

如何就法官行為 作出投訴

Complaints Against
Judicial Conduct



司 法 機 構
JUDICIARY

如何就法官行為作出投訴

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¹的專業才能及品格操守。任何就法官作出的有事實根據的投訴，司法機構定當公平和妥善地處理。

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，不受任何干涉。
- 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. 針對法官行為的可跟進投訴的處理機制

- 3.1 司法機構理解到設立投訴法官行為的機制的重要性。此機制只會處理針對法官行為的可跟進投訴²（「可跟進投訴」）（有關不獲跟進投訴，見第3.3段）。處理可跟進投訴的程序載於第5.3至5.12段。
- 3.2 此機制在維護司法獨立的同時，亦讓針對法官行為的可跟進投訴得到公平和妥善的處理。

¹ 「法官」一詞涵蓋法官及司法人員。

² 於2021年8月16日或其後收到的新投訴個案，或截至2021年8月16日尚未完成處理的投訴個案，才會按新機制處理。2021年8月16日之前已處理的投訴個案，將不會按新機制重新考慮。

3.3 另一方面，下述不獲跟進投訴³將循簡易程序處理：

- (1) 不涉及法官行為的投訴（例如針對司法／法定決定的投訴，或表面是有關法官行為，但實質內容卻只涵蓋司法／法定決定的投訴等）。
- (2) 瑣屑無聊或無理的投訴（即是當中的事實論據明顯欠缺基礎，例如提出的嚴重指控並無任何事實證明，或投訴乃基於錯誤的理解及缺乏實質內容，甚或構成濫用投訴程序）。

4. 如對法官的行為感到不滿，可如何提出投訴？

4.1 所有關於法官行為的投訴均應遞交投訴法官行為秘書處（「秘書處」），其通訊地址為：

香港金鐘道38號高等法院大樓

4.2 投訴時請注意下列各點

- (1) 任何投訴必須以書面提出。
- (2) 投訴人必須提供 (i) 姓名及 (ii) 聯絡地址。如未能提供這些資料，有關投訴將不獲處理。
- (3) 請清楚和明確地寫出投訴事項，並提供有關的背景及詳情。

4.3 一般來說，投訴時應提供以下資料：

- (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（投訴事項的具體詳情，例如事件發生日期以及相關言論或行為）；以及

³ 已完成處理的不獲跟進投訴，將會定期向投訴法官行為諮詢委員會（「諮詢委員會」）作出扼要匯報。因應諮詢委員會的意見，終審法院首席法官可在理據充分的情況下指示重啟調查或作出覆檢。

(3) 與投訴有關的其他資料或文件。

- 4.4 為方便投訴人提供必要的資料以作跟進之用，投訴人可填妥標準投訴表格（「表格」），並附上相關證明文件。表格的電子版本可於下列網站下載：https://www.judiciary.hk/zh/court_services_facilities/complaintsjo.html
- 4.5 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第4.2及4.3段述明的資料。如所提供的資料不足，司法機構將無法處理及調查投訴。
- 4.6 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。
- 4.7 為處理相關投訴，投訴時所提供的資料或會披露予任何相關人士（包括被投訴的法官）。若投訴人拒絕有關安排，有關投訴可能不獲處理。

5. 你的投訴將會如何處理

- 5.1 所有關於法官的投訴均會提交予終審法院首席法官及／或有關法院級別的法院領導，而秘書處則會提供行政支援⁴。
- 5.2 就不屬可跟進的投訴（見第3.3段），秘書處會在終審法院首席法官及／或相關法院領導的指示下循簡易程序處理有關個案並回覆投訴人。
- 5.3 只有可跟進投訴會交由相關負責法官作進一步處理（見附件A）。
- 5.4 視乎投訴的嚴重性或複雜程度，或是否引起社會廣泛關注，可跟進投訴或會由多於一名高等法院級別的法官所組成的專責的法官小組（「專責的法官小組」）處理。

