

立法會
Legislative Council

LC Paper No. CB(2)566 /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 Wednesday, 14 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
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 Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon KWONG Chi-kin
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Bernard CHAN, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Dr Hon Joseph LEE Kok-long, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon LEUNG Kwok-hung
- 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
Acting Deputy Law Draftsman

Ms Lonnie NG
Senior Government Counsel

Independent Police Complaints Council Secretariat

Mrs Brenda FUNG
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

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 number of complaint cases where the case files submitted by the Complaints Against Police Office (CAPO) were examined by members of the Independent Police Complaints Council (IPCC) in 2006;

- (b) to provide information on the respective number of complaint cases where the investigation results of CAPO were accepted/disagreed by the IPCC Secretariat in 2006;
- (c) to provide information on the respective number of complaint cases where the recommendations of the IPCC Secretariat on the cases were endorsed/disagreed by IPCC in 2006;
- (d) to provide information on the number of complaint cases where the results of CAPO's investigations were changed after IPCC provided its comments to the Police;
- (e) to provide information on previous cases where IPCC disagreed with CAPO's classification of complaints and made a report to the Chief Executive and the Chief Executive's reply to IPCC on the cases concerned;
- (f) to provide information on the outcome of the seven complaint cases discussed at bi-monthly joint meetings of IPCC and CAPO in 2006; and
- (g) to advise on the pay point of the Head of CAPO.

3. The Bills Committee agreed to invite the Chairman and members of IPCC to the meeting to be held on 13 December 2007 to exchange views on the Bill and related matters, including -

- (a) the mode of operation of the existing IPCC and the proposed statutory IPCC to be established under the Bill in respect of the examination of complaint cases;
- (b) the support required of the Secretariat of the proposed statutory IPCC;
- (c) the staffing of the Secretariat of the proposed statutory IPCC;
- (d) the financial provision for the proposed statutory IPCC; and
- (e) the level of honorarium for IPCC members.

4. The meeting ended at 10:15 am.

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Wednesday, 14 November 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000331	Chairman	Opening remarks; relevant papers	
000332 - 001947	Admin	Briefing on the Administration's first batch of response to issues raised at the meeting held on 6 November 2007 (LC Paper No. CB(2)321/07-08(01))	
001948 - 002021	Chairman Admin	Timing for provision of a comparison of the honorarium for members of the existing Independent Police Complaints Council (IPCC) and those of other similar statutory bodies	
002022 - 003417	Hon Emily LAU Chairman Secretary, IPCC Admin	Mode of operation of the existing IPCC and its Secretariat in the examination of complaint cases; ranks of the respective head of the IPCC Secretariat and the Complaints Against Police Office (CAPO); complaint cases where the case files submitted by CAPO were examined by IPCC members; complaint cases where the investigation results of CAPO were accepted/disagreed by the IPCC Secretariat; complaint cases where the recommendations of the IPCC Secretariat on the cases were endorsed/disagreed by IPCC	Admin to advise on the pay point of the Head of CAPO; to provide information on the number of complaint cases where the case files submitted by CAPO were examined by IPCC members in 2006; to provide information on the respective number of complaint cases where the investigation results of CAPO were accepted/ disagreed by the IPCC Secretariat in 2006; to provide information on the respective number of complaint cases where the

Time marker	Speaker	Subject(s)	Action Required
			recommendations of the IPCC Secretariat on the cases were endorsed/ disagreed by IPCC in 2006
003418 - 005203	Chairman Hon Emily LAU Admin Secretary, IPCC	Views of IPCC members on the existing mode of operation for examination of complaint cases; progress of discussion among IPCC members on the staffing of the Secretariat of the proposed statutory IPCC; meeting with the Chairman and members of IPCC to exchange views on the Bill and related matters	
005204 - 005423	Hon Alan LEONG	When the IPCC commenced discussion on the Bill and related matters	
005424 - 010422	Hon Emily LAU Hon James TO Hon TAM Yiu-chung Hon Alan LEONG Chairman Secretary, IPCC Admin	Invitation of the Chairman and members to the meeting on 13 December 2007 to exchange views on the Bill and related matters	
010423 - 011804	Hon James TO Hon Emily LAU Secretary, IPCC Chairman Admin	Nature of the cases examined at bimonthly joint meetings of IPCC and CAPO; mechanism for dealing with differences in views between IPCC and CAPO at such meetings; whether IPCC should be empowered to determine whether complaints were substantiated	
011805 - 012443	Hon Alan LEONG	Existing mechanism for classification of complaints; scope of discussions between IPCC and the Administration in the past; role of the IPCC Secretariat in the initial vetting of complaints	

Time marker	Speaker	Subject(s)	Action Required
012444 - 014333	Hon LEE Cheuk-yan Hon Emily LAU Admin Secretary, IPCC Chairman	How IPCC determine whether its views or recommendations on a complaint case should be provided to the Commissioner of Police or submitted to the Chief Executive; whether IPCC should be empowered to determine whether complaints were substantiated; classification of complaints; number of cases where queries were raised by IPCC and number of cases where the classification was changed as a result of IPCC's queries	Admin to provide information on the number of complaint cases where the results of CAPO's investigations were changed after IPCC provided its comments to the Police; to provide information on previous cases where IPCC disagreed with CAPO's classification of complaints and made a report to the Chief Executive and the Chief Executive's reply to IPCC on the cases concerned; to provide information on the outcome of the seven complaint cases discussed at bi-monthly joint meetings of IPCC and CAPO in 2006
014334 - 014623	Hon Alan LEONG Hon Emily LAU Chairman	Information on a previous case where IPCC disagreed with CAPO's classification of allegations and made a report to the Chief Executive	