# Wong Man Kit, S.C.

## Called to the Bar in HK in 1985

## Wong Man Kit, S.C.

## Call

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| **Hong Kong (Admitted as a Barrister-at-Law)** | **1985** |
| **Hong Kong (Appointed as a Senior Counsel)** | **2001** |

## Education

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| **LL.B. (Hons)** | **The University of Hong Kong** | **1984** |
| **P.C.LL.** | **The University of Hong Kong** | **1985** |

## Appointments and Services

## Judicial Experience and Public Services

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| **Deputy High Court Judge** | **2002** |
| **Deputy District Court Judge** | **1999** |
| **Member of the Election Committee as a Representative of the Legal Subsector responsible for electing the Chief Executive** | **2000-2005** |
| **Member of the Election Committee responsible for electing the Hong Kong Deputies to the National People's Congress of PRC** | **Since 2008** |
| **Member of the Criminal Court Users Committee** | **2003-2017** |
| **Member of the Committee on the Consultancy Study on the Demand for and Supply of Legal and Related Services** | **2005-2008** |
| **Member of the Council of Duty Lawyer Service** | **1997-2002** |
| **Honorary Consultant to the Society of Rehabilitation and Crime Prevention, Hong Kong (Mock Trial Justice Education Project)** | **since 2008** |

## Services for the Hong Kong Bar Association

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| **Member of the Bar Council** | **1997-2002** |
| **Member of the Special Committee on Criminal Law and Procedure** | **1997-2002** |
| **Member of the Special Committee on Discipline** | **1997-2002** |
| **Member of the Special Committee on Overseas Counsel's Admission** | **since 2008** |

# Practice Profile

MK is a bilingual criminal silk who was appointed as a Senior Counsel at the age of 39 in 2001. He founded the Wong Man Kit SC's Chambers in 2010 and has been the Head of Chambers since then. MK specializes in both trials and appeals in criminal cases (both in English and in Chinese) in all levels of courts, with extensive experience in serious and complex white collar crimes such as money laundering , ICAC and CCB cases, corruption, misconduct in public office, commercial frauds, crimes involving listed companies, securities related cases, and false accounting. MK's experience also covers a great variety of other cases like homicide, sexual offences, trafficking in dangerous drugs, coroner's inquest, and many others.

MK defended and advised in a number of high profile cases involving well-known individuals. MK has also prosecuted cases for the HKSAR and given advices to the DOJ. MK sat as a Deputy High Court Judge in 2002, and as a Deputy District Court Judge in 1999, hearing mainly criminal cases. MK's practice also includes giving advices to clients during investigation stages before criminal charges are laid.

# Language

Fluent in Cantonese and English
Can communicate in Putonghua

# Notable Cases

## Update of Recent Cases

**1. HKSAR v. Yau Shing Kin (邱承建) D1, Chu Tung Ki Aaron (朱東麒) D2 and Chu Tung Hang Byron (朱東恆) D3**

This complicated trial took more than 80 working days in the District Court in

2020 to finish. It involves 3 medical eye specialists (ophthalmologists) formerly employed by the Caritas Hospital. They were charged with a number of offences of conspiracy to commit misconduct in public office. D1 also faced a charge of theft of medicine from the hospital. The prosecution alleged that the Defendants recommended private doctors to the patients while they were acting in the capacity of a public sector doctor, which involved conflict of interest. Complex factual and legal issues were central to this case, including the evidence of a prosecution witness giving evidence under immunity, the validity or otherwise of search warrants of the Defendant's computer and smart phones, intrusion into the constitutional privacy rights of the Defendants, the appropriateness and interpretation of guidelines issued by the Hospital Authority on the recommendation of private doctors to patients by the public sector doctors, what would constitute conflict of interest, the admissibility of the covert recording of the Defendant's meeting and conversations by the ICAC, and the legal elements of the offence of misconduct in public office. MK represented D1 Dr. Yau Shing Kin, and led the defence in the lengthy trial. MK conducted extensive cross examination of the prosecution witness giving evidence under immunity, the Hospital Authority prosecution witnesses, and the patients prosecution witnesses. All 3 Defendants gave evidence on the special issue and general issues. MK did a through written and oral closing submissions covering every material factual and legal issue. In the end, all the Defendants were found not guilty and acquitted of all the charges.

