

立法會
Legislative Council

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by the Administration)

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

**Minutes of meeting
held on Monday, 6 April 2009, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Dr Hon Philip WONG Yu-hong, GBS
Hon Miriam LAU Kin-ye, GBS, 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 Cyd HO Sau-lan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
- Members absent** : Hon James TO Kun-sun
Hon WONG Yung-kan, SBS, JP
Hon WONG Ting-kwong, BBS
- Public Officers attending** : Item I
The Administration
Ms CHANG King-yiu, JP
Permanent Secretary for Security
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

Mr JAT Sew-tong, SC
Chairman, Independent Police Complaints Council

Mrs Philomena LEUNG
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

Ms Judy TING
Council Secretary (2) 3

Miss Helen DIN
Legislative Assistant (2) 1

I. Meeting with the Independent Police Complaints Council and the Administration

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee requested that -

- (a) the Administration and the Independent Police Complaints Council (IPCC) should revert to the Panel on Security on the financial and staffing situation of the statutory IPCC as well as other outstanding issues arising from the discussions of the Bills Committee on IPCC Bill one year after the commencement of the IPCC Ordinance; and

- (b) the Police and IPCC should jointly consider improving the administrative arrangements for surprise observations conducted by IPCC members and observers, and revert to the Panel on Security one year after the commencement of the Ordinance.

3. The Chairman concluded that the Subcommittee had completed its scrutiny of the Independent Police Complaints Council Ordinance (Commencement) (No. 2) Notice 2009 (the No. 2 Commencement Notice) and a report of the Subcommittee would be submitted to the House Committee on 17 April 2009. He informed members that amendments to the No. 2 Commencement Notice, if any, should be made by the Legislative Council meeting on 6 May 2009, and the deadline for giving notice to move such amendments would be 27 April 2009.

4. The meeting ended at 3:50 pm.

Council Business Division 2
Legislative Council Secretariat
22 April 2009

**Proceedings of meeting of the
Subcommittee on Independent Police Complaints Council Ordinance
(Commencement) (No. 2) Notice 2009
on Monday, 6 April 2009, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000156	Chairman	Opening remarks	
000157 - 000445	Chairman of IPCC	<p>Briefing on the financial and staffing arrangements made by the Independent Police Complaints Council (IPCC) for the establishment of the statutory IPCC (LC Paper No. CB(2)1243/08-09(01))</p> <p>Progress of the preparatory work to facilitate the smooth transition of IPCC into a statutory body</p>	
000446 - 002302	Hon Emily LAU Chairman of IPCC	<p>Expressed concern about the procedures for the recruitment of the Secretary-General of the statutory IPCC, and whether the IPCC Secretariat could cope with the workload related to screening and examination of investigation reports submitted by the Complaints Against Police Office (CAPO)</p> <p>Workflow in connection with the examination of investigation reports; IPCC's internal system to share out the workload among its Members; creation of an additional vetting team to enhance the statutory IPCC's ability to speed up the processing of complaint cases and vetting of the Police's investigation reports</p> <p>IPCC's Observers Scheme to monitor CAPO's investigation; possible improvements to the Observers Scheme, including giving 48 to 72 hours' advance notice for any scheduled interviews as well as collection of evidence, and video recording of all interviews</p>	

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		<p>Stressed the importance for the statutory IPCC to be provided with sufficient manpower resources to enable it to effectively discharge its functions under the IPCC Ordinance; expressed concern about the workload of the Legal Adviser to IPCC and the ranking of the Secretary-General post; requested IPCC members and observers to conduct more surprise observations without alerting CAPO in advance</p> <p>Advised that -</p> <ul style="list-style-type: none"> (a) IPCC would take into account the operational experience upon its inception as a statutory body and consider the need to upgrade the Secretary General post as appropriate; (b) it would conduct open recruitment instead of engaging headhunting service for the recruitment of the Secretary-General; (c) the civil servants currently working in the IPCC Secretariat would be phased out in stages at a rate of six to eight members of staff per year; (d) IPCC was confident of discharging its functions under the Ordinance with the resources allocated under the draft estimates for 2009-2010; (e) IPCC was also confident that its Legal Adviser should be able to cope with the existing workload; and (f) there were sometimes practical difficulties in conducting a surprise observation without 	

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		<p>alerting the complaint investigator/conciliating officer</p>	
<p>002303 - 002750</p>	<p>Chairman Admin</p>	<p>Supported the IPCC's suggestion that all interviews should be video-taped; considered that arrangements should be made by the Police and the IPCC Secretariat to facilitate the conduct of surprise observations without alerting CAPO, or at least the compliant investigator/conciliating officer, in advance</p> <p>Advised that -</p> <ul style="list-style-type: none"> (a) consent of all parties, including complainants, complainees and witnesses, was required, if interviews were to be video-taped; (b) video-recording facilities were available in Police stations; and (c) the Police had worked towards the target of giving 48 hours' notice in advance for any scheduled interview or collection of evidence. There were sometime difficulties in notifying the IPCC Secretariat in advance, such as in the case of interview of a person held in custody by the Correctional Services Department or when there was an urgent need to search the belongings of a Police officer 	
<p>002751 - 004632</p>	<p>Hon Alan LEONG Chairman of IPCC Admin Chairman</p>	<p>How to ensure the statutory IPCC be provided with sufficient manpower resources to enable it to effectively discharge its functions under the IPCC Ordinance</p> <p>Advised that IPCC would keep under review the possible need to upgrade the Secretary-General post and other</p>	

