

Report of the Special Committee on Criminal Law & Procedure

The Special Committee on Criminal Law & Procedure took the lead in organising the Hong Kong Bar's participation in the Criminal Law Conference. Michael Blanchflower, SC, Edwin Choy, Joe Chan and Andrew Bruce, SC spoke from the Bar's perspective on topics as diverse as recent developments in money-laundering, the decision to prosecute and whether Hong Kong needed a more rational system in relation to sentencing offenders by way of a discharge without conviction.

The Committee also considered the proposal which arose by way of a draft Practice Direction as to the use of screens in criminal proceedings alleging sexual offences. This matter is still ongoing and it is hoped that the Bar's response will provoke an improved Practice Direction.

Throughout this year there have been a substantial number of comments and complaints about the conduct of Magistrates and the case management of proceedings before a Magistrate. Regrettably, the line between robust case management and less attractive behaviour is somewhat blurred. This is of particular concern to more junior members of the Bar many of whom earn their daily bread in summary proceedings. While there never will be a perfect answer to many of the problems thrown up by these comments and complaints it should be a focus for the next year's activities of the Committee to promote a better atmosphere in Magistrate's courts. It is hard to imagine what ordinary members of the public must think.

The Committee was also actively engaged in monitoring the approach of the Department of Justice to briefing out in the Magistrate's Courts. We also monitored discussions which are being carried on between the Bar and the Administration on legal aid fees. One of our committee's members is a member of the team undertaking the negotiations.

Membership:

Andrew Bruce, SC (Chairman)
James McGowan
Giles Surman
Martyn Richmond
Maggie Wong
Edwin Choy
Derek Chan
Joe Chan
Kay Chan
Joseph Lee
Samuel Sung
Shirley Hung
Eric Tsoi

Andrew Bruce, SC
Chairman
Special Committee on Criminal Law & Procedure

3 December 2015