⁴ 投訴會在所有相關法庭程序（包括上訴）完結後才處理。

- 5.5 負責法官／專責的法官小組（在相關法院領導的協助下）會對事件進行調查。負責法官／專責的法官小組或會翻查有關的法院檔案，以及聆聽聆訊錄音。如有需要，在調查過程中或會向投訴人索取進一步資料。在處理投訴期間，亦可能會向被投訴的法官了解其對有關投訴的回應。
- 5.6 對於性質嚴重、複雜或引起社會廣泛關注的可跟進投訴，諮詢委員會會定期進行會議，審視專責的法官小組提交的調查報告。經考慮諮詢委員會的意見後，終審法院首席法官會就投訴作出最終決定，並透過秘書處作出回覆。在適當的情況下，司法機構或會將投訴的調查結果上載於司法機構網頁供公眾察閱，網址為：https://www.judiciary.hk/zh/about_us/similar_complaints.html
- 5.7 就針對終審法院法官及法院領導的行為的可跟進投訴（即直接關乎他們個人行為的投訴，而不是針對他們對原有投訴的處理手法的投訴，或關乎對其他法官的指控而衍生出對他們疏忽監管的投訴），有關的調查報告將會按照第5.6段所述由諮詢委員會予以審視。
- 5.8 至於其他可跟進投訴，待相關法院領導完成調查，並由至少一名高等法院法官審視之後，秘書處會在法院領導的指示下，向投訴人作出回覆。已獲處理的投訴個案隨後會向諮詢委員會作出扼要匯報。因應諮詢委員會的意見，終審法院首席法官可在理據充分的情況下指示重啟調查或作出覆檢。
- 5.9 處理可跟進投訴的流程載於附件B。
- 5.10 如有需要，司法機構可採取跟進行動。此等行動包括在適當的時候將事件告知司法人員推薦委員會。終審法院首席法官及／或有關法院領導亦可能會按情況給予有關法官一些忠告。
- 5.11 除非有新的實質理據或證據提出，否則，重複的投訴（即已獲處理的投訴個案）將一概不予考慮。
- 5.12 如負責法官認為合適（例如當相關情況或會招致實際上存有或令人感到可能存有利益衝突），他／她可交由另一位法官處理該宗投訴。

6. 處理投訴所需時間

- 6.1 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。
- 6.2 有關涉及大量內容相同或類似（而又屬於可跟進）的投訴，如司法機構已把相關投訴的要點以及回應上載至司法機構網站（https://www.judiciary.hk/zh/about_us/similar_complaints.html），秘書處不會就該些投訴作個別回覆。
- 6.3 投訴會在所有相關的法庭程序(包括上訴)完結後才處理。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。

7. 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。

8. 收集個人資料聲明

8.1 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讓人可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。

8.2 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8.1(1)及第8.1(2)段所述之目的而轉交相關人士或向其披露。

8.3 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，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，或按照庫務署署長不定期公布的其他收費計算。

