

立法會
Legislative Council

LC Paper No. CB(2)1084/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/SS/6/08

**Subcommittee on
Independent Police Complaints Council Ordinance (Commencement) Notice**

**Minutes of meeting
held on Friday, 13 February 2009, at 5:15 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun
Hon WONG Yung-kan, SBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Cyd HO Sau-lan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon Abraham SHEK Lai-him, SBS, JP

Public Officers attending : Item II

The Administration

Mrs Jessie TING, JP
Deputy Secretary for Security

Mr David LAU
Principal Assistant Secretary for Security

Mr Vincent WONG
Assistant Commissioner of Police (Service Quality Wing)

Ms WONG Ching-han
Senior Inspector of Police

Independent Police Complaints Council

Mrs Philomena LEUNG
Secretary, Independent Police Complaints Council

Mr Brandon CHAU
Deputy Secretary, Independent Police Complaints Council

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Josephine SO
Senior Council Secretary (2) 1

Mrs Eleanor CHOW
Senior Council Secretary (2) 4

Miss Helen DIN
Legislative Assistant (2) 1

I. Election of Chairman

Mr LAU Kong-wah was elected Chairman of the Subcommittee.

II. Meeting with the Administration

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Subcommittee requested the Administration to -
 - (a) consider deferring the commencement of the Independent Police Complaints Council (IPCC) Ordinance by a month or two, so as to allow Members to obtain sufficient information about the financial resources of the statutory IPCC;

- (b) consider providing the updated internal procedures and guidelines made by the Complaints Against Police Office and IPCC regarding the handling and investigation of reportable complaints and notifiable complaints; and
- (c) provide supplementary information on the progress of preparation made by IPCC for the establishment of the statutory IPCC.

III. Date of next meeting

- 4. The Subcommittee agreed that the next meeting be scheduled for 19 February 2009 at 4:30 pm to continue discussion with the Administration.
- 5. The meeting ended at 6:45 pm.

Council Business Division 2
Legislative Council Secretariat
13 March 2009

**Proceedings of meeting of the
Subcommittee on
Independent Police Complaints Council Ordinance (Commencement) Notice
on Friday, 13 February 2009, at 5:15 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000750 - 000833	Hon James TO Hon Andrew LEUNG	Election of Chairman	
000834 - 000943	Chairman	Opening remarks	
000944 - 001137	Admin	Briefing on the Administration's paper (LC Paper No. CB(2)858/08-09(02))	
001138 - 002645	Hon James TO Chairman Admin Secretary of Independent police Complaints Council (IPCC)	<p>Emphasized the importance of providing the Independent Police Complaints Council (IPCC) with sufficient resources to enable it to effectively discharge its statutory functions upon the commencement of the IPCC Ordinance</p> <p>Expressed reservations about supporting the Independent Police Complaints Council Ordinance (Commencement) Notice (the Commencement Notice) without the Administration's firm commitment to provide the statutory IPCC with the required financial provision/ additional resources</p> <p>Whether it was possible to postpone the commencement of operation of the statutory IPCC so as to allow more time for Members to examine the resources allocated to the future statutory IPCC</p> <p>Established procedures for resource allocation and bidding; publication of the Draft Estimates of Expenditure 2009-2010 on 25 February 2009; examination of the draft Estimates of Expenditure 2009-2010 in March 2009</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>Hon James TO indicated that unless the Administration provided the necessary financial information, he would not support the Commencement Notice</p> <p>Expressed concern about the progress of the preparatory work as listed out in the Annex to the Administration's paper (LC Paper No. CB(2)858/08-09(02))</p> <p>Requested that a further meeting be held</p> <p>IPCC's existing provision (i.e. in financial year 2008-2009) and the level of financial provision needed for the subsequent financial year (Paragraph 9(e) of LC Paper No. CB(2)858/08-09(03))</p> <p>Advised that the Resource Allocation Exercise was an annual exercise which determined the amount of money to be allocated; bids for additional financial resources from all government bureaux/departments and government-funded bodies, including those from the statutory IPCC in future, would be considered at a high-level forum, with the personal participation of both the Chief Secretary for Administration and the Financial Secretary</p> <p>The Administration assured members that IPCC would continue to be provided with appropriate support and resources under the new regime, and additional resources would be provided as and where necessary</p>	
002646 - 003522	Hon Emily LAU Chairman Admin Clerk	<p>Echoed the views of Hon James TO</p> <p>Whether the Complaints Against Police Office (CAPO) would consult LegCo and the public on the Force's</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>updated internal procedures and guidelines regarding the handling and investigation of reportable complaints and notifiable complaints</p> <p>Preparation made by IPCC for the establishment of the statutory IPCC, including updating of the relevant procedures and guidelines to reflect the provisions in the IPCC Ordinance and the new status of its Secretariat</p> <p>Timetable for members to complete scrutiny, deadline for giving notice to amend the Commencement Notice, due date for submission of report to the House Committee</p> <p>Special Finance Committee meeting to be held on 24 March 2009 at which Members would examine the Draft Estimates of Expenditure 2009-2010 for the departments and agencies under the Security Bureau (SB)</p>	
003523 - 003821	Hon LEUNG Kwok-hung	Suggested that the Administration should consider deferring the commencement of the IPCC Ordinance by a month or two so as to allow Members to obtain sufficient information about the financial resources of the statutory IPCC	Admin to consider deferring the commencement of the IPCC Ordinance by a month or two
003822 - 003924	Hon Miriam LAU	The Subcommittee might move a motion to amend or repeal the Commencement Notice. The Subcommittee might also move a motion for adjournment for the purpose of debating the issue at the Council meeting on 4 March 2009	
003925 - 004050	Chairman Admin	Possibility of deferring the commencement of operation of the statutory IPCC by a month or two	

