
**Advisory Committee on
Complaints against Judicial Conduct
Annual Report 2025**

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 2025 to 15 August 2027 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
	Dr Christopher CHENG, GBS, JP
	Ms Connie LAU, SBS, JP
	Ms Anita FUNG, BBS, JP
	Mr Patrick FUNG, 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.

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Monitoring of Complaint Handling

Work of the Advisory Committee

- 3.1 In 2025, the Advisory Committee reviewed the investigation reports prepared by the Panel of Judges on six complaints that were serious, complex, or attracted wide public attention.
- 3.2 One complaint was made against a Judge of the Court of First Instance of the High Court for judicial copying (HCA 2310/2018).
- 3.3 Following a careful examination and extensive deliberation of the investigation report by the Panel of judges, the Advisory Committee considered that the complaint was not substantiated mainly on the ground that the Judge had brought an independent mind to his judicial function of adjudicating on the issues in the case, and the complaint that the Judge fails to analyse the facts of the case was therefore not made out. Accordingly, the substantial copying involved was not regarded as judicial misconduct. Nonetheless, the Advisory Committee emphasized that justice must not only be done, but should also be seen to be done. Since substantial judicial copying was prone to raise doubts about whether the judge had exercised an independent mind in performing his/her judicial functions, it should be strongly discouraged in any event.
- 3.4 In light of the Advisory Committee's advice, the Chief Justice concluded that the complaint was not substantiated. The Chief Justice takes the view that as a matter of principle, a judge's duty is to decide a case independently and impartially, and this should be demonstrated in the judgment. The Judge concerned should be firmly reminded to desist from the practice of substantial copying unless there are exceptional circumstances. Suitable guidance on judgment writing should also be provided to the Judge.
- 3.5 The remaining five complaints were made on a Magistrate for his bias in handling a court case, alleging that he did not adequately take into account all relevant circumstances of the case and wrongly

acquitted the defendants (ESCC 2586/2019). After acquittal, the prosecution appealed (by way of case stated) to the Court of First Instance which decided to remit the case with its legal opinions to the Magistrate for reconsideration. The same Magistrate, after reconsideration, subsequently convicted some defendants of the case.

- 3.6 Taking into account the investigation report from the Panel of Judges, the Advisory Committee considered that the complaint was not substantiated because the Magistrate did not express any view on the defendants' criminal acts which might reasonably be regarded as inappropriate or indicative of any political inclination on the Magistrate's part. Nor did any of his conduct amount to actual or apparent bias.
- 3.7 The Chief Justice agreed with the Advisory Committee and concluded that the complaints were not substantiated.
- 3.8 In line with the established practice, the investigation outcomes and decisions on these complaints were posted on the Judiciary website for public perusal.
- 3.9 In 2025, there were two other pursuable complaints against judicial conduct that were found to be partially substantiated. Essential details are summarised below:

Case 1

A claimant in a Labour Tribunal case complained against a Deputy Presiding Officer's manner at a call-over hearing. The complainant alleged that the Deputy Presiding Officer "roared" at and "reprimanded" him and displayed a contemptuous attitude towards him concerning the issue of interest. The Court Leader found that when the complainant refused to issue a receipt to the Defendants for the interest, the Deputy Presiding Officer did raise her voice when speaking to the complainant.

Case 2

A claimant in a Labour Tribunal case complained against a Deputy Presiding Officer for failing to maintain courtroom decorum, mocking his language proficiency, displaying bias and unduly intervening in the hearing, and repeatedly raising her voice. The Court Leader noted that at the pre-trial review, when the complainant requested to examine an employee of the Defendant Company, the Deputy Presiding Officer at one point spoke in a raised voice, expressing remarks in a tone that exceeded reasonable strictness, had the character of a rebuke and lacked the solemnity and caution expected of a judicial officer, which were unnecessary and lacking in restraint.

- 3.10 The Court Leader's investigation findings on these two cases were reviewed by two High Court judges who agreed to the findings and considered the complaints partially substantiated. In line with the established mechanism, the outcome of these two cases was reported to members of the Advisory Committee in a summary manner.
- 3.11 The Advisory Committee also endorsed the conclusions of the following complaint cases disposed of by the Judiciary during the period from 1 October 2024 to 30 September 2025, which were summarily reported to them:
 - (a) 13 other pursuable complaints which were found to be unsubstantiated or were repeated complaints without new grounds; and
 - (b) 68 non-pursuable complaints which were either complaints against judicial decisions/frivolous complaints or repeated complaints without new grounds.

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Complaints Disposed of in 2025

Complaints Disposed of in 2025

- 4.1 In 2025, a total of 61 complaints were disposed of, including 24 pursuable complaints against judicial conduct and 37 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.
- 4.2 Among these complaints, six of them were serious, complex or attracted wide public attention.

