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與交通相關的投訴個案和服務質素改善建議 **Traffic-related Complaint Cases and Service Quality Improvement Initiatives**



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與交通相關的投訴個案和服務質素改善建議

Traffic-related Complaint Cases and Service Quality Improvement Initiatives



監警會就交通事故調查和執法方面向警方提出一系列服務質素改善建議。[照片來源(封面及本頁):星島日報] The IPCC has recommended a series of Service Quality Improvement Initiatives to the police regarding traffic accident investigations and traffic enforcement. [Photo Credit (cover and this page): Sing Tao Daily]

「服務質素改善建議」機制

兩層架構投訴機制除了化解投訴人的不滿外,機制的最終目標是獨立監察警方處理投訴委員會(監警會)和警方能 夠透過研究投訴個案找出警隊可以改善之處,促使警隊從中汲取經驗,不斷提升服務質素,而這正是整個投訴機 制的精髓所在。唯有不斷改進、持續提升服務水準,方可持續鞏固及加強市民對警隊的信心。

會方根據《監警會條例》第8條1(c),透過嚴謹的審核程序,分析投訴趨勢與數據,找出可以改善警隊服務的地 方,適時提出有效減少投訴且切實可行的改善建議,並透過「服務質素改善建議」機制,以及與投訴警察課在季 度聯席會議進行討論,檢視警方落實改善建議的進度和效果。

"Service Quality Improvement Initiative" (SQII) Mechanism

Apart from resolving complainants' grievances, the ultimate goal of the two-tier police complaints system is to identify areas of improvement while examining complaint cases, so as to facilitate the police in learning from experiences and continuously enhancing their service quality. This is the essence of the entire complaints system. Only by making continuous improvements in service quality could public confidence in the police be persistently reinforced.

The Independent Police Complaints Council (IPCC) identifies areas of improvements in police services through stringent case examinations and analysis of complaint trends and data, and makes timely and practical recommendations to the police in accordance with section 8(1)(c) of the IPCC Ordinance to effectively reduce complaints. Moreover, the IPCC reviews the progress of police's implementation of these recommendations and their effectiveness through the SQII mechanism and discussion at quarterly Joint Meetings with the Complaints Against Police Office (CAPO).

引言

作為獨立監察機構,監警會一直致力提升警隊服務質素、減少投訴,13年來累積提出超過200項 「服務質素改善建議」(改善建議),並獲得警 方的積極回應和跟進。這些改善建議不少與民生 息息相關,本期《監警會通訊》聚焦的交通主題 便是其中之一。

香港是全球路面交通最繁忙的城市之一。根據路 政署2021年9月份的數據,本港有逾815,000部 車輛在道路上行駛,加上本港路況複雜,導致交 通問題頻生,警方亦因而加強交通相關的執法行 動。

參閱香港警務處的資料,警方在2021年的整體交 通執法數字高達380萬宗,當中包括拘捕、發出傳 票及定額罰款通知書等等。執法期間,前線警務 人員不時要與市民溝通接觸,若市民不瞭解警方 的工作程序,或其中一方稍欠耐性,便有機會產 生磨擦,因而衍生投訴。以2021/22年度為例,監 警會通過373宗與交通相關的投訴個案(即佔全年 通過的1,705宗投訴個案約22%),合共涉及529 項指控(即佔全年通過的2,747項指控約20%)。

過去四年,每年與交通相關的投訴個案均佔整體 投訴數字近20%。期間,會方合共提出13項針對 交通的服務質素改善建議,佔建議總數的15%。 本期《監警會通訊》特別以交通為題,並從不 同類型的交通投訴指控中,選取三個範疇作分 享,包括警務人員(一)未有公平或適當處理輕 微交通事故、(二)未有及時處理違例泊車/交 通阻塞情況,以及(三)未有適時處理《交通意 外傷亡援助計劃》申請表格。

下文除了闡述這三個範疇的常見指控,亦會介紹 監警會所提出的改善建議及其成效,讓公眾全面 了解「服務質素改善建議」機制的目標、運作和 成果。

範疇一:輕微交通事故的處理

在香港,若交通事故只涉及車輛或財物輕微損毀 而無人傷亡,即「不涉及傷亡的交通意外」(以下 簡稱「輕微交通事故」),涉事司機可協商和解。

Introduction

As an independent oversight body, the IPCC aims at enhancing service quality of the police and reducing complaints. Over the past 13 years, the IPCC has put forward over 200 SQIIs, which the police have actively responded to and followed up on. Many of these recommendations were closely related to the daily lives of members of the public. This issue of *IPCC Newsletter* will focus on one of the major areas of recommended improvements – traffic.

