

IN THE BARRISTERS DISCIPLINARY TRIBUNAL

BETWEEN

The Bar Council	Applicant
and	
Vivien Chan Man-wai	Respondent

COMPLAINTS

The following complaints of misconduct are laid by the Bar Council against Vivien Chan Man-wai before the Barristers Disciplinary Tribunal:-

PARTICULARS OF MISCONDUCT

COMPLAINT 1

Contrary to Bar Code, Paragraph 4.1(b)(ii)

Between 7 October 2019 and 14 February 2020, the Respondent, Vivien Chan Man-wai breached Bar Code paragraph 4.1(b)(ii) by engaging in conduct (whether in pursuit of her profession or otherwise) that was likely to bring the profession of barrister into disrepute or otherwise diminish public confidence in the profession of barrister.

PARTICULARS

Posting on her Facebook account the following posts:

- 7 October 2019: “要說縱容暴力，香港的法官認第二，全世界都有人敢認第一。真要多謝法官們賜給香港今天的亂局。”

(which translates as “When it comes to condoning violence, if Hong Kong judges claim to be second, no one in the world dare claim to be first. Really have to thank the judges for giving Hong Kong the chaos it is in today.”)

- 16 October 2019: “畜生暴徒！支持牠們的包括大律師公會和不少法官都是人渣垃圾！”

(which translates as “Animal rioters! Those who support them including HKBA and many judges are human scum and trash!”)

- 17 October 2019: “黃屍甲由是香港最低劣的畜牲”

(which translates as “Yellow corpse cockroaches are the lowliest animals in Hong Kong”)

- 21 November 2019: “阿 Sir 越做越好！亂世先出英雄！暴徒越來越衰！監牢地獄等緊牠們！”

(which translates as “The Police are doing better and better! Rough times make heroes! The rioters are getting uglier! Jail and hell await them!”)

- 2 January 2020: “拉晒坐監！慢慢還啦暴徒！”

(which translates as “Jail them all! Enjoy paying the price rioters!”)

- 2 January 2020: “香港暴徒白痴，有幾多拉幾多，不會手軟！警隊加油！”

(which translates as “Hong Kong rioters are idiots, arrest them all, no mercy! Go Hong Kong Police!”)

- 14 February 2020: “香港搞到咁樣衰，真系多得呢 D 法官唔少！有佢地做法官點止暴制亂呀！”

(which translates as “It really is thanks to these judges that Hong Kong has become so grim! How is one supposed to put an end to the violence and chaos with them as judges!”)

COMPLAINT 2

Contrary to Bar Code, Paragraph 4.1(b)(iii)

Between 7 October 2019 and 14 February 2020, the Respondent, Vivien Chan Man-wai breached Bar Code Paragraph 4.1(b)(iii) by engaging in conduct (whether in the pursuit of her profession or otherwise) which is prejudicial to the administration of justice or otherwise likely to diminish public confidence in the administration of justice.

PARTICULARS

Posting on her Facebook account the following posts:

- 7 October 2019: “要說縱容暴力，香港的法官認第二，全世界都冇人敢認第一。真要多謝法官們賜給香港今天的亂局。”

(which translates as “When it comes to condoning violence, if Hong Kong judges claim to be second, no one in the world dare claim to be first. Really have to thank the judges for giving Hong Kong the chaos it is in today.”)

- 16 October 2019: “畜生暴徒！支持牠們的包括大律師公會和不少法官都是人渣垃圾！”

(which translates as “Animal rioters! Those who support them including HKBA and many judges are human scum and trash!”)

- 14 February 2020: “香港搞到咁樣衰，真系多得呢 D 法官唔少！有佢地做法官點止暴制亂呀！”

(which translates as “It really is thanks to these judges that Hong Kong has become so grim! How is one supposed to put an end to the violence and chaos with them as judges!”)

COMPLAINT 3

Contrary to Bar Code, Paragraph 4.1(c)

Between 7 October 2019 and 14 February 2020, the Respondent, Vivien Chan Man-wai breached Bar Code paragraph 4.1(c) by failing to observe the ethics and etiquette of her profession.

PARTICULARS

Posting on her Facebook account the following posts:

- 7 October 2019: “要說縱容暴力，香港的法官認第二，全世界都有人敢認第一。真要多謝法官們賜給香港今天的亂局。”

(which translates as “When it comes to condoning violence, if Hong Kong judges claim to be second, no one in the world dare claim to be first. Really have to thank the judges for giving Hong Kong the chaos it is in today.”)

- 16 October 2019: “畜生暴徒！支持牠們的包括大律師公會和不少法官都是人渣垃圾！”

(which translates as “Animal rioters! Those who support them including HKBA and many judges are human scum and trash!”)

- 14 February 2020: “香港搞到咁樣衰，真系多得呢 D 法官唔少！有佢地做法官點止暴制亂呀！”

(which translates as “It really is thanks to these judges that Hong Kong has become so grim! How is one supposed to put an end to the violence and chaos with them as judges!”)

COMPLAINT 4

Contrary to Bar Code, Paragraph 4.1(b)(iii)

On a date unknown but on or before 25 June 2020, the Respondent, Vivien Chan Man-wai breached Bar Code Paragraph 4.1(b)(iii) by engaging in conduct (whether in the pursuit of her profession or otherwise) which is prejudicial to the administration of justice or otherwise likely to diminish public confidence in the administration of justice.

PARTICULARS

Posting on her Facebook account the following article: Madam Peck Article dated 2 December 2013, and titled “回帶睇睇香港的司法！極品李國能” (which translates as “Rewinding to take a look at justice in Hong Kong! The insuperable Andrew Li”).

COMPLAINT 5

Contrary to Bar Code, Paragraph 4.1(b)(iii)

On a date unknown but on or before 25 June 2020, the Respondent, Vivien Chan Man-wai breached Bar Code Paragraph 4.1(b)(iii) by engaging in conduct (whether in the pursuit of her profession or otherwise) which is

prejudicial to the administration of justice or otherwise likely to diminish public confidence in the administration of justice.

PARTICULARS

Posting on her Facebook account the following comment: “原來如此！怪不得怪不得！” (which translates as “So that’s why! No wonder no wonder!”)

Dated this 26th day of August 2021.

M. A. Corlett
Counsel for the Applicant

Wilkinson & Grist
Solicitors for the Applicant

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Dated this 26th day of August 2021.

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