

立法會
Legislative Council

LC Paper No. CB(2)583/07-08

Ref : CB2/PL/SE

Paper for the House Committee meeting on 14 December 2007

**Activation of the Subcommittee on Police's Handling of Searches of Detainees
under the Panel on Security**

Purpose

This paper invites Members to consider whether the Subcommittee on Police's Handling of Searches of Detainees formed under the Panel on Security should be activated.

Background

2. At the House Committee meeting on 2 March 2007, Members agreed that the maximum number of subcommittees on policy issues and Council business other than subsidiary legislation, other instruments and senior judicial appointments should be eight. When eight such subcommittees are already in operation and new subcommittee(s) has been appointed, a waiting list will be formed. If the number of Bills Committees is less than 16, the House Committee might activate subcommittees on the waiting list after having considered the following -

- (a) the number of vacant slots for Bills Committees;
- (b) the number of bills likely to be introduced in the Council in the next three months;
- (c) the number of subcommittees on subsidiary legislation already or likely to be appointed by the House Committee and by Bills Committees; and
- (d) the availability of resources in the Secretariat.

Latest position

3. At the meeting on 4 December 2007, the Panel on Security decided by a vote of six to four to appoint a Subcommittee on Police's Handling of Searches of Detainees.

Information relating to the Subcommittee as regards its terms of reference, work plan and time frame for completion of work is in **Appendix I** for Members' reference. As 12 policy-related subcommittees are already in action, the Subcommittee has been put on the waiting list in accordance with the decision of the House Committee.

4. Members may wish to note that two of the 12 policy-related subcommittees (i.e. the Subcommittee on Review of Comprehensive Social Security Assistance Scheme under the Panel on Welfare Services and the Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site) under the Panel on Development) are concluding their work, and are expected to be dissolved upon the presentation of their reports to the respective Panels by January 2008.

5. Currently, 12 Bills Committees (including the Bills Committee on Mandatory Provident Fund Schemes (Amendment) Bill 2007 which will report to the House Committee on 14 December 2007) are in action. As there are four vacant Bills Committee slots, the House Committee is invited to consider if the Subcommittee on Police's Handling of Searches of Detainees should be activated. A position report on the existing and anticipated number of Bills Committees and subcommittees is in **Appendix II** to facilitate Members' consideration.

6. As regards the availability of resources in the Secretariat to service the subcommittee, given that there are currently four vacant Bills Committee slots, the total number of committees, after taking into account the new subcommittee, will be 47 and will not exceed the maximum limit of 48 committees (including the House Committee, Finance Committee, 18 Panels, 16 Bills Committees and 10 subcommittees) which the Secretariat can service at any one time. However, this number is expected to increase to 58 within the next three months on account of the following:

- (a) the Administration has advised that 14 bills will likely be introduced into the Legislative Council before the end of February 2008. Of these, 13 may require scrutiny by a Bills Committee. Therefore, even though two existing Bills Committees will complete work within the next three months, the maximum limit of 16 Bills Committees will be reached within the next three months (column (A) of List A to Appendix II);
- (b) nine subcommittees on subsidiary legislation are expected to be appointed within the next three months (column (B) of List A to Appendix II); and
- (c) only two of the 12 existing subcommittees on policy issues are expected to complete work within the next three months. The remaining 10 are expected to continue to operate (column (C) of List A to Appendix II).

Extra manpower resources will be required by the Secretariat for coping with the additional workload arising within the next three months.

Advice sought

7. Members are invited to advise whether the Subcommittee on Police's Handling of Searches of Detainees should be activated.

Council Business Division 2
Legislative Council Secretariat
12 December 2007

**Subcommittee on Police's Handling of Searches of Detainees
under the Panel on Security**

Terms of reference

To study issues relating to the Police's practices in handling searches of detainees, and to make recommendations to the Panel where necessary.

Work plan and time frame

The Subcommittee will focus its work on the following major issues -

- (a) the Police's procedures and guidelines for and records of conducting searches of detainees;
- (b) the criteria for conducting strip search of detainees;
- (c) the number of cases of and the reasons for conducting strip search of detainees in the past three years, and whether the Police has abused its power; and
- (d) protection of the rights of detainees in searches.

The Subcommittee will complete its work and report to the Panel in June/July 2008.

