



# 如何就法官的行為 作出投訴

Complaints against  
a Judge's conduct

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## 如何就法官的行為作出投訴

### 1. 引言

司法機構的使命，是維持司法制度的獨立及其至高的專業水平，以維護法治、保障個人權利和自由，及取得香港、內地及其他地方對香港司法制度的信任。因此，司法機構十分重視法官<sup>1</sup>的專業才能及品格操守。任何人投訴法官，只要有事實根據，司法機構定當秉公處理。

### 2. 司法獨立的原則

- 2.1 司法獨立是我們司法制度最基本的原則。各級法院的法官都是獨立依法斷案，不受任何干預。
- 2.2 解決糾紛是法官的職責。訴訟的其中一方很可能對司法判決感到失望，甚至不滿。由於司法判決是法官經過獨立斷案而作出的，因此，司法機構不會接納就該等判決而提出的投訴。任何人若不服法官的判決，只可循現有法律程序提出上訴（如適用）。

### 3. 投訴法官行為的機制

司法機構理解到設立投訴法官行為（而不是法官所作的司法判決）的機制的重要性。設立這樣的機制，既尊重司法獨立，又能確保因法官的行為而引起的投訴得到公平及妥善的處理。

### 4. 因法官的行為而引起的投訴，是由誰負責處理的？

- 4.1 所有關於法官的投訴均由終審法院首席法官及／或有關法院級別的法院領導處理，而投訴法官行為秘書處則會提供行政支援。

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<sup>1</sup>「法官」一詞涵蓋法官及司法人員。

被投訴的法官 <sup>2</sup>	處理投訴的法院領導
<ul style="list-style-type: none"> <li>終審法院法官</li> <li>高等法院首席法官</li> <li>首席區域法院法官</li> <li>終審法院司法常務官</li> <li>總裁判官</li> </ul>	終審法院首席法官
<ul style="list-style-type: none"> <li>高等法院法官</li> <li>土地審裁處庭長</li> <li>高等法院司法常務官及聆案官</li> </ul>	高等法院首席法官
<ul style="list-style-type: none"> <li>區域法院及家事法庭法官</li> <li>區域法院司法常務官及聆案官</li> <li>土地審裁處法官及成員</li> </ul>	首席區域法院法官
<ul style="list-style-type: none"> <li>裁判法院主任裁判官、裁判官及特委裁判官</li> <li>勞資審裁處主任審裁官及審裁官</li> <li>小額錢債審裁處主任審裁官、審裁官及司法常務官</li> <li>死因裁判法庭死因裁判官</li> <li>淫褻物品審裁處主審裁判官、審裁委員及裁判委員</li> </ul>	總裁判官

<sup>2</sup> 「被投訴的法官」一詞涵蓋暫委法官及臨時委任的法官。

- 4.2 如法院領導認為不宜由他／她親自處理某宗投訴，理由是這樣處理或會招致實際上存有或令人感到可能存有利益衝突，他／她便可指示另一位法官處理該宗投訴。

## 5. 如對法官的行為感到不滿，可如何提出投訴？

- 5.1 所有關於法官行為的投訴均應送交投訴法官行為秘書處，其通訊地址為：

香港金鐘道38號高等法院大樓

- 5.2 投訴時請注意下列各點：

- (1) 任何投訴必須以書面提出。
- (2) 投訴必須以郵遞方式送交。
- (3) 投訴人必須提供(i)姓名及(ii)聯絡地址。如投訴人未能提供這些必須填報的資料，有關投訴將不獲處理。
- (4) 請清楚和明確地寫出投訴事項，並提供有關的背景及詳情。

- 5.3 一般來說，投訴時請提供以下資料：

- (1) 有關法官的姓名、其所屬法院、聆訊日期及案件編號；
- (2) 對擬投訴的法官所作行為的描述，以及有關的所有詳情；
- (3) 與投訴有關的其他資料或文件。

- 5.4 為方便投訴人提供必要的資料以作跟進行動之用，投訴人可填妥標準投訴表格（見附表），並附上相關證明文件。標準投訴表格的電子版本可於下列網站下載：[https://www.judiciary.hk/zh/court\\_services\\_facilities/forms.html](https://www.judiciary.hk/zh/court_services_facilities/forms.html)

