and that for members of other similar statutory bodies in existing ordinances</b>

Time marker	Speaker	Subject(s)	Action Required
014019 - 014419	Hon TAM Yiu-chung Chairman Admin	Workload of existing IPCC members; honorarium for IPCC members; support provided by the IPCC secretariat	
014420 - 015829	Chairman Hon James TO Admin	Mechanism for the handling of complaints by CAPO; whether the proposed statutory IPCC should be provided with independent investigative power; whether there was a need for the written authorization referred to in clause 14(1)(c) of the Bill; mechanism for the handling of complaints by CAPO; statistics on reportable and non-reportable complaints	<b>Admin to provide information on the mechanism for the handling of complaints by CAPO, in particular where a complaint involved crime elements; to provide statistics on reportable and non-reportable complaints</b>
015830 - 020151	Hon Margaret NG	Workload of existing IPCC members in the management of the IPCC secretariat; why the persons referred to in clause 38(3) of the Bill would not be subject to the protection under clause 38(1) and (2)	<b>Admin to explain why the persons referred to in clause 38(3) of the Bill would not be subject to the protection under clause 38(1) and (2)</b>
020152 - 020239	Chairman Hon Emily LAU	Date of next meeting; consideration at the next meeting of whether a meeting should be scheduled to receive the views of the public on the Bill	