

POLICE GENERAL ORDERS

CHAPTER 26

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

4/02
04/06
02/08
06/09

26-01 The Independent Police Complaints Council Ordinance (IPCCO)

The Independent Police Complaints Council Ordinance (IPCCO), Cap. 604, came into operation on 1 June 2009.

Orders And Manuals Relating To Reportable Complaints

2. Formation Commanders shall inform ACP SQ (CSP C&IIB) of any proposed new orders or manual of the police force that relates to the handling or investigation of reportable complaints, or any significant amendments proposed to existing orders and manuals so that the Independent Police Complaints Council (IPCC) will be consulted in accordance with section 28 of the IPCCO.

26-02 Complaints that Must Be Categorized - Reporting and Immediate Action

09/25

All complaints must be categorized under the Independent Police Complaints Council Ordinance (IPCCO), except those referred to in section 10. If an officer receives such complaint that must be categorized and it is not made directly to CAPO, the officer shall, irrespective of the channel of receipt, report the case as soon as possible to the Duty Officer (DO) of a police station who will make an entry in the Case Management and Investigation System (CMIS) without delay. A DO receiving a complaint that must be categorized under the IPCCO shall pass it to CAPO.

2. The complaints referred to in section 10 of the IPCCO are detailed at Annex A; definitions of relevant terms in categorization of complaints under the IPCCO are at Annex B.

3. When a complaint referred to in sections 10(b), 10(c) or 10(d) of the IPCCO (i.e. relating to the question of whether a summons or Fixed Penalty Notice (FPN) is validly issued, or the investigation of that police conduct is under the purview of a statutory body) also includes an allegation against a member of the Force for failing to take appropriate action or for any misconduct which must be categorized under the IPCCO (dual complaint), the complaint shall be passed to CAPO.

Complaints to Individual Officers

4. Whenever a complaint that must be categorized under the IPCCO is made to a police officer on outdoor duties, he will take the following action:-

- (a) if immediate action is required, the officer will report the case to his Divisional Console by telephone (beat radio should not be used);

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

- (b) if the matter does not require immediate action the officer will report the facts to the DO when he next returns to the police station; and
- (c) the officer receiving the complaint from the complainant will inform him that his complaint will be recorded and that he will be informed in due course of the action taken and any further queries should be directed to the Complaints Against Police Office (CAPO).

5. Whenever a complaint that must be categorized under the IPCCO is made to a police officer concerning his own actions, or relating to an incident to which he is a party or is directly involved, he shall inform his immediate supervisory officer at the earliest opportunity. He will not initiate action but if asked, will inform the complainant how to lodge a complaint, i.e. to any police station, to Complaints Against Police Reporting Centre in person (with prior appointment), by telephone via the Complaints Hotline (2866 7700), or in writing.

6. When a complaint that must be categorized under the IPCCO is brought to the attention of a supervisory officer he will initiate action to secure independent witnesses and corroborative evidence, and will ensure that the facts are reported to the DO immediately.

Complaints Made in Person

7. Where a complaint that must be categorized under the IPCCO is made to a police station, the DO will:-

- (a) in all cases inform the complainant that his/her complaints will be passed to CAPO;
- (b) as far as practicable, invite the Complainant to provide the full name and number as shown in his/her proof of identity and to produce such proof of identity for verification. The actions taken and the result of verification, if any, should be recorded in CMIS;
- (c) transfer the case to CAPO via the CMIS, giving brief details, together with sufficient information to identify the complainant and/or witnesses and complainee(s);
- (d) immediately inform the DO of the Complaints Against Police Reporting Centre or Reserve Inspector who will decide on further actions to be taken if the complaint relates to crime information/reports of a sensitive nature or misconduct of a serious or sensitive nature. The RN should only include the fact that a Confidential Report has been received and should not contain any details of the complaint or those of the complainant or complainee. Sub-paragraphs (e) to (i) below will not apply. If in doubt, DO of the Complaints Against Police Reporting Centre or CAPO Reserve Inspector should be consulted;

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

- (e) for complaints other than Assault, if the DO notes any injuries on the complainant, make a note of this along with any comments by the complainant or police officers in the Remarks column;
- (f) ensure that the Pol. 964 (First Information of Complaints Against Police Report) is completed and sent to CAPO, with a photocopy of the completed Pol. 964 given to the complainant; 22/12
- (g) where the complaint is one of Assault, take action in accordance with para. 26-02(11); 22/12
- (h) contact CAPO if the complaint requires immediate action; and
- (i) if a complaint requires immediate action outside CAPO duty hours, consider contacting the CAPO Reserve Inspector through HQ CCC for advice.

