

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

Draft Committee Stage Amendments for Clauses 19B, 22 and 41

Amendments to be moved by the Secretary for Security

Clause

Amendment Proposed

New

By adding immediately after clause 19 -

"19A. Record of interview

(1) The Council must make a record of every interview under section 19, and the record is to be kept for such period as may be necessary for the performance of its functions under this Ordinance.

(2) The record may be used for the following purposes but not otherwise -

- (a) a purpose that is necessary for the performance of the Council's functions under this Ordinance;
- (b) a purpose referred to in section 37(2)(b), (c) or (d).

19B. Council's endorsement of findings and classification

If the Council is satisfied with the findings and classification of a reportable

complaint as stated in an investigation report submitted under section 16 or 18(1A), the Council must endorse the findings and classification and notify the Commissioner the endorsement."

22 (a) By deleting the heading and substituting -
**"22. Notification of classification
of reportable complaint and
result of review".**

(b) By renumbering the clause as clause 22(1).

22(1) (a) By deleting "The Council may require the Commissioner to inform" and substituting "In the case of a reportable complaint that is not a request for review, the Commissioner must, as soon as practicable after the Council has endorsed the findings and classification of the complaint under section 19B, notify".

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

22 By adding -

"(2) In the case of a reportable complaint that is a request for review, the Council must notify -

(a) the complainant; or

(b) (where the reportable complaint

was made by a person on behalf of
the complainant) the person who
made the complaint,

of the result of the review and the reasons for
the result.

(3) Subsections (1) and (2) do not apply to
a case where the complainant or the person has
indicated to the Commissioner or the Council that
he does not wish to be so notified.

(4) In determining the time at which the
complainant or the person is notified of such
matters as required under subsection (1) or (2),
the following provisions apply -

- (a) if the notification is left at
his address, the notification is
effected when it is so left;
- (b) if the notification is sent by
post to his address, the
notification is effected when it
would in the ordinary course of
post be delivered to that
address;
- (c) if the notification is sent by
facsimile transmission to his
facsimile number, the
notification is effected when it

would in the ordinary course of such transmission be received at that number; or

- (d) if the notification is sent by electronic mail transmission to his electronic mail address, the notification is effected when it would in the ordinary course of such transmission be received at that address.

(5) In subsection (4), references to his address, his facsimile number or his electronic mail address mean the address, facsimile number or electronic mail address (as the case may be) provided by the complainant or the person to the Commissioner or the Council as a means of contacting him in relation to the reportable complaint."

41(2) By adding "1A(b) or" after "under section".

41 By adding -

"(2A) A person who, immediately before the commencement date, is the Secretary or the Legal Adviser of the former Council continues to be, as from that date until the Secretary-General or the

Legal Adviser (as the case may be) has been appointed under section 5(1), the Secretary-General or the Legal Adviser (as the case may be) of the Council on the same terms and conditions as those applicable to that person immediately before that date.".

- 41(3)
- (a) By deleting "including" and substituting "other than".
 - (b) By adding "until such time as the Council and the Government may agree" after "as from that date".