

Standing Committee on Discipline Annual Report 2022

Investigation

(a) On-going / Outstanding Investigations

- As of 15 December 2022, 5 disciplinary matters initiated by the Standing Committee between 2021 and 2022, and 22 complaints received between 2019 and 2022, making up a total of 27 cases, are in the process of being investigated or are classified as *sub judice* cases pending the results of related judicial proceedings. The 27 cases, classified according to their nature, are summarised as follows:

Nature of Complaint	Years when the Complaints were received				No. of Complaints
	2019	2020	2021	2022	
(i) Misconduct	1	-	2	2	5
(ii) Professional Responsibility	-	-	2	11	13
(iii) Dishonesty / Ethics	-	1	2	2	5
(iv) Charging of Counsel Fees	-	-	-	1	1
(v) Practising Rules	-	-	-	3	3
Total	1	1	6	19	27

- Further, apart from the above, in May 2022, the Bar Council received complaints from the National Security Department of the Hong Kong Police regarding 37 members of the Bar arising out of their conduct of cases concerning the 2019 public order events and funded by the 612 Humanitarian Relief Fund. The investigation is ongoing and conclusions on the complaints will be made as soon as practicable.

(b) Completed Investigations

- During the year (as of 15 December 2022), the Bar Council considered the results of investigation of the Standing Committee in 24 cases. The cases considered by the Bar Council are classified according to their nature as follows:-

Nature of Complaint	Years when the Complaints received			No. of Complaints
	2020	2021	2022	
(i) Misconduct	-	1	1	2
(ii) Professional Responsibility	1	5	6	12

Nature of Complaint	Years when the Complaints received			No. of Complaints
	2020	2021	2022	
(iii) Dishonesty / Ethics	-	2	2	4
(iv) Charging of Counsel Fees	-	-	1	1
(v) Practising Rules	-	-	5	5
Total	1	8	15	24

4. Among the 24 cases, 20 were resolved as unsubstantiated and dismissed for there being no *prima facie* case. Four cases were resolved by the Bar Council to be substantiated and were referred to the Barristers Disciplinary Tribunal (“**BDT**”) for disciplinary inquiry. In one complaint, the Bar Council resolved that written advice on the conduct of the member concerned should be given which should NOT form part of the disciplinary record.

(c) Late Renewal of Practising Certificates

5. In 2022, there had not been any case of late renewal of practising certificates referred to the Standing Committee for investigation.

Barristers Disciplinary Tribunal

6. During the year, 8 BDTs, which were convened by the Tribunal Convenor, had been conducting proceedings in relation to **8 pending Disciplinary Inquiries**. Progress in the 8 disciplinary proceedings is summarised below:-

Case Ref	Progress
15/2015 01/2017 03/2017 06/2017 (Consolidated)	11 charges were laid against the Respondent; Hearing of the BDT proceedings has been fixed for April 2023.
13/2017	2 charges were laid against the Respondent; The BDT gave its verdict in February 2022 that 1 charge against the Respondent was proved. The BDT ordered in July 2022 that the Respondent be suspended from practice for 2 months.

Case Ref	Progress
09/2019	2 charges were laid against the Respondent; The BDT gave its verdict in August 2022 that the 2 charges were proved. The inquiry has been adjourned for the penalty to be imposed and costs to be decided.
11/2019	3 charges were laid against the Respondent. The BDT Convenor appointed a new BDT in September 2022 upon resignation of one of the BDT Members. The BDT is considering the written case prepared by the Bar Council and the Respondent's reply thereto.
14/2019 05/2020 (Consolidated)	3 charges were laid against the Respondent; The BDT gave its verdict in August 2022 that 3 charges against the Respondent was proved. The BDT ordered in October 2022 that the Respondent be suspended from practice for 45 months.
02/2020	5 charges were laid against the Respondent; The BDT commenced hearing of the inquiry in December 2022, and directed that the part-heard inquiry be resumed in February 2023.
22/2020	3 charges were laid against the Respondent. The Bar Council received additional papers from the Court in relation to the inquiry which would be adduced before the BDT.
46/2021	1 charge was laid against the Respondent. The Respondent admitted to the charge laid against her. The BDT is considering directions to be given concerning further conduct of the inquiry.

7. A member whose practice is suspended by the BDT for 36 months has lodged an appeal against the ruling and orders of the BDT, and the Court of Appeal is considering his interlocutory applications including an application to adduce new evidence. Another member who is subject to an order of suspension for 2 months has also made an application to the Court of Appeal for leave to adduce new evidence in his appeal.

8. At present, there are 4 matters which are pending referral to the BDT and the setting up of a BDT by the Convenor.

The Standing Committee

9. The following members served on the Standing Committee in 2022:

Mr. Martin Hui SC*, Mr. Richard Khaw SC, Mr. Jin Pao SC*, Ms. Rachel Lam SC*, Mr. Law Man Chung SC, Mr. Tony Li SC, Mr. Bernard Chung, Mr. Joseph Vaughan, Mr. Sanjay Sakhrani, Mr. Marco Li, Mr. Ling Chun Wai, Mr. Charles J Chan, Ms. Pauline Leung*, Ms. Elaine Liu, Ms. Amanda Li, Mr. Martin Wong, Mr. Joe Chan, Ms. Fiona Nam, Mr. Jeffrey Tam, Mr. Eric Tsoi* and Mr. Alexander Tang*.

10. The assistance and service of all the above members of the Standing Committee is gratefully acknowledged, including those who joined in 2022 (marked with an asterisk). The Standing Committee also acknowledges the service of the following Members who stepped down as from January 2022: Mr. Anthony Houghton SC, Mr. Nicholas Cooney SC, Mr. Eugene Fung SC, Mr. Ronald Tang, Mr. Walker Sham, Mr. Alfred Liang, Mr. Timmy Yip and Ms. Phillis Loh. Ms. Elaine Liu, a veteran member since 2010, was appointed as a District Judge and left the profession of barristers in July 2022. The voluntary devotion of time and effort by all members (past and present) in considering various complaints, often of a complicated nature, and in producing valuable advice to the Bar Council on the handling thereof, which are invariably of the highest standard, are highly appreciated.
11. We would also like to thank Mr. Erik Shum and Ms. Christy Wong, who stepped down as the Chairman and the Secretary of the Standing Committee as from January 2022, for their work and leadership.
12. Led by the Administrator, Ms. Dora Chan, the Bar Secretariat have given significant assistance in the work of the Standing Committee. In particular, Mr. Charles Tsang and Ms. Cecilia Tam, our two devoted and perpetually overworked members of the Secretariat with responsibilities in disciplinary matters (both at the Standing Committee and the BDT levels), must be given a special vote of thanks for their hard work, dedication and support. By supporting the Standing Committee and the Bar Council in those disciplinary matters, the Administrator and

members of the Secretariat have contributed enormously in maintaining efficiency of the Bar Council to deal with the complaints and the proceedings.

Stewart Wong, SC
Chairman

Maggie Wong, SC
Vice Chairman

Standing Committee on Discipline
28 December 2022