

立法會
Legislative Council

LC Paper No. CB(2)1396/08-09
(These minutes have been seen by
the Administration)

Ref : CB2/SS/8/08

**Subcommittee on Independent Police Complaints Council Ordinance
(Commencement) (No. 2) Notice 2009**

**Minutes of meeting
held on Friday, 27 March 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon LAU Kong-wah, JP (Chairman)
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 Abraham SHEK Lai-him, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS
Hon Cyd HO Sau-lan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP

Member absent : Hon Miriam LAU Kin-yee, GBS, 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

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 -

- (a) to provide a breakdown of the funding requirements referred to in the submission from the Independent Police Complaints Council (IPCC) to the Bills Committee on Independent Police Complaints Council Bill, including the one-off provision of \$3,700,000 and additional recurrent provision of \$14,400,000 as stated in paragraph 8(e) of LC Paper No. CB(2)1174/08-09(03), to compare the allocation for IPCC in the 2009-2010 draft estimates with IPCC's funding requirements as indicated to the Bills

Committee, and to advise on whether the difference between the two would have an effect on its performance of the review and monitoring functions;

- (b) to provide a comparison between the secretariat of the existing IPCC and that of the statutory IPCC in terms of the staffing establishment;
- (c) to provide information on the workflow in connection with the examination of the investigation reports from the Complaints Against Police Office, including reports which were subject to examination by IPCC and those to which the simplified procedures applied, and the time and resources required for such work;
- (d) to provide information on the procedures for the recruitment of the Secretary-General of the statutory IPCC; and
- (e) to provide information on the workload of the IPCC Legal Adviser.

III. Date of next meeting

4. The Subcommittee agreed that the next meeting be scheduled for 6 April 2009 at 2:30 pm to continue discussion with the Administration.
5. Members agreed that the Chairman of IPCC should be invited to attend the next meeting.
6. The meeting ended at 10:30 am.

**Proceedings of meeting of the
Subcommittee on Independent Police Complaints Council Ordinance
(Commencement) (No. 2) Notice 2009
on Friday, 27 March 2009, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000127 - 000219	Hon James TO Hon IP Kwok-him Hon Andrew LEUNG Hon WONG Ting-kwong	Election of Chairman	
000220 - 000314	Chairman	Opening remarks	
000315 - 000728	Admin	Briefing on the Administration's paper (LC Paper No. CB(2)1174/08-09(02))	
000729 - 001559	Hon James TO Admin Chairman Secretary of IPCC	<p>Original and revised estimates for the Independent Police Complaints Council (IPCC) in 2008-2009; draft estimate for the statutory IPCC in 2009-2010</p> <p>Sought information on the detailed breakdown of the staffing provision earmarked for the statutory IPCC from 2009-2010 onwards; whether the estimated financial provision for the statutory IPCC in 2009-2010 (i.e. \$28.3 million) was sufficient to enable the statutory IPCC to effectively discharge its function under the Ordinance; whether the Administration had acceded to the funding proposal made by IPCC during the relevant Bills Committee's deliberation of the Independent Police Complaints Council Bill</p> <p>Method used to estimate the annual staff cost of the statutory IPCC; application of the notional annual salary cost at mid-point</p> <p>With a current strength of 29 staff, three vetting teams had been set up within the Secretariat which were responsible for screening and examining investigation reports</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>submitted by the Complaints Against Police Office (CAPO)</p> <p>Future staffing arrangements for the IPCC Secretariat; plan to increase the staffing establishment in the vetting teams to relieve the workload of existing staff and to shorten the processing time</p>	
001600 - 001849	Hon Andrew LEUNG Admin	<p>Emphasized the importance of providing IPCC with sufficient resources to enable it to effectively discharge its statutory functions upon the commencement of the IPCC Ordinance</p> <p>Reassured members that the Administration was committed to ensuring that the statutory IPCC would continue to be provided with appropriate support and resources; the statutory IPCC would be advised annually of the time and manner in which the relevant resource allocation exercises and estimates of expenditure were to be conducted/prepared; the statutory IPCC would have to consider the level of financial provision needed for the subsequent financial year and prepare resource bids as appropriate; any requests made by IPCC for additional resources would be subject to the established procedures for resource allocation and bidding and would be considered at a high-level forum with the personal participation of both the Chief Secretary for Administration and the Financial Secretary; the financial provision for the statutory IPCC would be set out under a separate head of expenditure (Head 121) in the Government's Estimates in the form of a one-line vote with the Secretary-General of IPCC as the Controlling Officer</p>	

