

## **Claims to monies held in any bank accounts of Messrs. Wong, Fung & Co.**

### **NOTES**

1. As the Council of the Law Society of Hong Kong (the “**Council**”) had reason to suspect dishonesty on the part of a former clerk of Messrs. Wong, Fung & Co. (the “**Intervened Firm**”) for misappropriation of client’s money and was satisfied that the Intervened Firm had committed serious breaches of the Solicitors’ Accounts Rules (Cap. 159F), the Council had no alternative but to exercise its powers to intervene into the practice of the Intervened Firm under Sections 26A(1)(a)(ii) and 26A(1)(c) of the Legal Practitioners Ordinance (Cap. 159) on 24 December 2020 to protect the interests of the public and the clients of the Intervened Firm.
2. The Council appointed Messrs. Chui And Lau Solicitors as the intervention agent (“**the Intervention Agent**”).
3. On 18 June 2021, the Intervention Agent submitted a court application for approval to distribute money to those claimants whose claims had been verified. On 7 July 2021, the Court ordered that all verified claims should be made available for collection by 4 August 2021 and the Intervention Agent shall continue to receive claims **up to 6 July 2022**.
4. If you wish to assert a claim to monies held in any bank accounts of the Intervened Firm (collectively, the “**Bank Accounts**”), you (which, if more than one claimant, shall apply to all the joint claimants) should:-
  - a. complete the statement of truth; and
  - b. make a declaration in accordance with the enclosed declaration form before a commissioner for oaths.
5. After you have taken the steps in paragraph 4 above, you should send the following documents by post to **Messrs. Chui And Lau Solicitors** at **Rooms 703-4, 7/F., Wing On House, 71 Des Voeux Road Central, Hong Kong**:-
  - a. completed statement of truth and declaration form;
  - b. copy of all bank records and cheque etc. regarding your deposit into the Bank Account(s);
  - c. copy of bills, receipts and all documents relating to revenue and expenditure issued by the Intervened Firm to you;
  - d. copy of your identity card/passport;
  - e. if a claim is asserted on behalf of a company, you should also provide:
    - (i) copy of certificate of incorporation (and, where applicable, the certificate of change of name);
    - (ii) copy of business registration certificate;
    - (iii) copy of the latest Annual Return (Form NAR1) (and, where applicable, any subsequent Notice of Change of Company Secretary and Director (Appointment/Cessation) (Form ND2A));

- (iv) printout of the document index search page in respect of the company on the website of the Companies Registry Cyber Search Centre ([www.icris.cr.gov.hk](http://www.icris.cr.gov.hk));
- (v) certified copy of board resolution regarding the appointment of authorised person for making the relevant claim; and
- (vi) copy of identity card/passport of the authorised person.

6. **Please note that the Intervention Agent cannot complete the statement of truth and/or administer the execution of the declaration form for you. You are hereby advised to seek legal advice where appropriate.**

7. The Intervention Agent will issue you an acknowledgement of receipt of your statement of truth and declaration form. If you have not received an acknowledgment of receipt after 7 days from the date of dispatch of your statement of truth and declaration form, you may contact the Intervention Agent by the following ways:-

Telephone : 2810 7822  
Facsimile : 2845 0504

8. In due course, the Intervention Agent will conduct a detailed review of the statement of truth and declaration form sent by you in order to verify your claim. Upon being notified in writing by the Intervention Agent (“**Proof of Claim**”), you or your duly appointed solicitor shall attend and prove your claim at such time, place and manner as shall be specified in the Proof of Claim or in default thereof, you will be excluded from the benefit of any distribution of monies held in the Bank Accounts.

9. **For the avoidance of doubt, it should be noted that you may not be able to recover your money even after having complied with the procedures as stated in this note or any Proof of Claim if the Intervention Agent do not accept your claim. Even if the Intervention Agent have verified your claim and accepted your claim, you may still not be able to recover your money claimed in full. The amount of money to be distributed to you will depend on the number of claimants and the total amount of money kept in the Bank Accounts of the Intervened Firm. A court order will be obtained before any distribution of money is made.**

10. **It takes time for a claim to be verified and for a court order to be obtained, the Intervention Agent will contact you after the verification of claims and the making of the relevant court order.**

STATEMENT OF TRUTH

Claim No :

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**Intervention of Messrs. Wong, Fung & Co. (the “Intervened Firm”)**

Part 1 – Your information

(A) For corporate claimant

Company name (if applicable) : \_\_\_\_\_ (the “Company”)

Name of Director : \_\_\_\_\_

(B) For individual claimant(s)

Number of claimant(s): \_\_\_\_\_

Mr  Mrs  Ms  Miss  Other  \_\_\_\_ (Please give details)

Surname or Family name : \_\_\_\_\_

All other names in full : \_\_\_\_\_

Address : \_\_\_\_\_

Daytime contact number(s) :

Home : \_\_\_\_\_

Work : \_\_\_\_\_

Mobile : \_\_\_\_\_

E-mail Address : \_\_\_\_\_

Mr  Mrs  Ms  Miss  Other  \_\_\_\_ (Please give details)

Surname or Family name : \_\_\_\_\_

All other names in full : \_\_\_\_\_

Address : \_\_\_\_\_

Daytime contact number(s) :

