



Submission by the Law Society of Hong Kong on agenda item III of the AJLS Panel meeting on 27 January 2021 – Issues relating to the cessation of law firms' practices, protection of affected clients' interests and the role of the Administration in relation to public concerns over a recent incident where a law firm ceased operation and clients' interests were affected

Role of the Law Society

1. The Law Society of Hong Kong, the professional body of solicitors in Hong Kong, is empowered under the Legal Practitioners Ordinance (Cap 159) (“LPO”) to exercise statutory functions in the regulation of solicitors, trainee solicitors and registered foreign lawyers.
2. The Council’s intervention jurisdiction and powers are provided in Part IIA and Schedule 2¹ of the LPO. Part IIA, consisting of sections 26A to 26D, sets out the circumstances in which the Council may intervene whereas Schedule 2 confers on the Council the powers of intervention.
3. The purpose of the intervention jurisdiction is to protect clients and the public.
4. The Council is aware of the serious consequences that an intervention will have and it has therefore always considered intervention as the last resort.
5. However, if, after taking into account all relevant circumstances and all other possible options, the Council concludes that there is a real imminent risk that it will fail its duty to protect clients and the public if it does not take action to intervene, the Council will exercise such power granted to it by statute.
6. By making the difficult decision, after careful and due consideration, to exercise its statutory power to intervene and to expend substantial costs for its completion, the Council is responsibly fulfilling its regulatory role in accordance with the law and expectation of the public.

Preservation of client funds

7. All conduct investigations are confidential and the Law Society is not in a position to disclose the details of the process of a specific investigation or the detailed information uncovered in the investigation as they involve confidential client matters of the law firm and such investigation may become the subject of legal proceedings in future.

¹ Appendix 1

8. Generally, the major concerns of the Council in most of the intervention cases are the risk of further misappropriation of client funds and the immediate need to take action to preserve the money that is under control of the firm under investigation.
9. The power of intervention that is granted to the Law Society under the LPO is designed to deal with such kind of urgent situation for the protection of the interests of the clients of the intervened firm.

Intervention into Messrs Wong, Fung & Co

Why?

10. In the press statements, which were by nature brief, issued by the Law Society on 24 December 2020, the day of the intervention into the practice of Messrs Wong, Fung & Co (“Wong Fung”), the Law Society referred to two grounds of intervention, namely,
 - (a) the Council had reason to suspect the dishonesty of a former clerk of Wong Fung who had misappropriated Wong Fung’s client money;
 - (b) the Council was satisfied that Wong Fung committed serious breaches of the Solicitors’ Accounts Rules (Cap 159 sub leg) including, among others, overdrawing on client accounts and allowing unqualified persons to be authorized signatories of client accounts.
11. The findings of the investigation revealed, inter alia, a practice that posed great danger to its clients and the public, in particular having regard to the substantial amounts of client money exposed to the risk of misappropriation.
12. As the investigation of Wong Fung revealed, inter alia, dishonesty and criminal elements, the Law Society has reported the matter to the police.

Notice in advance?

13. The public queried why the Law Society did not give any prior notice of intervention into the practice of Wong Fung.
14. There was a risk that if the decision to intervene was made known widely in advance of the intervention, it might alert those in control of the firm to take actions that would be detrimental to the interests of the clients of Wong Fung, including possibly absconding with the client money and destroying documents and records of the firm that may implicate them. The Law Society therefore could not give prior notice of intervention into the practice of Wong Fung. Those involved in the decision making process were all required to keep the decision and related process strictly confidential.

Process

15. The Council resolved to intervene into the practice of Wong Fung on 23 December 2020. Intervention commenced on 24 December 2020 and Wong Fung ceased practice upon intervention.

16. On the same day (24 December 2020), notices were first served on the two partners of Wong Fung and then on all banks with which Wong Fung maintained bank accounts that all funds of Wong Fung became vested in the Council as a result of the intervention. This ensures that the status of the client money of Wong Fung is preserved for the protection of its clients.
17. With the preservation of the status of the client money, the Intervention Agent (“IA”) and the assisting law firms appointed by the Law Society to handle the intervention then started the orderly process of winding up the practice of Wong Fung. Their work includes the following:
 - (a) identify and seize files and file records;
 - (b) search for and obtain accounting documents including bank statements, cheques, receipts and debit notes;
 - (c) request banks for current balances and bank statements of Wong Fung’s bank accounts;
 - (d) change the bank signatories of Wong Fung’s bank accounts;
 - (e) assess the relative urgency of the files;
 - (f) prioritize the sorting of those files and deeds;
 - (g) liaise with former clients of Wong Fung and their new solicitors to hand over the files;
 - (h) handle all necessary enquiries from former clients of Wong Fung and third parties in relation to the intervention;
 - (i) prepare indices of the seized files;
 - (j) advertise for monetary claims;
 - (k) receive and check claim forms against records;
 - (l) verification of claims;
 - (m) make application to the court for release of client money;
 - (n) handle the return of client money;
 - (o) deliver inactive and closed files to storage.