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001850 - 003235	Hon Emily LAU Admin Secretary of IPCC Chairman Hon James TO	<p>Number and workload of the respective ranks of staff in the vetting teams; the anticipated caseload of these staff when the Secretariat recruited additional hands in 2009-2010</p> <p>Whether the staffing provision of the future statutory IPCC, in particular the vetting teams, was sufficient to cope with the present and future caseload</p> <p>IPCC endorsed some 2 500 complaint cases submitted by CAPO in 2008; about 1 100 of them were subjected to full investigation</p> <p>Whether the Security Bureau (SB) had any involvement in determining the level of resources earmarked for the statutory IPCC for 2009-2010</p>	
003236 - 003732	Hon IP Kwok-him Admin Secretary of IPCC Deputy Secretary of IPCC Chairman	<p>Expressed concern about the heavy workload of IPCC's staff and their views on IPCC's plan to phase out civil servants currently working in the Secretariat in stages with a view to fully replacing all civil servants in the Secretariat by 31 May 2012</p> <p>Advised that the seconded civil servants currently working in the IPCC Secretariat would be re-deployed to take up other duties in the Government service after the phasing out of all these civil servants in the IPCC Secretariat by 31 May 2012</p> <p>Reassured members that IPCC would utilize its resources to optimal effect in the performance of its monitoring and review functions</p>	
003733 - 005157	Hon Cyd HO Chairman Admin Secretary of IPCC	Paragraph 8(e) of the background brief prepared by the Legislative Council (LegCo) Secretariat (LC Paper No. CB(2)1174/08-09(03))	

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		<p>Financial and staffing arrangements for the statutory IPCC in 2009-2010 as set out in paragraph 5 of the Administration's paper (LC Paper No. CB(2)1174/08-09(02))</p> <p>Confirmed that IPCC's financial provision was made independent of SB's financial envelope, so as to underline the independence of IPCC's operation</p> <p>Explained that under the Government's operating expenditure (OPEX) envelope system, the financial provision for IPCC was allocated and channelled through the OPEX envelope of the Secretary for Security (S for S) since SB acted as the primary point of contact between the Administration and IPCC. Upon the commencement of the IPCC Ordinance, the existing head of expenditure (Head 121) for IPCC would be retained to set out the financial provision available to the statutory IPCC. This was by nature a matter of accounting practice. S for S would not vary or adjust the financial provision allocated by the centre to the statutory IPCC</p> <p>Enquired about how the provision for the statutory IPCC in 2009-2010 was determined; sought details on the criteria adopted in determining the level of resources to be allocated to the statutory IPCC</p> <p>Number of staff in the IPCC Secretariat working in the vetting teams to handle and examine investigation reports submitted by CAPO, the respective ranks of these staff and their respective caseload</p>	

