

Chapter 5 - Mechanism for handling complaints against judges

Introduction

5.1 The Consultation Paper has also invited preliminary views on the desirability and feasibility of establishing a mechanism for handling complaints against judges.

Responses received

5.2 The Judiciary has provided a paper to the Panel on the existing mechanism for handling complaints against judges and considers the complaint mechanism satisfactory.

5.3 While the Bar Association supports the present system, it considers that it should be published to increase transparency.

5.4 The Law Society considers it appropriate to establish a system to address instances of poor or inappropriate judicial performance. However, the matter should be fully debated before specific proposals are put forward.

5.5 A legal professional cautions that the move to establish a formal system in handling complaints against judges must proceed with great prudence. He considers that there is no need to establish such a formal system and the status quo should be maintained.

Recommendation of the Panel

5.6 The Panel has considered a research report prepared by the Research and Library Services Division of the LegCo Secretariat on "Mechanism for Handling Complaints Against Judges in Overseas Places" (RP07/01-02 available on website at

<http://www.legco.gov.hk>). The research studies the mechanism for handling complaints against judges in Canada, the United Kingdom, the United States and the State of New York. The Panel has requested the Judiciary to make reference to the findings in the research in considering improvements to the existing mechanism for handling complaints against judges and staff of the Judiciary Administration.

5.7 The Panel recommends that this issue should be dealt with as a separate exercise in the next legislative session.