

Appointments to Advisory Committee on Complaints against Judicial Conduct

The following is issued on behalf of the Judiciary:

The Judiciary announced today (August 2) the commencement of a two-tier mechanism for handling complaints against judicial conduct and appointments to the Advisory Committee on Complaints against Judicial Conduct for a two-year term starting from August 16, 2021.

The membership of the Advisory Committee is as follows:

Chairman

The Honourable Chief Justice Andrew Cheung Kui-nung
(Chief Justice of the Court of Final Appeal)

Members

The Honourable Mr Justice Johnson Lam Man-hon
(Permanent Judge of the Court of Final Appeal)

The Honourable Mr Justice Patrick Chan Siu-oi
(Non-Permanent Judge of the Court of Final Appeal)

The Honourable Mr Justice Jeremy Poon Shiu-chor
(Chief Judge of the High Court)

The Honourable Madam Justice Susan Kwan Shuk-hing
(Vice-President of the Court of Appeal of the High Court)

Dr Christopher Cheng Wai-chee

Mr Patrick Fung Pak-tung, SC

Ms Connie Lau Yin-hing

Professor Lee Chack-fan

The Chief Justice said, "In taking forward the two-tier mechanism of handling complaints against judicial conduct, the Judiciary adheres to the overriding principle that there should be no undermining of judicial independence guaranteed under the Basic Law. Dissatisfaction with judicial decisions should only be dealt with in accordance with applicable legal procedures such as appeal or review.

"The Advisory Committee comprises senior judges and members from the community with a good and balanced mix of profound expertise and experience in judicial, professional and public services. Their knowledge and experience will be invaluable in enhancing the transparency and the accountability of

the mechanism for handling complaints against judicial conduct," he added.

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.

Addressing the Ceremonial Opening of the Legal Year on January 11, the Chief Justice said a review would be undertaken on the mechanism for handling complaints against judicial conduct with a view to enhancing the transparency and the accountability of the mechanism. The enhanced mechanism with a two-tier structure will be set up and is slated to begin operation on August 16, 2021.

Pursuable complaints against judicial conduct (pursuable complaints) which are serious or complex, or have aroused wide public attention will be dealt with under the two-tier system. A Panel of Judges (the first-tier) comprising more than one High Court judge will investigate these complaints. The second-tier Advisory Committee will then review and advise on these cases before the Chief Justice makes a final decision on each complaint. For pursuable complaints directly related to judicial conduct of judges of the Court of Final Appeal and the Court Leaders, irrespective of whether these complaints are of a serious or minor nature, the above two-tier system will be followed.

Other pursuable complaints will be dealt with by the relevant Court Leaders and their disposal will be regularly and summarily reported to the Advisory Committee.

In line with established practice, complaints arising from on-going court proceedings, including appeals, will continue to be handled after the conclusion of all relevant court proceedings.

Pursuable complaints received on or after August 16, 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 August 16, 2021, will not be re-considered.

Details of the enhanced mechanism will be announced on the Judiciary website in due course (www.judiciary.hk/en/about_us/judicial_conduct.html).