**2. HKSAR v. Yeoh Kim Loong Eugene (楊金隆) (D1) and Lum Chor Wah Richard (林楚華) (D2)**

MK represented D1 in this District Court trial. D1 was the Senior Vice President of the Initial Public Offering (IPO) team in the Listing Department of the Hong Kong Stock Exchange, responsible for vetting all listing applications. D1 was charged with: (1) Conspiracy to offer advantages to a public servant, i.e. D1, advantages of a favour from D2 by D2 acting as a supporting member in D1's application for Jockey Club Racing Membership, and a gift of $9.5m from D2, for

D1 being favourally disposed to the IPO applications in which D2 was involved, and (2) Misconduct in public office, namely that D1 failed to disclose his conflict of interest with D2 in relation to the aforesaid two advantages offered by D2 and D1 failed to abstain from the deliberation and decision making in respect of the IPO applications.

MK did a thorough cross examination of the HK Stock Exchange and Jockey Club prosecution witnesses and brough out evidence relevant for the defence. D1 elected not to give evidence in Court, but called his wife to give evidence to explain clearly that the $9.15m were for innocent purposes. MK made a systemic and detailed written and oral closing submission analyzing the factual and legal issues including the submission that there was no conflict of interest involved, and there was no element of corruption. After the trial which took about 20 working days, the court found that the defence may be true, and that the Defendants were not guilty, and the Defendants were acquitted of all charges.

**3. Lam Ching Sheung (林徵嫦) v. Ching Lin Chuen (程練傳) (STS 5870-5879 of 2021)**

Ms Lam Ching Sheung initiated a private prosecution against the Defendant for 10 charges of theft, alleging that the Defendant in 1994 to 1995 misrepresented to Ms Lam that a certain company owned a certain land lot in Tai Po, cheating Ms Lam into investing $8.7 million into a small hosue construction project. MK represented the Defendant. MK cross-examined Ms Lam on her previous reports to the police, her previous act versions in the relevant civil actions, and the improper conduct of Ms Lam in claiming against the Defendant in the Court documents, and the special features involved in small house development projects. The Defendant elected not to give evidence in Court. The Court agreed with MK's detailed closing submission, and importantly accepted MK's core submission that Ms Lam's evidence under cross examination was "appalling" (慘不忍睹), which did not have any credibility at all. As a result, the court found the Defendant not guilty of all charges, and awarded cost to the defence with a certificate for 2 counsel including a Senior Counsel.

**4. HKSAR v 鄧皓文 (Tang Ho Man) A1 張志旺 (Cheung Chi Wong) A2 (CACC 40/2017, [2021]) HKCA 167)**

MK represented A2 in the Court of Appeal in appeal against conviction of the offence of trafficking in dangerous drugs. The Court of Appeal accepted MK's submission that the trial judge failed to direct the jury that if the jury found that the police officer has done oppressive act on the Defendant in making him confess, then although the confession is true, the jury must still totally ignore the confession. Since the trial judge failed to do so, the appeal was allowed, the conviction was quashed, and a retrial was ordered.

**5. HKSAR v 江昊嶸 A1, 羅少韓A2, 林泉漢A3**

MK represented the 3 Appellants in a appeal against conviction of the offence of acting as an triad member. The Court of First Instance accepted MK's submission that the trial Magistrate did not properly deal with the identification evidence against A1, and allowed his appeal and quashed his conviction. The appeal by A2, A3 were dismissed.

**6. HKSAR v Lau Chun Ting (劉俊霆) (HCMA 267/2013, [2021] HKCFI 219)**

MK represented the Appellant in on appeal against conviction of the offence of indecent assault. The Appellant was the employer and friend of the alleged victim. The Court of First Instance accepted MK's argument that the trial Magistrate did not properly deal with the evidence of the alleged victim and an independent defence witness, and found that the conviction was unsafe. The appeal was allowed and the conviction was quashed.

**7. HKSAR v Yeung Lai Ping (楊麗萍) (HCMA 251/2018, [2019] HKCFI 914)**

MK represented the Appellant in an appeal against conviction of 2 offences of

assault. The prosecution alleged that the Defendant assaulted his employee maid. The Court of First Instance accepted MK's submission that (1) the trial Magistrate erroneously treated certain evidence as corroboration evidence and relied on it to convict; (2) the Magistrate did not adequately consider the (discrepancies) and illogical aspect of the alleged victim's own evidence and those of the other witnesses. As a result, the Court of First Instance found that the convictions was usage, allowed the appeal and quashed the convictions.