Hong Kong roads have one of the world's highest vehicle densities. According to data released by the Highways Department in September 2021, there were over 815,000 vehicles on the roads across the territory. The complex road conditions often lead to traffic incidents, and the police have enhanced traffic enforcement to combat this issue.

According to information published by the Hong Kong Police Force, the overall number of traffic enforcement actions in 2021 reached 3.8 million, including arrests, summonses and fixed penalty tickets. While taking enforcement actions, frontline police officers often need to communicate with members of the public. If members of the public do not understand police procedures, or either party starts to lose patience, conflicts may arise and thereby leading to complaints. For example, in 2021/22, the IPCC endorsed 373 traffic-related complaint cases (accounting for approximately 22% of the 1,705 complaint cases endorsed in the year), involving 529 allegations (accounting for approximately 20% of the 2,747 allegations endorsed in the year).

Over the past four years, the number of traffic-related complaint cases in each year accounted for nearly 20% of the overall complaint cases. Meanwhile, the IPCC put forward a total of 13 recommendations on traffic matters, which accounted for 15% of the total number of recommendations made during the same period. While this issue of *IPCC Newsletter* focuses on traffic theme, we will share three particular areas of concern among various types of traffic-related complaints: police officers' failures to (1) handle minor traffic accidents fairly or properly; (2) handle illegal parking / traffic obstruction in a timely manner; and (3) handle application forms for the "Traffic Accident Victims Assistance Scheme" in a timely manner.

In addition, to illustrate the common allegations of these three areas of concern, this cover story will also introduce the recommendations put forward by the IPCC and their effectiveness, so that members of the public can have a thorough understanding of the goals, operation and achievements of the SQII mechanism.

Category 1: The handling of minor traffic accidents

In Hong Kong, if a traffic accident involves only minor damage to the vehicles or property without causing personal injury – that is, "Traffic Accident Damage Only" (hereafter referred to as "minor traffic accidents"), the drivers involved may opt for private settlement. It is



(照片來源:星島日報) (Photo Credit: Sing Tao Daily)

除非有需要尋求警方協助或追究其中一方的刑事 責任,此類事故無須向警方報告。如有警務人員 到場處理交通事故,警務人員會在其記事冊內記 錄處理事件的細節,包括涉事司機是否同意自行 和解。以往,警方的《交通程序手冊》並未規定 警務人員需邀請同意自行和解的司機在記事冊內 簽署確認,因此有機會衍生針對處理事件警務人 員的投訴。

常見指控

涉事司機可能於事後投訴警務人員處理不公, 或投訴警務人員遊説他們和解。如果相關警務 人員沒有邀請同意自行和解的司機在記事冊內 簽署確認,事後便無法得知涉事司機曾否同意 自行和解,出現各執一詞的情況,無法斷定警 務人員曾否處理不公或遊説司機和解,而不就 事故作出調查。

監警會的改善建議

警方《交通程序手冊》已清楚説明警務人員不應 介入涉事司機的和解協商,亦規定警務人員在其 記事冊內記錄處理事件的細節。不過,當中卻未 有規定警務人員必須邀請涉事司機在記事冊內簽 署作實。因此,監警會建議警方進一步修訂《交 通程序手冊》,訂明若涉事司機同意自行和解, not necessary to report such incidents to the police unless there is a need to seek their assistance, or either party wishes to pursue criminal actions. If police officers have been summoned to attend the scene and handle the traffic accident, they will record details of the incident in their police notebooks, including whether or not both parties agree to settle the matter themselves. In the past, the Traffic Procedures Manual (TPM) did not require police officers to invite the parties to sign in the police notebooks to confirm their agreement to private settlement. As a result, this may lead to complaints against the officers handling the accident.

