



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: 2023/0062/D5

Mr Chan In Devin Sio

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Middle Temple, October 2019.

Disciplinary Tribunal

Mr Chan In Devin Sio

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 20 August 2025, I, HH Sara Staite, sat as Chair of a Disciplinary Tribunal on 18 September 2025 to hear and determine 2 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Chan In Devin Sio, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Rhona Stevens (Lay Member)

Stephanie McIntosh (Lay Member)

Brett Wilson (Barrister Member)

Alexander Horne (Barrister Member)

Charges

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3. The following charges were admitted.

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or Rule C8 of the Code of Conduct of the Bar of England and Wales (9th Edition, Version 4.6).

Particulars of Offence

Chan In Devin Sio, an unregistered barrister, behaved in a way likely to diminish the trust and confidence which the public places in him or in the profession, and/or which could reasonably be seen by the public to undermine his honesty and/or integrity, when he carried out conduct in his professional capacity as a barrister in Hong Kong which was later found by the Barristers' disciplinary Tribunal of the Hong Kong Bar to amount to professional misconduct, namely:

- 1) Between about January and August 2017 failing to act competently in discharging his professional duties when acting as counsel for the plaintiff in a case known as the "157 Action";
- 2) On or about 29 April 2016, attending the residence of a practicing solicitor and holding and/or attended a conference with her on matter(s) in relation to his professional practice without any or any good reason; and/or
- 3) Between 21 July 2020 and 30 October 2020 engaging in conduct which was dishonest or otherwise discreditable to a barrister by knowingly furnishing untrue and/or inaccurate information to the Standing Committee on Discipline of the Hong Kong Bar Association;

as further particularised in a Statement of Findings of the Hong Kong Barristers Disciplinary Tribunal dated 2 August 2022. The said conduct resulted in three complaints of professional misconduct that were found proved on 2 August 2022, including as to his dishonesty in relation to complaint (3), and for which Mr Sio was suspended for 45 months, censured, fined HK\$2500, and ordered to pay costs of HK\$406,800.34, on 10 October 2022.

Charge 2

Statement of Offence

Professional misconduct, contrary to Rule C65.3 of the Code of Conduct of the Bar of England and Wales (9th Edition, Version 4.6).

Particulars of Offence

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Chan In Devin Sio, an unregistered barrister, failed to report, promptly or at all, to the Bar Standards Board, his regulator in England and Wales:

- 1) from 23 March 2020 onwards, that he had been made subject to regulatory action by the Council of the Hong Kong Bar Association in respect of the complaints referred to in Charge 1, and/or
- 2) from 30 November 2020 onwards, that disciplinary proceedings were being brought against him following that regulatory action.

Parties Present and Representation

4. The Respondent was present remotely via Zoom and was not represented. The Bar Standards Board (“BSB”) was represented by Mr Gareth Tilley.

Pleas

5. Mr Sio admitted both charges.

Sanction and Reasons

6. On 18 September 2025 the Tribunal gave the following reasons for their decision and sanction in the case.

This decision follows a hearing which took place today before the Disciplinary Tribunal of the Council of the Inns Of Court on the 18th September 2025. The Bar Standards Board as the regulator of barristers in England and Wales brought two charges against Mr Chan Sio (“the Respondent”) who is a Hong Kong barrister resident in Hong Kong and an unregistered barrister member of the Middle Temple in England from September 2019 onwards.

The charges against Mr Sio were in the following terms:

Charge 1 - professional misconduct, contrary to Core Duty 5 and/or rule C8 of the Code of Conduct of the Bar of England and Wales. Particulars of the offence were that the Respondent, an unregistered barrister, behaved in a way likely to diminish the trust and confidence which the public places in him or in the profession and/or which could reasonably be seen by the public to undermine his honesty and/or integrity when he carried out conduct in his professional capacity as a barrister in Hong Kong which was later found by the Barristers Disciplinary Tribunal of the Hong Kong bar to amount to professional misconduct.