**8. 香港特別行政區 訴 高永雄 HCMA 35/2022. [2022] HKCFI 3275**

MK represented the Appellant in the Magistracy Appeal in the Court of First Instance against the conviction of two charges of indecent assault. The Appellant was the employer of a domestic helper, who claimed to be indecently assaulted by the Appellant at his home on two occasions. The Court of First Instance accepted the following submissions of MK: (1) The Magistrate erroneously found that the complainant made a recent complaint (2) The Magistrate erroneously relied on the evidence of the Appellant's bad character and propensity to commit crimes (3) The Magistrate did not properly consider the grave contradictions and inherent improbabilities of the complainant's evidence. The appeal was allowed and all the convictions were quashed. The Court also awarded the cost of the Appeal to the Appellant.

# Previous Notable cases

**1. Yan Sui Ling (嚴穗陵) v. HKSAR (2012) 15 HKCFAR 146**

Madam Yan Sui Ling was convicted of a charge of money laundering in the District Court when she was defended by another Senior Counsel. MK conducted the appeal against conviction for the Defendant in the Court of Appeal against conviction. The Court of Appeal dismissed the appeal. MK conducted the Defendant's appeal to the Court of Final Appeal, and leave to appeal was granted on the limb of substantial and grave injustice. The Court of Final Appeal accepted MK's submissions and quashed lay client's conviction of money laundering. The case involved an issue of the impact of underground banking system in the

mainland China on money laundering offences in Hong Kong, and whether the trial judge and the Court of Appeal had a wrong assessment of the evidence.

**2. HKSAR v. Ye Fang and Another**

(DCCC 1022/2012, CACC 299/2014)

MK defended Madam Ye Fang in a District Court trial who was charged with money laundering involving over $200m. The prosecution alleged that Madam Ye's bank account transactions were inconsistent with her income. In the lengthy and complicated trial, the defence called a number of witnesses and produced bundles of documents to explain the transactions. Lay client was convicted after trial. MK conducted the appeal in the Court of Appeal (being led by a London silk), and the appeal involved the application of the legal principles in money laundering cases arising from the Court of Final Appeal judgment in the case of Pang Hung Fai. The appeal was allowed, the conviction was quashed, and a retrial was ordered. Madam Ye was acquitted in the retrial in the District Court. MK did not conduct the retrial.

**3. HKSAR v. Shum Kin Wing (沈建榮) and Another. (DCCC 175/2013, CACC 437/2013)**

The Defendants were charged in the District Court with money laundering offences based on their bank account transactions and their tax returns. MK conducted their defence in this lengthy and complicated trial. The defence called many witnesses and produced a lot of documents to explain the bank account transactions. The Defendants were convicted after trial. MK conducted the appeal in the Court of Appeal and the convictions of both Defendants were quashed, and no retrial was ordered. The issues involved law points arising from the Court of Final Appeal case of Pang Hung Fai and whether the trial judge erred in the findings of facts.

**4. HKSAR v. Cheung Hiu Kwong (張曉光) HCMA 24/2014**

MK conducted the appeal in the Court of First Instance for the appellant against the conviction of money laundering charges and no retrial was ordered. It involved law points arising from the Court of Final Appeal judgement in Pang Hung Fai.

**5. HKSAR v. Yeung Ka Sing Carson (楊家誠) CACC 101/2014**

MK drafted the perfected grounds of appeal for Carson Yeung in the appeal to the Court of Appeal before the Court of Final Appeal judgement in Pang Hung Fai was released, and conducted the first bail pending appeal application which was adjourned. MK had no further involvement in this case afterwards.

**6. HKSAR v. 楊思慨 DCCC 208/2013**

MK conducted the defence in a money laundering trial for the Defendant in the District Court, who was a businessman involved in unlicensed currency exchange transactions of tens of millions of dollars. He was convicted after trial. The appeal was taken up by another counsel.

**7. Appeals in the Court of Final Appeal**

MK conducted a number of appeals for the Defendants to apply for leave to appeal to the Court of Final Appeal on various criminal charges. In the following cases, the appeals reached the full Court of Final Appeal:-

**(I) Leung Chi Keung v. HKSAR (2004) HKCFAR 526**

MK conducted a Magistracy Appeal against an indecent assault conviction, which was dismissed. MK obtained leave to appeal to the Court of Final Appeal. Leave to appeal was granted, inter alia, on a point of law of great and general importance on the evidence of distress in sexual cases. In the appeal, MK assisted the Court of Final Appeal to formulate a direction to the jury when the issue of evidence of

distress of the victim is involved in a case of sexual offences.