Common allegations

The drivers involved in the accident might subsequently complain that the police officers had handled the matter unfairly, or that the police officers had lobbied them to settle the matter privately. If the police officers did not invite the drivers to sign in the police notebooks to confirm their agreement to private settlement, it would be unable to ascertain whether or not the drivers did reach a settlement themselves, thereby leading to conflicting accounts of whether or not the police officers had handled the matter unfairly or lobbied the drivers to settle the matter privately rather than investigating into the accident.

IPCC's recommendation

The TPM clearly stipulated that police officers should not interfere in drivers' private settlements. It also required police officers to record details of the incidents in their police notebooks. However, it did not require police officers to invite the drivers concerned to sign in the police notebooks for confirmation of any agreed settlement. Therefore, the IPCC recommended that the police further revise the TPM, and stipulate that if the drivers involved in accidents agree to private settlement, police



便須邀請司機在記事冊內簽署確認。若涉事司 機同意自行和解但不願簽署,警務人員亦須在 其記事冊內記錄他們同意自行和解,但不簽署 確認的原因。若日後出現紛爭或投訴,警務人 員的記事冊紀錄便有助了解當時的情況。

建議成效

在未有上述改善建議前,以2018/19年度為 例,共有66項指控與「輕微交通事故」相關, 例如投訴警務人員處理不公、遊說涉事司機和 解、未有調查清楚事件、未有檢控有過失的司 機等。當中涉及警務人員未有公平或適當處理 「輕微交通事故」的指控共有八項。而在推出 改善建議後,這類指控在2021/22年度下降至 兩項,減幅達75%。監警會將繼續跟進改善建 議的成效。

範疇二:違例泊車/交通阻塞

香港地少人多,繁忙時間人車爭路是香港街景特 色,亦是矛盾所在。鬧市商店食肆林立,在狹窄 的道路上除了有公共交通工具停靠上落,更經常 有不守規則的駕駛者為求方便隨意停泊,引致交 通更加擠塞,磨擦爭執時有發生。

據統計,警方僅在2021年就違例泊車事項便發出 超過330萬張 Pol 525 定額罰款通知書。交通阻塞 的報案數字亦持續高企,以2020年為例,警方合 共接獲超過45萬宗交通阻塞的報案。

多年來,警方就違例泊車和交通阻塞執法均遇到 不少投訴。

常見指控

- (一) 指控前線警務人員未有即時對違泊車輛 採取行動。
- (二) 警務人員在票控行動時與有關司機發生 爭吵。
- (三) 指控999控制台人員在收到違泊投訴後, 未有立即調配前線警務人員處理。

officers should invite them to sign in the police notebooks for confirmation. If the drivers agree to private settlement but refuse to sign in the police notebooks, the police officers should record their agreement as well as their reasons for not signing in the police notebooks. Should there be any dispute or complaint in future, records in the police notebooks will be useful for understanding the circumstances at the material time.

Effectiveness of the recommendation

Prior to the implementation of the aforementioned recommendation, there were 66 counts of allegations related to "minor traffic accidents" in 2018/19. For instance, there were allegations against police officers for handling the incidents unfairly, lobbying the drivers concerned to settle privately, failing to investigate the incidents thoroughly, and failing to prosecute the drivers at fault, etc. In particular, there were eight counts of allegations concerning police officers' failure to handle "minor traffic accidents" fairly or properly. After implementing this recommendation, these allegations decreased by 75% to two counts in 2021/22. The IPCC will continue to follow up regarding the effectiveness of this recommendation.

Category 2: Illegal parking / traffic obstruction

Hong Kong is densely populated, with very limited road space. The roads are always crowded with vehicles and pedestrians, and traffic jams are a daily annoyance. In the downtown area, the narrow streets are lined with an array of shops and restaurants. While the streets are packed with public transport picking up and setting down passengers, there are also unruly drivers parking at their will for convenience, which leads to more traffic congestion and disputes from time to time.

Statistics showed that the police issued over 3.3 million fixed penalty tickets (Pol 525) against illegal parking in 2021. Reports of traffic obstruction have also remained at a high level. In 2020, the police received over 450,000 reports of traffic obstruction.

Over the years, there have been quite a number of complaints arising from enforcement actions against illegal parking and traffic obstruction.

