

**立法會**  
**Legislative Council**

LC Paper No. CB(2)712/07-08  
(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, 6 December 2007, at 2:30 pm  
in the Chamber of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)  
Hon LEE Cheuk-yan  
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 Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon KWONG Chi-kin
- Members absent** : 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
- Public Officers attending** : 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

**Attendance** : Hong Kong Human Rights Monitor  
**by invitation**

Mr LAW Yuk-kai  
Director

Mr KWOK Hiu-chung  
Education Officer

Action for REACH OUT

Miss Kendy YIM Kit-sum  
Executive Director

Mr KAM Man-fai  
Programme Officer

Civil Human Rights Front

Miss Connie CHAN  
Member of Human Rights Commission Tasks Force

Zi Teng

Miss YIM Yuet-ngor  
Representative

JJJ Association

Miss LAM Yee-ling  
Representative

Ms YIP Yee-chun  
Representative

**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

Ms Camy YOONG  
Clerical Assistant (2) 1

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**I. Meeting with deputations and the Administration**

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

2. The Bills Committee received the views of the following organisations on the Bill –

- (a) Action for REACH OUT;
- (b) Civil Human Rights Front;
- (c) Zi Teng;
- (d) JJJ Association; and
- (e) Hong Kong Human Rights Monitor.

3. The Bills Committee requested the Administration -

- (a) to consider adding a provision in the Bill to require the Police to provide information on "cases which are neither Reportable Complaints nor Non-Reportable Complaints" to the IPCC for monitoring purpose;

- (b) to advise when the Hong Kong Bar Association and The Law Society of Hong Kong had been consulted on the proposals in the Bill and to provide the views, if any, received in such consultation;
- (c) to advise whether members of the existing IPCC were provided with copies of complaint letters addressed to IPCC and whether such a practice would be adopted for the proposed statutory IPCC;
- (d) to consider amending "reportable" and "non-reportable" complaints in the Bill as "pursuable" and "non-pursuable" complaints;
- (e) to consider allowing a complaint to be lodged by a person other than the aggrieved;
- (f) to advise on the safeguards and the Police's guidelines, if any, against the disclosure of information about a complaint to other Police officers;
- (g) to provide information on the Police's guidelines on the procedures involved in receiving complaints against the Police, including that on the assignment of a case number for each complaint received;
- (h) to consider appointing representatives from vulnerable groups such as sex workers and ethnic minorities to the proposed statutory IPCC; and
- (i) to advise whether and how a complainant could be informed of the contents of the Complaints Against Police Office's report on his or her case submitted to IPCC.

4. The Bills Committee agreed that the views of the Hong Kong Bar Association and the Law Society of Hong Kong would be sought on the Bill.

5. The Bills Committee also agreed that clauses 10(c), 10(d) and 14 should be further discussed.

## **II. Date of next meeting**

6. The Bills Committee noted that the next meeting had been scheduled for 13 December 2007 at 2:30 pm to receive the views of IPCC on the Bill.

7. The meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
2 January 2008

**Proceedings of meeting of the  
Bills Committee on  
Independent Police Complaints Council Bill  
on Thursday, 6 December 2007, at 2:30 pm  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000443	Chairman	Opening remarks	
000444 - 000849	Representative of Action for REACH OUT	Presentation of views (LC Paper No. CB(2)499/07-08(03))	
000850 - 001314	Representative of Civil Human Rights Front	Presentation of views (LC Paper No. CB(2)499/07-08(04))	
001315 - 001755	Representative of Zi Teng	Presentation of views (LC Paper Nos. CB(2)473/07-08(01), CB(2)530/07-08(01) and CB(2)531/07-08(01))	
001756 - 002221	Representatives of JJJ Association	Presentation of views (LC Paper Nos. CB(2)499/07-08(01) and CB(2)530/07-08(01))	
002222 - 002626	Representative of Hong Kong Human Rights Monitor	Presentation of views	
002627 - 003342	Admin	Administration's response to issues raised by deputations	
003343 - 004056	Hon James TO Representative of Action for REACH OUT Representative of JJJ Association Representative of Zi Teng	Whether complaints had been lodged in respect of the cases raised by the attending deputations	
004057 - 005756	Hon Audrey EU Hon LEE Cheuk-yan Chairman Representative of Hong Kong Human Rights Monitor Representative of JJJ Association Admin	Whether the Bills Committee could move a Committee Stage amendment empowering the Independent Police Complaints Council (IPCC) to conduct investigations into complaints; whether the attending deputations supported enactment of the proposed legislation;	