Complaints Made In Writing

8. Where a complaint that must be categorized under the IPCCO is received in writing, the Formation Commander will:-

- (a) record the complaint in CMIS. If the complaint relates to crime information/reports of a sensitive nature or misconduct of a serious or sensitive nature, the RN should only include the fact that a 'Confidential Report' was received and contain no details of the complaint, the complainant or complainee; and
- (b) forward the details of the complaint and related documents to CAPO as soon as practicable.

Complaints Made During a Court Proceeding

9. Where during any court proceedings a complaint is made about the actions of a member of the Force, the SIP Court or equivalent will inform CAPO immediately by telephone and confirm in writing. Where the complaint is one of Assault, the provisions stipulated in the above para. 26-02(7) is applicable. 22/12

10. An allegation which challenges the admissibility of cautioned statement or which is raised by defendant in giving evidence for his defence shall not be referred to CAPO unless the defendant clearly states that he/she wants to make a complaint or if the Court requires investigation by the police.

02/08 Taking Photographs of Complainant's Injury

- 22/12 11. Where a complaint of Assault is made in person to a police station or to Court and the complainant consents to the taking of photographs of his/her injuries (if the complainant is under the age of 16, consent should be obtained from his parent/guardian), the DO or SIP Court will arrange appropriate colour photographs to be taken on those parts of the complainant's body which have allegedly been struck in accordance with Chapter 3-03(6) of the Complaints Manual. The DO or SIP Court will make every practicable effort to minimize embarrassment in the process of taking photographs. If the taking of photographs involves parts of the body which are not commonly exposed, the DO or SIP Court will authorise an officer of the same sex as the complainant to take the photographs, with proper regard to the privacy and dignity of the complainant.

26-03 Management of Integrity Issues Involving a Member of the Force

C&IIB is responsible for the indexing and monitoring of all investigations in which the integrity of a member of the Force is in doubt.

2. Formation Commanders are required to inform CSP C&IIB, through their respective MFCs, in writing as soon as practicable whenever staff integrity is an issue in relation to:-
- (a) an allegation;
 - (b) investigation or enquiry (criminal, traffic or otherwise); or
 - (c) review, check or proceedings of any kind.
- 11/12 If a case has been handled and referred to C&IIB in accordance with current procedures as set down in PGO 26-02, PGO/FPM 26-22, FPM 26-23, FPM 26-24, Complaints Manual 4-01(4) or PGO/FPM 27-12 (Reports of Corrupt Practices), there is no need to report again.
- 11/12 3. To determine whether the integrity of a member of the Force is in doubt, the guide is to consider whether the conduct of the Force member in question would likely place his integrity in doubt by the standards of reasonable and honest people. If in doubt, a Formation Commander should consult CSP C&IIB. The following are examples which may indicate that an officer's integrity is in doubt:-
- (a) Involvement in criminal or triad related activity such as vice, loan sharking, extortion, drug trafficking, illegal gambling or debt-collection by illegal means etc;
 - (b) Having investments and/or shareholdings connected with vice, criminal activities or any activities which are in conflict with Police duties;
 - (c) Association with triads, criminal personalities or other undesirable characters;

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

- (d) Having debts that have become unmanageable because of excessive gambling or other reprehensible causes;
- (e) Misconduct in public office. The elements constituting this common law offence include:-
 - (i) A public official;
 - (ii) In the course of or in relation to his public office;
 - (iii) Wilfully misconducts himself, by act or omission, for example, by wilfully neglecting or failing to perform his duty;
 - (iv) Without reasonable excuse or justification; and
 - (v) Where such misconduct is serious, not trivial, having regard to the responsibilities of the office and the office holder, the importance of the public objects which they serve and the nature and extent of the departure from those responsibilities;
- (f) Developing an inappropriate relationship e.g. sexual/ intimate relationship with the witness or suspect of a case during his investigation into the case in question;
- (g) Involvement in any form of corrupt activity; and
- (h) Involvement in criminal offences with an element of dishonesty such as Theft/Fraud.