**(II) HKSAR v. Lam Sze Nga (2006) HKCFAR 162**

MK conducted the successful appeal by the Defendant against a conviction of trafficking in dangerous drugs in the Court of Appeal and the conviction was quashed and a retrial was ordered. The DOJ appealed to the Court of Final Appeal on a point of law of great and general importance on the issue of the defendant's right of silence. MK conducted the Defendant's case in the Court of Final Appeal and succeeded in resisting the DOJ's appeal. The Defendant's conviction of the offence of trafficking in dangerous drugs stood quashed in the Court of Final Appeal.

**(III) Ko Man Chun v. HKSAR (2010) 13 HKCFAR 123**

MK conducted an appeal to the Court of First Instance and then to the Court of Final Appeal against a conviction of acting as a member of a triad society. MK argued that there was a mistaken finding of fact by both the Magistrate and the Court of First Instance. The Court of Final Appeal allowed the appeal against conviction on the limb on substantial and grave injustice based on MK's argument.

**(IV) Yan Sui Ling (嚴穗陵) v. HKSAR (2012) 15 HKCFAR 146**

This case has been referred to hereinbefore.

**(V) HKSAR v. CT FACC No 25 of 2018 [2019] HKCFA 26**

MK represented the Appellant who was convicted by the jury of 4 counts of rape but was acquitted of the 5th count of rape. MK made extensive submission in respect of 2 points of law of great and general importance on (1) how should the trial judge direct the jury in case of sexual offences where the only direct evidence of the commission of the offences came from the complainant , and (2) what should be the proper approach of an appellate court towards inconsistent verdicts which were based on the uncorroborated evidence of the complainant. Although the appeal was dismissed , the Court of Final Appeal made clarifications on 2 important points of law with the assistance of MK.

**8. HKSAR v. Wong Kwan (黃坤), Lew Mun-hung (劉夢熊), Yik Siu Hung and Another HCCC 561/2013**

MK defended Madam Yik Siu Hung in the complicated and lengthy High Court jury trial of conspiracy to defraud and money laundering, which involved the purchase of an overseas oilfield by the listed company Pearl Oriental. Stay application and listing rules were some of the relevant issues. Lay client was convicted after trial.

**9. HKSAR v. Wong Ying Ho Kennedy (黃英豪) and others (HCCC 409/2015, now DCCC 190/2017)**

MK acted for Kennedy Wong Ying Ho (the former chairman of a listed company and a member of the Political Consultative Conference of the PRC) who was charged with 2 bribery offences. The trial was to take place before a jury in the High Court in February 2017 for 30 working days. The High Court transferred it to the District Court for a 40 days trial. Mr. Kennedy Wong was acquitted in the District Court trial. MK represented Mr. Kennedy Wong in the Magistrates Court and the High Court, but did not conduct the District Court trial.

**10. HKSAR v. Chow Heung-wing, Stephen and 2 others (HCCC 437/2015)**

MK acted for Mr. Chow Heung-wing Stephen, who is alleged to be the owner and person in effective control of the companies in the “DR Group”. The Defendant is accused of manslaughter by gross negligence in relation to the death of a person after a procedure involving a cellular product was performed on the deceased. This complicated and lengthy trial was heard in the Court of First Instance before a jury, which lasted for 120 court hearing days. It began in May 2017 and finished in Dec 2017. Mr. Chow was convicted and was sentenced to 12 years of imprisonment. It involved numerous complicated medical experts’ evidence, and the issue of elements of the manslaugther offence.

**11. HKSAR v. Chan Chun Chuen (陳振聰) (HCCC 182/2012)**

MK acted for Chan Chun Chuen in his forged will criminal case in the High Court at a certain stage and made certain applications for him.

**12. HKSAR v. Koon Wing Yee (官永義), Sham Man Keung and others (HCCC 66/2010)**

Koon Wing Yee and his co-Defendants were charged with blackmailing Hui Chi Ming over a money dispute involving the shares of a listed company and possession of firearms. MK acted for one of the co-Defendants Sham Man Keung in the High Court jury trial. All the Defendants were acquitted after trial.

