

**Standing Committee on Discipline
Annual Report 2021**

Investigation

(a) On-going / Outstanding Investigations

1. As of 15 December 2021, 1 disciplinary matter initiated by the Standing Committee in 2021 and 18 complaints received between 2019 and 2021 totally 19 cases are in progress of investigation or are classified as sub judice cases pending results of related judicial process. The 19 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	
(i) Misconduct	1	-	2	3
(ii) Professional Responsibility	-	1	8	9
(iii) Dishonesty / Ethics	-	1	5	6
(iv) Practising Rules	-	1	-	1
Total	1	3	15	19

(b) Completed Investigations

2. During the year (as of 15 December 2021), the Bar Council considered the results of investigation of the Standing Committee in 48 complaint 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
	2015	2016	2017	2018	2019	2020	2021	
(i) Misconduct	-	-	1	-	-	2	1	4
(ii) Professional Responsibility	-	-	2	6	8	4	3	23
(iii) Dishonesty / Ethics	1	-	3	3	2	2	1	12
(iv) Charging of Counsel Fees	-	-	1	-	-	1	-	2
(v) Practising Rules	-	-	-	1	1	3	2	7
Total	1	0	7	10	11	12	7	48

3. Among the 48 cases, 43 were resolved as unsubstantiated and dismissed for there being no *prima facie* case. 3 cases were resolved by the Bar Council to be substantiated and were referred to the Barristers Disciplinary Tribunal for disciplinary inquiry. In 1 case the Bar Council found that the subject barrister acted in breach of professional standard of minor nature and was admonished. The Bar Council resolved that investigation of 1 case initiated on its own accord be suspended pending the results of criminal investigation and possible prosecution.

(c) Late Renewal of Practising Certificates

4. At the beginning of 2021, 3 members were late in paying the prescribed annual fees and insurance charges for renewing the Practising Certificates (“PCs”) hence delay in obtaining practising certificates after expiry of the old ones. The Standing Committee found no evidence that any of them practised law without valid PCs. One member, however, was admonished by the Bar Chairman as it was the third time in 5 years that the member had failed to renew his PC by the end of December. Written advices were issued to the other 2 members requiring them to ensure punctual renewal of PCs.

(d) Outstanding Backlogged Cases

5. Since November 2020, measures were adopted by the Bar Council and the Standing Committee to expedite processing of 38 backlogged disciplinary matters. By 15 December 2021, 34 of such cases had been disposed of by the Bar Council. Of the 4 remaining matters, one complainant could not be reached while in another case the case is stalled by reason of the fact that there is parallel disciplinary investigation by UK authorities in respect of the same matter. Investigations by the Standing Committee in the remaining two cases are still in progress.

Barristers Disciplinary Tribunal

6. During the year, 5 Barristers Disciplinary Tribunals (BDTs) were convened by the Tribunal Convenor and conducted proceedings in relation to **5 pending Disciplinary Inquiries**. Progress in the 5 disciplinary proceedings is summarised below:-

Case Ref	Progress
15/2015 01/2017 03/2017 06/2017 (Consolidated)	11 charges were laid against the Respondent; The High Court handed down judgment in November 2021 dismissing an application of ad hoc admission of a Queen's Counsel from UK to act for the Respondent in the BDT proceedings.
13/2017	2 charges were laid against the Respondent; The BDT conducted the disciplinary inquiry in August and October 2021 by video-conferencing as the Respondent was overseas by reason of Covid-19; The BDT will hand down its decision in due course.
09/2019	2 charges were laid against the Respondent; The BDT shall conduct the disciplinary inquiry in June 2022.
14/2019 05/2020 (Consolidated)	3 charges were laid against the Respondent; The BDT was constituted by the Tribunal Convenor in November 2021.
02/2020	5 charges were laid against the Respondent; Pleas will be taken from the Respondent in December 2021.

7. In December 2020, the Court of Appeal dismissed an appeal out of time lodged by a barrister whose name was struck-off by the BDT in November 2019. In another appeal lodged by a barrister whose practice was suspended by the BDT for 36 months, the Court allowed an application of the barrister to adduce new evidence in the course of the appeal to the Court of Appeal.
8. At present, there are 3 outstanding BDT matters pending referral to the BDT and setting up of BDT by the Convenor.

The Standing Committee

9. The following members served on the Standing Committee in 2021:

Mr. Johnny Mok SC, Mr. Anthony Houghton SC, Mr. Nicholas Cooney SC, Mr. Eugene Fung SC, Mr. Richard Khaw SC, Mr. Law Man Chung 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, Mr. Martin Wong, Mr. Joe Chan, Mr. Jeffrey Tam and Ms. Christy Wong (Secretary to the Standing Committee).

10. The work of the Standing Committee is also supported by the Taskforce comprising of Mr. Jonathan Tai, Ms. Tessa Chan, Mr. Adrian Y.Y. Lo, Ms. Agnes N.W. Kwok and Ms. Mondy M.H. Ho. Apart from handling the backlogged cases, Members of the Taskforce were assigned to conduct preliminary investigations into new complaints received in 2021.
11. The Standing Committee is delighted to secure the voluntary service of Mr. Marco Li and Ms. Fiona Nam who joined the team of investigators. Meanwhile, the Standing Committee has endeavoured to overcome the shortage in manpower to investigate the complaints upon resignations of three of its Members: Mr. Graham Harris SC, Mr. Lawrence Ng and Mr. Paul H.M. Leung. By nomination of the Bar Council, the Chief Justice appointed Mr. Ng as a Member of the Barristers Disciplinary Tribunal Panel.
12. I am most grateful and indebted to all members of the Standing Committee who have undertaken the work of investigation on voluntary basis. In investigating and considering the disciplinary matters, most of which are complicated and time consuming, and preparing comprehensive reports to the Bar Council, they provided vital support to the Bar Council in maintaining the highest professional standards of barristers in Hong Kong. It is with the support of all members of the Standing Committee that the work of the Standing Committee was completed timely and satisfactorily.
13. As led by the Administrator, Dora, the Bar Secretariat have given significant assistance in the work of the Standing Committee. In particular, the Administrator and the Administrative Secretaries supported the Standing Committee and the Bar Council when implementing the new system of dealing with disciplinary items by way of paper disposal in uncontroversial matters. Their tremendous efforts were vital in maintaining efficiency of the Bar Council to dispose of disciplinary complaints.

Erik SHUM

Chairman, Standing Committee on Discipline

16 December 2021