

IN THE MATTER OF OSCAR KA-TO-LAI, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D J Leverton (in the Chair)

Mr. D W Faull

Mr. D E Marlow

Date Of Hearing: 17th December 1996

FINDINGS

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

An application was duly made on behalf of the Solicitors Complaints Bureau (subsequently known as the Office for the Supervision of Solicitors) by Andrew Christopher Graham Hopper, solicitor of PO Box 7, Pontyclun, Mid Glamorgan, CF7 9XN on the 26th July 1996 that Oscar Ka-To-Lai whose address was unknown 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 allegation was that the respondent had been guilty of conduct unbecoming a solicitor in that he had been convicted in the criminal jurisdiction of the High Court of Hong Kong of an offence of dishonesty and sentenced to a term of imprisonment.

On the 1st August 1996 the applicant sought a direction from the Tribunal that the disciplinary proceedings might be advertised in a newspaper circulating in Hong Kong. The applicant suggested that the appropriate newspaper was the South China Morning Post. Also a copy of the advertisement should be sent to the solicitors in Hong Kong who represented the respondent in the criminal proceedings expressing the wish that they should forward it on to him if they knew his address. A Direction was made accordingly.

The Tribunal had before it the relevant page of the South China Morning Post of Monday 4th November 1996 which contained the following advertisement:-

"RE: OSCAR KA-TO-LAI otherwise known as OSCAR LAI-KA-TO A SOLICITOR

Notice is hereby given that an Application has been made to the Solicitors Disciplinary Tribunal ("The Tribunal") against the above named, requiring him to answer allegations concerning his professional conduct. The said Application will be heard by the Tribunal sitting at 10am on the 17th December 1996 at the Court Room, No.60 Carey Street, London, WC2, United Kingdom, when the said Oscar Ka-To-Lai otherwise known as Oscar Lai-Ka-To should attend. Failing appearance the Tribunal may proceed in his absence to make such Order as the Tribunal shall think fit. A copy of the Application and the documents in support may be obtained from the Clerk to the Solicitors Disciplinary Tribunal, 227/228 The Strand, London, WC2A 1BA, UK and from the undersigned.

Dated the 27th day of September 1996

A C G Hopper
PO Box 7, Pontyclun, Mid Glamorgan, CF7 9XN, UK

Solicitor for the Office for the Supervision of Solicitors."

The applicant told the Tribunal that he had written to the respondent's former solicitors who acknowledged receipt and said that they were no longer instructed.

The Tribunal accepted that service of the proceedings had been achieved and ordered that the matter proceed to a full hearing in the absence of the respondent.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 17th December 1996 when Andrew Christopher Graham Hopper solicitor of PO Box 7, Pontyclun, Mid Glamorgan appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included exhibit "OKTL1".

At the conclusion of the hearing the Tribunal ORDERED that the respondent Oscar Ka-To-Lai, 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 £1,500 inclusive.

The facts are set out in paragraphs 1 to 5 hereunder.

1. The respondent was admitted a solicitor in 1975 and his name remained upon the Roll. The respondent was also qualified as a solicitor in Hong Kong. He had formerly practised both in Hong Kong and in partnership in London as Oscar Lai Ho & Tsing at Macclesfield Street, W1.

2. The respondent served a term of imprisonment in Hong Kong and was released in 1995.
3. On the 3rd June 1992 the respondent was convicted of five counts of offering an advantage to a public servant contrary to section 4(1)(a) of the Prevention of Bribery Ordinance, Chapter 201, Law of Hong Kong and was sentenced to a term of seven years imprisonment.
4. The respondent appealed both against conviction and sentence. On the 10th and 11th May 1994 the Supreme Court of Hong Kong Appellate Jurisdiction allowed the respondent's appeal against four of the five counts upon which he had been convicted, dismissed the appeal in relation to the fifth count but allowed the appeal against sentence in respect of that count reducing the period of imprisonment from seven years to five years.
5. The offence involved the offer of a bribe to a government official, then a Principal Crown Counsel, to obtain information to assist the respondent himself and another in the conduct of his defence of a client.

The Submissions of the Applicant

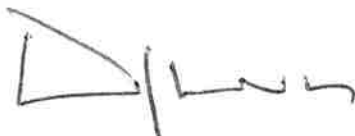
6. The applicant referred the Tribunal to the sentencing remarks of the Honourable Mr Justice Saied. It was clear that the respondent had been convicted of a serious offence involving dishonesty. The whole of the circumstances surrounding his conviction had been in connection with a very substantial scandal in Hong Kong. Large sums of money had been offered to a Deputy Director of Prosecutions to secure the acquittal of a very substantial client.

The Tribunal's Findings

The Tribunal FOUND the allegation to have been substantiated. They adopt the sentencing remarks of His Honour Mr. Justice Saied when he said that such offences threatened the entire fabric and system of justice. Clearly the conviction reflected behaviour of the most serious and unacceptable nature and it was right that the respondent should be struck off the Roll. He was further ordered to pay the costs of and incidental to the application and enquiry fixed in the sum of £1,500 inclusive.

DATED this 5th day of February 1997

on behalf of the Tribunal



D J Leverton
Chairman