- 5.5 司法機構並無責任就投訴索取進一步資料。請投訴人確保提出投訴時已包含上文5.2及5.3段述明的資料。

- 5.6 投訴法官行為秘書處會協調處理投訴，並將投訴送交有關的法院領導以進行調查。

- 5.7 投訴表格的正本及任何已提供的資料均由司法機構處置，一般不會退還予投訴人。

## 6. 處理投訴的程序

- 6.1 司法機構在接到投訴後，通常會向投訴人覆函確認收到投訴。
- 6.2 有關的法院領導會對事件進行調查<sup>3</sup>。法院領導或會翻查有關的法院檔案，以及聆聽聆訊錄音。如有需要，亦會向投訴人索取其他有關的資料。在處理投訴期間，被投訴的法官亦可能被詢問其對有關投訴的意見。
- 6.3 在調查完畢後，投訴法官行為秘書處會按照法院領導的指示回覆投訴人。
- 6.4 如有需要，法院領導可採取進一步行動，這包括向終審法院首席法官報告有關事件，以及／或在適當的時候將事件告知司法人員推薦委員會。此外，終審法院首席法官及／或法院領導或會按情況給予有關法官一些忠告。
- 6.5 如法院領導已指示某一位法官處理某宗投訴（參閱上文4.2段），該位指明的法官便會如同該法院領導般處理投訴（參閱上文6.1至6.4段）。

## 7. 處理投訴所需時間

- 7.1 司法機構在接到投訴後，通常會於7個工作天內覆函確認收到投訴。詳細的書面回覆則通常在有關法院領導或指明的法官調查完畢後發出。
- 7.2 就針對同一名法官而提出的性質相同或類似投訴，為更有效地傳達訊息及處理該等投訴，投訴法官行為秘書處可在適當的情況下，按照相關法院領導的指示把該等投訴的要點以及有關的回應上載至司法機構網站，以代替就每宗投訴作個別回覆（[https://www.judiciary.hk/zh/about\\_us/judicial\\_conduct.html](https://www.judiciary.hk/zh/about_us/judicial_conduct.html)）。

<sup>3</sup> 調查只會在所有相關的法院程序(包括上訴)完結後才進行。

7.3 處理投訴需時多久，視乎投訴的性質、所涉事件的複雜程度，以及有關事件的個別情況而定。

## 8. 投訴法官行為的一般查詢

如欲查詢有關投訴法官行為的事宜，可致電2869 0869。

## 9. 收集個人資料聲明

### 9.1 收集的目的

- (1) 你投訴時提供的個人資料，司法機構將用於處理及調查你的投訴的用途。
- (2) 司法機構亦可能會將你的投訴用來編製統計數字，例如投訴數目及投訴性質等。但統計所得的結果不會令人識辨你的投訴及你的任何個人資料。
- (3) 你必須提供你的姓名及聯絡地址。如你提供的資料不足，司法機構將無法處理及調查你的投訴。

### 9.2 接受資料轉交的人士

你投訴時所提供的個人資料或該等資料的副本將會因應上文第9.1(1)及第9.1(2)所述之目的而轉交相關人士或向其披露。

### 9.3 查閱個人資料

- (1) 根據香港法例第486章《個人資料（私隱）條例》，你有權要求查閱及更改在投訴時提供的個人資料。
- (2) 如果你要查閱個人資料，便須填妥個人資料私隱專員根據《個人資料（私隱）條例》第67條所指明的「查閱資料要求表格」。表格可於下列網址下載：[https://www.judiciary.hk/tc/crt\\_services/pphlt/pdf/jud39c.pdf](https://www.judiciary.hk/tc/crt_services/pphlt/pdf/jud39c.pdf)，亦可於司法機構各詢問處索取。
- (3) 你的查閱權包括有權索取你投訴時提供的個人資料的副本，費用是每頁（A4尺寸）1.3元，或按照庫務署署長所公布的費用計算。

#### 9.4 查詢

如欲查詢你投訴時提供的個人資料，包括查閱及更改資料，應向  
下述負責人員提出：

香港金鐘道38號高等法院大樓  
公開資料主任  
高級司法行政主任（投訴）  
電話：2825 0346  
傳真：2530 5102

司法機構  
二〇二零年七月  
（第五版）

## 附表

### 有關法官行為的投訴表格

請以正楷填寫以下資料。

#### 甲. 投訴人資料\*

i. 英文姓名(Mr/Mrs/Ms/Miss<sup>#</sup>)\_\_\_\_\_

ii. 中文姓名\_\_\_\_\_ (先生/女士/小姐<sup>#</sup>)

iii. 聯絡地址:

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#### 乙. 投訴詳情

i. 法官/司法人員姓名\*:

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ii. 法院或審裁處名稱\*:\_\_\_\_\_

iii. 聆訊／事件日期:\_\_\_\_\_

iv. 法院案件編號:\_\_\_\_\_ (如適用)

v. 案件正在覆核／上訴：是／否<sup>#</sup>

如是，上訴編號:\_\_\_\_\_

vi. 本人的投訴如下:

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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(請提供相關證明文件。如有需要，請另紙書寫)

丙. 確認及聲明

本人現確認本表格第IV頁收集個人資料聲明所載的內容，以及謹此聲明，本人所提供的投訴詳請，均屬真確無訛。

簽署:\_\_\_\_\_ 日期:\_\_\_\_\_

已填妥之表格應送交：

香港金鐘道38號

高等法院大樓

投訴法官行為秘書處

\* 你必須提供姓名及聯絡地址。如你提供的資料不足，司法機構將無法處理及調查你的投訴。調查只會在所有相關的法院程序(包括上訴)完結後才進行。

# 請刪去不適用者

## **收集個人資料聲明**

### **A. 收集的目的**

1. 你投訴時提供的個人資料，司法機構將用於處理及調查你的投訴的用途。
2. 司法機構亦可能會將你的投訴用來編製統計數字，例如投訴數目及投訴性質等。但統計所得的結果不會令人識辨你的投訴及你的任何個人資料。
3. 你必須提供你的姓名及聯絡地址。如你提供的資料不足，司法機構將無法處理及調查你的投訴。

### **B. 接受資料轉交的人士**

4. 你投訴時所提供的個人資料或該等資料的副本將會因應上文第1及第2所述之目的而轉交相關人士或向其披露。

### **C. 查閱個人資料**

5. 根據香港法例第486章《個人資料（私隱）條例》，你有權要求查閱及更改在投訴時提供的個人資料。
6. 如果你要查閱個人資料，便須填妥個人資料私隱專員根據《個人資料（私隱）條例》第67條所指明的「查閱資料要求表格」。表格可於下列網址下載：[https://www.judiciary.hk/tc/crt\\_services/pphlt/pdf/jud39c.pdf](https://www.judiciary.hk/tc/crt_services/pphlt/pdf/jud39c.pdf)，亦可於司法機構各詢問處索取。
7. 你的查閱權包括有權索取你投訴時提供的個人資料的副本，費用是每頁（A4尺寸）1.3元，或按照庫務署署長所公布的費用計算。

### **D. 查詢**

8. 如欲查詢你投訴時提供的個人資料，包括查閱及更改資料，應向下述負責人員提出：

香港金鐘道38號高等法院大樓  
公開資料主任  
高級司法行政主任（投訴）  
電話：2825 0346  
傳真：2530 5102

## **Complaints against a Judge's Conduct**

### **1. Introduction**

The mission of the Judiciary is to maintain an independent and effective judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands confidence within and outside Hong Kong. To this end, the Judiciary attaches great importance to ensuring that judges<sup>1</sup> maintain a high standard of professional competence and integrity. It will deal in a fair and proper manner with legitimate complaints against judges.

### **2. Principle of Judicial Independence**

- 2.1 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.
- 2.2 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.

### **3. Mechanism for Complaints against Judges' Conduct**

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.

### **4. Who handles a complaint against the conduct of a judge**

- 4.1 All complaints against judges are handled by the Chief Justice and/or the Court Leader of the relevant level of court with executive support from the Secretariat for Complaints against Judicial Conduct (SCJC) as follows:

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<sup>1</sup> The term "judges" is used to include judges and judicial officers.

<b>Judges being complained against<sup>2</sup></b>	<b>Court Leader to handle the complaint</b>
<ul style="list-style-type: none"> <li>• Judges of the Court of Final Appeal</li> <li>• Chief Judge, High Court</li> <li>• Chief District Judge</li> <li>• Registrar of the Court of Final Appeal</li> <li>• Chief Magistrate</li> </ul>	Chief Justice
<ul style="list-style-type: none"> <li>• Judges of the High Court</li> <li>• President of the Lands Tribunal</li> <li>• Registrar and Masters of the High Court</li> </ul>	Chief Judge, High Court
<ul style="list-style-type: none"> <li>• Judges of the District Court and the Family Court</li> <li>• Registrar and Masters of the District Court</li> <li>• Presiding Officers and Members of the Lands Tribunal</li> </ul>	Chief District Judge
<ul style="list-style-type: none"> <li>• Principal Magistrates, Magistrates and Special Magistrates of the Magistrates' Courts</li> <li>• Principal Presiding Officer and Presiding Officers of the Labour Tribunal</li> <li>• Principal Adjudicator, Adjudicators and Registrar of the Small Claims Tribunal</li> <li>• Coroners of the Coroner's Court</li> <li>• Presiding Magistrates, Adjudicators and Lay Assessors of the Obscene Articles Tribunal</li> </ul>	Chief Magistrate

<sup>2</sup> "Judges being complained against" include all deputy and temporary judges.

