

## Report of the Special Committee on Discipline

### Investigation

1. During 2012 (as of 20 December 2012), there have been **24 disciplinary matters** (18 were formal complaints and 6 were initiated by the Bar Council itself). In 2011, there were 15 formal complaints. The results/progress of the 24 cases are as follows:

Result/Progress	No. of matters
Complainant withdrew	<b>1</b>
Found unsubstantiated and dismissed / No further action be taken against the barrister	<b>6</b>
Referral to BDT	<b>6</b>
Barrister being Admonished / Advised	<b>1</b>
Under investigation	<b>10</b>

2. Also during this year, 7 disciplinary matters arising in 2011, 1 in 2010 and 3 in 2008 (all were formal complaints) were investigated. The results of these **11** cases are as follows:

Result	No. of matters
Found unsubstantiated and dismissed / No further action be taken against the barrister	<b>9</b>
Referral to BDT	<b>2</b>
Barrister being Admonished / Advised	<b>0</b>

3. At the beginning of the year the Committee enquired with 13 practicing members who renewed their Practising Certificates late as to their positions of practice from 1 January 2012 up to the date of renewal. As a result of the enquiries, 5 of those members, who had renewed their Practising Certificates late once or more times in the last five years, were admonished by the Chairman of the Bar Council.

4. The Committee further enquired with 5 practicing members as to their positions of practice since 1 January 2012 who neither renewed their Practising Certificates nor notified of their cessation of practice by the end of 2011. As a result of their ignorance to the Committee's enquiries, 2 of those members were admonished by the Chairman of the Bar Council.

### **Barristers Disciplinary Tribunal**

5. During the year, the Barristers Disciplinary Tribunal (BDT) handled a total of **6 BDT matters**, 1 of which was concluded and the findings of the BDT are as follows:-

<b>Case Ref</b>	<b>Findings</b>
11/2008	4 of the 6 complaints laid were found proved, the remaining 2 were dismissed

6. At present, there are **11 outstanding BDT matters**, 5 of which (1 from a complaint in 2008, 1 from 2010, 1 from 2011 and 2 from 2012) are being handled by the BDT, whilst the other 6 (1 from a complaint in 2003, 1 from 2008 and 4 from 2012) are pending referral to the BDT.
7. In CACV 5/2012, Mr Leung Yiu Cheung (also known as Kelvin Y.C. Leung) lodged an appeal against the suspension orders made by the BDT set out in its Decision on Sentence dated 20 December 2011. On 21 November 2012, Mr Leung abandoned his appeal at the substantive hearing before the Court of Appeal (Hon Cheung CJHC, Fok and Lam JJA) and it was dismissed by the Court of Appeal accordingly.
8. The following members served on the Committee this year: Mr Robert Pang SC, Mr Johnny Mok SC, Ms Lisa Wong SC, Mr Anthony Houghton SC, Mr Keith Yeung SC, Mr Nicholas Cooney SC, Mr Selwyn Yu SC, Mr Eugene Fung SC, Mr Ronald Tang, Mr Bernard Chung, Mr Walker Sham, Mr Alfred Liang, Mr James Thomson, Mr Paul Lam, Mr Lawrence Ng, Mr Timmy Yip, Mr Joseph Vaughan, Mr. Ling Chun Wai, Ms Phillis Loh, Mr Anson Wong, Ms Audrey Campbell-Moffat and Ms Elaine Liu.

The Committee further co-opted Mr Gerard McCoy SC and Mr. Richard Khaw, Deputy Honorary Secretary, to investigate into and advise on three disciplinary matters, two of which arose in 2011 and the other one from 2012 respectively.

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 Robert Pang SC, 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, the Committee could not carry out its work without the assistance of the Bar Secretariat, and Ms Michelle Tang, in particular. Michelle's work on discipline matters is invaluable.

Michael Blanchflower SC  
Chairman  
Special Committee on Discipline

20 December 2012