Distribution of client money

18. The urgent tasks for the IA and the assisting law firms at the moment are to locate the files and title deeds, return the files with urgent deadlines to relevant clients, index the files and pack them in order to vacate the Central office for delivery back to the landlord (as demanded by the landlord due to the failure of the partners of Wong Fung to pay rent).
19. As of 22 January 2021, over 2,700 files have been returned to clients of Wong Fung. Out of the 4 offices of Wong Fung, three of them have been vacated and the files have been moved to the offices of the assisting law firms for further handling.
20. The IA and the assisting law firms are working hard to handle the work as efficiently as possible. However, since the records of Wong Fung are disorganized and incomplete and most of the title deeds are separate from the files, the IA and the assisting law firms have to work through the disorder and the process is time consuming. Clients visiting the firm would have seen the disorder.
21. Notwithstanding the urgent tasks on hand, the IA will announce the claim procedure as soon as possible. Clients who wish to assert a claim to money held in any bank accounts of Wong Fung should follow the procedure which will be advertised by the IA including

the completion and submission of a formal claim form together with supporting documents in due course.

22. Since the date of the intervention, the IA and the assisting law firms have been ascertaining with the banks the total amounts of client money held in the accounts of Wong Fung. Some banks have still not responded to the requests of the IA on the bank balances.
23. A claim for return of client money paid to Wong Fung is subject to verification by the IA and the assisting law firms.
24. In deciding who is beneficially entitled to the client money of Wong Fung, the Law Society must do it in a way that is bona fide, rational, reasonable and proportionate, taking into account relevant circumstances including whether there is a shortfall between the amount of client money in Wong Fung's bank accounts and the amount of verified claims.
25. Given that the accounting records of Wong Fung are disorganized and incomplete, it is expected that the IA will apply to the court in due course for determination and directions on the issue of distribution of client money to claimants.

Work done to assist clients

26. The Law Society has kept the public informed of the intervention. Two press statements dated 24 December and 31 December 2020 were issued. Three press conferences/briefings were held on 24 and 31 December 2020 and 12 January 2021. Videos on updates and Frequently Asked Questions on intervention are posted on the Law Society website.
27. The Law Society has been trying its best to provide sufficient resources and manpower to the IA in assisting them to handle cases as quickly as possible. Five law firms have been appointed to assist the IA in handling work related to the intervention.
28. The name and contact details of the IA and the five assisting law firms were also publicized by notices published in newspapers and in statements of the Law Society widely distributed to the media and posted on the Law Society website, calling for affected clients to: contact the IA as soon as possible; provide particulars of the file(s) with Wong Fung; collect the file(s) from the IA; and instruct new solicitors to continue working on the file(s) where necessary.
29. In addition, since the commencement of the intervention, the Law Society has been working closely with all stakeholders to minimize the impact of the intervention:
 - (a) called for law firms to assist clients of Wong Fung and conducted a briefing session for them on how they could assist including, within the bounds of their professional duty, to encourage clients to resolve the difficulties amicably, particularly on matters such as the possibility of postponing the dates for deposit payments, deferring the completion date for sale and purchase, resorting to mediation in the event of any dispute;
 - (b) appealed to the Stamp Office to exercise its discretion to remit any penalty caused by the intervention;

