
**Advisory Committee on
Complaints against Judicial Conduct
Annual Report 2024**

Background

- 1.1 The Judiciary is committed to ensuring that judges and judicial officers observe the highest standards of conduct, displaying integrity and propriety in all matters, both in and out of court. There is an established mechanism for dealing with complaints against judicial conduct by the Chief Justice and the Court Leaders at all levels of court.
- 1.2 Further to the improvement measures implemented since 2016 and the additional transparency measures introduced in 2020, the Judiciary conducted a review of the mechanism for handling complaints against judicial conduct in 2021, with a view to enhancing its transparency and accountability. Following this review, an enhanced mechanism with a two-tier structure for handling complaints against judicial conduct was introduced in August 2021.
- 1.3 The two-tier system comprises-
 - (a) Tier 1 – A Panel of Judges, consisting of more than one judge at the High Court level, to investigate into serious or complex pursuable complaints against judicial conduct or those which have attracted wide public attention;
 - (b) Tier 2 – The Advisory Committee on Complaints against Judicial Conduct (the Advisory Committee), chaired by the Chief Justice and comprising judges and members from the community, to review and advise on these cases before the Chief Justice makes a final decision on each complaint.

Terms of reference

1.4 The terms of reference of the Advisory Committee are:

- (a) To monitor and advise on the handling of complaints against judicial conduct;
- (b) To identify problems in court practices/procedures which lead or might lead to complaints and recommend improvements where appropriate; and
- (c) To make recommendations on improvements to the complaint handling mechanism.

Membership

1.5 The membership of the Advisory Committee from 16 August 2023 to 15 August 2025 is as follows:

Chairman	The Hon Chief Justice Andrew CHEUNG, GBM Chief Justice of the Court of Final Appeal
Members	The Hon Mr Justice Johnson LAM Permanent Judge of the Court of Final Appeal
	The Hon Mr Justice Patrick CHAN, GBM Non-Permanent Judge of the Court of Final Appeal
	The Hon Mr Justice Jeremy POON Chief Judge of the High Court
	The Hon Madam Justice Susan KWAN Vice-President of the Court of Appeal of the High Court
	Professor LEE Chack-fan, GBM, SBS, JP
	Dr Christopher CHENG Wai-chee, GBS, JP
	Ms Connie LAU Yin-hing, SBS, JP
	Mr Patrick FUNG Pak-tung, BBS, SC

Overview

- 2.1 The Judiciary places great importance on the fair and proper handling of complaints against judicial conduct, while ensuring that the principle of judicial independence is not compromised.
- 2.2 Judicial independence is constitutionally guaranteed by the Basic Law. It is fundamentally important to our judicial system. Each judge or judicial officer, at any level of court, exercises judicial power independently, according to the law and legal principles, free from any interference. Complaints against judicial decisions will NOT be entertained under the mechanism. Any party aggrieved by a judicial decision may seek redress through the applicable legal procedure, such as by lodging an appeal or applying for a review.
- 2.3 Under the complaint handling mechanism, complaints against judicial conduct are categorized as either “non-pursuable complaints” or “pursuable complaints”:
 - (a) “Non-pursuable complaints” are those that do not involve judicial conduct. These include complaints against judicial/statutory decisions, or complaints that are essentially about such decisions; and complaints that are frivolous or vexatious, such as those based on factual contentions that are clearly baseless (e.g. serious allegations unsupported by factual evidence), or complaints that are misconceived or lack substance.
 - (b) “Pursuable complaints” are those that do not fall under the definition of non-pursuable complaints. They are dealt with under the complaint handling mechanism described below.

Mechanism for handling Pursuable Complaints against Judicial Conduct

- 2.4 As from 16 August 2021, all pursuable complaints against judicial conduct are handled under the two-tier structure. For serious or complex pursuable complaints, or those that have attracted wide public attention, the first-tier Panel of Judges investigates the complaints. The second-tier Advisory Committee then reviews and gives advice on how they should be handled before the Chief Justice makes a final decision on each complaint.
- 2.5 Pursuable complaints directly related to judicial conduct of judges of the Court of Final Appeal and Court Leaders (i.e. the Chief Judge of the High Court, the Chief District Judge, and the Chief Magistrate)¹ are also handled under the two-tier system, regardless of whether they are of a serious or minor nature.
- 2.6 For other pursuable complaints, the relevant Court Leaders will first investigate the complaints. These will then be reviewed by one or more High Court judges before being disposed of, and the results will be reported to the Advisory Committee periodically in a summary format. Where justified, the Chief Justice, on the advice of the Advisory Committee, may direct that any case be re-opened or further reviewed.
- 2.7 A flowchart showing the steps for handling pursuable complaints is provided in the *Appendix*.