Common allegations

- (1) Allegation against frontline police officers for not taking immediate action against illegal parking.
- (2) Allegation against police officers for conflicting with drivers while issuing summons.
- (3) Allegation against officers at the 999 Consoles for not immediately deploying frontline police officers to handle reports of illegal parking.



(照片來源:南華早報) (Photo Credit: South China Morning Post)

監警會的改善建議

因應上述情況,監警會向警方提出兩項改善建 議:

- (一)就前線警務人員處理違泊車輛方面,監警 會建議警隊採取更有效的措施處理違泊個 案,減少誤會或爭拗。使用「電子定額罰 款通知書先導計劃」(電子告票)取代人手 填寫告票便是警方其中一項改善措施,利 用科技取證,即時拍照及發出告票,減少 人為錯誤及不必要的誤會或爭拗。
- (二) 監警會亦建議警方優化999控制台及報案 室人員處理有關違例泊車舉報的程序。就 此,警方積極制定標準文稿,當警務人員 收到來電後,可按文稿清晰地向市民講解 其違泊報案已妥善記錄,並已通知相關警 區交通隊跟進,以釋除市民認為警務人員 未有即時對違泊車輛採取行動的疑慮。

建議成效

在未推出上述改善建議前,於2018/19年度,有 關前線警務人員未有對違泊車輛採取行動的指 控共有19項;而在推出改善建議後,相關指控 在2021/22年度大幅下降近70%至六項。至於 有關999控制台及報案室人員未有處理違泊車 輛舉報的指控,則由2018/19年度的六項,減至 2021/22年度的四項。

IPCC's recommendations

In view of the aforementioned situations, the IPCC put forward two recommendations to the police:

- (1) Regarding frontline officers' handling of illegal parking, the IPCC recommended that the police implement more effective measures to handle illegal parking, so as to minimise misunderstandings or conflicts. One of the improvement measures adopted by the police was the replacement of handwritten tickets with the "e-Ticketing Pilot Scheme" (e-Ticketing). E-ticketing digitalises the processes of taking photos for evidential purposes and issuing tickets, thereby reducing human error and minimising unnecessary misunderstanding or conflicts.
- (2) The IPCC recommended that the police enhance their procedures for handling illegal parking reports by 999 Consoles and Report Room officers. The police actively responded by preparing a set of standard replies. When police officers receive reports from members of the public, they can reply accordingly, and clearly explain to members of the public that their illegal parking reports have been properly recorded and passed to the traffic enforcement teams of the respective police districts for follow-up, thus allaying public concerns over police officers not taking immediate action against illegal parking.

Effectiveness of the recommendations

Prior to the implementation of the aforementioned recommendations, there were 19 allegations concerning frontline police officers not taking action against illegal parking in 2018/19. After these recommendations were implemented, the number of allegations significantly decreased by around 70% to six counts in 2021/22. As for allegations concerning 999 Consoles and Report Room officers not handling illegal parking reports, the number of allegations decreased from six counts in 2018/19 to four counts in 2021/22.



監警會亦留意到,電子告票有助提升整體執法準確度及透明度,從而減少爭拗及投訴。警方在2021年6月的聯席會議上,向監警會匯報自電子告票推出後,爭議告票的比率較之前(傳統手寫告票)減少近一半。以2018年為例,全年共有6,885張爭議手寫告票,佔所有手寫告票的0.34%;而自電子告票推出後,2020年僅有1,928張爭議電子告票,佔所有電子告票的0.18%。

在監警會通過的投訴個案之中,至今未有發現電 子告票內容不準確或不合理發出的情況。相反, 前線人員利用電子告票取證可有助投訴警察課調 查因票控而衍生的投訴。監警會將繼續跟進相關 改善建議的成效。

範疇三:交通意外傷亡援助計劃

2021年,香港共有17,831宗交通意外,傷亡總 人數多達21,751人。在這類「交通意外有人受傷 案件」中,傷者可向社會福利署(社署)申請《交 通意外傷亡援助計劃》(計劃),獲得及時的經濟 援助,以解燃眉之急。過往不少交通意外傷者均 是職業司機及家庭經濟支柱,因傷未能工作,影 響收入來源,因此儘早發放援助金予傷者尤為重 要。

