

The Offences of 'Money Laundering' and Insider Dealing: An Update



by

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Mr. Robert S.K. Lee, S.C., was called to the Hong Kong Bar in 1988. He joined the then Attorney General's Chambers (later the Department of Justice) as Crown Counsel. He specializes in criminal law, covering criminal cases at all levels of Hong Kong courts with special focus on commercial and financial crimes, criminal appeals, corruption, "money laundering", restraint and confiscation proceedings, and aspects of public law. In 2008, he was appointed Senior Counsel by the Chief Justice. In 2011, he retired from the Department as Deputy Director of Public Prosecutions, and later entered private practice. Back in the nineties, he has been seconded to the Monetary Authority of Hong Kong as an in-house legal advisor. He published the loose-leaf "Monetary and Banking Laws of Hong Kong" and has since maintained an interest in financial laws. He values critical and jurisprudential analysis in legal cases, having been much inspired by the critical spirit of the late British philosopher, Sir Karl Popper.

This course aims to explain recent case law development of the offence of "money laundering" ("dealing with property knowing or having reasonable grounds to believe that it in whole or in part represents the proceeds of an indictable offence": section 25 of the Organized and Serious Crimes Ordinance, Cap. 455), and of the offence of "insider dealing" (section 291 of the Securities and Futures Ordinance, Cap. 571). It will also highlight some of the practical or systemic aspects of these offences.

The Offence of "Money Laundering"

- The legislative context of the offence of "money laundering".
- Elements of the offence and major case law development.
- Latest legal issues: The case of HKSAR v. Yam Chim Kwan, CACC 7/2011, and FAMC 57/2012
- Impact of the offence on criminal justice system: Some observations.

The Offence of "Insider Dealing"

- The statutory context of the offence of "insider dealing": The regulatory control of participants in the securities and futures markets under the Securities and Futures Ordinance (Cap. 571).
- The dual criminal and civil regimes (Parts 14 & 13 of SFO) for preventing market misconduct.
- Elements of the offence of insider dealing and recent case law developments.
- Section 213 of SFO - a third regime of control?
SFC v. Tiger Asia Management LLC & Others [2012] 2 HKLRD 281 (and the CFA hearing)
- Some pre-trial and post-trial observations.

Scan to Calendar



Code:	EVT00000001	Level:	Update
Date:	8 June 2013 (Saturday)	Language:	English
Time:	14:30 - 17:45	Accreditation(s):	LSHK 3.0 CPD Points SFC 3.0 CPT Hours
Venue:	9th Floor, The Chinese Club Building 21-22 Connaught Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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