

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

**Draft Committee Stage Amendments for
Clauses 9, 13, 34, and Sections 11, 11A, 11B, 11C, 11D, 16, 16A, 16B, 16C and 16D
in Schedule 1**

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
9	<p>(a) By deleting everything before paragraph (a) and substituting -</p> <p>"9. Certain complaints not to be included in lists under section 8(1)</p> <p>A list under section 8(1)(a) or (b) must not include a complaint that -".</p> <p>(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".</p> <p>(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".</p>
13	<p>By deleting the clause and substituting -</p> <p>"13. Complaints categorized as notifiable complaints</p> <p>A complaint received by the Commissioner</p>

must be categorized as a notifiable complaint if it is neither a reportable complaint nor a complaint referred to in section 9."

- 34(1) (a) In paragraph (a), in the Chinese text, by deleting "須具報" and substituting "須匯報".
- (b) In paragraph (b), in the Chinese text, by deleting "須具報" and substituting "須匯報".

34 By adding -

"(2A) If an observer has an interest in a reportable complaint in respect of which an interview or collection of evidence is conducted by the Commissioner, the observer must not attend the interview or observe the collection of evidence."

- 34(3) In the Chinese text, by deleting "須具報" and substituting "須匯報".

Schedule 1,
section 11

- (a) In subsection (5), by deleting "Secretary" and substituting "Secretary-General".
- (b) By deleting subsection (6).

Schedule 1 By adding -

"11A. Disclosure of interest in reportable complaints

(1) If a member of the Council has an interest in a reportable complaint being discussed or to be discussed at a meeting of the Council, the member -

- (a) must disclose the nature of his interest at or before the meeting;
- (b) must withdraw from the meeting during the discussion of the reportable complaint;
- (c) must not vote on a resolution concerning the reportable complaint; and
- (d) must not be counted for the purpose of forming a quorum.

(2) If the disclosure is made by the member presiding the meeting, the member must vacate the chair during the discussion of the reportable complaint.

(3) When the member vacates his chair under subsection (2), the other members present at the meeting must appoint, by a majority, one of their number to preside the meeting when the chair is so vacated.

(4) In this section, a reference to a

reportable complaint includes any matter that is related to it.

**11B. Disclosure of interest
in matters other than
reportable complaints**

(1) If a member of the Council has an interest in a matter (other than a reportable complaint referred to in section 11A) being discussed or to be discussed at a meeting of the Council, the member -

(a) must disclose the nature of his interest at or before the meeting;

(b) must withdraw from the meeting during the discussion of the matter if so required by a majority of the other members present at the meeting;

(c) except as otherwise determined by a majority of the other members present at the meeting -

(i) must not vote on a resolution concerning the matter; and

(ii) must not be counted for the purpose of forming a quorum.

(2) If the disclosure is made by the member

presiding the meeting, the member must, if so required by a majority of the other members present at the meeting, vacate the chair during the discussion of the matter.

(3) If the member is required to vacate his chair under subsection (2), the other members present at the meeting must appoint, by a majority, one of their number to preside the meeting when the chair is so vacated.

11C. Disclosure of interest in cases of written resolutions

In the case of a written resolution on a matter in which a member of the Council has an interest -

(a) the member -

(i) must state the nature of his interest in the papers being circulated; and

(ii) must return the papers with his interest so stated to the Secretary-General; and

(b) the member -

(i) must not vote on the written resolution; and

(ii) must not be counted in calculating a majority for

the approval of the written
resolution.

**11D. Disclosure of interest
be recorded**

A disclosure made under section 11A(1)(a),
11B(1)(a) or 11C(a) must be recorded by the
Council."

- Schedule 1, section 16
- (a) In subsection (5), by deleting "Secretary" and substituting "Secretary-General".
 - (b) By deleting subsection (6).

Schedule 1 By adding -

**"16A. Disclosure of interest in
reportable complaints**

(1) If a member of a committee has an
interest in a reportable complaint being
discussed or to be discussed at a meeting of the
committee, the member -

- (a) must disclose the nature of his
interest at or before the meeting;
- (b) must withdraw from the meeting
during the discussion of the
reportable complaint;
- (c) must not vote on a resolution
concerning the reportable
complaint; and

(d) must not be counted for the
purpose of forming a quorum.

(2) If the disclosure is made by the member presiding the meeting, the member must vacate the chair during the discussion of the reportable complaint.

(3) When the member vacates his chair under subsection (2), the other members present at the meeting must appoint, by a majority, one of their number to preside the meeting when the chair is so vacated.

(4) In this section, a reference to a reportable complaint includes any matter that is related to it.

**16B. Disclosure of interest
in matters other than
reportable complaints**

(1) If a member of a committee has an interest in a matter (other than a reportable complaint referred to in section 16A) being discussed or to be discussed at a meeting of the committee, the member -

(a) must disclose the nature of his
interest at or before the meeting;

(b) must withdraw from the meeting
during the discussion of the

matter if so required by a majority of the other members present at the meeting;

(c) except as otherwise determined by a majority of the other members present at the meeting -

(i) must not vote on a resolution concerning the matter; and

(ii) must not be counted for the purpose of forming a quorum.

(2) If the disclosure is made by the member presiding the meeting, the member must, if so required by a majority of the other members present at the meeting, vacate the chair during the discussion of the matter.

(3) If the member is required to vacate his chair under subsection (2), the other members present at the meeting must appoint, by a majority, one of their number to preside the meeting when the chair is so vacated.

**16C. Disclosure of interest
in cases of written
resolutions**

In the case of a written resolution on a matter in which a member of a committee has an

interest -

(a) the member -

(i) must state the nature of his interest in the papers being circulated; and

(ii) must return the papers with his interest so stated to the Secretary-General; and

(b) the member -

(i) must not vote on the written resolution; and

(ii) must not be counted in calculating a majority for the approval of the written resolution.

**16D. Disclosure of interest
be recorded**

A disclosure made under section 16A(1)(a), 16B(1)(a) or paragraph (a) of section 16C must be recorded by the committee."