根據社署指引,計劃表格內的交通意外詳情須 由警方提供並確認,其中包括肇事司機的車輛 保險資料。因此,填妥的計劃表格一般會經由 調查交通意外的警務人員提交予社署。

常見指控

就上述計劃,最常見的指控是交通意外傷者指 控警務人員未有及時向社署提交計劃表格,引 致申請延誤。過去有警務人員表示因肇事司機 遲交車輛保險資料,導致警務人員未能及時填 妥計劃表格,無法按照《交通程序手冊》的時 限向社署提交表格,令申請造成延誤。

監警會的改善建議

監警會留意到,如涉及交通意外的司機遲交車 輛保險資料,會令警務人員未能在規定的時限 內向社署提交表格。這有機會導致傷者及其家 The IPCC also noted that e-Ticketing helped improve the overall accuracy and transparency of enforcement, thereby reducing conflicts and complaints. During the Joint Meeting in June 2021, the police reported to the IPCC that since the launch of e-Ticketing, the rate of disputed tickets had fallen by nearly half compared to the rate of disputes over handwritten tickets in previous years. In 2018, for instance, there were 6,885 disputed handwritten tickets, accounting for 0.34% of all handwritten tickets. Since the launch of e-Ticketing, there were only 1,928 disputed e-Tickets in 2020, accounting for 0.18% of all e-Tickets.

Among the complaint cases endorsed by the IPCC, no inaccurate content or unreasonable issuance of e-Tickets was found so far. The use of e-Ticketing will assist CAPO with investigation of complaint cases arising from issuing summonses. The IPCC will continue to follow up regarding the effectiveness of relevant recommendations.

Category 3: Traffic Accident Victims Assistance Scheme

In 2021, there were 17,831 traffic accidents resulting in 21,751 casualties. In "Traffic Accident with Person Injured" (TAPI) cases, victims may apply for timely financial aid to meet their pressing needs through the "Traffic Accident Victims Assistance Scheme" (TAVAS) administered by the Social Welfare Department (SWD). In the past, many of the traffic accident victims were occupational drivers and sole breadwinners for their families. As a result of their injuries, they were unable to work and their source of income was affected. Therefore, it is crucial for the injured persons to receive assistance as soon as practicable.

According to guidelines issued by SWD, details of the traffic accidents must be completed and confirmed by the police, including the insurance information of the drivers concerned. Therefore, the completed application forms are usually submitted to SWD by the investigating police officers.

Common allegation

The most common allegation concerning TAVAS was that the victims alleged the police officers had failed to submit the application forms to SWD in a timely manner, thereby delaying the application process. In the past, police officers reflected that they could not complete the application forms on time and submit them to SWD within the prescribed time frame in accordance with TPM because the drivers concerned delayed in providing their vehicle insurance information, which in turn delayed the application process.

IPCC's recommendation

The IPCC noticed that when drivers involved in traffic accidents delayed in providing their vehicle insurance information, police officers might not be able to submit application forms to SWD within the prescribed time



(照片來源:南華早報) (Photo Credit: South China Morning Post)

人未能及時獲發援助金,令家庭陷入經濟困 境。因此,會方建議警察交通總部檢討《交通 程序手冊》的有關條文並修訂指引,更清晰地 界定警務人員在未有獲得全部保險資料的情況 下,仍需於時限內(嚴重傷亡意外:兩天內;其 他意外:七天內)向社署提交表格,讓社署儘早 處理其申請,並容許警務人員日後補交資料。

建議成效

綜觀2018年至2021年,交通意外傷亡人數由 19,637人增至21,751人,而計劃的申請數目亦 由8,483宗增至10,371宗。儘管兩者均有攀升, 但有關「交通意外有人受傷案件」的投訴指控 卻不升反跌,而監警會在2021/22年度亦未有收 到任何涉及遲交計劃表格的投訴。

社署在2020/21年度發放的援助金總額高達4億 港元。上述改善建議不僅旨在優化警務程序, 更重要的是,能夠讓傷者及其家屬適時取得經 濟援助,紓緩因交通意外而造成的經濟壓力。

總結

在會方提出多項改善建議後,整體涉及交通的 須匯報投訴指控數字呈下跌趨勢,由2018/19 年度的566項(佔整體通過指控約23%),下降 frame. Consequently, the injured persons and their family members might not be able to receive assistance timely, causing them struggles to make ends meet. Therefore, the IPCC recommended that the Traffic Branch Headquarters review relevant provisions in the TPM, and revise the guidelines to clearly stipulate that police officers shall submit the application forms to SWD within the prescribed time frame (two days for serious accidents involving casualties; seven days for other accidents) even if the insurance information is not fully obtained, so that SWD may process the applications as early as possible. Police officers are also allowed to provide supplementary information to SWD once available.

