

**Special Committee on Discipline
Annual Report 2014**

Investigation

1. During 2014 (as of 31 December 2014), there have been **10 disciplinary matters** (7 were formal complaints and 3 were initiated by the Bar Council itself). In 2013, there were 8 formal complaints. The results/progress of the 10 cases are as follows:

Result/Progress	No. of matters
Found unsubstantiated and dismissed / No further action be taken against the barrister	1
Referral to BDT	2
Barrister being Admonished / Advised	0
Under investigation	7

2. Also during this year, 5 disciplinary matters arising in 2012 (all were formal complaints) and 4 disciplinary matters arising from 2013 (1 was formal complaint and 3 were initiated by the Bar Council itself) were investigated. The results/progress of these **9** cases are as follows:

Result	No. of matters
Found unsubstantiated and dismissed / No further action be taken against the barrister	1
Referral to BDT	0
Barrister being Admonished / Advised	3
Under investigation	5

3. At the beginning of the year the Committee enquired with 21 practicing members (16 of them renewed their Practising Certificates late while the remaining 5 members neither renewed their Practising Certificates nor gave notifications of cessation of practice at the end of 2013) as to their positions of practice from 1 January 2014 up to the date of renewal/the date of enquiry. As a result of the enquiries, one member who

was practicing without holding a valid Practising Certificate, 3 members who had renewed their Practising Certificates late once or more times in the last five years, and 1 member who did not give notification of his change of status from a practicing barrister to an employed barrister forthwith and continued to maintain a set of professional chambers after ceasing to be a practicing barrister, which were only revealed upon the Committee's enquiry into the status of his practice, were admonished by the Chairman of the Bar Council.

Barristers Disciplinary Tribunal

4. During the year, the Barristers Disciplinary Tribunal (BDT) handled a total of **9 BDT matters**, 7 of which were concluded and the findings of the BDT are as follows:-

Case Ref	Findings
21/2012	5 complaints laid were all found proved
18/2012	1 complaint laid was found proved
04/2013	1 complaint laid was found proved
24/2010(2)	1 complaint laid was found proved
24/2010(1)	1 complaint laid was dismissed
18/2008	2 complaints laid were both found proved
16/2012	2 complaints laid were both dismissed

5. One Respondent in a BDT case (Case Ref: 24/2010(2)) which concluded this year, has lodged an appeal against both the findings and sanctions made by the BDT to the Court of Appeal.
6. In January 2014, the Bar Council discontinued referral of a matter arising from a complaint made in 2012 to the BDT upon taking independent legal advice.
7. At present, there are **5 outstanding BDT matters**, 2 of which (1 from a complaint in 2008 and 1 from 2014) are being handled by the BDT, whilst the other 3 (1 from a complaint in 2003, 1 from 2012 and 1 from 2014) are pending referral to the BDT.

8. The following members served on the Committee this year: Mr Walker Sham, Mr Johnny Mok SC, Ms Lisa Wong SC, Mr Anthony Houghton SC, Mr Nicholas Cooney SC, Mr Selwyn Yu SC, Mr Eugene Fung SC, Mr Paul Lam SC, Ms Audrey Campbell-Moffat SC, Mr Anson Wong SC, Mr Ronald Tang, Mr Bernard Chung, Mr Alfred Liang, Mr Lawrence Ng, Mr Timmy Yip, Mr Joseph Vaughan, Mr Sanjay Sakhrani, Mr Ling Chun Wai, Ms Phillis Loh, Mr Charles J Chan and Ms Elaine Liu.

These people contribute a significant amount of their time investigating and advising on discipline matters, and without their help the Bar could not be self-regulating in discipline matters. I am grateful for all their help.

9. I would like to express my special thanks to Mr Walker Sham, Vice-Chairman of the Committee, for his tremendous assistance in screening and reviewing discipline matters, his wise advice, and for having deputized for me on many occasions.
10. Finally, I would especially like to express my gratitude to the assistance of the Bar Secretariat, and in particular Ms Michelle Tang. The Committee would not have been able to deal with all the matters which came up during the year without her tireless and indefatigable support.

Robert Pang, SC
Chairman
15 January 2015