- 4.2 If a Court Leader considers it inappropriate for him/her to handle a complaint as this may lead to any real or perceived conflict of interest, he/she may instruct another judge to handle the complaint.

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

- 5.1 All complaints against the conduct of a judge should be sent to the SCJC, the correspondence address of which is as follows:

High Court Building, 38 Queensway, Hong Kong.

- 5.2 In lodging a complaint, please note the following points:

- (1) Any complaints should only be made in writing.
- (2) Complaints should only be lodged by post.
- (3) The provision of (i) your name and (ii) correspondence address is obligatory. Failing to provide obligatory information will render the complaint not to be processed further.
- (4) Please set out your complaint clearly and succinctly. You should provide the relevant background and particulars.

- 5.3 In general, you should include in your complaint:

- (1) the name of the judge, the court concerned, the date and case number;
- (2) a description of the judge's conduct you wish to complain of, giving all relevant particulars;
- (3) other information or copies of documents relevant to the complaint.

- 5.4 To facilitate the provision of essential information for follow-up action, you may fill in our standard complaint form (at Annex) and attach relevant supporting documents. The soft copy of the standard complaint form is accessible at [https://www.judiciary.hk/en/court\\_services\\_facilities/forms.html](https://www.judiciary.hk/en/court_services_facilities/forms.html)

- 5.5 The Judiciary is not under any obligation to seek further information on the complaint. Please ensure that the information as set out in paragraphs 5.2 and 5.3 are submitted in your complaint.

- 5.6 The SCJC will coordinate the handling of complaints and it will forward the complaints to the relevant Court Leaders for investigation.
- 5.7 The original of the complaint form and any material provided will be at the disposal of the Judiciary and normally will not be returned to you.

## **6. Complaints Handling Procedure**

- 6.1 Upon receipt of your complaint, an acknowledgement will usually be sent to you.
- 6.2 The relevant Court Leader will investigate the matter<sup>3</sup>. 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.
- 6.3 After investigation, the SCJC will, on the instruction of the Court Leader, provide a reply to your complaint.
- 6.4 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.
- 6.5 Where the Court Leader has instructed a judge to handle a complaint (see paragraph 4.2 above), the designated judge will handle the complaint in the same manner as the Court Leader (see paragraphs 6.1 to 6.4 above).

## **7. Response Time**

- 7.1 We will usually acknowledge receipt of your complaint within 7 working days upon receipt of your complaint. A full reply will usually be given after the relevant Court Leader or designated judge has completed his/her investigation.

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<sup>3</sup> Investigation will only be carried out when all relevant court proceedings (including appeals) have been completed.

- 7.2 In relation to complaints of an identical or similar nature against the same judge, to enable the more efficient communication and handling of such complaints, the SCJC may, where appropriate and on the direction of the relevant Court Leader, post the gist of and the response to these complaints on its website instead of replying to each complaint individually ([https://www.judiciary.hk/en/about\\_us/judicial\\_conduct.html](https://www.judiciary.hk/en/about_us/judicial_conduct.html)).
- 7.3 The response time will depend on the nature of the complaint, the complexity of the issues involved and the circumstances of the matter concerned.

## **8. General Enquiries on Complaints against Judicial Conduct**

For enquiries concerning complaints against judicial conduct, please contact 2869 0869.

## **9. Personal Data Collection Statement**

### **9.1 Purpose of Collection**

- (1) Personal data provided in your complaint will be used by the Judiciary for the purposes of processing and investigating your complaint.
- (2) Your complaint may also be used for the compilation of statistics on the number and nature of complaints received by the Judiciary. The outcome of the resulting statistics will not be in a form that will identify your complaint and any of your personal data.
- (3) The provision of your name and correspondence address is obligatory. If you do not provide sufficient information, the Judiciary will not be able to process and investigate your complaint.

### **9.2 Classes of Transferees**

Personal data in your complaint, or copies of which, will be disclosed or transferred to parties relevant and necessary for the purposes as stated in paragraphs 9.1(1) and 9.1(2) above.