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**Existing and anticipated Bills Committees and subcommittees
(Position as at 11 December 2007)**

Summary	1. Estimated number of Bills Committees within the next three months	:	23	} (see <u>List A</u> for details)
	2. Estimated number of subcommittees on subsidiary legislation in action within the next three months	:	9	
	3. Estimated number of subcommittees on policy issues in action within the next three months	:	10	

List A : Existing and anticipated Bills Committees and subcommittees

(A) Bills Committees (<i>Maximum number : 16</i>)			(B) Subcommittees on subsidiary legislation (<i>Notional maximum number : 2</i>)		(C) Subcommittees on policy issues (<i>Maximum number : 8</i>)		
(i) Bills Committees in action	(ii) Bills Committees expected to be formed in the next three months	(iii) Existing Bills Committees expected to complete work	(i) Subcommittee in action (<i>End of scrutiny period</i>)	(ii) Subsidiary legislation expected to be gazetted in the next three months and on which subcommittees are expected to be formed	(i) Subcommittees in action	(ii) Existing subcommittees expected to complete work	(iii) Subcommittee on the waiting list
Total : 12	13	2	Total : 0	9	Total : 12	2	1
1. Bills Committee (BC) on Race Discrimination Bill	(a) Bills on the Legislative Programme (Of the 14 bills in the Administration's 2007-2008 Legislative Programme which have not yet been introduced into the Legislative Council, 13 BCs are expected to be formed. Please refer to List B for details.) Sub-total : 13	1. BC on Mandatory Provident Fund Schemes (Amendment) Bill 2007 <i>(To report to the House Committee on 14 December 2007)</i> 2. BC on Civil Justice (Miscellaneous Amendments) Bill 2007 <i>(To report to the House Committee on 11 or 18 January 2008)</i>	1. Two Orders to be made under the Fugitive Offenders Ordinance to implement the extradition requirements under the United Nations Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf <i>[The Panel on Security was briefed on 4 July 2006.]</i> 2. Orders to be made under the Fugitive Offenders Ordinance and the Mutual Legal Assistance in Criminal Matters Ordinance to implement the extradition and mutual legal assistance requirements under the United Nations Convention Against Transnational Organized Crime <i>[The Panel on Security was briefed on 5 December 2006.]</i> 3. Tsing Sha Control Area (Tolls, Fees and Charges) Regulation <i>[The Panel on Transport was briefed on 9 July 2007.]</i> 4. Five new Regulations to be made and amendments to three Regulations under the Trade Descriptions Ordinance to strengthen consumer protection <i>[The Panel on Economic Development was briefed on 22 October 2007.]</i>	(a) Under House Committee 1. Subcommittee (SC) to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions 2. SC to Study the Subject of Combating Poverty 3. SC to Study Issues Relating to the Provision of Boarding Places, Senior Secondary Education and Employment Opportunities for Children with Special Educational Needs 4. SC on West Kowloon Cultural District Development 5. SC to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities Sub-total : 5	1. SC on Review of the Comprehensive Social Security Assistance Scheme <i>(To report to the Panel on Welfare Services by January 2008)</i> 2. SC to Review the Planning for the Central Waterfront (including the Tamar Site) <i>(To report to the Panel on Development by January 2008)</i>	1. SC on Police's Handling of Searches of Detainees under the Panel on Security	
2. BC on Domicile Bill							
3. BC on Mainland Judgments (Reciprocal Enforcement) Bill							
4. BC on Energy Efficiency (Labelling of Products) Bill							
5. BC on Civil Justice (Miscellaneous Amendments) Bill 2007	Sub-total : 0						
6. BC on Statute Law (Miscellaneous Provisions) Bill 2007	(c) Members' Bills Sub-total : 0						
7. BC on The English Schools Foundation (Amendment) Bill 2007							