Time marker	Speaker	Subject(s)	Action Required
005158 - 010317	Hon Alan LEONG Secretary of IPCC Chairman	<p>Whether the Administration had considered and accepted IPCC's recommendations on the staffing and financial provision for the statutory IPCC, as set out in paragraph 8 of the background brief prepared by the LegCo Secretariat (LC Paper No. CB(2)1174/08-09(03)); whether the estimated provision of \$28.3 million for the statutory IPCC in 2009-2010 was considered adequate to enable the statutory IPCC to effectively discharge its functions under the Ordinance; whether the shortfall in the level of financial provision, as compared against the amount requested by IPCC as shown in paragraph 8(e) of LC Paper No. CB(2)1174/08-09(03), would have negative impact on the statutory IPCC's performance of its review and monitoring functions</p> <p>Advised that the pay point of the future Secretary-General of the statutory IPCC would continue to be pitched at D2 level; IPCC would examine how best to utilize its resources to the optimal effect in the performance of its monitoring and review functions</p>	
010318 - 010748	Hon Vincent FANG Secretary of IPCC Chairman	<p>Noting that the draft estimate of \$28.3 million for IPCC in 2009-2010 represented an increase of 71.5% when compared with the original estimate for 2008-2009, or an increase of 59% compared with the revised estimate for 2008-2009</p> <p>Advising that the additional provision was to enable the statutory IPCC to increase its establishment, to employ its own staff upon the phasing out of the seconded civil servants, to meet the operating expenses which had been funded by other Heads of Expenditure or provided free of charge by government departments</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>before IPCC became a statutory body, and to procure equipment or carry out maintenance/minor works</p> <p>Considered that the additional resources allocated should be focussed on increasing the manpower for handling and examining the investigation reports submitted by CAPO</p>	
010749 - 011800	Hon James TO Secretary of IPCC Chairman Clerk	<p>Justification for the proposed upgrading of the Secretary to the statutory IPCC post from the existing rank of Administrative Officer Staff Grade C (Directorate Pay Scale Point 2) to the equivalent of Directorate Pay Scale Point 3</p> <p>Requested for a breakdown of the IPCC's funding requirements, including the one-off provision of \$3,700,000 and additional recurrent provision of \$14,400,000 as stated in paragraph 8(e) of LC Paper No. CB(2)1174/08-09(03); whether the allocation for IPCC in the 2009-2010 draft estimates were less than IPCC's funding requirements as indicated to the Bills Committee; whether the difference between the two would have an effect on its performance of the review and monitoring functions</p>	Admin to provide the requested information (paragraph 3(a) of the minutes refers)
011801 - 012834	Hon Emily LAU Secretary of IPCC Chairman SALA1	<p>Suggested that the Chairman of IPCC should be invited to participate in discussion with the Subcommittee at the next meeting</p> <p>Information security policies and practices adopted by IPCC to prevent the recurrence of incidents of leakage of personal data</p> <p>Section 41 of the IPCC Ordinance on protection of Council and its members</p> <p>Discussion on the rules on the proceedings of IPCC's meetings and</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>the meetings of IPCC's committees concerning quorum for Council/ committee meetings and declaration of interest</p> <p>Considered that the meeting procedures of the statutory IPCC had room for further improvement</p>	
<p>012835 - 013903</p>	<p>Hon Cyd HO Chairman Admin</p>	<p>Requested for a comparison between the secretariat of the existing IPCC and that of the statutory IPCC in terms of the staffing establishment</p> <p>Sought information on the workflow in connection with the examination of the investigation reports from CAPO, including reports which were subject to examination by IPCC and those to which the simplified procedures applied, and the time and resources required for such work</p> <p>Enquired about the procedures for the recruitment of the Secretary-General of the statutory IPCC</p> <p>Expressed concern about the workload of the IPCC Legal Adviser</p> <p>Reiterated that the financial provision for the statutory IPCC would be set out under a separate head of expenditure (Head 121) in the Government's Estimates in the form of a one-line vote with the Secretary-General of IPCC as the Controlling Officer. As a statutory</p>	<p>Admin to provide the requested information (paragraph 3(b) of the minutes refers)</p> <p>Admin to provide the requested information (paragraph 3(c) of the minutes refers)</p> <p>Admin to provide the information in writing (paragraph 3(d) of the minutes refers)</p> <p>Admin to provide information on the workload of the IPCC Legal Adviser</p>

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		body, IPCC would have a high degree of flexibility and independence in managing its own finances subject to relevant provisions of the IPCC Ordinance	
013904 - 014557	Hon LEUNG Kwok-hung Admin Chairman	Drawbacks of adopting a one-line vote arrangement for provision of recurrent funding to the statutory IPCC Enquired about how the annual financial provision for the statutory IPCC was determined; whether the Administration would consider drawing reference to the estimated caseload or the approved staff establishment of the Police in calculating the financial provision	
014558 - 015256	Hon Emily LAU Admin Secretary of IPCC Chairman	Suggested that the IPCC Secretariat should consider releasing to the public more information concerning IPCC Members, e.g. their political affiliation Sought details about IPCC's meetings which were open to the public and the ground rules for the open part of IPCC's meetings; considered that arrangements should be made to further facilitate the observation of IPCC's meetings by the press and the public	
015257 - 015425	Hon Abraham SHEK Chairman Hon Emily LAU	Declared that he was a Vice-chairman of IPCC Suggested that the Chairman of IPCC should be invited to attend the next meeting Date of next meeting	
015426 015821	Hon Emily LAU Chairman Clerk	Timetable for members to complete scrutiny, deadline for giving notice to amend the IPCC Ordinance (Commencement) (No. 2) Notice 2009 (the Commencement (No.2)	

Time marker	Speaker	Subject(s)	Action Required
		<p>Notice) and date for submission of report to the House Committee</p> <p>Advised that the Commencement (No.2) Notice was subject to the negative vetting procedure</p> <p>Opportunity for debate on the Commencement (No.2) Notice, including those under the moving of a motion to amend or repeal the Commencement (No.2) Notice and the moving of a motion for adjournment for the purpose of debating the issue at the Council meeting on 6 May 2009</p>	

Council Business Division 2
Legislative Council Secretariat
22 April 2009