Effectiveness of the recommendation

From 2018 to 2021, the number of traffic accident casualties increased from 19,637 to 21,751, whereas the number of TAVAS applications also increased from 8,483 to 10,371. Although both figures increased, the number of allegations related to TAPI cases did not increase accordingly. In 2021/22, the IPCC did not receive any complaints concerning late submission of TAVAS applications.

In 2020/21, SWD released a total of HK\$400 million of financial aid. The aforementioned recommendation not only aims to enhance police procedures but also, more importantly, to allow victims and their family members to obtain timely financial assistance, thereby minimising their financial hardship resulting from traffic accidents.

Conclusion

Subsequent to the SQIIs put forward by the IPCC, there was a decreasing trend in the overall number of allegations in traffic-related Reportable Complaints, from 566 counts in 2018/19 (accounting for about 23% of the total number of allegations endorsed) to 529 counts in



(照片來源:星島日報) (Photo Credit: Sing Tao Daily)

至2021/22年度的529項(佔整體通過指控約 19%)。這印證警方一直積極回應監警會提出 的改善建議,而相關建議亦取得成效,進一步 減少同類型的投訴個案再度發生。

除上文提及的三個範疇外,監警會亦密切注視 最新科技發展對整體交通投訴趨勢的影響。舉 例說,行車記錄儀的普及固然有助警方調查交 通事故,但亦可能衍生出投訴個案。在2018/19 至2021/22年度,與檢取行車記錄儀相關證據的 指控共有21項,涉及19宗投訴個案,主要指控 警務人員未有搜集或妥善處理有關行車記錄儀 的證據。

就此,監警會在2020/21年度向警方建議,如 車主或司機同意提供行車記錄儀,便須在警察 記事冊簽署作實,以免日後出現爭拗。倘若拒 絕,警務人員亦須記錄情況及拒絕原因。相信 這項建議將有助減少涉及檢取行車記錄儀相關 證據的投訴。

監警會提出的改善建議,涵蓋各方面的警務工 作。這些改善建議有效協助警方提升服務質 素,減少投訴,更有助提升公眾對兩層架構投 訴制度的信心。監警會將繼續檢視其他改善建 議的落實情況,並在日後適時向市民匯報改善 建議取得的成效。 2021/22 (accounting for about 19% of the total number of allegations endorsed). This proves that the SQIIs put forward by the IPCC have been actively addressed by the police, and have succeeded in further reducing the recurrence of similar complaints.

In addition to the aforementioned three categories, the IPCC will keep a keen eye on the impact of the latest technological developments on the overall trend in traffic-related complaints. For instance, while the popularisation of car cameras can assist the police with investigating traffic accidents, it may also result in complaint cases. From 2018/19 to 2021/22, there were 21 counts of allegations relating to seizure of car camera evidence from 19 complaint cases, mostly alleging that police officers had failed to collect or properly handle evidence from car cameras.

In this regard, the IPCC put forward recommendations to the police in 2020/21 to request car owners or drivers to sign in the police notebooks if they agree to provide their car cameras, to avoid possible conflicts in future. If drivers decline to provide their car cameras, police officers should make a record of the circumstances and the reasons for rejection in the police notebooks. The IPCC believes that this recommendation will reduce the number of complaints relating to seizure of car camera evidence.

The SQIIs put forward by the IPCC cover various aspects of police work. These recommendations facilitate the police in enhancing service quality, effectively reduce complaints and, more importantly, reinforce public confidence in the two-tier complaints system. The IPCC will continue to review progress of implementation of other recommendations, and inform members of the public regarding the effectiveness of these recommendations in due course.