Time marker	Speaker	Subject(s)	Action Required
004051 - 004815	Hon Emily LAU Admin Chairman Hon James TO	<p>Sought details on the updated internal procedures and guidelines made by CAPO regarding the handling and investigation of reportable complaints and notifiable complaints</p> <p>The aim for CAPO to update the procedures and guidelines within the Force was to bring them in line with the requirements under the IPCC Ordinance and to dovetail with the updated procedures of IPCC</p> <p>Hon James TO reiterated his stance that he would not support the Commencement Notice unless the Administration provided supplementary information setting out the financial arrangements for the statutory IPCC</p>	<p>Admin to consider providing the updated internal procedures and guidelines made by CAPO and IPCC regarding the handling and investigation of reportable complaints and notifiable complaints</p>
004816 - 010053	Hon Cyd HO Admin Secretary of IPCC Hon James TO Chairman	<p>Considered that the updated procedures and guidelines of the statutory IPCC and CAPO regarding the handling and investigation of reportable complaints and notifiable complaints should be examined by members to ensure that IPCC would discharge its function properly</p> <p>Expressed view that there was no urgency for the statutory IPCC to commence operation on 1 April 2009, given that the existing IPCC would continue to function. The Administration should consider deferring the commencement of operation of the statutory IPCC by a month or two</p> <p>The Administration advised that as a statutory body, IPCC would have a high degree of flexibility and independence in working out its procedures and guidelines. It would also be duty-bound to ensure that its procedures and guidelines were consistent with the IPCC</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>Ordinance</p> <p>Latest progress of the preparatory work for the establishment of the statutory IPCC; most of the preparatory arrangements had been completed and the remaining items would be finalized shortly and, in any event, before the IPCC Ordinance commenced operation</p>	<p>Admin to provide supplementary information on the progress of preparation made by IPCC for the establishment of the statutory IPCC</p>
<p>010054 - 010944</p>	<p>Hon Alan LEONG Admin</p>	<p>Remained unconvinced of the Administration's assurance; enquired about the staffing and financial arrangements for the statutory IPCC (Paragraph 9 of LC Paper No. CB(2)858/08-09(03))</p> <p>Shared the views that the Administration should defer the commencement of the IPCC Ordinance by a month or two, and provide supplementary information on the progress of preparation for the establishment of the statutory IPCC</p> <p>Explained that the Government and the IPCC Secretariat had worked towards the target of bringing the statutory IPCC into operation on 1 April 2009</p>	
<p>010945 - 012817</p>	<p>Hon IP Kwok-him Chairman Hon Emily LAU Admin Secretary of IPCC Clerk Hon Cyd HO Hon James TO Hon Miriam LAU</p>	<p>Situation and difficulties faced by members in deciding whether or not to support the Commencement Notice. Pending the publication of the Draft Estimates of Expenditure 2009-2010 on 25 February 2009 and the special Finance Committee meeting to be held on 24 March 2009 at which Members would examine the Draft Estimates of Expenditure 2009-2010 for the departments and agencies under SB, members were not in a position to support the Commencement Notice</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>Timetable for members to complete scrutiny, deadline for giving notice to amend the Commencement Notice and due date for submission of report to the House Committee</p> <p>Possibility of deferring the commencement of the IPCC Ordinance by a month or two to facilitate Members' examination of the resources allocated to the future statutory IPCC</p> <p>Advised that the Commencement Notice was subject to the negative vetting procedure</p> <p>Discussion on options to amend or repeal the Commencement Notice</p>	
012818 - 013107	Chairman Hon Emily LAU Hon Cyd HO Hon James TO	Date of next meeting	