11/12

4. In exceptional cases where a Formation Commander considers that due to operational considerations it is not appropriate to report to CSP C&IIB in accordance with paragraph 2 above, the Formation Commander should clearly document on file the decision and the full reasons. His MFC will be duly informed. The MFC will direct further action and may consult ACP SQ. Notwithstanding the above, CSP C&IIB will be informed as per paragraph 2 as soon as possible afterwards and in any case on the conclusion of the investigation/enquiry.

5. An officer who is subject to any adverse information or findings from an investigation which indicates that his integrity is an issue, should be interviewed by the investigating unit and offered an opportunity to comment on the adverse information or findings prior to the conclusion of the investigation, unless, to do so, would either compromise the source of the information or jeopardise ongoing or anticipated investigations. The Formation Commander of the information/intelligence source should be consulted about this matter whenever in doubt. The officer's account and the investigation unit's findings should be reported to the officer's Formation Commander and CSP C&IIB when either the investigation is concluded or the information is disposed of.

11/12

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

6. For allegations where staff integrity is an issue, details of the allegation or the personal particulars of the complainant or the complainee will not be contained in CIS or divulged to unauthorised persons. Where allegations of a criminal nature are subsequently found to be proven, they may be crimed in the normal manner.

26-04 Complaints referred to in section 10 of the IPCCO

PGO 26-04 is to be read in conjunction with PGO 26-02 and PGO 26-03.

11/12 2. When a complaint referred to in section 10 of the IPCCO is received, the procedures outlined in FPM 26-04 are to be followed.

26-05 Investigation Reports on Reportable Complaints

A complaint investigation report, including one for Informal Resolution and a supplementary investigation report, shall be submitted to IPCC as soon as practicable after completing the investigation of a reportable complaint in accordance with section 17 of the IPCCO.

22/12 **26-06 Interim Investigation Reports on Reportable Complaints**

If for any other reason an investigation report cannot be submitted to IPCC within 6 months from the date of receipt of the complaint, an Interim Investigation Report shall be submitted to IPCC in accordance with section 18 of the IPCCO.

2. As stipulated under section 18(3) of the IPCCO, an interim investigation report submitted under section 18(1) or 18(2) must:-

- (a) contain a summary of the progress of the investigation; and
- (b) explain the reasons for not being able to complete the investigation within the 6 months' period or such shorter period covered by the report.

15/09
09/25 **26-07 Informal Resolution**

A Conciliating Officer (CO) must complete an investigation report on the reportable complaint classified as informally resolved in accordance with section 17 of the IPCCO. The proforma investigation report for Informal Resolution (IR) at Annex Z1 of the Complaints Manual should be used.

2. Under section 13 of the IPCCO, a request for review must not seek for the review of a reportable complaint that is classified as "informally resolved".

26-09 Investigation of Notifiable Complaints

Under section 14 of the IPCCO, a complaint must be categorized as a notifiable complaint if it is neither a reportable complaint nor a complaint referred to in section 10 of the IPCCO. All complaints, except those referred to in section 10 of the IPCCO, shall be passed to CAPO for categorization in accordance with PGO 26-02.

2. If during the course of investigation into a notifiable complaint, which has been referred to a Formation, new factors emerge and suggest the notifiable complaint should be categorized as a reportable complaint, the Formation Commander must inform CAPO as soon as practicable.

26-15 Notification of Interview and Collection of Evidence

There is a statutory duty on the Police under section 36 of the IPCCO to notify IPCC of all interviews and collection of evidence before they are conducted and, if an interview or any collection of evidence has been conducted without prior notice to IPCC, explain to IPCC the reasons why such prior notice has not been given and provide IPCC with the information that would have been required if such notice had been given.

2. After securing an appointment for interview or deciding a scene visit/identification parade in respect of a reportable complaint, the investigating officer/interviewer/Conciliating Officer (CO) shall notify IPCC Secretariat of the scheduled interview/site visit/identification parade as soon as practicable, and in any event no later than 48 hours (notice received by the IPCC Secretariat after 1700 hours of a working day will be counted as being received by the IPCC Secretariat at 0900 hours of the ensuing working day. Saturdays, Sundays and public holidays will not be counted as working days), by using the "IPCC Observers Scheme – Prior Notification" form at Annex A, Chapter 8 of the Complaints Manual. In the event that prior notification is not practically possible, the Police must notify IPCC after the interview/site visit/identification parade (see 8-03-04 of the Complaints Manual).