**13. HKSAR v. Yip Kim Po (葉劍波) & Another HCCC 67 & 188/2008**

MK defended Yip Kim Po, the chairman of 2 listed companies in a High Court lengthy and complicated jury trial. The jury returned a verdict of Not Guilty on all the 3 charges of commercial fraud after trial and the client was acquitted completely in this case. It involved complicated experts' evidence on money flow and whether there were false commercial transactions.

**14. HKSAR v. Yip Wan Fung & Others DCCC 960/2007 & 551/2008**

MK defended Yip Wan Fung, the sister of Yip Kim Po (葉劍波) in a lengthy and complicated case of commercial fraud and money laundering involving a listed company which ran over 80 working days in the District Court. Lay Client was convicted after trial. Other counsel took up the appeals in the Court of Appeal and the Court of Final Appeal, which were dismissed.

**15. HKSAR v. Hu Jia Hua (2004)**

MK defended in the District Court in an ICAC case in which corruption charges were laid against Hu Jia Hua, the vice-chairman of the Nanyang Tabacco Co., a subsidiary of the listed company Shanghai Industrial Ltd. The cautioned statement was ruled inadmissible and all charges were dismissed by the trial judge and lay client was acquitted completely.

**16. HKSAR v. Lu Da Yong and others (2005-2008)**

MK defended Lu Da Yong, the chairman of the aforesaid Nangyang Tobacco Co. who was charged with corruption and conspiracy to defraud in the District Court. The complicated trial went on for several months over 2 years. It involved a stay application based on infringement of legal professional privilege. Lay client became absent in the middle of the trial.

**17. Secretary For Justice v. Chan Chi Wan Stephen (陳志雲) (R1) and Tsang Pei Kun (叢培崑) (R2) CACC 355 of 2011 and CACC 103 of 2012**

MK represented R2 in the TVB employee corruption case. The prosecution appealed against the Defendants' first acquittal in the District Court and the appeal was heard in November 2012 (The first appeal). The Court of Appeal quashed the acquittal and ordered a resumption of trial in the District Court. In the resumed trial in the District Court, the Defendants were again acquitted (the 2nd acquittal). MK represented R2 in the first appeal in the Court of Appeal and the resumed trial in the District Court. MK had no further involvement in this case since the 2nd acquittal. Both R1's and R2's convictions were finally quashed by the Court of Final Appeal in March 2017. The Court of Final Appeal confirmed that MK's argument in the first appeal in the Court of Appeal that the prosecution has to prove that the agent's act was detrimental to the principal's interest was correct.

**18. HKSAR v. Chan Kar Leung & Others (2004-2006)**

MK defended Chan Kar Leung, the chairman of a listed company in a High Court jury trial. The defendant was charged with LC frauds and false accounting. The trial went on for about 2 months. Lay client was convicted after trial. MK represented the client in his appeal in the Court of Appeal. The Court of Appeal dismissed the appeal and MK advised the client to appeal to the Court of Final Appeal. His appeal against conviction was finally allowed in the Court of Final Appeal. (The Court of Final Appeal case was done by another Senior Counsel).

**19. HKSAR v. John Wong (DCCC 694/2011)**

MK prosecuted on fiat in an ICAC investigated case against the former Head of the Department of Surgery of the Hong Kong University. The Defendant was convicted of 2 counts of false accounting and 2 counts of misconduct in public office after trial in the District Court.

**20. HKSAR v. Kan Ping Chee Brian (簡炳墀) (HCMA 48/2012, FAMC 64/2012)**

The former multiple Champion Horse Trainer Kan Ping Chee was convicted of an election offence when he was represented by another Senior Counsel in the trial. M.K. took up the appeal and argued his appeal in the High Court and the Court of Final Appeal. His appeals were dismissed.

**21. MK defended many other ICAC investigated corruption** and fraud charges in both the private and public sectors. In the following trials, all the Defendants were acquitted of all the charges after trial:-

**(i) HKSAR v. Li Ling Sau and Another (KCCC 3688/2014)**

The Defendant was the principal of a well-known kindergarten who was charged with accepting bribes from a parent of a student.

**(ii) HKSAR v. Law Ying Mo (2006)**
**(iii) HKSAR v. Cheung Yin Ming (2006)**
**(iv) HKSAR v. Kan Kwok Leung and others (2006)**
**(v) HKSAR v. Lau Chin Pang and Another (2008)**
**(vi) HKSAR v. Lo Kwai Wing (2008)**
**(vii) HKSAR v. Liu Tin Luk (2004)**
**(viii) HKSAR v. Chan Chi Man and Another (2002)**
**(ix) HKSAR v. Tam Tak Lung KCCC 2393/2011**

**22. DCCC 647/2001 (2002)**
MK defended one of the Defendants in the District Court case, in which his client and a dentist were charged by the ICAC for defrauding the Yan Chai group of hospitals. The client was acquitted of all charges after trial.

