

Report of the Standing Committee on Discipline 2019

Investigation

(a) On-going / Outstanding Investigations

1. As of 15 December 2019, 1 disciplinary matter initiated by the Bar Council in 2015 and 12 complaints received between 2015 and 2019 were in progress of investigation or pending conclusion of related judicial process. The 13 cases, classified according to their nature, are summarised as follows:

Nature of Complaint	Years when the Complaints were received					No. of Complaints
	2015	2016	2017	2018	2019	
(i) Misconduct	0	0	0	0	3	3
(ii) Professional Responsibility	0	0	0	2	3	5
(iii) Dishonesty / Ethics	1	0	2	0	1	4
(iv) Practising Rules	0	1	0	0	0	1
Total	1	1	2	2	7	13

(b) Completed Investigations

2. During the year (as of 15 December 2019), the Bar Council considered the results of investigation in 18 complaint cases. The 18 cases are classified according to their nature as follows :-

Nature of Complaint	Years when the Complaints received			No. of Complaints
	2017	2018	2019	
(i) Misconduct	1	0	5	6
(ii) Professional Responsibility	2	2	3	7
(iii) Dishonesty / Ethics	0	0	1	1
(iv) Charging of Counsel Fees	0	2	0	2
(v) Practising Rules	0	2	0	2
Total	3	6	9	18

3. Among the 18 cases, 16 were resolved as being unsubstantiated/dismissed for there being no *prima facie* case. Two cases were resolved by the Bar Council to be substantiated and referred to the Barristers Disciplinary Tribunal for inquiry.

(c) Late Renewal of Practising Certificates

4. At the beginning of the year the Committee made enquiries with 8 practising members who renewed their Practising Certificates late and after 1 January 2019, regarding their status of practice from 1 January 2019 to the date of renewal of their practising certificates. As a result of the enquiries and explanations, advice was issued by the Chairman to those members who were late in renewing their practising certificates.

Barristers Disciplinary Tribunal

5. During the year, the Barristers Disciplinary Tribunal (BDT) held and concluded a total of **3 Disciplinary Inquiries**. Findings of the BDT are set out below:-

Case Ref	Outcome
10/2016	2 charges were laid against the Respondent; BDT found the Respondent guilty of both complaints after inquiry and ordered that the Respondent be struck off the Roll of Barristers.
13/2016	2 charges were laid against the Respondent; Respondent pleaded guilty to both charges and the BDT ordered that the Respondent be suspended from practice for six weeks.
09/2017	5 charges were laid against the Respondent; BDT found the Respondent guilty of all charges after inquiry and ordered that the Respondent be suspended from practice for 36 months.

6. At present, there are **4 outstanding BDT matters pending Inquiry**: 1 matter is pending application to the BDT Convenor to re-constitute a new panel of BDT, 3 other matters are pending referral to the BDT and setting up of BDT panels.
7. From the trend observed this year, it is anticipated that the number of complaints will increase in future. The Committee with the assistance of its members will streamline the process of investigation and, save for complex cases and sub judice cases, strive to conclude investigation with recommendations presented to the Council within 6 months. It is certainly in the interests of both the complainants and the complainees to have a reasonably quick resolution of the complaints.
8. The following members served on the Committee this year: Mr. Edwin Choy, SC

(Chairman until 9 October 2019), Mr. Johnny Mok SC, Mr. Anthony Houghton SC, Mr. Nicholas Cooney SC, Mr. Graham Harris SC, Mr. Eugene Fung SC, Mr. Richard Khaw SC, Mr. Ronald Tang, Mr. Bernard Chung, Mr. Walker Sham, Mr. Alfred Liang, Mr. Lawrence Ng, Mr. Timmy Yip, Mr. Joseph Vaughan, Mr. Sanjay Sakhrani, Mr. Ling Chun Wai, Ms. Phillis Loh, Mr. Paul H.M. Leung, Mr. Charles J Chan, Ms. Elaine Liu, Ms. Amanda Li, Mr. Tony Li, Mr. Martin Wong, Mr. Joe Chan and Mr. Jeffrey Tam. Ms. Christy Wong also joined the Committee as Secretary to the Committee since November 2019.

9. I am indebted to all members of the Committee who have voluntarily undertaken the work of investigation and preparation of reports most of which is complicated and time consuming. Their efforts assist the Council enormously in our goal to achieve the highest professional standards for barristers in Hong Kong. Special gratitude is expressed to Mr. Edwin Choy, SC who led the Committee with great efficiency and dedication.
10. The Bar Administrator, Dora and the Committee administrative secretary Charles have given tremendous assistance in the work of the Committee which is much appreciated.

Erik Shum
Chairman
Standing Committee on Discipline

December 2019