

**Bills Committee on
Independent Police Complaints Council Bill**

**Response to issues raised at the Bills Committee meeting
held on 22 January 2008 (2)**

Purpose

At the Bills Committee meeting held on 22 January 2008, the Administration was requested to consider substituting the terms “reportable complaint” and “non-reportable complaint” with layman terminology. This note sets out the Administration’s proposal in response to this request.

“Reportable complaint”

2. As we have explained in LC Paper No. CB(2)810/07-08(01) and LC Paper No. 896/07-08(01) submitted to Members, clauses 10 to 12 of the Independent Police Complaints Council (IPCC) Bill set out the scope of complaints that must be categorized as “reportable complaints”. The Police must regularly submit lists of “reportable complaints” to the IPCC in accordance with clause 8(1)(a), and submit investigation reports or interim investigation reports on these complaints to the IPCC in accordance with clauses 16 and 17 respectively.

3. We have carefully considered Members’ suggestion of replacing the term “reportable complaint” with layman terminology. As clause 10 provides for the categorization of “reportable complaints” and such complaints must be included in the lists of complaints submitted by the Police to the IPCC under clause 8(1)(a), we suggest the relevant clauses be revised to the following effect -

- (a) the reference to “reportable complaint” in clause 2 be replaced by “complaint under clause 8(1)(a)” to be defined as a complaint that must be categorized in accordance with clause 10 of the Bill as a complaint under clause 8(1)(a);
- (b) the provision of “a list of reportable complaints” in the existing clause 8(1)(a) be replaced by a descriptive phrase reading along

the line of “a list of complaints that are categorized in accordance with clause 10”; and

- (c) the term “reportable complaint” in relevant clauses, namely clauses 7(1), 8(2) and (3), 10 to 12, 15 to 17, 20 to 26, 32, 34, 35 and 42, be correspondingly replaced by “complaint under clause 8(1)(a)”. The IPCC may exercise the powers as provided for in the provisions concerned in respect of complaints included in lists under clause 8(1)(a). The Police must submit investigation reports or interim investigations reports on such complaints to the IPCC, and respond to the IPCC’s requirements on such complaints in accordance with the relevant provisions. The IPCC may identify any fault or deficiency in any practice or procedure adopted by the police force that has led to or might lead to complaints under section 8(1)(a) and make recommendations to the Commissioner of Police or the Chief Executive or both of them in respect of such practice or procedure.

“Non-reportable complaint”

4. The existing clause 13 provides that a complaint received by the Police is a “non-reportable complaint” if it is not a “reportable complaint”. Clause 8(1)(b) requires the Police to submit lists of “non-reportable complaints” to the IPCC regularly.

5. Taking account of Members’ concern on the terminology of “non-reportable complaint”, we suggest, for simpler presentation -

- (a) removing clause 13;
- (b) replacing the reference to “a list of non-reportable complaints” in clause 8(1)(b) by “a list of other complaints”; and
- (c) replacing the reference to “a complaint included in the list of non-reportable complaints” in clause 15(1) with “a complaint included in a list under clause 8(1)(b)”.

Committee Stage Amendments

6. We welcome Members' comments on the above suggested revisions to the Bill. We will submit the necessary proposed Committee Stage Amendments for Members' consideration in due course.

Security Bureau
March 2008