**23. MK has advised well-known clients in commercial crimes and corruption cases** whose names cannot be disclosed for confidentiality reasons. For example, MK advised one of the persons under arrest by the ICAC in relation to the case of misconduct in public office involving the former Chief Secretary Rafael Hui Si-yan (許仕仁).

**24. HKSAR v. Ho Tsan Lam HCCC 322/2011**
MK defended a defendant charged with a serious case of drug trafficking in the High Court. The Defendant was acquitted after trial in which the cautioned statement was ruled inadmissible after a voir dire.

**25. HKSAR v. Ho Kam Kau DCCC 989/2011**
MK defended a money laundering case in the District Court. The Defendant was

acquitted after trial.

**26. HKSAR v. Chan Siu & Others (2007)**

MK defended all the Defendants (who belonged to the same family) in a District Court trial, who were charged with copyright offences and money laundering. All Defendants were acquitted of all the charges after a trial which lasted for more than a month.

**27. HKSAR v. Ip Man Man (2003)**

MK defended the chairman of a listed company in a District Court case who was charged with stealing money from his own company. The Defendant was acquitted after trial.

**28. HKSAR v. Yuan Gui Ying DCCC 260/2010**

MK defended a money laundering case involving experts' evidence on money laundering. Lay client was convicted after trial.

**29. HKSAR v. Lee wing Kan and others (2006)**

MK defended the chairman of a listed company who was charged with conspiracy to defraud (LC frauds). The trial went on for about 2 months in the District Court. The client was convicted after trial.

**30. HKSAR v. Agnes Wong Kin Yee (2008)**

MK defended in the District Court the 4th generation owner of Wong Lo Kut Herbal Tea who was charged with false accounting by the ICAC. Lay client was convicted after trial.

**31. HKSAR v. Law Kam Fai (2005)**
MK defended in the District Court the chairman of a rural committee and a member of the Election Committee who was charged with conspiracy to steal the rocks of the Tung Chung River. The trial lasted for about 2 months. Lay client was convicted after trial.

**32. MK represented Christie Wo Man Shan**, owner of the watch brand Philip Stein, in the Insider Dealing Tribunal inquiry into the trading of shares in Vanda Systems and Communications Holding Ltd. (2005-2006) The case went on for several months over 2 years.

**33. HKSAR v. Wong Kwai Keung (2001)**
MK defended the brother of Wong Kwai Fun in a bookmaking case in the District Court. The Defendant was convicted after trial.

**34. HKSAR v. Law Kam Fat (2001)**
MK was able to stay the prosecution in the High Court trial in a drug trafficking case on the ground that evidence in favour of the defence had become unavailable because of the lapse of time. Lay client was released from custody immediately afterwards.

**35. HKSAR v. Lau Tung Ping (2005)**
MK defended the former goal-keeper of the HK Soccer Team who was charged with rape in the High Court. Subsequently, the client's conviction was quashed on appeal in the Court of Appeal.(The appeal was done by another Senior Counsel).

**36. HKSAR v. Tsang Chung Chim (2005)**

MK defended a police senior inspector who was charged with bookmaking and money laundering. Lay client was convicted after trial.

**37. Ada Siu Yin Law v. Lo Hung Kwan (1999) [WSS8498-7/1999]**

In a private prosecution, MK (being led by a Queen's Counsel) acted for the Defendant Lo Hung Kwan, who was charged with forging a will. The Magistrate granted MK's application to stay the prosecution on the grounds, inter alia, of delay of prosecution and the ulterior motive of the prosecutor.

**38. Application for a summons of private prosecution against Madam Chan Sock Fun (陳淑芬) ESMP 9236/2016**

MK represented Madam Chan Sock Fun (陳淑芬), the former organizer of Jacky Cheung's concerts, in resistance to an application for a summons of private prosecution for conspiracy to defraud against Madam Chan. The application was dismissed by the Magistrate for lack of merits.

**39. HKSAR v. Tang Kin Kwong CACC 488/2002**

On invitation by the judiciary, MK acted as amicus curiae to assist the Court of Appeal in a murder appeal on an important point of law.

