

IN THE MATTER OF KINGSY SIU KEE HUNG -AND-
SIMON WAI CHING LIN, solicitors

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.C. Chesterton (in the Chair)
Mr. D.W. Faull
Mr. K.J. Griffin

Date Of Hearing: 18th July 1995

FINDINGS

of the Solicitors' Disciplinary Tribunal
constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Complaints Bureau by Carlton Maurice Edwards, solicitor and partner in the firm of Messrs. Marsh Ferriman & Cheale of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex BN11 1SD on 11th April 1995 that Kingsy Siu Kee Hung and Simon Wai Ching Lin, solicitors respectively of

Grendon Underwood, Aylesbury, Bucks HP18 and Brixton, Jebb Avenue, SW2 might be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations were that the respondents had been guilty of conduct unbecoming solicitors in that they were on the 15th December 1993 before Southwark Crown Court convicted of conspiracy to handle stolen goods and on the 14th January 1994 were each sentenced to three years imprisonment.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on the 18th July 1995 when Andrew Christopher Graham Hopper, solicitor of P.O. Box 7, Pontyclun, Mid

Glamorgan CF7 9XN appeared for the applicant and neither respondent appeared and neither was represented.

The applicant told the Tribunal that he had received a communication from the first respondent, Mr. Hung, who confirmed receipt of the proceedings which he did not oppose although he maintained his innocence throughout.

The Tribunal had received from the second respondent, Mr. Lin, a letter dated 12th July 1995 in which he said he was not at that time in a position to dispute the facts set out in the applicant's statement as the conviction stood. However, he wished to make application to adjourn the hearing on the basis that he had made an application to the Home Office under Section 17 of the Criminal Appeal Act 1968 to review his case. The facts placed before the Tribunal by Mr. Lin were as follows -

- 22.04.93 First trial started. Mr. Lin always maintained his innocence and pleaded not guilty. Acquitted on count one and a re-trial was ordered in respect of count two.
- 17.11.93 Re-trial started. Again, pleaded not guilty.
- 15.12.93 Convicted.
- 04.02.94 Application and Grounds of Appeal lodged.
- 16.07.94 Leave to appeal against conviction granted.
- 28.11.94 Appeal heard and dismissed.
- 11.03.95 Corresponding with the Criminal Appeal Office and the Home Office.

In his letter, Mr. Lin referred to correspondence with the Home Office and in particular, a letter dated 6th July 1995, a copy of which was before the Tribunal. That letter pointed out that an application to the Home Secretary under Section 17 of the Criminal Appeal Act 1968 related to the Home Secretary's responsibilities in regard to an allegation that there had been a miscarriage of justice. It was however a basic principle of the system of justice that decisions of the Courts were free from interference. The Home Secretary would not normally consider it right to exercise that power unless there was some new evidence or consideration of substance which had not been before the Courts and which might cast doubt on the safety of the conviction.

In response to Mr. Lin's application for an adjournment the applicant made the following submissions. Mr. Hopper had spoken with the Home Office and had been told that the matter would not be resolved for a very long time indeed it would not receive attention for at least six months. As to the merits of the application to the Home Office, in the submission of the applicant, it proceeded on a misunderstanding. Mr. Lin argued that the decision in his case was inconsistent with the decision made in another case. The Court of Appeal agreed that the Judge had misdirected the Jury but had found that it made no difference and there had been no miscarriage of justice.

Mr. Lin had exhausted his avenue of appeal. He had not sought to appeal to the House of Lords. The matter was closed despite his approach to the Home Office.

In the circumstances the Tribunal considered it right to proceed to a full hearing, bearing in mind its duty to uphold the good reputation of the solicitors' profession and to protect the public.

The evidence before the Tribunal included the certificates of conviction and other documents which had been made the subject of notices pursuant to the Solicitors (Disciplinary Proceedings) Rules 1994 and the Civil Evidence Act.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Kingsy Siu Kee Hung of Grendon Underwood, Aylesbury, Bucks HP18

solicitor, be struck off the Roll of Solicitors and they further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £264 inclusive and the Tribunal ordered that the respondent Simon Wai Ching Lin of Jebb Avenue SW2 solicitor (subsequently notified to be of London SW6), be struck off the Roll of Solicitors and they further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £391 inclusive

The facts are set out in paragraphs 1 to 3 hereunder.

1. Mr Hung was born in 1945 and admitted a solicitor in 1982. Mr. Lin was born in 1961 and admitted as a solicitor in 1989. At the material times both respondents carried on in practice as solicitors in partnership under the style of Kingsy Hung & Co. at 45 Gerrard Street, London W1.
2. The respondents had on 15th December 1993 before the Southwark Crown Court been convicted of conspiracy to handle stolen goods and on 14th January 1994 were each sentenced to three years imprisonment.
3. The property involved was a cheque drawn by the Inland Revenue in favour of the Electricity Supply Pension Scheme in the sum of £909,000 which was stolen in the post and which the respondents sought to dispose of in return for payment of a fee.

The submissions of the applicant

4. Both respondents had been convicted of conspiracy to handle stolen goods. It appeared that they had indicated a preparedness to assist in "the laundering" of funds. It was understood that the activities of the respondent had come to light in negotiations with persons who were in fact undercover police officers.
5. A conviction for an offence of this type undoubtedly amounted to conduct unbecoming a solicitor of a serious nature.
6. The applicant explained that the costs in the matter were modest and invited the Tribunal to consider that the greater part of the costs should be born by Mr. Lin in respect of whom additional work had been carried out following his application for an adjournment and investigation of the matter concerning that. The Tribunal was invited

to aware fixed costs of £655 apportioned as follows: Mr. Lin's share £391 and Mr. Hung's share £264.

The Tribunal FOUND the allegations to have been substantiated. Both respondents had been convicted of serious criminal offences including dishonesty, apparently during the ordinary course of their practice as solicitors. Mindful of their duty to protect the public and maintain the good regulation of the solicitors profession the Tribunal Ordered that both respondents be Struck Off the Roll of Solicitors and that they should pay fixed costs proportional between them.

DATED this 11th day of October 1995
on behalf of the Tribunal

J.C. Chesterton
Chairman

*Findings filed with the
Law Society on the 13th
day of October 1995*