3. If an interview/site visit/identification parade has been conducted without prior notice to IPCC, the investigating officer/interviewer/CO shall provide the required information to the IPCC Secretariat as soon as practicable, by using the "IPCC Observers Scheme – Post Notification" form at Annex C, Chapter 8 of the Complaints Manual.

26-19 Forewarning of Complainee in Complaint Against Police Case

22/12

All complainees in reportable complaint cases should not be forewarned of the complaints against him by another police officer and that a breach of such an order should amount to a disciplinary offence. The objective is to minimise the opportunity for a complainee/police witness involved in a complaint to interfere with other witnesses or to conceal, destroy or alter evidence.

2. Details as to the application of Forewarning, examples, responsibility for investigation and the reporting and recording procedures are laid down in FPM 26-19.

22/12

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

02/08 **26-22 Sexual Harassment Complaints**

22/12

03/18

15/23

Definition

A person sexually harasses another person if:-

(a) the person

(i) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to that person; or

(ii) engages in other unwelcome conduct of a sexual nature in relation to that person;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that that person would be offended, humiliated or intimidated; or

02/11

(b) the person, alone or together with other persons, engages in conduct of a sexual nature which creates a sexually hostile or intimidating work environment for that person [s. 2(5) Sex Discrimination Ordinance (SDO), Cap. 480 Laws of Hong Kong].

02/11

2. 'Conduct of a sexual nature' mentioned in paragraphs 1(a)(ii) and 1(b) above includes making a statement of a sexual nature to another person, or in the presence of that person, whether the statement is made orally or in writing [s. 2(7) SDO].

Scope

3. All provisions related to SH in the SDO are applicable to both men and women, and SH can occur between opposite sex and between same sex.

4. The SDO also provides protection against SH acts in the course of employment even if they occur outside working hours, away from normal work premises, including outside Hong Kong.

5. A single incident, not necessarily repeated or continuous, may be sufficient to constitute SH. A person may be the victim of a sexually hostile work environment where he/she is harassed in a pattern of incidents that may not be offensive on their own, but when considered together amount to SH.

6. Intention is not a necessary element in substantiating a SH complaint. Even if the act is committed unintentionally, such act may amount to SH once it falls within the definition of SH.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

Examples

7. While each case will have to be determined on its own facts, the following are general examples of SH:-

- (a) unwelcome sexual advances - e.g. leering and lewd gestures, touching, grabbing or deliberately brushing against another person;
- (b) unwelcome requests for sexual favours - e.g. suggestions that sexual co-operation or the toleration of sexual advances may further a person's career;
- (c) unwelcome verbal, non-verbal or physical conduct of a sexual nature - e.g. sexually derogatory or stereotypical remarks, persistent questioning about a person's sex life; and
- (d) 'Conduct of a sexual nature' that creates a hostile or intimidating work environment – e.g. sexual or obscene jokes around the workplace, displaying or circulating sexist or other sexually offensive pictures, posters or images.

Legal Liability Arising from Acts of SH

8. It is unlawful for a Government employee to sexually harass a fellow employee or a potential fellow employee, who may include, inter alia, a supervisor, a potential supervisor, a co-worker, a potential co-worker, a subordinate or a potential subordinate (s. 23(3) SDO). It may also be unlawful for a Government employee to sexually harass a worker of companies contracted by Government (s. 23(4) SDO) or a client (s. 40(1) SDO). Employees may be personally liable for acts committed by them in the course of their employment (s. 46 and s. 47 SDO).

9. A person who knowingly aids another person to do an act of SH shall be treated as himself/herself doing an act of the like description (s. 47 SDO). It is unlawful for a person to instruct, to procure, or attempt to procure, another person to sexually harass a third person (s. 44 SDO). It is also unlawful for a person to induce or attempt to induce another person to sexually harass a third person by providing or offering to provide that person with any benefit, or subjecting or threatening to subject that person to any detriment (s. 45 SDO).