- (c) kept relevant departments including the Secretary for Justice, the Financial Secretary, the Transport and Housing Bureau and the Commerce and Economic Development Bureau updated on the intervention and appeal them to consider any assistance from the Government;
 - (d) alerted the Judiciary Administrator, the Land Registry and the Official Receiver's Office, the Housing Authority and the Urban Renewal Authority about the intervention and sought their assistance and understanding in case there are disruptions to cases involving Wong Fung;
 - (e) updated the Monetary Authority on the intervention and written to the Association of Banks to urge banks to consider support measures for clients of Wong Fung;
 - (f) liaised with the Legal Aid Department on legally aided cases involving Wong Fung;
 - (g) alerted the Estate Agents Authority of the intervention and shared the FAQs with them, appealing to them to consider ways that their licensees can help clients of Wong Fung for whom they might have acted before;
 - (h) alerted the Consumer Council of the intervention and shared the FAQs with them to enable them to assist with enquiries from former clients of Wong Fung;
 - (i) coordinating a list of mediators to provide mediation services to parties affected by the intervention with a view to facilitating a speedy resolution of disputes and talking to a number of mediation service platforms to seek their assistance.
30. At the briefing with the law firms interested in assisting clients of Wong Fung on 8 January 2021, a survey was conducted. Based on the survey results, 67% of those law firms attending the briefing had already been approached by clients of Wong Fung and 64% of those were on conveyancing matters.
31. On 12 January 2021, the Inland Revenue Department advised that the Stamp Office is prepared to consider remission of penalty for late stamping if a duty payer's failure to arrange stamping of a property transaction instrument before the time limit is the result of the intervention. The duty payer can make an application directly or through the newly engaged solicitor to the Stamp Office.
32. The potential impact on clients of Wong Fung involves the work of different sectors, which is outside the jurisdiction of the Law Society. While the Law Society is making every effort within its own power to assist clients of Wong Fung, there are matters that are beyond the remit of the Law Society.
33. The Law Society strongly urges different sectors to assist clients of Wong Fung within their own jurisdictions. For example, the Law Society is very pleased that in response to its request, the Stamp Duty Office has been very responsive in addressing the practical difficulties faced by the clients of Wong Fung as a result of the intervention.

34. The Law Society continues to maintain close communication with different stakeholders and releases timely updates. Protecting interests of the public is the universal common goal and requires united cross sector effort. While we urge different sectors to offer assistance to clients of Wong Fung, the Law Society remains open to any suggestions on how it can further assist clients of Wong Fung within its jurisdiction. The Law Society has also established a working party to review the intervention process.

25 January 2021

Part IIA**Appendix 1****Circumstances in which Law Society may intervene**

(Part IIA replaced 68 of 1995 s. 12)

(Format changes—E.R. 2 of 2019)

26A. Circumstances in which powers conferred by Schedule 2 exercisable

(1) Subject to subsection (2), the powers conferred by Schedule 2 shall be exercisable where—

(a) the Council has reason to suspect dishonesty on the part of—

- (i) a solicitor or foreign lawyer; or
- (ii) an employee or a trainee solicitor of a solicitor or foreign lawyer; or
- (iii) the personal representatives of a deceased solicitor or foreign lawyer, in connection with that solicitor's or foreign lawyer's practice or in connection with any trust of which that solicitor or foreign lawyer immediately before the date of his death or formerly was a trustee,

and the Council considers the exercise of those powers is in the interests of the public or the clients of the solicitor or foreign lawyer;

(b) the Council considers that there has been undue delay on the part of the personal representatives of a deceased solicitor or foreign lawyer who immediately before his death was practising as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name in connection with that solicitor's or foreign lawyer's practice or in connection with any controlled trust;

(c) the Council is satisfied that a solicitor or foreign lawyer has failed to comply with rules made by virtue of section 73(1)(b) or 73A;

(d) a solicitor or foreign lawyer has become bankrupt or has entered into a voluntary arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap. 6); *(Amended 27 of 1998 s. 7)*

(e) a solicitor or foreign lawyer has been committed to prison in any civil or criminal proceedings;

(f) the Council is satisfied that a solicitor or foreign lawyer who practises as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name is incapacitated by illness or accident to such an extent as to be unable to attend to his practice;

(g) the powers conferred by section 10D of the Mental Health Ordinance (Cap. 136) (emergency powers) or section 11 of that Ordinance (appointment of committee) have been exercised in respect of a solicitor or foreign lawyer; *(Replaced 25 of 1998 s. 2)*