8.4 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 4593
傳真：2530 5102

司法機構
二〇二一年八月
（第六版）

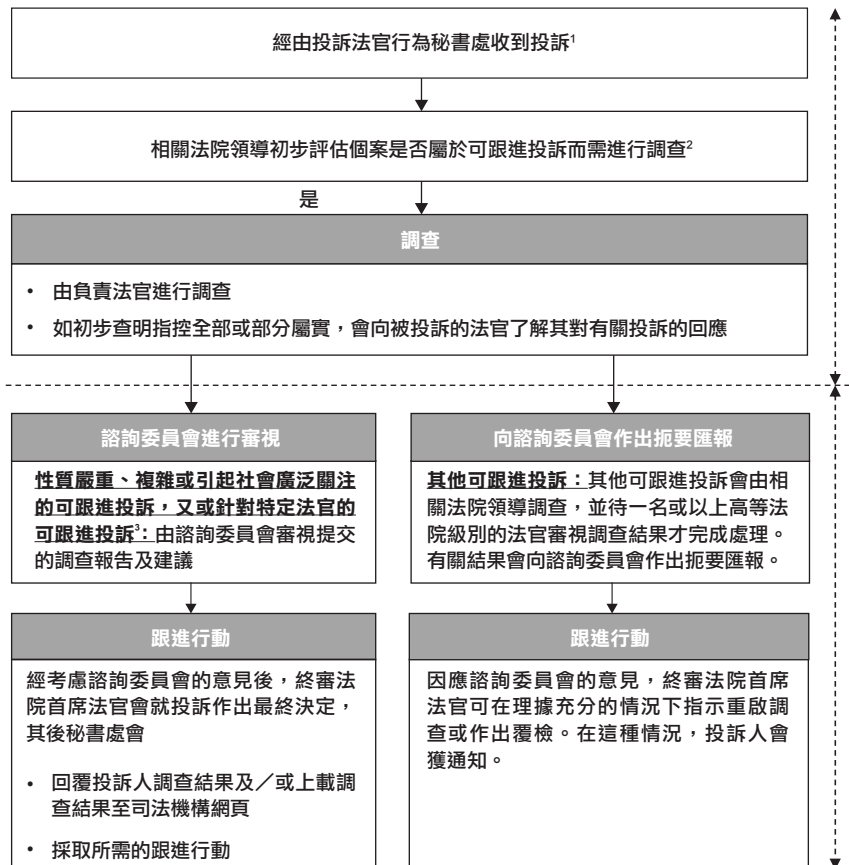
可跟進投訴的處理

被投訴的法官 ¹	處理可跟進投訴的負責法官 ²
<ul style="list-style-type: none"> • 終審法院法官 • 高等法院首席法官 • 終審法院司法常務官 	<p style="text-align: center;">終審法院 常任法官／非常任法官</p>
<ul style="list-style-type: none"> • 首席區域法院法官 • 總裁判官 	<p style="text-align: center;">專責的法官小組</p>
<ul style="list-style-type: none"> • 高等法院法官 • 土地審裁處庭長 • 高等法院司法常務官及聆案官 	<p style="text-align: center;">高等法院首席法官</p>
<ul style="list-style-type: none"> • 區域法院及家事法庭法官 • 區域法院司法常務官及聆案官 • 土地審裁處法官及成員 	<p style="text-align: center;">首席區域法院法官</p>
<ul style="list-style-type: none"> • 裁判法院主任裁判官、 裁判官及特委裁判官 • 勞資審裁處主任審裁官及審裁官 • 小額錢債審裁處主任審裁官、 審裁官及司法常務官 • 死因裁判法庭死因裁判官 • 淫褻物品審裁處主審裁判官、 審裁委員及裁判委員 	<p style="text-align: center;">總裁判官</p>

¹ 「被投訴的法官」一詞涵蓋所有暫委法官及臨時委任的法官。針對特定法官的可跟進投訴的範圍，請參閱第5.7段。

² 如情況合適，可由專責的法官小組（由多於一名不低於高等法院級別的法官所組成）按第5.4段所述安排處理個案。在適當的情況下（例如當相關情況或會招致實際上存有或令人感到可能存有利益衝突），負責法官可交由另一位法官處理該宗投訴。

處理可跟進投訴的流程圖



備註：

1. 秘書處就處理法官的投訴及編製關於投訴的統計數字等工作提供行政支援及作出協調。一般而言，若投訴涉及仍在進行的法庭程序，調查工作會待所有相關法庭程序完結後才進行，投訴人會經書面獲告知，其投訴會待所有相關的法庭程序完結後才作出跟進。
2. 已完成處理的不獲跟進投訴，將會定期向諮詢委員會作出扼要匯報。因應諮詢委員會的意見，終審法院首席法官可在理據充分的情況下指示重啟調查或作出覆檢。
3. 針對特定法官的可跟進投訴的範圍，請參閱第5.7段。
4. 除非有新的實質理據或證據提出，否則重複的投訴（即已獲處理的投訴個案）將不予考慮。

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[#]) _____
- ii. 中文姓名 _____(先生/女士/小姐[#])
- iii. 聯絡地址:

乙. 投訴詳情

- i. 法官/司法人員姓名*: _____
- 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[#]
如是, 上訴編號:

- vi. 本人的投訴如下:

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，並謹此聲明，本人所提供的投訴詳情，均屬真確無訛。

簽署: _____ 日期: _____

已填妥之表格應遞交：
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庭程序(包括上訴)完結後才進行。

請刪去不適用

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讓人可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，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，或按照庫務署署長不定期公布的其他收費計算。

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 4593
傳真：2530 5102

Complaints against Judicial 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 judges¹ 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 Handling Pursuable Complaints against Judicial Conduct

- 3.1 The Judiciary recognises that it is important to have a mechanism for handling complaints against judicial conduct. Only pursuable complaints against judicial conduct² ("Pursuable Complaints") (see paragraph 3.3 on non-pursuable complaints) will be handled under the mechanism. Information on the procedures for handling Pursuable Complaints are provided in paragraphs 5.3 to 5.12.

