

立法會
Legislative Council

LC Paper No. CB(2)854 /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 Thursday, 13 December 2007, 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
Hon LEUNG Kwok-hung
Hon KWONG Chi-kin
- 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
- 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

Mr Ronny WONG, SC, JP
Chairman

Dr LO Wing-lok, JP
Member

Mr Daniel CHAM, MH, JP
Member

Mr Edward PONG Chong, BBS, JP
Member

Prof Benjamin TSOU, BBS
Member

Dr Michael TSUI
Member

Mrs Brenda FUNG
Secretary

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 Independent Police Complaints Council and the Administration

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

2. The Bills Committee received the views of the Independent Police Complaints Council (IPCC) on the Bill and related matters.

3. The Bills Committee requested the Administration -

- (a) to provide a response to issues raised by IPCC in its submission, and a response in relation to other comments raised by the IPCC on the draft IPCC Bill on other occasions but not accepted by the Administration; and
- (b) to advise whether the provision of information to the Operations Review Committee (ORC) of the Independent Commission Against Corruption was subject to restrictions similar to those in clause 27 and whether members of ORC were required to swear an oath of secrecy.

4. The Bills Committee invited IPCC to provide a further submission setting out its views on the following -

- (a) the role and functions of the proposed statutory IPCC;
- (b) the proposed committee structure and membership size for the proposed statutory IPCC;
- (c) relationship between members of the proposed statutory IPCC and the staff of its Secretariat;
- (d) the manpower requirement for the Secretariat of the proposed statutory IPCC;
- (e) the proposed rank of the Secretary to the proposed statutory IPCC;

- (f) the employment conditions of staff of the proposed statutory IPCC;
- (g) the arrangements and timetable for transition from the existing IPCC Secretariat to the Secretariat of the proposed statutory IPCC; and
- (h) issues relating to the future administrative framework and the transitional arrangements on which the existing IPCC and the Administration could not come to an agreement.

5. The Bills Committee also requested the Administration to provide a response to issues raised in the further submission from IPCC referred to in paragraph 4 above.

6. The Bills Committee agreed to invite IPCC to a future meeting when its further submission was received.

II. Date of next meeting

7. The Bills Committee noted that the next meeting had been scheduled for 15 January 2008 at 11:00 am to continue discussion with the Administration.

8. The meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
15 January 2008

**Proceedings of meeting of the
Bills Committee on
Independent Police Complaints Council Bill
on Thursday, 13 December 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000257	Chairman	Opening remarks	
000258 - 001539	Representative of IPCC	Presentation of views (LC Paper No. CB(2)563/07-08(01))	
001540 - 002040	Hon James TO Chairman Representative of IPCC	Whether there were cases where the Police did not provide information required by the Independent Police Complaints Council (IPCC)	
002041 - 003148	Hon Emily LAU Representative of IPCC Chairman Hon James TO Admin	Whether clause 27 of the Bill should be deleted; IPCC's proposed amendments to clause 27 of the Bill; Administration's response to issues raised by IPCC; whether there had been cases where the Police refused to provide information to IPCC on the grounds referred to in clause 27 of the Bill	Admin to provide a response to issues raised by IPCC in its submission, and a response in relation to other comments raised by the IPCC on the draft IPCC Bill on other occasions but not accepted by the Administration
003149 - 004801	Hon James TO Representative of IPCC Chairman Admin	Whether the provision of information to the Operations Review Committee (ORC) of the Independent Commission Against Corruption was subject to restrictions similar to those in clause 27; whether members of ORC were required to swear an oath of secrecy	Admin to advise whether the provision of information to ORC was subject to restrictions similar to those in clause 27 and whether members of ORC were required to swear an oath of secrecy
004802 - 005044	Chairman Hon James TO Representative of IPCC Admin	Whether there had been cases where the Police provided information relating to investigation of crime to IPCC	

Time marker	Speaker	Subject(s)	Action Required
005045 - 005833	Hon LEUNG Kwok-hung Chairman Admin	Whether clause 27 should be substituted by a mechanism whereby the court determine whether the Police should provide certain information required to IPCC	
005834 - 010221	Dr Hon LUI Ming-wah	Whether IPCC should be provided with independent investigate power; rank of the Secretary to IPCC	
010222 - 011432	Hon Emily LAU Representative of IPCC Admin Chairman	Whether the transitional team set up by IPCC had commenced its work; whether the existing manpower of IPCC Secretariat was adequate; employment conditions for staff of the proposed statutory IPCC; time needed for transition from the exiting IPCC Secretariat to the new IPCC Secretariat; provision of a further submission from IPCC on the Secretariat of the proposed statutory IPCC	
011433 - 011641	Dr Hon Joseph LEE Admin Chairman	Administration's response to issues raised in the submission from IPCC	
011642 - 012815	Hon Margaret NG Representative of IPCC Chairman Admin	Whether the Secretariat of the proposed statutory IPCC should be staffed by persons seconded from the civil service and whether the Bill had provided for such secondment	
012816 - 013209	Dr Hon LUI Ming-wah Chairman Hon Emily LAU	Role of the proposed statutory IPCC and its Secretariat	
013210 - 014012	Hon Emily LAU Representative of IPCC Chairman	Composition, membership size and structure of the proposed statutory IPCC; honorarium for members of the proposed statutory IPCC	

Time marker	Speaker	Subject(s)	Action Required
014013 - 014414	Hon LEUNG Kwok-hung Admin Chairman	Whether clause 27 should be substituted by a mechanism whereby any disagreement between the Police and IPCC on the provision of information to IPCC was determined by the court	
014415 - 014707	Hon Margaret NG Chairman	Role and functions of the proposed statutory IPCC	
014708 - 015143	Dr Hon LUI Ming-wah Hon Margaret NG Hon Emily LAU	Relationship between the members of the proposed statutory IPCC and the staff of its Secretariat; whether IPCC should be empowered to disclose to the public any disagreement between IPCC and the Police over cases of public concern	
015144 - 015642	Hon Emily LAU Representative of IPCC Admin Chairman	Additional financial provision referred to in paragraph 14 of the submission from IPCC	
015643 - 020014	Hon Margaret NG Representative of IPCC Admin	Operational relationship between IPCC Secretariat and the Complaints Against Police Office; arrangements for delinking of the IPCC Secretariat	
020015 - 020054	Chairman	Paper to be provided by the Administration; further submission to be provided by IPCC	