

Report of the Special Committee on Criminal Law and Procedure

1. During the year the following members served on this Committee:

Mr. Peter Duncan, SC (Chairman)
Mr. Andrew Bruce, SC
Mr. James McGowan
Mr. Giles Surman
Mr. Dominic Yeung
Mr. Martyn Richmond
Ms. Maggie Wong
Mr. Edwin Choy
Ms. Audrey Campbell-Moffat
Mr. Derek Chan

2. Included amongst matters considered by the Committee were the following:
 - (a) The proposed practice direction to be issued by the judiciary with regard to applications to stay proceedings. (The Committee has provided its comments to the judiciary);
 - (b) The possibility of transcripts of proceedings being provided in electronic form (this is under discussion with the judiciary);
 - (c) The proposed new criteria for service as jurors (per the Law Reform Commission). The committee provided its comments to the Bar Council;
 - (d) The proposed new police guidelines on “strip searches”;
 - (e) Magistrates’ remands in custody pending receipt of probation reports (reported to Bar Council);
 - (f) “Derisory fees” paid by the DOJ in respect of some prosecution assignments (reported to Bar Council);
 - (g) Whether guidelines should be considered to assist counsel considering appeals based on the “incompetence of counsel” (reported to Bar Council).

3. I take this opportunity of thanking members of the Committee for their support. In particular I record my appreciation to Martyn Richmond for his substantial work on the topic of “strip searches”.

Peter Duncan, SC
Chairman
Special Committee on Criminal Law and Procedure

2 December 2008