Time marker	Speaker	Subject(s)	Action Required
		whether persons other than the aggrieved could lodge complaints against the Police; mechanism for the investigation of complaints against the Complaints Against Police Office (CAPO)	
005757 - 010737	Hon Emily LAU Representative of Hong Kong Human Rights Monitor Representative of JJJ Association Representative of Action for REACH OUT Chairman Representative of Civil Human Rights Front	Urging all members of the public who had undergone strip search by the Police to provide their case numbers to the Panel on Security; how the existing mechanism for monitoring complaints against the Police should be improved; adequacy of resources for the IPCC Secretariat; composition of IPCC	
010738 - 011435	Dr Hon Joseph LEE Admin Chairman	Declaration as Vice-Chairman of IPCC; channel for lodging complaints against the Police; whether there were statistics on complaints not handled by CAPO	
011436 - 012008	Hon LEUNG Kwok-hung	Whether IPCC should be provided with independent investigative power; whether the proposed legislation should be enacted	
012009 - 013742	Hon Alan LEONG Admin Chairman	Whether IPCC should be provided with independent investigative power; whether persons other than the aggrieved should be allowed to lodge complaints against the Police; whether clause 10(c) and (d) of the Bill should be deleted; adding a provision in the Bill to require the Police to provide information on "cases which are neither Reportable Complaints nor Non-Reportable Complaints" to the IPCC for monitoring purpose	<b>Admin to consider adding a provision in the Bill to require the Police to provide information on "cases which are neither Reportable Complaints nor Non-Reportable Complaints" to the IPCC for monitoring purpose</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
013743 - 014020	Hon Margaret NG Admin Chairman	Whether the Hong Kong Bar Association (the Bar) and the Law Society of Hong Kong (the Law Society) had been consulted on the proposals in the Bill; seeking the views of the Bar and the Law Society on the Bill	<b>Admin to advise when the Hong Kong Bar Association and The Law Society of Hong Kong had been consulted on the proposals in the Bill and to provide the views, if any, received in such consultation</b>
014021 - 014605	Chairman Admin Representative of JJJ Association	Whether members of the existing IPCC were provided with copies of complaint letters addressed to IPCC and whether such a practice would be adopted for the proposed statutory IPCC	<b>Admin to advise whether members of the existing IPCC were provided with copies of complaint letters addressed to IPCC and whether such a practice would be adopted for the proposed statutory IPCC</b>
014606 - 014956	Hon James TO Admin	Whether complaints lodged by persons other than the aggrieved should be categorised as reportable complaints	
014957 - 015318	Hon Audrey EU Chairman Admin	Amending "reportable" and "non-reportable" complaints in the Bill as "pursuable" and "non-pursuable" complaints; allowing a complaint to be lodged by a person other than the aggrieved; further discussion of clauses 10(c), 10(d) and 14 in the future	<b>Admin to consider amending "reportable" and "non-reportable" complaints in the Bill as "pursuable" and "non-pursuable" complaints; to consider allowing a complaint to be lodged by a person other than the aggrieved</b>
015319 - 015932	Hon LEE Cheuk-yan Admin Chairman	Whether the Police had issued any guidelines against the disclosure of information about a	<b>Admin to advise on the Police's guidelines, if any,</b>



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
	Hon Audrey EU	complaint to other Police officers; Police's guidelines on the procedures involved in receiving complaints against the Police, including that on the assignment of a case number for each complaint received	<b>against the disclosure of information about a complaint to other Police officers; to provide information on the Police's guidelines on the procedures involved in receiving complaints against the Police, including that on the assignment of a case number for each complaint received</b>
015933 - 020258	Hon Emily LAU	Safeguards against the disclosure of information about a complaint to other Police officers; appointing representatives from vulnerable groups such as sex workers and ethnic minorities to the proposed statutory IPCC; whether and how a complainant could be informed of the contents of CAPO's report on his or her case submitted to IPCC	<b>Admin to advise on the safeguards against the disclosure of information about a complaint to other Police officers; to consider appointing representatives from vulnerable groups such as sex workers and ethnic minorities to the proposed statutory IPCC; to advise whether and how a complainant could be informed of the contents of CAPO's report on his or her case submitted to IPCC</b>