

Special Committee on Criminal Law and Procedure

1. During the year the following members served on this Committee:

Peter Duncan SC (Chairman)
Andrew Bruce SC
James McGowan
Giles Surman
Dominic Yeung
Martyn Richmond
Maggie Wong
Edwin Choy
Audrey Campbell-Moffat
Derek Chan

2. The Committee considered a number of matters, including the following:

- (a) The proposed practice direction to be issued by the Judiciary with regard to applications to stay proceedings. (The Committee has provided its comments to the Judiciary – we have yet to see the final version);
- (b) Criminal legal aid fees: regrettably the new fees agreed by the Bar have yet to be implemented as a result of the failure of the Law Society to agree its own scale. The Administration continues to refuse to “de-link” the two.
- (c) The proposed new practice direction for complex commercial crime trials. (Comments have been provided to the Judiciary and the Committee is about to consider the views of the DOJ).
- (d) The DOJ’s consultation paper on Pre-Trial Witness Interviews by Prosecutors. The Committee did not find favour with the proposals and reported to the Bar Council accordingly.
- (e) “High Rates of Conviction” in Hong Kong, following the publication of the foreword in Archbold Hong Kong 2010. This is under active consideration.

3. I take this opportunity of thanking members of the Committee for their support.

Peter Duncan SC
Chairman
Special Committee on
Criminal Law and Procedure

2 December 2009