Report on Non-pursuable Complaints

- 2.8 The disposal of non-pursuable complaints will be reported to the Advisory Committee periodically in a summary manner. The Advisory Committee may, where necessary and appropriate, raise questions and express views regarding this category of complaints.

¹ These are complaints that are directly related to their own conduct, and are not complaints against their handling of the original complaints or their neglect of their monitoring role concerning allegations against other judges.

Work of the Advisory Committee

- 3.1 In 2024, the Judiciary disposed of 111 complaints (see paragraph 3.5).
- 3.2 During the year, the Advisory Committee reviewed the investigation findings of 126 disposed complaints² and endorsed the conclusions on them. They included:
- (a) one pursuable complaint which was found to be partially substantiated;
 - (b) 26 pursuable complaints which were found to be unsubstantiated or were repeated complaints without new grounds; and
 - (c) 99 non-pursuable complaints which were either complaints against judicial decisions/frivolous complaints or repeated complaints without new grounds.
- 3.3 Regarding the partially substantiated complaint, the complainant was an unrepresented litigant in the Small Claims Tribunal. He complained against a Deputy Adjudicator's manner at a pre-trial hearing. The complainant alleged that the Deputy Adjudicator had already formed a settled view on the case before the hearing. The Court Leader investigated the case and found that the Deputy Adjudicator had, at times, responded to the complainant in an impatient manner, and some of the Deputy Adjudicator's utterances and expressions were inappropriate and might undermine the perception of impartiality. The complaint against judicial conduct was therefore found to be partially substantiated. The Court Leader's investigation findings were reviewed by two High Court

² These include complaints that were disposed of in late 2023 but had not yet been reported to the Advisory Committee that year. Please refer to the reporting arrangement outlined in paragraphs 2.6 and 2.8.

Judges who agreed with the findings and disposed of the complaint accordingly. Upon review, the Advisory Committee endorsed the conclusion on this complaint. The Court Leader has reminded all relevant judicial officers of the importance of impartiality and courtesy in the performance of the judicial functions.



(from left to right) The Hon Mr Justice Jeremy POON; The Hon Mr Justice Patrick CHAN; The Hon Mr Justice Johnson LAM; The Hon Chief Justice Andrew CHEUNG; Dr Christopher CHENG Wai-chee; Ms Connie LAU Yin-hing; Mr Patrick FUNG Pak-tung, SC

Complaints Disposed of in 2024

3.4 In 2024, a total of 111 complaints were disposed of, including 18 pursuable complaints against judicial conduct and 93 non-pursuable complaints. Most of the non-pursuable complaints were related to judicial decisions. In accordance with the principle of judicial independence, complaints against judicial decisions cannot and will not be dealt with under the complaint handling mechanism. Any dissatisfaction with judicial decisions must be addressed through appeal or review using the existing legal procedures.

3.5 Information regarding the complaints disposed of in 2024 is summarised below:

Number of Complaints disposed of ¹	2024 Total
a) Pursuable complaints against judicial conduct	18 ^{2, 3}
b) Non-pursuable complaints (judicial/statutory decisions or frivolous/vexatious complaints)	93 ⁴
Total	111 ⁵

1. Under the enhanced mechanism, the investigation findings of all pursuable complaints against judicial conduct will be reviewed either by the Advisory Committee (for complaints which are serious, complex, attract wide public attention, or directly pertain to judicial conduct of specific judges) or by High Court judges (for other pursuable complaints against judicial conduct) before disposal. In addition, the disposal of other pursuable complaints, as well as non-pursuable complaints, will be summarily reported to the Advisory Committee periodically.
2. These are other pursuable complaints against judicial conduct that have been reviewed by High Court judges before disposal. They have been or will be summarily reported to the Advisory Committee periodically.
3. Among these pursuable complaints, there is one partially substantiated case (see paragraph 3.3 above).
4. These non-pursuable complaints have been or will be summarily reported to the Advisory Committee periodically.
5. The number of complaints disposed of only includes complaints that included the mandatory information (i.e. the complainant's name and correspondence address).