**40. MK has represented medical doctors in death inquests in the coroner's court in cases involving the death of patients after surgical operations.**

**41. HKSAR v. 孫家強 (Suen Ka Keung) KTCC 3302/2011**

The defendant was an osteopathic physician (bone–setter), who was charged with indecent assault against a female TV celebrity in the course of the defendant's treatment of her. MK successfully conducted the defence for him and the defendant was acquitted after trial.

**42. Appeals in the Court of Appeal and the Court of First Instance**

MK has conducted numerous appeals against convictions and sentences in the Court of Appeal and the Court of First instance apart from the cases mentioned above. In the following cases, the appeals against convictions were allowed and the convictions were quashed:-

**(1) HKSAR v. Chan Pun Chung (陳濱松) and Tang Yan Leung (鄧恩亮)**
**CACC 229/2014**
[Charge: blackmail]

**(2) HKSAR v. 何濟綱**
**HCMA 328/2014**
[Charge: indecent assault]

**(3) HKSAR v. 溫日文**
**HCMA 67/2014**
[Charge: indecent assault]

**(4) HKSAR v. 區炳威**
**HCMA 754/2012**
[Charge: fraud]

**(5) HKSAR v. 許育彬**
**HCMA 203/2012**
[Charge: indecent assault]

**(6) HKSAR v. 岑仲樑**

**HCMA 8/2012**
[Charge: indecent assault]

**(7) HKSAR v. 王孟順**
**HCMA 852/2011**
[Charge: indecent assault]

**(8) HKSAR v. 張志聰**
**HCMA 744/2011**
[Charge: dangerous driving causing grievous bodily harm; the conviction was reduced to careless driving]

**(9) HKSAR v. 朱振偉**
**HCMA 485/2011**
[Charge: assaulting and resisting police officer]

**(10) HKSAR v.曾永祥**
**HCMA 133/2011**
[Charges: indecent assault and others]

**(11) HKSAR v. 盧小江 and 盧小雄**
**HCMA 152/2011**
[Charges: offences against the Estate Agent Ordinance]

**(12) HKSAR v. Tsang Sui Cheung 曾瑞祥**
**CACC 102/2010**
[Charge: attempted robbery]

**(13) HKSAR v. 周發強**
**HCMA 718/2010**
[Charge: indecent assault]

**(14) HKSAR v. 楊鴻基 and others**
**HCMA 210/2010**
[Charge: assault occasioning actual bodily harm]

**(15) HKSAR v. 邱穎思 and Another**
**HCMA 789/2009**
[Charge: an offence against the Trade Description Ordinance]

**(16) HKSAR v. 潘志明**
**CACC 213/2008**
[Charge: conspiracy to defraud]

**(17) HKSAR v. 薛科斯**
**HCMA 635/2008**
[Charge: indecent assault]

**(18) HKSAR v. 江靜茹**
**HCMA 347/2008**
[Charge: assault occasioning actual bodily harm]

**(19) HKSAR v. 徐杏村**
**HCMA 1216/2007**
[Charge: indecent assault]

**(20) HKSAR v. Wong Shuk Fong**
**HCMA 1225/2007**
[Charge: employing a person not lawfully employable]

**(21) HKSAR v. Chau Hon Kwong**
**CACC453/2006**
[Charge: trafficking in dangerous drugs]

**(22) HKSAR v. 陳永權**
**HCMA 1081/2006**
[Charge: conspiracy to accept a bribery]

**(23) HKSAR v. 蔡有成**
**HCMA 546/2006**
[Charge: gaining access to a computer with dishonest intent]

**(24) HKSAR v. Jarhia Kuldeep Singh**
**CACC 96/2006**
[Charge: trafficking in dangerous drugs]

**(25) HKSAR v. Lee Ka Ming and others**
**HCMA 223/2006**
[Charge: assisting in the management of a vice establishment]

**(26) HKSAR v. 陳永賢**
**HCMA 209/2006**
[Charge: indecent assault]

**(27) HKSAR v. Lee Shing Hung**
**HCMA 903/2005**
[Charge: offences under the Theft Ordinance]

**(28) HKSAR v. 江潤球**
**CACC 197/2004**
[Charges: bookmaking and money laundering]

**(29) HKSAR v. Li Chun Ming**
**CACC 32/2003**
[Charge: detaining forcibly a person with intent to procure a ransom for his liberation]

