

立法會
Legislative Council

LC Paper No. CB(2)565/07-08
(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, 6 November 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
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, 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
Hon Alan LEONG Kah-kit, SC
Hon KWONG Chi-kin
- Members absent** : Hon Bernard CHAN, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, 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

Miss Helen DIN
Legislative Assistant (2) 1

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration -
 - (a) to provide information on the computation of the honorarium for members and observers of the existing Independent Police Complaints Council (IPCC) and to provide information on the honorarium of other similar statutory bodies;
 - (b) to provide information on the number of interviews and collection of evidence conducted by the Police in respect of reportable complaints in 2006, and the number of interviews and collection of evidence observed by observers of the IPCC in the same year;

- (c) to provide statistics on queries or requests for further information on complaint cases examined by existing IPCC members;
- (d) to provide information on the time spent by members of the existing IPCC on examining complaints and meetings;
- (e) to advise on the number of serious and non-serious complaints examined by IPCC in 2006, among which the number of complaints handled by IPCC members by circulation of papers and by meetings, and to consider conducting spot checks on cases handled by circulation of papers;
- (f) to provide information on how serious complaints were defined;
- (g) to advise on the number of and nature of allegations in reportable complaints involving civil litigation settled out-of-court, where the Police did not provide information as required by IPCC and the reasons why the Police did not provide the required information concerned;
- (h) to provide information on the duties and case workload of the respective ranks of staff in the existing IPCC Secretariat and the Complaints Against Police Office;
- (i) to provide information on the composition of the Secretariat of the proposed statutory IPCC and the arrangements for transition from the existing IPCC Secretariat to the Secretariat of the proposed statutory IPCC;
- (j) to advise, in relation to IPCC's power to require the Commissioner of Police to provide information or materials relating to reportable complaints, whether there were existing Ordinances that prohibit the release of information by the Commissioner;
- (k) to provide information on any existing documents setting out that the Commissioner of Police might decide not to provide information or materials relating to reportable complaints to IPCC on the ground that provision of the information or materials concerned to IPCC would be likely to prejudice the security of Hong Kong or the investigation of any crime;
- (l) to advise whether the Independent Commission Against Corruption had any existing document similar to clause 27 of the

Bill in relation to its provision of information to the ICAC Operations Review Committee;

- (m) to consider the suggestion of substituting the Secretary for Security or Secretary for Justice, for the Commissioner of Police in clause 27 of the Bill;
- (n) to consider deleting clause 27 of the Bill; and
- (o) to reconsider the suggestion of empowering the Legislative Council to nominate IPCC members.

3. The Bills Committee requested the Administration to coordinate the attendance of representatives from the IPCC Secretariat when discussing issues relating to the IPCC Secretariat or the operations of the existing IPCC.

II. Dates of subsequent meetings

4. The Bills Committee agreed that the schedule of meetings in December 2007 and January 2008 would be as follows -

Meeting with deputations and the Administration

6 December 2007 (Thursday) 2:30 pm - 4:30 pm

Meeting with the Administration

13 December 2007 (Thursday) 2:30 pm - 4:30 pm

15 January 2008 (Tuesday) 11:00 am - 1:00 pm

22 January 2008 (Tuesday) 11:00 am - 1:00 pm

29 January 2008 (Tuesday) 4:30 pm - 6:30 pm

5. The meeting ended at 10:25 am.

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Tuesday, 6 November 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000618	Chairman	Dates of meetings in December 2007 and January 2008; relevant papers	
000619 - 002436	Admin	Briefing on the Administration's response to issues raised by members at the meeting on 18 October 2007 (LC Paper No. CB(2)243/07-08(01))	
002437 - 003245	Hon Margaret NG Admin	Transition from the existing Secretariat of the Independent Police Complaints Council (IPCC) to the Secretariat of the proposed statutory IPCC; honorarium for IPCC members	Admin to provide information on the computation of the honorarium for members of the existing IPCC and to provide information on the honorarium of other similar statutory bodies
003246 - 003905	Hon TAM Yiu-chung Chairman Admin	Roles of members and observers of IPCC; number of Legislative Council Members appointed as IPCC members; percentage of interviews and collection of evidence operations attended by observers	Admin to provide information on the number of interviews and collection of evidence conducted by the Police in respect of reportable complaints in 2006, and the number of interviews and collection of evidence observed by observers of the IPCC in the same year
003906 - 004825	Hon Selina CHOW Admin	How complaint cases were classified as serious or	Admin to provide statistics on queries

