

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

Draft Committee Stage Amendments for Provisions up to Clause 13

INDEPENDENT POLICE COMPLAINTS COUNCIL BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
Long title	(a) By deleting "of observing and" and substituting "in". (b) In the Chinese text, by deleting "須具報" where it twice appears and substituting "須匯報".
1	In the Chinese text, by deleting "投訴警方獨立監察" and substituting "獨立監察警方處理投訴".
New	By adding - "1A. Commencement This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette."

- 2(1)
- (a) In the definition of "categorization" -
 - (i) in the Chinese text, in paragraph (a), by deleting "須具報" and substituting "須匯報";
 - (ii) in paragraph (b), by deleting "non-reportable" and substituting "notifiable".
 - (b) In the definition of "classification" -
 - (i) by deleting paragraphs (a) to (e) and substituting -
 - "(a) substantiated;
 - (b) substantiated other than reported;
 - (c) not fully substantiated;
 - (d) unsubstantiated;
 - (e) false;
 - (f) no fault;
 - (g) withdrawn;
 - (h) not pursuable;
 - (i) curtailed;
 - (j) informally resolved; or
 - (k) of such other description as agreed between the Council and the Commissioner;"
 - (ii) in the Chinese text, by deleting "須具報" and substituting "須匯報".
 - (c) In the definition of "Council", by deleting everything after "body corporate" and substituting "established by section 3;"

(d) By deleting the definition of "non-reportable complaint" and substituting -

"notifiable complaint" (須知會投訴) means a complaint categorized as a notifiable complaint in accordance with section 13;".

(e) By deleting the definition of "reportable complaint" and substituting -

"reportable complaint" (須匯報投訴) means -

(a) a complaint categorized as a reportable complaint in accordance with section 10; or

(b) a request for review treated as a reportable complaint in accordance with section 12;".

(f) In the definition of "Secretary" -

(i) by deleting "Secretary" where it twice appears and substituting "Secretary-General";

(ii) by deleting "(秘書)" and substituting "(秘書長)".

(g) In the Chinese text, in the definition of "覆核要求", by deleting "須具報" and substituting "須匯報".

Part 2

In the heading, in the Chinese text, by deleting "投訴警方獨立監察" and substituting "獨立監察警方處理投訴".

- 3 By deleting subclause (1) and substituting -
- "(1) There is hereby established a body corporate known as -
- (a) "Independent Police Complaints Council" in English; and
- (b) "獨立監察警方處理投訴委員會" in Chinese."
- 4 By deleting subclause (2) and substituting -
- "(2) The following persons are not eligible for appointment under subsection (1) -
- (a) a person who holds an office of emolument, whether permanent or temporary, in a Government bureau or department; and
- (b) a person who was a member of the police force."
- 5 In the heading, by deleting "**Secretary**" and substituting "**Secretary-General**".
- 5(1) (a) By deleting "Secretary" and substituting "Secretary-General".
- (b) By adding "of employment" after "terms".

- 5(2) By adding "of employment" after "terms".
- 7(1) (a) In paragraph (a), by deleting "manner in which reportable complaints are handled or investigated" and substituting "handling and investigation of reportable complaints".
- (b) In paragraph (b), in the Chinese text, by deleting "須具報" and substituting "須匯報".
- (c) In paragraph (c), in the Chinese text, by deleting "須具報" and substituting "須匯報".
- 8(1) (a) In paragraph (a), in the Chinese text, by deleting "須具報" and substituting "須匯報".
- (b) In paragraph (b), by deleting "non-reportable" and substituting "notifiable".
- 8(2) In the Chinese text, by deleting "須具報" and substituting "須匯報".
- 8(3) (a) In paragraph (a), by deleting "non-reportable" and substituting "notifiable".
- (b) In paragraph (b), by deleting "non-reportable" and substituting "notifiable".
- (c) By deleting paragraph (c) and substituting -
"(c) in relation to a belated complaint (as

defined in section 11(3)) that is not categorized as a reportable complaint solely on the ground that the complaint is not of a serious nature, the reasons supporting that ground."

- 9 (a) By deleting everything before paragraph (a) and substituting -

"9. Excluded complaints

A list under section 8(1)(a) or (b) must exclude any complaint that -".

- (b) In paragraph (b), by deleting "and does not relate to police conduct" and substituting "and solely relates to the question of whether the summons is validly issued".
- (c) In paragraph (c), by deleting "and does not relate to police conduct" and substituting "and solely relates to the question of whether the notice is validly issued".

- 10 (a) In the heading, in the Chinese text, by deleting "須具報" and substituting "須匯報".

- (b) In paragraph (a)(i), by adding ", whether or not he identified himself as such a member" after "duties".

- (c) In paragraph (b), by deleting "in the opinion of

the Commissioner,".

- (d) In the Chinese text, by deleting "須具報" and substituting "須匯報".

11 By deleting the clause and substituting -

"11. Categorization of belated complaints

(1) Except as provided in subsection (2), a belated complaint must not be categorized as a reportable complaint.

(2) A belated complaint must be categorized as a reportable complaint if -

(a) it is serious in nature; and

(b) but for subsection (1), it would be categorized as a reportable complaint in accordance with section 10.

(3) In this section, a "belated complaint" (逾期投訴) means a complaint that is made to the Commissioner after the expiration of -

(a) 24 months from the date of the incident giving rise to the complaint; or

(b) (where proceedings relating to the subject matter of the complaint have been commenced in any court,

magistracy or statutory tribunal within the period referred to in paragraph (a)) 12 months from the date of the final determination of such proceedings,

whichever is later."

12 In the heading, in the Chinese text, by deleting "須具報" and substituting "須匯報".

12(1) (a) By deleting "A request" and substituting "Subject to subsection (3), a request".

(b) By deleting "the Commissioner is of the opinion that".

(c) In the Chinese text, by deleting "須具報" where it twice appears and substituting "須匯報".

12 By adding -

"(3) A request for review must not seek for the review of a reportable complaint that is classified as "informally resolved"."

13 By deleting the clause and substituting -

"13. Complaints categorized as notifiable complaints

A complaint received by the Commissioner

must be categorized as a notifiable complaint if
it is neither a reportable complaint nor a
complaint excluded under section 9."

Draft as of 11 June 2008