- (h) the name of a solicitor has been removed from or struck off the roll or a solicitor has been suspended from practice or the registration of a foreign lawyer is cancelled or suspended;
 - (i) the Council is satisfied that a solicitor or foreign lawyer who practises as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name has abandoned his practice;
 - (j) the Council is satisfied that a solicitor or foreign lawyer who practises as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name is incapacitated by age to such an extent as to be unable to attend to his practice;
 - (k) any power conferred by this Part and Schedule 2 has been exercised by virtue of paragraph (a) in relation to a solicitor or foreign lawyer who practises as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name and he has acted as a solicitor or foreign lawyer who practises as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name within the period of 18 months beginning with the date on which it was so exercised;
 - (l) the Council is satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force;
 - (m) the Council is satisfied that a solicitor has failed to comply with any condition, subject to which his practising certificate was granted or otherwise has effect, to the effect that he may act as a solicitor only—
 - (i) in employment which is approved by the Council in connection with the imposition of that condition;
 - (ii) as a member of a partnership which is so approved; or
 - (iii) in any specified combination of those ways;
 - (n) the Council is satisfied that a solicitor or foreign lawyer has failed to make satisfactory arrangements within 21 days from the date of the closure of his practice.
- (2) The powers conferred by Schedule 2 shall only be exercisable under subsection (1)(c), (j), (k), (l) and (m) if the Council has given the solicitor notice in writing that the Council is satisfied that he has failed to comply with rules specified in the notice and also (at the same or any later time) notice that the powers conferred by Schedule 2 are accordingly exercisable in his case.
- (3) In this Part and Schedule 2—
- controlled trust** (受控制信託), in relation to a solicitor or foreign lawyer, means a trust of which he is a sole trustee or co-trustee only with one or more of his partners, employees or trainee solicitors;
- trust** (信託) includes an implied or constructive trust and a trust where the trustee has a beneficial interest in the trust property, and also includes the duties incidental to the office of a personal representative, and **trustee** (受託人) shall be construed accordingly.

26B. Death of sole solicitor or foreign lawyer

On the death of a solicitor or foreign lawyer who practises as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name sections 2, 3 and 4 of Schedule 2 shall apply to the client accounts of his practice.

26C. Undue delay by solicitors or foreign lawyers in connection with clients' instructions

The powers conferred by Schedule 2 shall also be exercisable, subject to sections 1(4) and 8(3) of that Schedule, where—

- (a) a complaint is made to the Council that there has been undue delay on the part of a solicitor or foreign lawyer in connection with any matter in which the solicitor or his firm or the foreign lawyer or his firm was instructed on behalf of a client or with any controlled trust; and
- (b) the Council by notice in writing invites the solicitor or foreign lawyer to give an explanation within a period of not less than 8 days specified in the notice; and
- (c) the solicitor or foreign lawyer fails within that period to give an explanation which the Council regards as satisfactory; and
- (d) the Council gives notice of the failure to the solicitor or foreign lawyer and (at the same or any later time) notice that the powers conferred by Schedule 2 are accordingly exercisable.

26D. Powers conferred by Schedule 2 exercisable after death of solicitor

- (1) Where the powers conferred by Schedule 2 are exercisable in relation to a solicitor or foreign lawyer, they shall continue to be exercisable after his death or after his name has been removed from or struck off the roll (in the case of a solicitor) or his registration is cancelled or suspended (in the case of a foreign lawyer).
- (2) The references to the solicitor or his firm or the foreign lawyer or his firm in sections 1(1), 2(2) and (3), 3, 7(1) and (5) and 8(1) of Schedule 2 include, in any case where the solicitor or foreign lawyer has died, references to his personal representatives.

[cf. 1974 c. 47 Sch. 1 Pt. I U.K. as amended by 1990 c. 41 s. 91 U.K.]

Schedule 2

[ss. 26A, 26B, 26C & 26D]
(Format changes—E.R. 2 of
2019)

Money

1. (1) The Court of First Instance, on the application of the Council, may order that no payment shall be made without the leave of the court by any person (whether or not named in the order) of any money held by him (in whatever manner and whether it was received before or after the making of the order) on behalf of the solicitor or his firm or the foreign lawyer or his firm.