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

² New complaints received on or after 16 August 2021 as well as those received earlier the handling of which has yet to be completed will be dealt with under the enhanced mechanism. Cases already disposed of prior to 16 August 2021 will not be re-considered.

- 3.2 Such a mechanism, whilst upholding judicial independence, enables Pursuable Complaints against judicial conduct to be fairly and properly dealt with.
- 3.3 On the other hand, non-pursuable complaints³ as set out below will be summarily disposed of:
- (1) Complaints that do not involve judges' conduct (e.g. complaints against judicial / statutory decisions, or complaints that are in substance complaints against judicial / statutory decisions, etc).
 - (2) Complaints that are frivolous or vexatious (i.e. when the factual contentions are clearly baseless, such as where serious allegations are made which are not supported by any factual evidence, or where the complaints are misconceived and lacking in substance, or even constitute an abuse of the complaint process).

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

- 4.1 All complaints against the conduct of a judge should be sent to the **Secretariat for Complaints against Judicial Conduct** ("SCJC"), the correspondence address of which is as follows:

High Court Building, 38 Queensway, Hong Kong

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

- (1) Any complaints should only be made in writing.
- (2) The provision of (i) your name and (ii) correspondence address is obligatory, failing which the complaint will not be processed further.
- (3) Please set out your complaint clearly and succinctly. You should provide the relevant background and particulars.

³ The disposal of non-pursuable complaints will be regularly and summarily reported to the Advisory Committee on Complaints against Judicial Conduct ("Advisory Committee"). Where justified, the Chief Justice may on the advice of the Advisory Committee direct that a complaint be re-opened or reviewed.

- 4.3 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 conduct of the judge you wish to complain of, giving all relevant particulars (specific details of the incident such as the date of the incident and what was said or done); and
 - (3) other information or copies of documents relevant to the complaint.
- 4.4 To facilitate the provision of essential information for follow-up action, you may fill in our standard complaint form (“Form”) and attach relevant supporting documents. The soft copy of the Form is accessible at https://www.judiciary.hk/en/court_services_facilities/complaintsjjo.html.
- 4.5 The Judiciary is not under any obligation to seek further information on the complaint. Please ensure that the information set out in paragraphs 4.2 and 4.3 are submitted in your complaint. If the information provided are insufficient, the Judiciary will not be able to process and investigate the complaint.
- 4.6 The original of the complaint and any materials provided will be at the disposal of the Judiciary and will not normally be returned to the complainant.
- 4.7 The information provided in the complaint may be disclosed to any party concerned (including the judge being complained of) for the purpose of processing this complaint. Your refusal to allow us to do so may result in our not being able to process the complaint.

5. How is your complaint handled

- 5.1 All complaints against judges will be submitted to the Chief Justice and/or the respective Court Leaders of the relevant level of court with executive support from SCJC⁴.

⁴ Complaints will be dealt with when all relevant court proceedings (including appeals) have been completed.

- 5.2 For a complaint not falling within the remit of Pursuable Complaints (see paragraph 3.3), the SCJC will, on the direction of the Chief Justice and/or the respective Court Leaders, summarily dispose of the case by providing a reply to the complainant.
- 5.3 Only Pursuable Complaints will be further processed by the relevant Action Judge(s) (see Annex A).
- 5.4 Depending on the seriousness or complexity of the complaint, or whether wide public attention has been drawn, the Pursuable Complaints may be handled by a Panel of Judges comprising more than one judge of the High Court level (the “Panel of Judges”).
- 5.5 The Action Judge(s) / Panel of Judges (with the assistance of the relevant Court Leaders) will investigate the matter. The Action Judge(s) / Panel of Judges may refer to the relevant court files and audio recordings. During the process, further information may be sought from the complainant as appropriate. In dealing with the complaint, comments from the judge concerned on the complaint may also be sought.
- 5.6 For serious or complex Pursuable Complaints or those drawing wide public attention, the Advisory Committee, which meets on a regular basis, will review the investigation report(s) from the Panel of Judges. After considering the advice of the Advisory Committee, the Chief Justice will make a final decision on a complaint and a reply will be issued to the complainant vide SCJC. Where appropriate, the Judiciary may post the investigation outcome of a complaint on its website for public scrutiny (https://www.judiciary.hk/en/about_us/similar_complaints.html).
- 5.7 For Pursuable Complaints against judicial conduct of judges of the Court of Final Appeal and the Court Leaders (i.e. complaints which are directly related to their own conduct, and are not complaints against their handling of the original complaints or complaints on their neglect of their monitoring role regarding allegations against other judges), the review procedure of the investigation reports by the Advisory Committee under paragraph 5.6 will be followed.