### 9.3 Access to Personal Data

- (1) You have a right to request access to and correction of your personal data provided in your complaint in accordance with the Personal Data (Privacy) Ordinance (Cap. 486).
- (2) You should make your access request by completing the Data Access Request Form specified by the Privacy Commissioner for Personal Data under section 67 of the Personal Data (Privacy) Ordinance. The Form is accessible at [https://www.judiciary.hk/en/crt\\_services/pphlt/pdf/jud39e.pdf](https://www.judiciary.hk/en/crt_services/pphlt/pdf/jud39e.pdf) and available at all enquiry counters of the Judiciary.
- (3) Your right of access includes the right to obtain a copy of your personal data provided in the complaint subject to payment of a fee at \$1.3 per page (A4 size) or at such rate as shall be promulgated by the Director of Accounting Services.

### 9.4 Enquiries

Enquiries concerning your personal data provided in your complaint, including making access and corrections, should be addressed to :

Senior Judiciary Executive (Complaints),  
Access to Information Officer,  
High Court Building, 38 Queensway, Hong Kong  
Tel : 2825 0346  
Fax : 2530 5102

Judiciary  
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**Form for Complaints against a Judge's Conduct**

Please fill in the form with block letters.

**A. Particulars of the Complainant\***

- i. English Name(Mr/Mrs/Ms/Miss<sup>#</sup>)\_\_\_\_\_
- ii. Chinese Name\_\_\_\_\_ (先生/女士/小姐<sup>#</sup>)
- iii. Correspondence address:

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**B. Details of the Complaint**

- i. Name of Judge(s)/Judicial Officer(s)\*: \_\_\_\_\_
- ii. Name of the Court or Tribunal\*: \_\_\_\_\_
- iii. Date of hearing/incident: \_\_\_\_\_
- iv. Court case no.: \_\_\_\_\_ (if applicable)
- v. Case under review/appeal: Yes / No<sup>#</sup>  
if yes, Appeal No.: \_\_\_\_\_
- vi. My complaint is as follows:

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*(Please provide relevant supporting documents and use separate sheets if necessary.)*

### C. Acknowledgement and Declaration

I acknowledge the content of the notes about Personal Information Collection Statement in page IV of this form and declare that the details of complaint I have provided are true.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The completed form should be addressed to:  
**Secretariat for Complaints against Judicial Conduct**  
**High Court Building**  
**38 Queensway, Hong Kong**

*\* The provision of your name and correspondence address is obligatory. If you do not provide sufficient information, the Judiciary will not be able to process and investigate your complaint. Investigation will only be carried out when all relevant court proceedings (including appeals) have been completed.*

*# Please delete as appropriate*

## **Personal Information Collection Statement**

### **A. Purpose of Collection**

1. Personal data provided in your complaint will be used by the Judiciary for the purposes of processing and investigating your complaint.
2. Your complaint may also be used for the compilation of statistics on the number and nature of complaints received by the Judiciary . The outcome of the resulting statistics will not be in a form that will identify your complaint and any of your personal data.
3. The provision of your name and correspondence address is obligatory. If you do not provide sufficient information, the Judiciary will not be able to process and investigate your complaint.

### **B. Classes of Transferees**

4. Personal data in your complaint, or copies of which, will be disclosed or transferred to parties relevant and necessary for the purposes as stated in paragraphs 1 and 2 above.

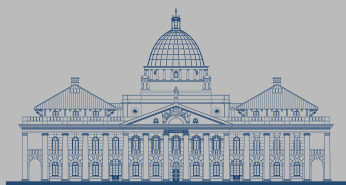
### **C. Access to Personal Data**

5. You have a right to request access to and correction of your personal data provided in your complaint in accordance with the Personal Data (Privacy) Ordinance (Cap. 486).
6. You should make your access request by completing the Data Access Request Form specified by the Privacy Commissioner for Personal Data under section 67 of the Personal Data (Privacy) Ordinance. The Form is accessible at [https://www.judiciary.hk/en/crt\\_services/pphlt/pdf/jud39e.pdf](https://www.judiciary.hk/en/crt_services/pphlt/pdf/jud39e.pdf) and available at all enquiry counters of the Judiciary.
7. Your right of access includes the right to obtain a copy of your personal data provided in the complaint subject to payment of a fee at \$1.3 per page (A4 size) or at such rate as shall be promulgated by the Director of Accounting Services.

### **D. Enquiries**

8. Enquiries concerning your personal data provided in your complaint, including making access and corrections, should be addressed to :

Senior Judiciary Executive (Complaints),  
Access to Information Officer,  
High Court Building, 38 Queensway, Hong Kong  
Tel : 2825 0346  
Fax : 2530 5102



# 司 法 機 構 JUDICIARY

此小冊子只作一般參考用途，  
並不可視為法律或法庭常規的  
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政府物流服務署印

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