- (2) No order under this section shall take effect in relation to any person to whom it applies unless the Council has served a copy of the order on him (whether or not he is named in it) and, in the case of a bank or other financial institution, has indicated at which of its branches the Council believes that the money to which the order relates is held.
 - (3) A person shall not be treated as having disobeyed an order under this section by making a payment of money if he satisfies the Court that he exercised due diligence to ascertain whether it was money to which the order related but nevertheless failed to ascertain that the order related to it.
 - (4) This section does not apply where the powers conferred by this Schedule are exercisable by virtue of section 26C of this Ordinance.
- 2.
- (1) Without prejudice to section 1 if the Council passes a resolution to the effect that any sums of money to which this section applies, and the right to recover or receive them, shall vest in the Council, all such sums shall vest accordingly (whether they were received by the person holding them before or after the Council's resolution) and shall be held by the Council on trust to exercise in relation to them the powers conferred by this Schedule and subject thereto upon trust for the persons beneficially entitled to them.
 - (2) This section applies—
 - (a) where the powers conferred by this section are exercisable by virtue of section 26A of this Ordinance, to all sums of money held by or on behalf of the solicitor or his firm or the foreign lawyer or his firm in connection with his practice or with any trust of which he is or formerly was a trustee;
 - (b) where they are exercisable by virtue of section 26B of this Ordinance, to all sums of money in any client account; and
 - (c) where they are exercisable by virtue of section 26C of this Ordinance, to all sums of money held by or on behalf of the solicitor or his firm or the foreign lawyer or his firm in connection with the trust or other matter to which the complaint relates.
 - (3) Except where section 4 applies, the Council shall serve on the solicitor or his firm or the foreign lawyer or his firm and on any other person having possession of sums of money to which this section applies a certified copy of the Council's resolution and a notice prohibiting the payment out of any such sums of money.
 - (4) Within 8 days of the service of a notice under subsection (3), the person on whom it was served, on giving not less than 48 hours' notice in writing to the Council and (if the notice under subsection (3) gives the name of the solicitor instructed by the Council) to that solicitor, may apply to the Court of First Instance for an order directing the Council to withdraw the notice.
 - (5) If the Court makes such an order, it shall have power also to make such other order with respect to the matter as it may think fit.
 - (6) If any person on whom a notice has been served under subsection (3) pays out sums of money at a time when such payment is prohibited by the notice—

- (a) he shall be guilty of an offence and liable on summary conviction to a fine at level 5; and (*Amended E.R. 2 of 2019*)
 - (b) the Court of First Instance may, on the application of the Council, order that person to comply with the requirements of the notice within such time as may be specified in the order.
3. Without prejudice to sections 1 and 2, if the Court of First Instance is satisfied, on an application by the Council, that there is reason to suspect that any person holds money on behalf of the solicitor or his firm or the foreign lawyer or his firm, the Court may require that person to give the Council information as to any such money and the accounts in which it is held.
4. On the death of a solicitor or foreign lawyer who immediately before his death was practising as a solicitor in his own name or as a sole solicitor or foreign lawyer under a firm name, the right to operate on or otherwise deal with any banking account in the name of the solicitor or his firm or the foreign lawyer or his firm, being an account in the title of which the word "client" appears, shall, notwithstanding anything in this Ordinance or otherwise to the contrary, vest in the Council to the exclusion of any personal representatives of such solicitor or foreign lawyer and shall be exercisable as from the death of the solicitor or foreign lawyer.
5. Subject to the service of any notice under section 2(3), and to any application that may be made under section 2(4), the Council or any person in that behalf appointed by the Council may withdraw the moneys, or from time to time any part of the moneys, in any banking account in the name of the solicitor or his firm or the foreign lawyer or his firm, and any moneys in the office of the solicitor or his firm or the foreign lawyer or his firm due to or held on behalf of his clients, and pay them into a special account or special accounts in the name of the Council or such person appointed as aforesaid and may operate on, and otherwise deal with, such special account or accounts as the solicitor or his firm or the foreign lawyer or his firm might have operated on, or otherwise dealt with, that banking account:
Provided that a banker with whom such special account or accounts is or are kept shall be under no obligation to ascertain whether that account or those accounts is or are being so operated on or otherwise dealt with.
6. In any case where the Council is unable to ascertain the person to whom any moneys referred to in a notice served under section 2(3) belong or where the Council otherwise thinks it expedient so to do, the Council may apply to the Court of First Instance for directions as to the transfer of such moneys.