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

03/18 **Staff Complaints Officer**

10. CSP C&IIB is the designated 'Staff Complaints Officer' and is responsible for giving directions on the handling and endorsing the result of all SH complaints in the Force. He/she, assisted by SSP C&IIB and the IIO, will ensure all SH complaints are properly handled in accordance with FPM 26-22. In brief, CSP C&IIB will:-

- (a) conduct recording and administration of all matters pertaining to the allegations and complaints of SH received at the C&IIB or from Formation;
- (b) conduct an initial screening on all SH complaints and direct that the complaint be handled by either investigation or resolution and carried out by either C&IIB or suitable Formation;
- (c) direct a supervisory accountability study of the incident to be conducted, if necessary;
- (d) monitor and review the outcome of the investigation or resolution taken by the units handling the complaints;
- (e) endorse or direct further remedial action as appropriate upon the completion of investigation or resolution by the units handling the complaints; and
- (f) direct a disciplinary inquiry where an act of victimisation, intimidation or retaliation against the complainant or the witness has taken place.

11. For complainees who are of CSP rank or above, CSP C&IIB will refer the complaint to a higher rank officer for direction.

Guiding Principles for Handling Sexual Harassment Complaints

12. Regardless of whether the SH complaint is dealt with by investigation or resolution, the following principles should be strictly complied with:-

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

Professional Handling of Complaints

13. All complaints should be assumed to be made in good faith, and handled in a serious, prompt and objective manner to ensure that the parties involved are treated fairly. All officers must ensure that the complainant and anyone involved in a SH complaint should not be exposed to further distress and humiliation and the parties involved are to be protected against victimisation for making or being involved in a complaint.

14. If the complaint is found to be of a criminal nature during the course of enquiry, criminal investigation should take precedence.

15. A SH complaint can be handled either by investigation or resolution depending on the nature, severity and circumstances of the complaint and also the wish of the complainant. To avoid misunderstanding on the part of the complainant, the officer on receiving the complaint, should explain to the complainant the two different ways of handling a complaint and ascertain whether he/she requests an investigation into the complaint.

16. Both the complainant and the complainee must be given an opportunity to present their cases and to comment on the allegations and responses made by the other party. The most undesirable way to respond to an act of SH is to go along with it, to avoid the person or to ignore the behaviour and do nothing as such action may exacerbate the situation.

Impartiality

17. To ensure fairness in the handling of a complaint, all involved officers (including the OC Case, Conciliating Officer, Support Officer, etc.) should declare to his/her Formation Commander any potential conflict of interest with the complainant or the complainee (e.g. whether they have any previous working relationship or other connections, etc.) before commencing enquiry. They should also avoid showing favour or bias to either side.

Confidentiality

18. All information, communications, records and documents related to a SH complaint are strictly confidential and should only be disclosed on a need-to-know basis. Unauthorised disclosure or circulation of any such information may lead to disciplinary action.

19. In order to avoid unnecessary allegations or prejudice to the complaint handling, both the complainant and the complainee should be advised not to discuss the matter with each other.

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

Prevention of Victimisation, Intimidation and Retaliation

22/12 20. All parties involved in a SH complaint are to be protected against victimisation (which in itself is an unlawful act of discrimination under s. 9 SDO) for making or being involved in the complaint. In general terms, this means that the complainant and the witness should not be treated less favourably than other persons in similar circumstances. As a general rule, a complainant should normally not be moved from his/her usual duties or treated in an unusual manner whilst awaiting the outcome of the complaint as this may constitute less favourable treatment to the complainant which is not justified and may constitute a ground for a complaint of victimisation. There may however be cases where it is difficult to keep the parties working together until the outcome is known. Under such circumstances, Formation Commanders should take appropriate measures to deal with the situation but the wishes of the complainant and the complainees should be taken into account.

21. In addition, the complainant and the witness are to be protected against any form of intimidation or retaliation, including any act in a manner to pressure, or cause harm to their reputation.

Provision of Support Officer

22. A Support Officer (at least one rank senior to the complainant) should be assigned to him/her by his/her Formation Commander for providing emotional support and welfare advice. The complainant should be encouraged to accept a Support Officer and should be assured that strict confidence is maintained for the handling of the reports and the arrangement of support service. The procedures of the Staff Support System are contained in PGO/FPM 26-23 (Internal Reports of Misconduct and Malpractice and the Staff Support System).

COMPLAINTS AGAINST POLICE AND INTERNAL INVESTIGATIONS

Responsibility of Force Members

23. Respect to one another at work is vital in establishing a healthy work environment free from SH. All officers are responsible for preventing SH in the workplace.
24. All officers shall not commit acts of SH, whether or not it is made unlawful under the SDO.
25. Complainants or witnesses of sexual harassment should be protected against any harm or repercussions. All officers shall not commit acts of victimisation, intimidation or retaliation against any individual involved as a complainant or a witness.
26. Supervisory officers shall proactively intervene when they become aware that an act of SH, or an act of victimisation, intimidation or retaliation against any individual involved in a complaint, has been committed/is being committed. Supervisory accountability study should be conducted when appropriate.