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		<p>staffing requirements in the light of operational experience. It would bid for additional resources as it considered necessary</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. The requests 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 in the Government's Estimates in the form of a one-line vote with the Secretary-General of IPCC as the Controlling Officer. He/she might appeal against any decisions on IPCC's bids for resources. In the event that the statutory IPCC lodged such an appeal, the Secretary-General would be invited to present his/her case personally</p> <p>Resources, including two Senior Executive Officer (SEO) equivalent posts and one Executive Officer I (EOI) equivalent post, were provided for creation of an additional vetting team to enhance the statutory IPCC's ability to speed up the processing of complaint cases and vetting of the</p>	

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		<p>Police's investigation reports, as well as to oversee finance administration and general support work previously undertaken by Government departments; the proposed creation of three other posts, one each in the ranks of Executive Officer II (EOII), Personal Secretary II (PSII) and Assistant Clerical Officer (ACO), was not supported. These posts were supportive in nature and would be absorbed within the approved manpower of IPCC</p> <p>Requested the Administration and IPCC to revert to the Panel on Security on the financial and staffing situation of the statutory IPCC as well as other outstanding issues arising from the discussions of the Bills Committee on IPCC Bill one year after the commencement of the Ordinance</p> <p>Advised that the terms of employment of the Secretary-General and the Legal Adviser to the statutory IPCC would have to be approved by the Chief Executive (CE) on the advice of IPCC</p> <p>Three LegCo Members had been appointed by CE as the Vice-chairmen of IPCC; IPCC welcomed views and suggestions from Members on its work</p>	
004633 - 005009	Hon LEUNG Kwok-hung	Suggesting alternative method for calculating/determining the annual financial provision for the statutory IPCC	
005010 - 010925	Hon Cyd HO Chairman Admin Chairman of IPCC	Emphasized the importance of providing IPCC with sufficient resources to enable it to effectively discharge its statutory functions, including the vetting of the Police's investigation reports and the conducting of surprise observations	

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		<p>Whether the Police had been cooperative and had made appropriate arrangements to facilitate IPCC in performing its review and monitoring functions</p> <p>Restated that resources, including two SEO equivalent posts and one EOI equivalent post, were provided for creation of an additional vetting team to enhance the statutory IPCC's ability to speed up the processing of complaint cases and vetting of the Police's investigation reports, as well as to oversee finance administration and general support work previously undertaken by Government departments. The proposed creation of three other posts, one each in the ranks of EOII, PSII and ACO, was not supported. These posts were supportive in nature and would be absorbed within the approved manpower of IPCC</p> <p>IPCC's performance pledge in respect of processing and vetting of the investigation reports submitted by CAPO</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>Requested that the Police and the IPCC Secretariat should jointly consider improving the administrative arrangements for surprise observations conducted by IPCC members and observers</p> <p>Advised that there was a need for an observer to study the background information on a case in advance. Improvements had been and would continue to be made to the Observers Scheme</p>	

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010926 - 011145	Hon Abraham SHEK	Advised that three LegCo Members, including Dr Hon LAM Tai-fai, Dr Hon Joseph LEE and himself, were Vice-chairmen of IPCC; assured members that as Vice-Chairmen of IPCC, they welcomed views and suggestions from LegCo Members on IPCC's work	
011146 - 011813	Hon Miriam LAU Chairman of IPCC Admin	<p>Whether IPCC had drawn up any plan or timetable for reviewing the implementation of the Ordinance</p> <p>Advised that -</p> <ul style="list-style-type: none"> (a) the statutory IPCC would conduct a review on its manpower situation and implementation of the Ordinance six months after the commencement of the Ordinance; (b) IPCC had commissioned an opinion survey on public understanding and expectation of IPCC before and after its incorporation; and (c) the incumbent Secretary would continue to work in the IPCC Secretariat as the Secretary-General for the time being to oversee and ensure the smooth transition of IPCC into an independent statutory entity <p>Stressed that the Administration would facilitate IPCC in discharging its review and monitoring functions under the Ordinance</p>	

Time marker	Speaker	Subject(s)	Action Required
011814 - 011943	Chairman Hon Emily LAU Admin Hon Miriam LAU	Date for submission of report to the House Committee; deadline for giving notice to move amendments to the IPCC Ordinance (Commencement) (No. 2) Notice 2009	

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