Documents

7. (1) The Council may give notice to the solicitor or his firm or the foreign lawyer or his firm requiring the production or delivery to any person appointed by the Council at a time and place to be fixed by the Council—
 - (a) where the powers conferred by this Schedule are exercisable by virtue of section 26A of this Ordinance, of all documents in the possession of the solicitor or his firm or the foreign lawyer or his firm in connection with his practice or with any controlled trust; and
 - (b) where they are exercisable by virtue of section 26C of this Ordinance, of all documents in the possession of the solicitor or his firm or the foreign lawyer or his firm in connection with the trust or other matters to which the complaint relates (whether or not they relate also to other matters).
- (2) The person appointed by the Council may take possession of any such documents on behalf of the Council.
- (3) Except in a case where an application has been made to the Court of First Instance under subsection (4), if any person having possession of any such documents refuses, neglects or otherwise fails to comply with a requirement under subsection (1), he shall be guilty of an offence and liable on summary conviction to a fine at level 5. (*Amended E.R. 2 of 2019*)
- (4) The Court of First Instance, on the application of the Council, may order a person required to produce or deliver documents under subsection (1) to produce or deliver them to any person appointed by the Council at such time and place as may be specified in the order, and authorize him to take possession of them on behalf of the Council.
- (5) If on an application by the Council the Court of First Instance is satisfied that there is reason to suspect that documents in relation to which the powers conferred by subsection (1) are exercisable have come into the possession of some person other than the solicitor or his firm or the foreign lawyer or his firm, the Court may order that person to produce or deliver the documents to any person appointed by the Council at such time and place as may be specified in the order and authorize him to take possession of them on behalf of the Council.
- (6) On making an order under this section, or at any later time, the Court, on the application of the Council, may authorize a person appointed by the Council to enter any premises (using such force as is reasonably necessary) to search for and take possession of any documents to which the order relates.
- (7) Upon taking possession of any such documents, the Council shall serve upon the solicitor or foreign lawyer and every person from whom those documents were received, or from whose premises they were taken by virtue of an order made under this section, a notice giving particulars and the date of taking possession thereof.
- (8) Subject to subsection (9) a person upon whom a notice under subsection (7) is served, on giving not less than 48 hours' notice to the Council and (if the notice under subsection (7) gives the name of the solicitor instructed by the Council) to that solicitor, may apply to the Court of First Instance for an order directing the Council to deliver the documents to such person as the applicant may require.

- (9) A notice under subsection (8) shall be given within 8 days of the service of the Council's notice under subsection (7).
- (10) If no application is made under subsection (8), or if the judge to whom any such application is made directs that the documents shall remain in the custody or control of the Council, the Council may make inquiries to ascertain the person to whom those documents belong and may deal with those documents in accordance with the directions of that person:
Provided that, before dealing with such documents, the Council may take copies of, or extracts from, any such documents.
- (11) Without prejudice to the provisions of Part IIA of this Ordinance and this Schedule, the Council may apply to the Court of First Instance for an order as to the disposal or destruction of any documents in its possession by virtue of this section or section 8.
- (12) On an application under subsection (8) or (11), the Court may make such order as it thinks fit.
- (13) Except so far as its right to do so may be restricted by an order on an application under subsection (8) or (11), the Council may take copies of or extracts from any documents in its possession by virtue of this section or section 8 and require any person to whom it is proposed that such documents shall be delivered, as a condition precedent to delivery, to give a reasonable undertaking to supply copies or extracts to the Council.

Mail

- 8. (1) The Court of First Instance, on the application of the Council, may from time to time order that for such time not exceeding 18 months as the Court thinks fit postal packets (as defined in section 2 of the Post Office Ordinance (Cap. 98)) addressed to the solicitor or his firm or the foreign lawyer or his firm at any place or places mentioned in the order shall be directed to the Council or any person appointed by the Council at any other address therein mentioned; and the Council, or that person on its behalf, may take possession of any such packets received at that address.
- (2) Where such an order is made the Council shall pay to the Postmaster General the like charges (if any), as would have been payable for the redirection of the packets by virtue of any scheme made under regulation 32 of the Post Office Regulations (Cap. 98 sub. leg. A), if the addressee had permanently ceased to occupy the premises to which they were addressed and had applied to the Postmaster General to redirect them to him at the address mentioned in the order.
- (3) This section does not apply where the powers conferred by this Schedule are exercisable by virtue of section 26C of this Ordinance.

General

- 9. The powers in relation to sums of money and documents conferred by this Schedule shall be exercisable notwithstanding any lien on them or right to their possession.

10. Subject to any order for the payment of costs that may be made on an application to the Court under this Schedule, any costs incurred by the Council for the purposes of this Schedule, including, without prejudice to the generality of this section, the costs of any person exercising powers under this Schedule on behalf of the Council, shall be paid by the solicitor or foreign lawyer or his personal representatives and shall be recoverable from him or them as a debt owing to the Council.
11. Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
12. Any application to the Court of First Instance under this Schedule may be disposed of in chambers.
13. The Council may do all things which are reasonably necessary for the purpose of facilitating the exercise of its powers under this Schedule.
14. Any requirement of notice under this Schedule shall be made in writing under the hand of such person as may be appointed by the Council for the purpose and may be served on any person either by personal service or by being sent by registered post addressed to his last known place of business or residence.

[cf. 1974 c. 47 Sch. 1 Pt. II U.K.]

(Schedule 2 replaced 68 of 1995 s. 13. Amended 25 of 1998 s. 2)