- 5.8 For other Pursuable Complaints, upon completion of investigation by the relevant Court Leaders and review by at least one High Court judge, on the direction of the Court Leaders, SCJC will issue a reply to the complainant. The disposal of these complaints will be reported to the Advisory Committee in a summary manner. Where justified, the Chief Justice may direct to re-open or review the investigation of the case on the advice of the Advisory Committee.
- 5.9 A flowchart illustrating the steps for handling Pursuable Complaints is at Annex B.
- 5.10 Follow-up actions may be taken as appropriate. Such further actions may include bringing the matter at the appropriate time to the attention of the Judicial Officers Recommendation Commission. They may also include the Chief Justice and/or the relevant Court Leaders giving appropriate advice to the judge concerned.
- 5.11 Repeated complaints (that have already been dealt with before) will not be considered unless there are new substantive grounds or evidence submitted.
- 5.12 If an Action Judge considers appropriate (say, the circumstances may lead to any real or perceived conflict of interest), he/she may ask another judge to handle the complaint.

6. Response Time

- 6.1 We will usually acknowledge receipt of your complaint within 7 working days upon receipt of your complaint.
- 6.2 Where there are a large number of complaints of the same or similar content (falling within the scope of Pursuable Complaints) and the Judiciary has already posted the gist of and the response to the complaints on its website (https://www.judiciary.hk/en/about_us/similar_complaints.html), SCJC will not reply to each of these complaints individually.
- 6.3 Complaints will be dealt with when all relevant court proceedings (including appeals) have been completed. The response time will depend on the nature of the complaint, the complexity of the issues involved and the circumstances of the matter concerned.

7. General Enquiries on Complaints against Judicial Conduct

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

8. Personal Data Collection Statement

8.1 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.

8.2 Classes of Transferees

Personal data in your complaint, or copies thereof, will be disclosed or transferred to parties relevant and necessary for the purposes stated in paragraphs 8.1(1) and 8.1(2) above.

8.3 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/ppht/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 other rate as shall be promulgated by the Director of Accounting Services from time to time.

8.4 Enquiries

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

Senior Judiciary Executive (Complaints),
Access to Information Officer,
High Court Building, 38 Queensway, Hong Kong
Tel : 2825 4593
Fax : 2530 5102