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There were three specific particulars of the offence in Charge 1 (set out above at 1-3) which were material to the ultimate Statement of Findings of the Hong Kong Disciplinary Tribunal dated 2nd August 2022. The sanction imposed upon the respondent was that he was suspended for 45 months, censured, fined HK\$2,500 and ordered to pay costs of HK\$406,800 on 10th October 2022.

Charge 2 concerned the Respondent's alleged professional misconduct, contrary to rC65.3 of the Code of Conduct for the Bar of England and Wales in that the respondent as an unregistered barrister had failed to report promptly or at all to the Bar Standards Board, his regulator in England and Wales (a) that from 23rd March 2020 onwards he had been made subject to regulatory action by the Council of the Hong Kong Bar Association in respect to the complaint referred to in Charge 1 and/ or (b) that from the 30th November 2020 onwards, disciplinary proceedings were being brought against him following that regulatory action.

At the hearing before us today -convened as a 5 member panel – the Respondent admitted the two charges. He appeared before us remotely from Hong Kong at the hearing and was not legally represented.

The background to the hearing before us was clarified in the written skeleton argument produced by Mr Gareth Tilly on behalf of the Bar Standards Board. Reference was made to three complaints having been lodged with the Convener of the Hong Kong Barristers Disciplinary Tribunal on 18th November 2021 arising out of the Respondent's conduct while acting for the Plaintiff in a civil case known as the 157 action.

In brief, complaint 1 related to the Respondent's failure in 2017 to discharge his professional duties competently as Counsel for a Plaintiff within the 157 action by drafting and/or settling a defective statement of claim which failed to establish (a) any cause of action in relation to an alleged conspiracy and/or (b) any alleged forgery of the signature of one of the parties to the action proof of which was essential if the claim based on conspiracy and/or dishonest assistance was going to succeed.

Complaint 2 within the Hong Kong proceedings referred to the Respondent in his professional capacity as a barrister, attending the residence of Ms X a practising solicitor on 29th April 2016 where he held and/or had attended a conference with her on matters in relation to his professional practice, without any or any good reason. We were advised during the hearing today that there is a rule in Hong Kong that a barrister cannot attend a conference at a solicitor's office (be it at home or elsewhere) and that if proved, this constituted a regulatory offence.

In relation to this complaint and in the course of a 74 page document headed statement of findings, dated 2nd August 2022 prepared by the Disciplinary Tribunal in Hong Kong, it became clear that complaint 2 fed into a third complaint levelled against the Respondent namely that he had *'engaged in conduct which was dishonest or otherwise discreditable to*

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a barrister by knowingly furnishing untrue and or inaccurate information to a Standing Committee on Discipline of the Bar Association in the course of its investigation in relation to the conference’.

The Respondent firmly denied in 2020 to the Standing Committee that he had attended the solicitor’s residence as a barrister but it subsequently transpired that during an earlier High Court hearing when giving evidence under oath that he had gone to the solicitor’s home to discuss business affairs and that she had given him some documents to read. He had continued in his evidence, *‘I remember that it was about a lawsuit and she asked me to give some legal advice’*. This transcript of his evidence at the High Court was put before the disciplinary tribunal in 2022 and was in clear conflict with the Respondent’s evidence to the Standing Committee in 2020.

As the Hong Kong Tribunal stated in their findings Complaint 2, was not, in itself, a serious breach of the Bar Code. Had the Respondent made a clean breast of the matter in 2020 when the Standing Committee had enquired into his High Court evidence, or even when the matter had come before the Tribunal, this particular complaint might have elicited a very different result. However, the Disciplinary Tribunal in Hong Kong found that the Respondent had given an untrue and misleading account of events to the Standing Committee in 2020 which he had maintained and had sought to justify before the Tribunal in 2022. The report continued;

‘Having found that Mister Sio knew that the accounts given to the standing committee were untrue and misleading, it follows that he knew that his evidence to this tribunal hoping to persuade us of its veracity was equally untrue. Moreover, had Mr Sio reconsidered his position and admitted the substance of complaint 2, he would not have been subject to complaint 3.

The Tribunal members found that Mr Sio had told a number of untruths at the disciplinary hearing and had sought to mislead his professional association.