4.3 Information regarding the complaints disposed of in 2025 is summarised below:

Number of Complaints disposed of ¹	2025 Total
a) Pursuable complaints against judicial conduct	24
- <i>pursuable complaints which are serious, complex or attract wide public attention</i>	6 ²
- <i>other pursuable complaints against judicial conduct</i>	18 ³
b) Non-pursuable complaints (judicial/statutory decisions or frivolous/vexatious complaints)	37⁴
Total	61⁵

1. Under the enhanced mechanism, the investigation findings of all pursuable complaints against judicial conduct are 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, is summarily reported to the Advisory Committee periodically.
2. The figure refers to complaints involving two court cases and have been reviewed by the Advisory Committee in the year.
3. These are other pursuable complaints against judicial conduct that have been reviewed by High Court judges before disposal. Among these complaints, there are two partially substantiated cases (see paragraph 3.9-3.10 above). They have been or will be summarily reported to the Advisory Committee periodically.
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).

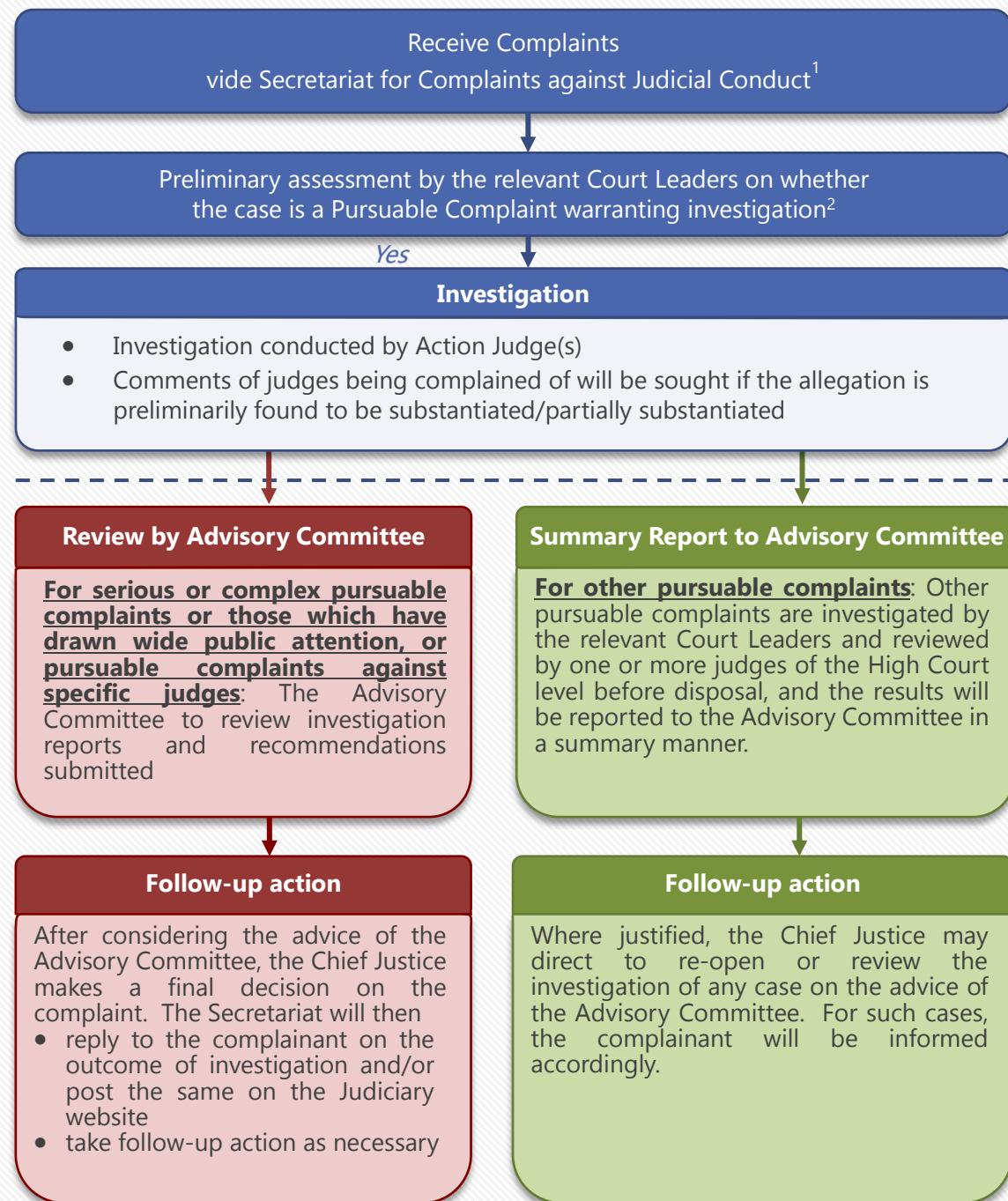
4.4 Complaints related to judicial conduct are broadly classified according to their nature. Among the pursuable complaints against judicial conduct, five cases were related to attitude and behaviour in court, 12 cases were about the handling of court proceedings, and seven cases were of a mixed nature.

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)
2025	24	5	12 ⁴	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.
4. Including six complaints which were serious, complex or attracted wide public attention, involving two court cases.

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.