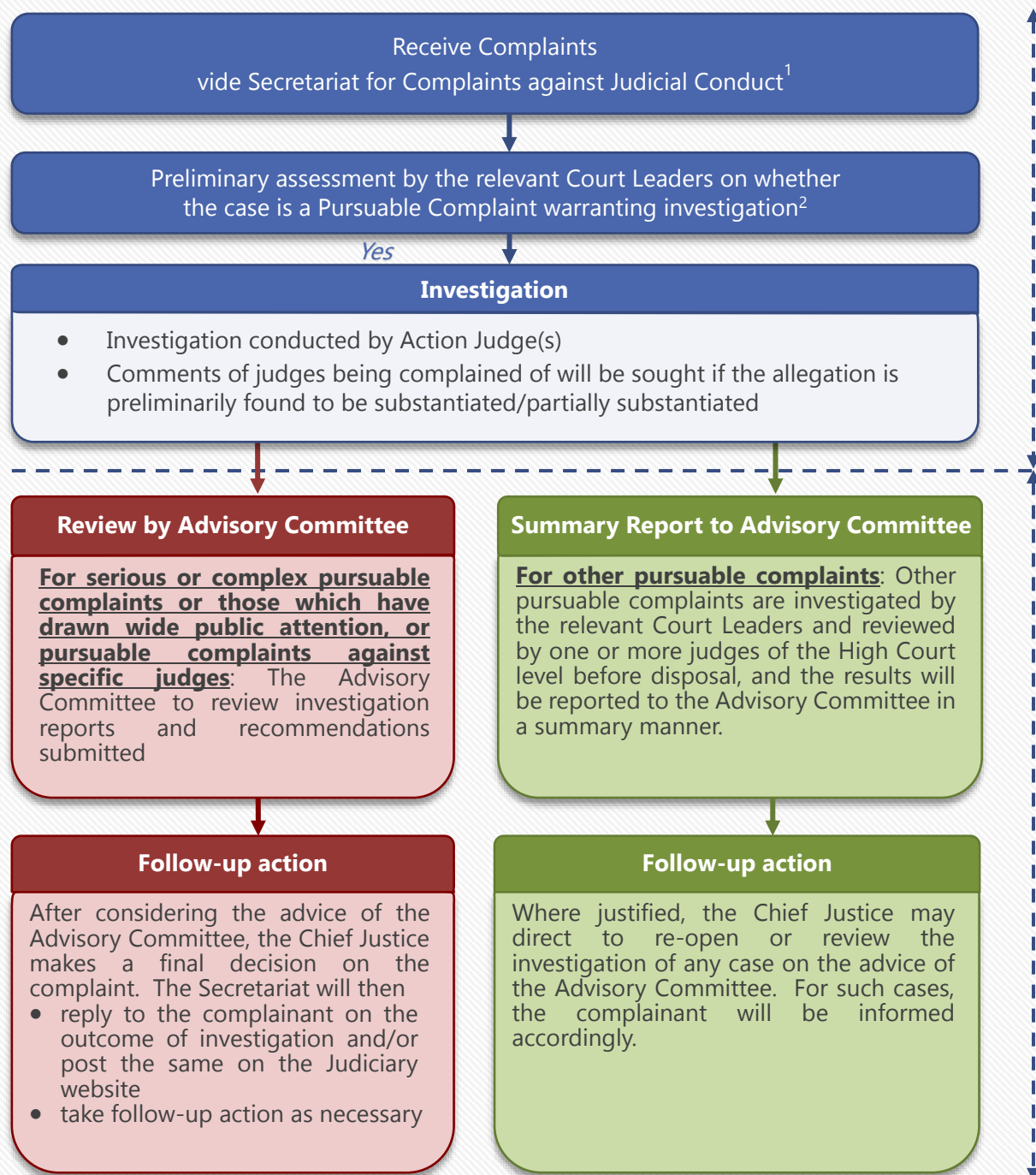
- 3.6 Complaints related to judicial conduct are broadly classified according to their nature. Among the pursuable complaints against judicial conduct, 5 cases were related to attitude and behaviour in court, 6 cases were about the handling of court proceedings, and 7 cases were of a mixed nature.

Period	No. of Complaints disposed of relating to Judicial Conduct	Classification by Nature			
		C1 ¹ (Attitude and Behaviour in Court)	C2 ² (Conduct of Proceedings)	C3 ³ (Conduct Outside Court)	Mixed (Involving more than one category)
2024	18	5	6	0	7 [C1+C2]

1. Category 1 ("C1") – allegations relating to poor or undesirable attitude or behaviour of judges and judicial officers in court, e.g. lack of punctuality, rudeness, etc.
2. Category 2 ("C2") – allegations concerning improper handling of court proceedings, e.g. bias, excessive intervention, inappropriate comments, lack of preparation, unilateral communication with parties, etc.
3. Category 3 ("C3") – allegations of improper behaviour or conduct not directly related to court work, e.g. erecting illegal structures on premises owned by judges and judicial officers, using judicial stationery for private correspondence, etc.

Appendix

Flowchart for Handling of Pursuable Complaints



Note:

1. Where the allegations in a complaint are associated with on-going court proceedings, the investigation will normally be deferred until after the conclusion of all relevant court proceedings.
2. The disposal of non-pursuable complaints will be summarily reported to the Advisory Committee periodically. Where justified, the Chief Justice, on the advice of the Advisory Committee, may direct that a complaint be reopened or reviewed.