**(30) HKSAR v. Chau Hon Kwong**
**CACC 234/2004**
[Charges: trafficking in dangerous drugs]

**(31) HKSAR v. 吳永光**
**HCMA 351/2004**
[Charge: assault occasioning actual bodily harm]

**(32) HKSAR v. 賴文財 and 吳瑞麟**
**CACC 628/2002**

[Charge: assault with intent to rob]

**(33) HKSAR v. Au Koon Yip and Others**
**CACC 168/2003**
[Charge: wounding with intent]

**(34) HKSAR v. 何瑞洪 and others**
**HCMA 339/2003**
[Charge: attempt to pervert the course of justice]

**(35) HKSAR v. 李志強**
**HCMA 259/2003**
[Charge: indecent assault]

**(36) HKSAR v. 戴曉東**
**HCMA 272/2003**
[Charge: disorderly conduct in public place]

**(37) HKSAR v. 羅兆麒**
**HCMA 53/2003**
[Charge: indecent assault]

**(38) HKSAR v. 郭惠紅**
**CACC 161/2001**
[Charge: trafficking in dangerous drugs]

**(39) HKSAR v. 趙鳳絹 and 嚴之成**
**CACC 475/2001**
[Charge: trafficking in dangerous drugs]

**(40) HKSAR v. Lam Chiu Chuen and others**
**HCMA 288/2002**
[Charge: conspiracy to defraud]

**(41) HKSAR v. Fan Wai Kit**
**HCMA 33/2002**

[Charge: indecent assault]

**(42) HKSAR v. Sung Siu Kam**
**HCMA 1221/2001**
[Charge: theft]

**(43) HKSAR v. 張偉逢 and others**
**HCMA 37/2001**
[Charges: assaulting and resisting police offices]

**(44) HKSAR v. Cheng Chung Ming**
**HCMA 210/2000**
[Charges: false accounting]

**(45) HKSAR v. Tsang Tat Yan and others**
**CACC 262/1998**
[Charges: evasion of liability by deception]
(After the conviction was quashed by the Court of Appeal, the prosecution charged the Defendant with another offence based on substantially the same facts. The District Council Judge granted MK's application for stay of the prosecution in the 2nd District Court trial).

**(46) HKSAR v. Lee Yan Wing and Another**
**CACC 176/1993**
[Charges: robbery and possession of offensive weapons]

**(47) HKSAR v. Lui Tak Fai**
**HCMA 195/1991**
[Charge: indecent assault]

## 43. The Seven Policemen Case (7警上訴案)

**HKSAR v. Pak Wing-bun (A3) and others CACC 38/2017**

MK is acting for Police Sergeant Pak Wing-bun in the 7 policemen's appeal (7警上訴案) in which the 7 policemen defendants were convicted in the District Court of assaulting the protester Tsang Kin Chiu in the Occupy Central Incident and were sentenced to 2 years of imprisonment. MK got bail pending appeal for A3 in the Court of Appeal and conducted the appeal against conviction and sentence for him, which took 3 days of hearing. A3's appeal against convictions was dismissed, but his appeal against sentence was allowed with a reduction of the sentence by a few months.

Shortlist

**Money Laundering**

(see Notable cases 1, 2, 3, 4, 5, 6, 8, 25, 26, 28, 36, 42(28).

**Corruption, Commercial frauds, and ICAC investigated Cases**

(see Notable cases 8, 9, 11, 13-23, 27, 29-31, 42(1, 4, 11, 15, 16, 22, 27, 40, 42, 44, 45).

**Appeals**

(see Notable cases 1, 2, 3, 4, 5, 7, 17, 20, 42).

**High Court Trials**

(see Notable cases 8, 10, 11, 12, 13, 18, 24, 35, 36).

**Sexual Offences**

(see Notable cases 7, 35, 41, 42 (2, 3, 5, 6, 7, 10, 13, 17, 19, 25, 26, 35, 37, 41, 47).

**Trafficking in dangerous drugs**

(see Notable cases 7, 24, 34, 42(21, 24, 30, 38, 39).

**Bookmaking**

(see Notable cases 33, 36, 42(28).

**Homicide and Coroner's inquest**

(see Notable cases 10, 39, 40).

**Copyright Offences**
(see Notable case 26).

**Insider Dealing**
(see Notable case 32).

**Private Prosecution**
(see Notable cases 37, 38).Commercial Crimes

General Crimes