

## Report of the Special Committee on Discipline

### Investigation

1. During 2013 (as of 13 December 2013), there have been **8 disciplinary matters** (4 were formal complaints and 4 were initiated by the Bar Council itself). In 2012, there were 24 formal complaints. The results/progress of the 8 cases are as follows:

<b>Result/Progress</b>	<b>No. of matters</b>
Found unsubstantiated and dismissed / No further action be taken against the barrister	<b>3</b>
Referral to BDT	<b>1</b>
Barrister being Admonished / Advised	<b>0</b>
Under investigation	<b>4</b>

2. Also during this year, 12 disciplinary matters arising in 2012 (11 were formal complaints and 1 was initiated by the Bar Council itself) were investigated. The results/progress of these **12** cases are as follows:

<b>Result</b>	<b>No. of matters</b>
Found unsubstantiated and dismissed / No further action be taken against the barrister	<b>4</b>
Referral to BDT	<b>1</b>
Barrister being Admonished / Advised	<b>1</b>
Barrister being reminded by the Chairman (not constituting formal disciplinary record)	<b>1</b>
Under investigation	<b>5</b>

3. At the beginning of the year the Committee enquired with 16 practicing members (3 of those were pupils holding Limited Practising Certificates as at 31 December 2012) who renewed their Practising Certificates late as to their positions of practice from 1 January 2013 up to the date of renewal. As a result of the enquiries, one of those members, who had renewed his Practising Certificate late once or more times in the last five years, and another one of those members, who did not reply in a timely manner, 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 **8 BDT matters**, 2 of which were concluded and the findings of the BDT are as follows:-

5. At present, there are **11 outstanding BDT matters**, 6 of which (1

Case Ref	Findings
01/2012	1 complaint laid was found proved
11/2011	2 complaints laid were both dismissed

from a complaint in 2008, 1 from 2010, 1 from 2011, 2 from 2012 and 1 from 2013) are being handled by the BDT, whilst the other 5 (1 from a complaint in 2003, 1 from 2008 and 3 from 2012) are pending referral to the BDT.

6. The following members served on the Committee this year: Mr Walker Sham, Mr Michael Blanchflower SC, Mr Johnny Mok SC, Ms Lisa Wong SC, Mr Robert Lee 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 Ronald Tang, Mr Bernard Chung, Mr Alfred Liang, Mr Timmy Yip, Mr Joseph Vaughan, Mr Sanjay Sakhrani, Mr Ling Chun Wai, Ms Phillis Loh, Mr Charles J Chan, Mr Anson Wong 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.

7. 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.
8. 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  
13 December 2013