

## Report on Standing Committee on Discipline 2018

### Investigation

1. In the year of 2018 (as of 15 December 2018), there have been **10 disciplinary matters** (9 were formal complaints and 1 was initiated by the Bar Council). In 2017, there were 15 formal complaints and 2 matters initiated by the Bar Council. The results/progress of the 9 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>2</b>
Referral to BDT	<b>0</b>
Barrister being Admonished / Advised	<b>0</b>
Under investigation	<b>8</b>

2. Also, in this year, 1 formal complaint arising in 2012, 1 disciplinary matter arising in 2013 (initiated by the Bar Council), 1 formal complaint arising in 2014, 2 disciplinary matters arising in 2015 (1 formal complaint and 1 initiated by the Bar Council), 3 formal complaints arising in 2016 and 10 disciplinary matters arising in 2017 (9 formal complaints and 1 initiated by the Bar Council) were in progress of investigation. The results/progress of these **18** 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>7</b>
Referral to BDT	<b>4</b>
Barrister being Admonished / Advised	<b>1</b>
Under investigation	<b>6</b>

3. At the beginning of the year the Committee enquired with 7 practising members, who renewed their Practising Certificates late, as to their positions of practice from 1 January 2018 up to the date of renewal/the date of enquiry. As a result of the enquiries, 1 member who practised without holding a valid Practising Certificate was admonished by the Chairman of the Bar; another member, repeatedly late in renewing his previous Practice Certificates in the last five years and who also belatedly renewed his Practising Certificate after 1 January 2018, was also admonished.

## Barristers Disciplinary Tribunal

4. During the year, the Barristers Disciplinary Tribunal (BDT) handled a total of **4 BDT matters**, all of which are in the course of inquiry. Details of the progress in those matters are as follows:-

Case Ref	Outcome
01/2015	4 complaints were laid against the Respondent; directions to be sought from the BDT Convenor as to mode of service.
10/2016	2 complaints were laid against the Respondent; preliminary hearings were held with decision to be handed down by BDT as to issues to be inquired.
13/2016	2 complaints were laid against the Respondent; the Respondent indicated that he would plead guilty before the BDT.
09/2017	5 complaints were laid against the Respondent; hearings were held with statement of findings to be handed down by BDT.

5. At present, there are **9 outstanding BDT matters**, namely the 4 matters currently being handled by the BDT, and 5 other matters (1 initiated by the Bar Council in 2014, 1 complaint received in 2015 and 3 complaints received in 2017) which are pending referral to the BDT.
6. The following members served on the Committee this year: Mr. Edwin Choy, SC (Vice-Chairman), 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 and Mr. Martin Wong.
7. The members of the Committee have spent enormous amount of their time to investigate the discipline matters on pro bono basis, consider each of those cases assigned to them in detail, and provide their invaluable views and advice impartially on the complaints. They have helped to maintain the Bar as a self-regulatory body in disciplinary matters. I am indebted to the assistance offered by the members of the Committee.

8. In particular, I am most grateful to Mr. Edwin Choy, SC, Vice-Chairman of the Committee, for his assistance in screening and review of discipline matters, as well as deputizing me on many occasions. When recommending for summary disposal of complaints, he had always been providing impeccable analysis.
9. Finally, I would like to pay tribute to the Administrator, Ms. Dora Chan, and her colleagues in the Bar Secretariat for their most reliable assistance in handling disciplinary matters and making arrangements for BDT hearings. In particular, I wish to thank Mr. Charles Tsang for his most helpful assistance rendered in relation to the works of the Committee. I would also like to take this opportunity to thank my successor for sacrificing his time to take up this important position in the Bar.

Anson Wong SC  
Chairman  
Standing Committee on Discipline

December 2018