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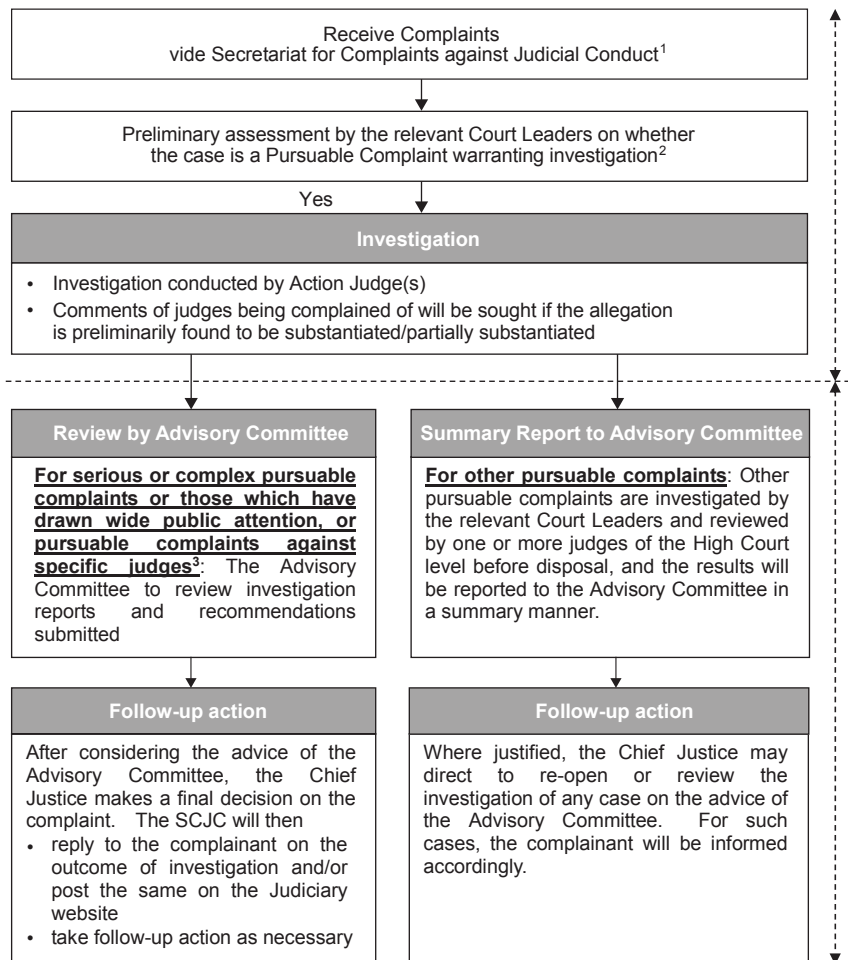
Handling of Pursuable Complaints

Judges being complained against¹	Handling of the Pursuable Complaint by Action Judge(s)²
<ul style="list-style-type: none"> • Judges of the Court of Final Appeal • Chief Judge of the High Court • Registrar of the Court of Final Appeal 	Permanent Judge / Non-Permanent Judge of the Court of Final Appeal
<ul style="list-style-type: none"> • Chief District Judge • Chief Magistrate 	Panel of Judges
<ul style="list-style-type: none"> • Judges of the High Court • President of the Lands Tribunal • Registrar and Masters of the High Court 	Chief Judge of the High Court
<ul style="list-style-type: none"> • Judges of the District Court and the Family Court • Registrar and Masters of the District Court • Presiding Officers and Members of the Lands Tribunal 	Chief District Judge
<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

¹ "Judges being complained against" include all deputy and temporary judges. See paragraph 5.7 on the ambit of pursuable complaints against specific judges.

² The Panel of Judges (comprising more than one judge of at least the High Court level) may, where appropriate, handle the cases as set out in paragraph 5.4. Where appropriate, the Action Judge(s) may ask other judge(s) to handle the complaint (say, if the circumstances may lead to any real or perceived conflict of interest).

Flowchart for the Handling of Pursuable Complaints



Note:

1. The SCJC provides administrative support and assists in coordinating the handling of complaints against judges and the compilation of complaint statistics, etc. Where the allegations in a complaint are associated with on-going court proceedings, the investigation will normally be deferred until the conclusion of all relevant court proceedings and the complainant will be informed in writing that follow-up actions on his/her complaint will be taken upon the conclusion of all relevant court proceedings.
2. The disposal of non-pursuable complaints will be regularly and summarily reported to the Advisory Committee. Where justified, the Chief Justice may on the advice of the Advisory Committee direct that a complaint be re-opened or reviewed.
3. See paragraph 5.7 on the ambit of pursuable complaints against specific judges.
4. Repeated complaints (that have already been dealt with before) will not be considered unless there are new substantive grounds or evidence submitted.

Form for Complaints against Judicial Conduct

Please fill in the form in block letter.

A. Particulars of the Complainant*

- i. English Name(Mr/Mrs/Ms/Miss[#]) _____
- ii. Chinese Name _____ (先生/女士/小姐[#])
- iii. Correspondence address:

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[#]
If yes, Appeal No.:

- vi. My complaint is as follows:

C. Acknowledgement and Declaration

I acknowledge the content of the notes about Personal Information Collection Statement on 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 thereof, will be disclosed or transferred to parties relevant and necessary for the purposes stated in paragraphs 1 and 2 above.