This was the foundation of the allegation of dishonesty on the part of the Respondent set out above in Charge 1 which had been found proved by the Disciplinary Tribunal in Hong Kong.

The Disciplinary Tribunal in Hong Kong noted in that English courts have held in recent cases that a finding of dishonesty will almost invariably lead to disbarment in all but exceptional circumstances.

Reference was made to *Bolton vs Law Society [1994] WLR 512* and BTAS guidance which not only referenced that disbarment will normally be the appropriate sanction for dishonesty whatever the circumstances in which the dishonesty occurs but also that the primary issues for a tribunal will be the need to maintain public trust and confidence in the

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profession and address the risk of harm to the public. These factors would outweigh the interests of the individual barrister.

The Disciplinary Tribunal in Hong Kong went on to consider previous decisions of the Hong Kong Barristers Disciplinary Tribunal where dishonest conduct on the part of a barrister had resulted in suspension, not disbarment. At Paragraphs 29 - 31 of their document headed 'decision and orders', the Tribunal said this.

'Para 29. In this case, Mr Sio's, dishonesty to the Standing Committee was particularly discreditable

Attempts were made to mislead as Mr Sio's case shifted and we were left with the impression that Mr Sio was playing cat and mouse with an eye to either delaying or wearing down the inquiry rather than simply responding frankly as he should or simply denying the allegation. The untruths were added to as the Standing Committee inquired further....

Para 30. Mr Sio offered no mitigation in respect of the facts of these two complaints. Again, he offered no apology or remorse.

He gave no indication to us that would suggest he would not repeat this conduct in future if in practice and he once again found himself the subject of a disciplinary inquiry. We bear in mind this misconduct took place in 2020, but having reviewed the correspondence, we are satisfied the delay between that date and today is immaterial and was contributed to in no small part by Mr Sio himself.

Para 31. Mr Sio's dishonesty in his responses to the Standing Committee was serious. It was discreditable to a barrister as a member of an honourable profession. We are satisfied for the reasons given above that only an order which removes him from practice will suffice aggravated as it was by attempts to mislead. We are satisfied that a period of 15 month suspension from practice is merited.

The Tribunal in Hong Kong did not disbar the Respondent. The total period of suspension in relation to the 3 complaints levelled against the respondent was 45 months, 30 months in respect of complaint 1 and 15 months in respect of complaint 3. Additionally, the Respondent was ordered to pay HK\$406,680.34 in costs. The proceedings in Hong Kong and the adjudication were not reported to the Bar Standards Board in England. This forms the basis of charge 2 before us today.

The Respondent sought to appeal out of time to the Hong Kong Court of Appeal. In addition to refusing an extension of time to appeal, the Court of Appeal considered that there was no prospect of success in respect of the intended grounds of appeal.

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It should also be reiterated that in relation to the proceedings before the Hong Kong Bar Standards Tribunal, the Respondent had denied all the charges levelled against him in contrast to his admission of the charges laid before the Tribunal today.

Today we are faced with disciplinary charges put before a regulatory Tribunal convened in London with the knowledge that the Respondent's professional misconduct was the subject of considerable scrutiny by the regulatory body in Hong Kong which was specifically concerned with upholding the professional standards and integrity of barristers in that jurisdiction.

We have been referred very properly to provision 4.24 of section 4 of sanctions guidance, which states as follows.

'Panel should note that a sanction imposed by another regulator should not be taken as a definitive guide to the seriousness of the offence. The range of sanctions which were available under the other regulators, enforcement procedures and the approach taken to determining the sanction may be different to those which are available and relevant to BTAS/BSB panels.'

'For example, relevant considerations concerning the risk posed by different types of misconduct within different professions, the approach taken to mitigation, aggravating features, the guidance and case law as to the appropriate severity of sanctions in different professions and other factors may mean that different regulators to rightly impose significantly different sanctions for the same conduct.'

'Therefore, panel should always look to the nature of the misconduct and the factors relevant in the context of the bar to determine the appropriate sanction, rather than focusing on the sanction imposed by another regulator.'