(A) Bills Committees (<i>Maximum number : 16</i>)			(B) Subcommittees on subsidiary legislation (<i>Notional maximum number : 2</i>)		(C) Subcommittees on policy issues (<i>Maximum number : 8</i>)		
(i) Bills Committees in action	(ii) Bills Committees expected to be formed in the next three months	(iii) Existing Bills Committees expected to complete work	(i) Subcommittees in action (<i>End of scrutiny period</i>)	(ii) Subsidiary legislation expected to be gazetted in the next three months and on which subcommittees are expected to be formed	(i) Subcommittees in action	(ii) Existing subcommittees expected to complete work	(iii) Subcommittees on the waiting list
8. BC on Mandatory Provident Fund Schemes (Amendment) Bill 2007				5. Proposed amendments to the Preservative in Food Regulations <i>[The Panel on Food Safety and Environmental Hygiene was briefed on 13 November 2007.]</i>	(b)Under Panels		
9. BC on Domestic Violence (Amendment) Bill 2007				6. Proposed amendments to the Import and Export (Registration) Regulations <i>[The Panel on Commerce and Industry was briefed on 20 November 2007.]</i>	1. SC on Matters Relating to Railways		
10. BC on Prevention of Bribery (Amendment) Bill 2007				7. Proposed amendments to the Road Traffic (public service vehicles) Regulations <i>[A letter was circulated to the Panel on Transport on 22 November 2007 vide CB(1) 313/07-08(01).]</i>	2. SC on Review of the Comprehensive Social Security Assistance Scheme		
11. BC on Independent Police Complaints Council Bill				8. Amendment Regulation to implement mandatory labelling scheme on nutrition information <i>[The Panel on Food Safety and Environmental Hygiene was briefed on 11 December 2007.]</i>	3. SC on Strategy and Measures to Tackle Family Violence		
12. BC on Buildings (Amendment) Bill 2007				9. Three sets of subsidiary legislation on civil justice reform <i>[The BC on Civil Justice (Miscellaneous Amendments) Bill 2007 will report to the House Committee on 11 or 18 January 2008.]</i>	4. SC to Review the Planning for the Central Waterfront (including the Tamar Site)		
					5. SC on Human Rights Protection Mechanisms		
					6. SC on Heritage Conservation		
					7. SC on Elderly Services		
					Sub-total : 7		
(iv) <i>Estimated number of Bills Committees within the next three months</i> = (i)+(ii)-(iii) = (12+13-2), i.e. <u>23</u>			(iii) <i>Estimated number of subcommittees on subsidiary legislation in action within the next three months</i> = (i)+(ii) = (0+9), i.e. <u>9</u>		(iv) <i>Estimated number of subcommittees on policy issues in action within the next three months</i> = (i)-(ii) = (12-2), i.e. <u>10</u>		

List B : The Administration's Legislative Programme 2007-2008**(position as at 11 December 2007)**

Title	Remarks
1.* Statute Law (Miscellaneous Provisions) Bill	The Panel on Administration of Justice and Legal Services was briefed on 26 November 2007.
2.* Trade Descriptions (Amendment) Bill	The Panel on Economic Development was briefed on 22 October 2007.
3.* Legislative Council (Amendment) Bill 2007	The Administration has given notice to introduce the Bill at the Council meeting on 19 December 2007.
4. Buildings (Amendment) Bill 2007	A Bills Committee was formed to study the Bill on 7 December 2007.
5. Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill	—
6.* Product Eco-responsibility Bill	The Panel on Environmental Affairs was briefed on the proposal on an environmental levy on plastic shopping bags on 16 July 2007.
7.* Air Pollution Control (Amendment) Bill	The Panel on Environmental Affairs was briefed on the Emissions Trading Pilot Scheme for Thermal Power Plants in the Pearl River Delta Region on 26 February and 28 March 2007.
8.* Nuclear Material (Liability for Carriage) (Amendment) Bill	—
9.* Mandatory Provident Fund Schemes (Amendment) Bill	The Panel on Financial Affairs was briefed on 8 November 2007.
10.* Prevention and Control of Disease Bill	The Administration has given notice to introduce the Bill at the Council meeting on 19 December 2007.
11.* Public Health and Municipal Services (Amendment) Bill	The Panel on Food Safety and Environmental Hygiene was briefed on 13 November 2007.

Title	Remarks
12.*Fixed Penalty (Smoking Offences) Bill	The Panel on Health Services was briefed on 1 June 2007.
13.*Establishment of the West Kowloon Cultural District Authority	Relevant issues are being monitored by the Subcommittee on West Kowloon Cultural District Development.
14.*Pneumoconiosis (Compensation) (Amendment) Bill	The Panel on Manpower was briefed on 15 November 2007.
15.*Road Traffic Legislation (Amendment) Bill	The Panel on Transport will be briefed on 18 December 2007.

Remark: The Administration has indicated its target to introduce the above bills as early as practicable, hopefully before the end of February 2008.

* A Bills Committee is expected to be formed in the next three months.