

Complaints against a Judge's conduct



J u d i c i a l

Introduction

The mission of the Judiciary is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands domestic and international confidence. To this end, the Judiciary attaches great importance to ensuring that judges' maintain a high standard of professional competence and integrity. It will deal in a fair and proper manner with legitimate complaints against judges.

Principle of Judicial Independence

The principle of judicial independence is fundamental in our judicial system. It involves the independence of each judge at any level of our courts to adjudicate according to law without any interference.

Judges have the duty to resolve disputes. One side is likely to be disappointed or dissatisfied by a judicial decision. Since a judicial decision is made by the judge in the course of independent adjudication, a complaint against the decision cannot be entertained. Anyone who feels aggrieved by a judge's decision can only appeal (where this is available) through the existing legal procedures.

The Judiciary recognises that it is important to have a mechanism for handling complaints against a judge's conduct (as opposed to a judge's judicial decision). Such a mechanism, whilst respecting judicial independence, would enable a complaint against a judge's conduct to be fairly and properly dealt with.

Who handles a complaint against the conduct of a judge

All complaints against judges are handled by the Chief Justice and /or the Court Leader of the relevant level of court as follows:

Judges being complained against ²	Court Leader to handle the complaint	Address
<ul style="list-style-type: none">• Judges of the Court of Final Appeal• Chief Judge, High Court• Chief District Judge• Chief Magistrate• Registrar of the Court of Final Appeal	Chief Justice	1 Battery Path Central Hong Kong Fax : 2123 0028
<ul style="list-style-type: none">• Judges of the High Court• Registrar and Masters of the High Court	Chief Judge, High Court	38 Queensway Hong Kong Fax : 2877 0600
<ul style="list-style-type: none">• Judges of the District Court, the Family Court and the Lands Tribunal• Registrar and Masters of the District Court• Members of the Lands Tribunal	Chief District Judge	Wanchai Law Courts Wanchai Tower 12 Harbour Road Hong Kong Fax : 2511 1940

¹ The term "judges" is used to include judges and judicial officers.

² "Judges being complained against" include all deputy and temporary judges.

Judges being complained against ²	Court Leader to handle the complaint	Address
<ul style="list-style-type: none">• Principal Magistrates, Magistrates and Special Magistrates of the Magistrates' Courts• Principal Presiding Officer and Presiding Officers of the Labour Tribunal• Principal Adjudicator, Adjudicators and Registrar of the Small Claims Tribunal• Coroners of the Coroner's Court• Presiding Magistrates, Adjudicators and Lay Assessors of the Obscene Articles Tribunal	Chief Magistrate	10/F, Kowloon City Magistrates' Courts Building, 147M Argyle Street Kowloon Fax : 2768 4650

How to lodge a complaint against the conduct of a judge and points to note

You may lodge your complaint against the conduct of a judge to the relevant Court Leader. In lodging a complaint, please note the following points:

- All complaints should be made in writing and should be lodged by post or by fax.
- Please provide your name, correspondence address, telephone number and fax number (where available).
- Please set out your complaint clearly and succinctly. You should provide the relevant background and particulars.
- In general, you should include in your complaint:
 - (a) the name of the judge, the court concerned, the date and case number;
 - (b) a description of the judge's conduct you wish to complain of, giving all relevant particulars;
 - (c) other information or copies of documents relevant to the complaint.

Complaints Handling Procedure

- Upon receipt of your complaint, an acknowledgement will be sent to you.
- The relevant Court Leader will investigate the matter. The Court Leader may refer to the relevant court files and audio recordings. He/she may seek further information from you as appropriate. In dealing with the complaint, he/she may seek comments from the judge concerned on the complaint.
- After investigation, the Court Leader will send you a reply to your complaint.
- The Court Leader may take such further action as may be appropriate. Such further action may include bringing the matter to the attention of the Chief Justice and/or at the appropriate time the attention of the Judicial Officers Recommendation Commission. And it may include the Chief Justice and/or the Court Leader giving appropriate advice to the judge concerned.

Response Time

We will usually acknowledge receipt of your complaint within 7 days upon receipt of your complaint. A full reply will usually be given after the relevant Court Leader has completed his/her investigation. The response time will depend on the nature of the complaint, the complexity of the issues involved and the circumstances of the matter concerned.