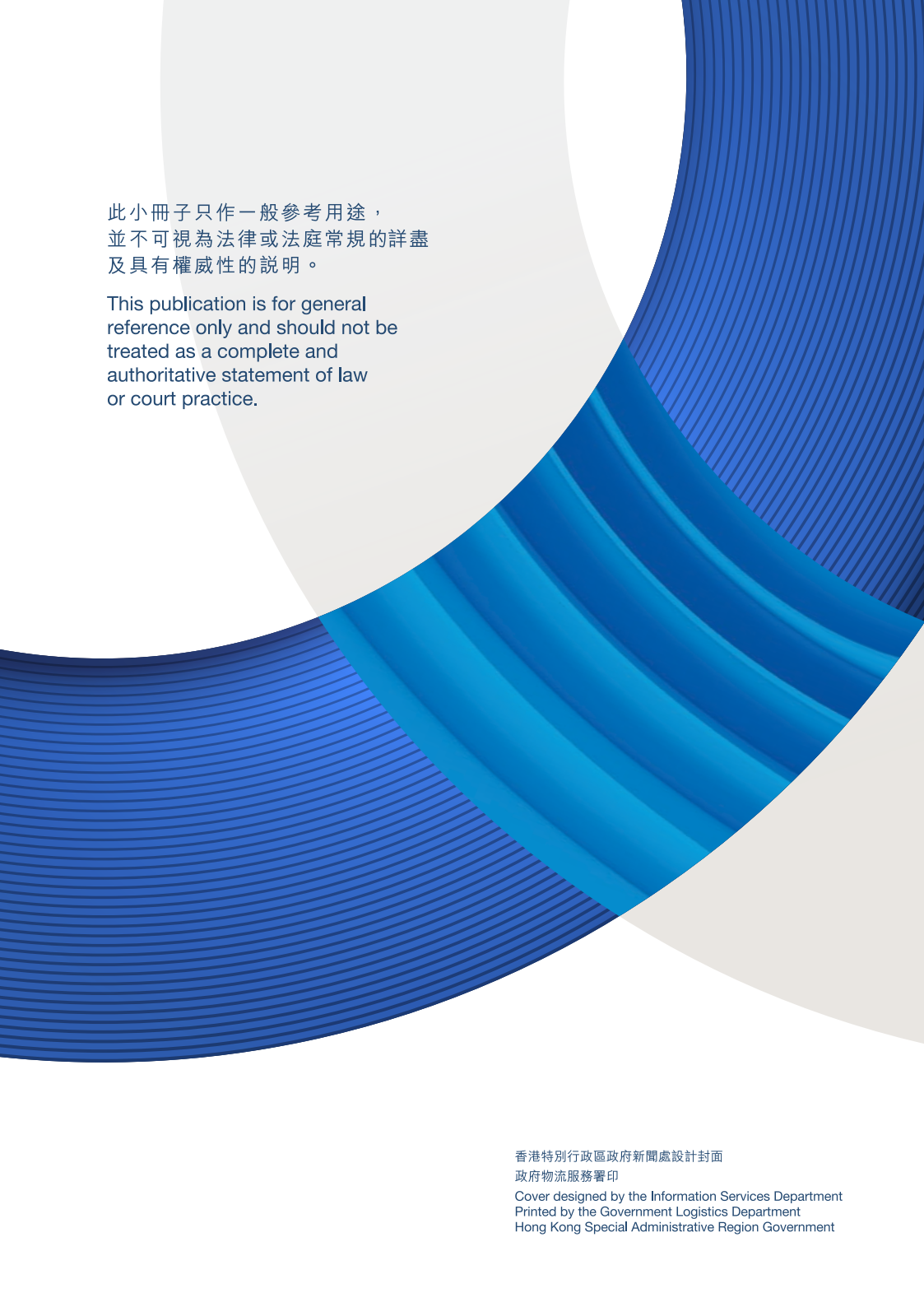
C. Access to Personal Data

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 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 other rate as shall be promulgated by the Director of Accounting Services from time to time.

D. Enquiries

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

Senior Judiciary Executive (Complaints),
Access to Information Officer,
High Court Building, 38 Queensway, Hong Kong
Tel : 2825 4593
Fax : 2530 5102



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政府物流服務署印

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