We have considered very carefully all the written evidence before us today and we have had the opportunity of hearing from the Respondent in person on a link from Hong Kong.

We agree that the present charges before us are parasitic on the findings made in Hong Kong to which reference has already been made.

We have noted the Respondent's admission today in respect of charge 1 that his conduct in relation to conflicting evidence disclosed within High Court proceedings and the Standing Committee in Hong Kong, *'could reasonably be seen by the public to undermine his honesty and or integrity'*. We are in no doubt that the Respondent's conduct which was the subject of disciplinary proceedings in Hong Kong was thoroughly dishonest and brought the profession into disrepute.

We remind ourselves that we are not in any way bound by the sanction of the Disciplinary Tribunal in Hong Kong. We start by finding that section A of the Sanctions Guidance

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(‘version 6’) is the correct misconduct group and determinative of sanction. We find that the Respondent lied in his evidence to the Standing Committee on Discipline of the Hong Kong Bar Association in 2020 and was deliberately dishonest in representing that a visit by him to the home of a solicitor was not in connection with his work as a barrister in Hong Kong.

During the proceedings in Hong Kong the Respondent never admitted his culpability in relation to offering two conflicting explanations for his attendance at the solicitor’s home. When he was caught out by the production of the transcript of his evidence in the High Court - given under oath - he refused to confront his dishonesty which was, as we find, a calculated decision and did not amount to a fleeting or momentary lapse of judgment.

The Respondent lied in his evidence to the Standing Committee for entirely self-serving purposes. We find that public confidence in the profession would be significantly undermined if we did not take a very serious view of the Respondent’s actions and the clear findings of the Bar Disciplinary Tribunal in Hong Kong.

We have looked at Annex 2 of the Sanctions Guidance and the issues of culpability, harm, aggravating and mitigating factors. We repeat that the dishonest behaviour of the Respondent inevitably would have had an impact on the public confidence in the legal profession particularly in circumstances where the Respondent appeared at no time to demonstrate any remorse for his actions but was marked by concerted action on his part to cover his tracks during the course of the tribunal hearing in Hong Kong.

We have considered the mitigation advanced by the Respondent today in the context of the indicative sanction for a charge of dishonesty being disbarment. We understand from his mitigation that the Respondent wishes to retain his status as a barrister in England and Wales as part of his foray into AI legal technology on which he is working at the moment and which he hopes to expand into an international market. In the Respondent’s view, maintaining a barrister qualification in England would benefit the public seeking to learn and implement AI tech. We respectfully disagree. We consider that the Respondent sees an opportunity now to further a new career in AI for his own purposes with the benefit of his professional status as a barrister in England. We do not find that this is a relevant factor in our decision-making today and we have some concerns about the Respondent’s use of his professional qualification for this purpose.

The Respondent’s conduct and actions as set out above have significantly undermined his reputation as a barrister in Hong Kong and in this country and is compounded by his evident disregard for the essential requirement for barristers to act honestly and with integrity. In this regard, we have also noted that the Respondent failed to report his activity until he was effectively caught out by evidence which he gave under oath at a High Court hearing. In our view this is yet another feature of the somewhat cavalier attitude adopted by the Respondent in connection with his professional duties and responsibilities.

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Accordingly, we find that in relation to the to the overall seriousness of the charges and findings, the sanction of disbarment is the only available option for us to impose today. For clarity, we consider that the middle range of sanction would appear most aptly to meet the particular facts of this case.

As for totality, we have noted that the second charge which the Respondent admitted relates to his failure to report to the regulator that he was subject to regulatory action and/or or disciplinary proceedings in Hong Kong during 2020. We do not consider, in the circumstances, that is appropriate for there to be any further sanction in relation to this second charge bearing in mind our decision to disbar the Respondent in relation to the first charge.

7. The Tribunal has also made an order the Respondent should not be provided with a practising certificate pending any appeal under rE227.3
8. The Respondent is also required to pay costs of £2,2670 to the BSB.
9. The Treasurer of the Honourable Society of Middle Temple is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

Dated: 7th October 2025

HH Sara Staite
Chair of the Tribunal

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