Home : \_\_\_\_\_

Work : \_\_\_\_\_

Mobile : \_\_\_\_\_

E-mail Address : \_\_\_\_\_

(please use a separate sheet if necessary)

### Part 2 – Intervened Firm’s details

File No. of the Intervened Firm : \_\_\_\_\_

Name of the Intervened Firm’s staff member whom you dealt with :- \_\_\_\_\_

(office: Hong Kong office/ Kowloon office/ Tsuen Wan office/ Yuen Long office)

His/Her contact number : \_\_\_\_\_

Nature of Work : \_\_\_\_\_

### Part 3 – Your Claim

Are you aware of any money due to you from the Intervened Firm? Yes  No

If so, how much is it? HK\$ \_\_\_\_\_

Nature of money due (e.g. unused costs on account, monies received by the Intervened Firm on your behalf, etc) \_\_\_\_\_

Please give the date (or approximate date) on which you have paid money to the Intervened Firm and provide supporting evidence (e.g. copy of official receipts, bank advices or slips, cheque etc) :-

\_\_\_\_\_

Into which bank account of the Intervened Firm had your cheque or cashier order been paid and cleared and when \_\_\_\_\_

\_\_\_\_\_

The purpose for such payment : \_\_\_\_\_

What type of work was the Intervened Firm doing for you? Please provide information with supporting evidence (please continue on a separate sheet if necessary) :-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have you instructed a new solicitor to deal with your claim? Yes  No

If yes, please give the firm name, address, telephone and fax number of your new solicitor and the name of the solicitor handling your case, as well as the file reference of your case with your new solicitor

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If you have instructed a new solicitor to deal with your claim, please note that Messrs. Chui And Lau Solicitors (the “**Intervention Agent**”) will correspond with them only.

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The Law Society of Hong Kong (the “**Law Society**”) and/or the Intervention Agent may need further information or evidence to support your claim. The Law Society and/or the Intervention Agent will let you or your new solicitor know if this is the case.

#### Part 4 – Identification

Before the Law Society and/or the Intervention Agent can process your claim you must provide a form of identification.

Acceptable proof of identity includes, but is not limited to, a photocopy of :

- Current valid Hong Kong identity card
- Current valid full passport

Please note that your claim will not be processed unless identification is provided.

Please note that if you are a company, one of the directors is required to complete this form and provide one of the forms of identification above, with proof of directorship and a company resolution.



DECLARED by the said \_\_\_\_\_ at \_\_\_\_\_ )  
Messrs. \_\_\_\_\_ )  
of \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_, Hong Kong )  
this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ )  
through the interpretation of \_\_\_\_\_ )  
\_\_\_\_\_ the said interpreter )  
having been first declared that he had truly, \_\_\_\_\_ )  
distinctly and audibly interpreted the contents of \_\_\_\_\_ )  
this document to the declarant and that he would \_\_\_\_\_ )  
truly and faithfully interpret the declaration about \_\_\_\_\_ )  
to the administered to her/him/them. \_\_\_\_\_ )

Before me,

I, \_\_\_\_\_, [Solicitor/Clerk] of Messrs. \_\_\_\_\_  
of \_\_\_\_\_ Hong Kong  
solemnly and sincerely declare that I well understand the English and Chinese  
languages and that I have truly distinctly and audibly interpreted the contents of this  
document to the declarant the said \_\_\_\_\_ and that I will  
truly and faithfully interpret the declaration about to be administered to  
her/him/them.

DECLARED at Messrs. \_\_\_\_\_ )  
of \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_, Hong Kong )  
this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ )  
\_\_\_\_\_ )

Before me,

## **Personal Information Collection Statement**

### A. Purpose of Collection

1. Personal data provided by you will be used by The Law Society of Hong Kong (the “**Law Society**”) and/or Messrs. Chui And Lau Solicitors (the “**Intervention Agent**”) for the purposes of handling your enquiry or claim as stated in your Statement of Truth (the “**Claim**”) in relation to your case previously handled by Messrs. Wong, Fung & Co. (the “**Intervened Firm**”).
2. Your personal data may also be used for the compilation of statistics on the number and nature of enquiries received by the Law Society and/or the Intervention Agent. The outcome of the resulting statistics will not be in a form that will identify your enquiry and any of your personal data.
3. The provision of your personal data is mandatory. If you do not provide sufficient information, the Law Society and/or the Intervention Agent may not be able to process the Claim or return any monies, papers or documents previously possessed by the Intervened Firm.

### B. Classes of Transferees

4. Personal data, or copies of which collected by the Law Society and/or the Intervention Agent will be disclosed or transferred to parties relevant and necessary for the purposes as stated in paragraphs 1 and 2 above or unless required by law.
5. Other than the purposes as stated in paragraphs 1 and 2 above, the personal data collected will not be disclosed to third parties without your express approval.

### C. Access to Personal Data

6. Under the Personal Data (Privacy) Ordinance (Cap.486), you have the right to ascertain whether the Law Society and/or the Intervention Agent hold your personal data and/or to request for a copy of the data and/or to request the correction of any of the data that is inaccurate.



7. Requests for access to and/or correction and/or change of your personal data relating to your application should be sent to Mr. Lau Wing Keung, Partner of Messrs. Chui And Lau Solicitors at Rooms 703-4, 7/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.
8. Your right of access includes the right to obtain a copy of your personal data provided in the enquiry subject to payment of a fee at HK\$2 per sheet.