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	Chairman	non-serious; mechanism for examination of complaint cases by IPCC members; number of non-serious complaints cleared by IPCC members by circulation of papers	or requests for further information on reportable complaint cases examined by IPCC members; to advise on the number of serious and non-serious complaints examined by IPCC in 2006, among which the number of complaints handled by IPCC members by circulation of papers and by meetings; and to consider conducting spot checks on cases handled by circulation of papers
004826 - 005812	Hon James TO Admin Chairman	Criteria for classifying whether a case was serious; whether all complaints about assault by Police officers were classified as serious; number of serious complaints in 2006; basis for the existing practice that the Commissioner of Police could refuse to provide information or materials relating to complaints to IPCC on the ground that compliance with the requirement would be likely to prejudice the security of Hong Kong or the investigation of any crime; complaints settled out-of-court	Admin to provide information on how serious complaints were defined; to provide information on any existing documents setting out that the Commissioner of Police might decide not to provide information or materials relating to reportable complaints to IPCC on the ground that provision of the information or materials concerned to IPCC would be likely to prejudice the security of Hong

Time marker	Speaker	Subject(s)	Action Required
			<p>Kong or the investigation of any crime; to advise on the number of and nature of allegations in reportable complaints involving civil litigation settled out-of-court, where the Police did not provide information as required by IPCC and the reasons for the Police not to provide the information concerned</p>
<p>005813 - 011252</p>	<p>Hon Alan LEONG Admin Chairman</p>	<p>Drafting and scope of clause 27 of the Bill; whether the contents of agreements for out-of-court settlement could be disclosed; adequacy of financial resources for the Secretariat of the proposed statutory IPCC; transition from the existing IPCC Secretariat to the Secretariat of the proposed statutory IPCC</p>	<p>Admin to provide information on the composition of the Secretariat of the proposed statutory IPCC and the arrangements for transition from the existing IPCC Secretariat to the Secretariat of the proposed statutory IPCC</p>
<p>011253 - 012508</p>	<p>Hon Emily LAU Admin Chairman</p>	<p>Whether there was a need for clause 27 of the Bill; time spent by an IPCC member in examining a complaint case; criteria for determining the rates of honorarium for members of IPCC</p>	<p>Admin to consider deleting clause 27 of the Bill; to provide information on the time spent by IPCC members on examining complaint cases and meetings; to provide information on the computation of honorarium for</p>

Time marker	Speaker	Subject(s)	Action Required
			IPCC members and observers
012509 - 013811	Hon James TO Hon Margaret NG Hon LEE Cheuk-yan Chairman Admin	Level of honorarium for existing IPCC members; 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	Admin to advise in relation to IPCC's power to require the Commissioner of Police to provide information or materials relating to reportable complaints, whether there were existing Ordinances that prohibit the release of information by the Commissioner; to advise whether the Independent Commission Against Corruption had any existing document similar to clause 27 of the Bill in relation to its provision of information to the ICAC Operations Review Committee; to consider the suggestion of substituting the Secretary for Security or Secretary for Justice, for the Commissioner of Police in clause 27 of the Bill
013812 - 014524	Hon Alan LEONG Chairman Admin	Investigation of complaints involving allegations of crime	
014525 - 015116	Hon Emily LAU Admin	Duties of the respective ranks of staff in the existing IPCC Secretariat and the Complaints Against Police Office and the	Admin to provide information on the duties and case workload of the

Time marker	Speaker	Subject(s)	Action Required
		number of complaints handled by the respective ranks; empowering the Legislative Council to nominate IPCC members	respective ranks of staff in the existing IPCC Secretariat and the Complaints Against Police Office; to reconsider the suggestion of empowering the Legislative Council to nominate IPCC members
015117 - 015453	Chairman Hon Emily LAU Dr Hon Joseph LEE Admin	Attendance of representatives of the IPCC Secretariat at meetings where issues relating to the IPCC Secretariat or the operations of the existing IPCC were discussed; date of meeting to receive the views of the public on the Bill; posting an invitation for views on the web	