Malicious Complaints

27. If there is clear evidence to show that a complaint is found to be made in bad faith or knowingly false, the person making the malicious complaint may be subject to disciplinary action.

11/12 **26-23 Internal Reports of Misconduct or Malpractice and the Staff Support System**

Definitions

Internal Report

An 'Internal Report' is a complaint referred to in section 10(a) of the IPCCO. It refers **to a complaint that a person makes in his/her official capacity as a member of the Police Force.** Such complaints would include a Force member who reports corruption, crime, misconduct or malpractice against another member(s) of the Force.

Misconduct or Malpractice

It refers to 'wrongdoing, improper conduct, abuse of position, misuse of office or behaviour or conduct incompatible with that expected of a member of the Force'. The definition of misconduct or malpractice to be followed excludes reports of corruption and crime.

Reporting Officer

A Reporting Officer is any member of the Force, civilian or disciplined, who reports crime, corruption, misconduct or malpractice by a fellow member of the Force.

Support Officer

A Support Officer is an officer appointed by the Formation Commander or equivalent to provide practical and moral support to a Reporting Officer.

Staff Support System

The 'Staff Support System' is an internal mechanism, administered by C&IIB, which allows for a Support Officer to provide practical and moral support to a Reporting Officer. The Staff Support System will not normally be applicable to senior Force members making Internal Reports against junior Force members, however, each case is to be treated on all of its own merits.

01/25 **26-25 The Drug Test Scheme and the Financial Screening Scheme**

All officers must participate in the Drug Test Scheme and the Financial Screening Scheme (collectively referred to as 'Schemes') upon request by CSP C&IIB and comply with the requirements as set out in the Schemes.

A complaint referred to in section 10 of the IPCCO is a complaint that –

- (a) a person makes in his official capacity as a member of the police force;
- (b) arises from the issue of a summons and solely relates to the question of whether the summons is validly issued;
- (c) arises from the issue of any notice for the imposition of a fixed penalty under any enactment and solely relates to the question of whether the notice is validly issued; or
- (d) a person is empowered to investigate pursuant to any function conferred on the person by any other Ordinance, except where the complaint relates to police conduct and the power of investigation does not extend to the investigation of that police conduct.

Police Public Page
警察公眾網頁

Definitions under the IPCCO (reference should be made to the IPCCO, Cap. 604)

The following terms are defined under section 3 of the the Independent Police Complaints Council Ordinance (IPCCO), unless specified otherwise:-

"categorization" means the categorization of a complaint by CP as:-

- (a) a reportable complaint; or
- (b) a notifiable complaint;

"complainant" means a person who makes a complaint or a request for review or, where the complaint or request for review is made on behalf of another person, the person on whose behalf the complaint or request for review is made;

"member of the police force" includes a public officer attached to the police force.

[Note: This covers any police officer of the Hong Kong Police Force, any member of the Hong Kong Auxiliary Police Force, any civilian staff of the police departmental grade and other any civilian staff of the Government working in the Hong Kong Police Force.]

"police conduct" means:-

- (a) the conduct of a member of the police force while on duty or in the execution or purported execution of his duties, whether or not he identified himself as such a member;
- (b) the conduct of a member of the police force who identified himself as such a member while off duty; or
- (c) any practice or procedure adopted by the police force.

"belated complaint" means [s. 12(3), IPCCO] a complaint that is made to CP 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.

"mentally incapacitated person" means "a person who is mentally disordered or mentally handicapped within the meaning of the Mental Health Ordinance (Cap. 136)".

[Note: Cap. 136 does not require such assessment to be supported by any documentary proof.]

"relative" means [s. 15(2), IPCCO]:-

- (a) a spouse, child, parent, grandparent or grandchild; or
- (b) a person who is, or is the issue of, a brother, sister, uncle or aunt.

[Note (s. 15(3), IPCCO):-

- (a) an adopted person is treated as the child of the person or persons by whom he was adopted;
- (b) any relationship by affinity is treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood, and the step-child of a person as the child of that person; and
- (c) an illegitimate child is treated as a legitimate child of his mother and reputed father.]