

## **WAYNE WALSH SC**

### **Parkside Chambers**

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### **Professional qualifications**

Call: 1986 (New Zealand)

2006 (Hong Kong)

Inner Bar: 2015 (Hong Kong)

### **Education**

- Harvard University John F. Kennedy School of Government Executive Education (2006)
- Master of Laws (Hons.) University of Auckland (1991)
- Bachelor of Laws University of Otago (1986)
- Moscow State University Pushkin Russian Language Institute (1980)
- Bachelor of Arts (Hons.) University of Otago (1980)
- Amityville Memorial High School Long Island New York (1976)

### **Practice profile and Selected cases**

Mr. Walsh SC has a mixed criminal and civil practice, specializing in financial crime and compliance, civil fraud, and asset recovery. He also has extensive experience in public international law cases involving cross-border litigation.

Prior to commencing practice at the private Bar in 2018, Mr. Walsh spent a 25-year career with the Department of Justice, Hong Kong, where he prosecuted white-collar crime and corruption cases and oversaw all major criminal cases and certain civil cases involving cross-border litigation and international cooperation. Mr. Walsh has recognized expertise in the fields of Hong Kong extradition law, search warrants, mutual assistance, asset recovery and proceeds of crime. He has established an international and local profile in financial crime and regulatory compliance matters. He was a lead advisor to the Government on implementation of anti-money laundering and counter-financing of terrorism standards for many years and from 2010 to 2012 he co-chaired a Working Group of the Financial Action Task Force in Paris which revised the current international standards the FATF Recommendations.

Since moving to private practice, Mr. Walsh has been acting for a range of individuals and entities facing financial crime and regulatory compliance investigations including in cross-border context. Mr. Walsh has a standing practice in administrative and public international law, and in civil proceedings in the High Court especially in asset recovery context. Mr. Walsh is instructed in cases of extradition, mutual assistance, and proceeds of crime, and in trials of white-collar crime, money laundering and serious predicate offences. He continues to advise the Hong Kong Government and the Hong Kong Monetary Authority on financial crime compliance standards and is periodically engaged by foreign governments and the International Monetary Fund on country missions.

#### *Selected Cases:*

#### Civil Fraud / White-Collar Crime / Asset Recovery

- *Smart Edge Ltd v Lun Hau Mun & Ors* [2020] HKCFI 1900: interlocutory injunction, enforcement of Securities Agreements, application by receivers to take control of company (CFI)

- *Pacific Andes Enterprises (BVI) Ltd (In Liquidation) & Ors v Ng Joo Siang & Ors* [2020] HKCFI 1242: alleged trade finance fraud, investigations by regulatory and law enforcement agencies in Singapore and Hong Kong with nil result, application for Mareva injunction (CFI)
- *Secretary for Justice v Yip Kim Po & Ors* (HCMP 2525/2007, 15 June 2020): conspiracy to defraud, variation of freezing order, release of funds to victim companies (in liquidation) by judgment order obtained in civil proceedings (CFI)
- *HKSAR v Herry Jane Yusuph* [2021] HKC 458, correct approach to sentencing for trafficking in dangerous drugs, appeal against sentence and forfeiture order (CA)
- *Re Kim Dotcom* [2019] HKCA 885: freezing orders, abuse of process, dual criminality for criminal breach of copyright and money laundering, leave to appeal (CA)
- *HKSAR v Chan Cheong Ming* (HCCC 364/2018, July 2019): trafficking in dangerous drugs, dealing in the proceeds of an indictable offence, jury trial (CFI)
- *Re Kim Dotcom* [2019] 3 HKLRD 1: forfeiture orders, threatened breach of the Hong Kong Bills of Rights, United States fugitive disentitlement doctrine (CFI)
- *Re Kim Dotcom* [2014] HKCU 2396, [2016] HKCU 61; [2017] HKCU 2170: criminal copyright, money laundering; Mega movie – sharing business on the internet; freezing orders (CFI)
- *Re Rafat Ali Rizvi & Ors* [2014] HKCU 280: corruption, fraud, money laundering; collapse of Bank Century; registration of external confiscation order over Hong Kong property (CFI)
- *Ortmann v Secretary for Justice* [2015] 1 HKLRD 240: criminal copyright, money laundering; Mega movie – sharing business on the internet; appeal against order for variation of freezing order; interlocutory appeals (CA)
- *Secretary for Justice v Zhenly Ye Gon & Anor* [2012] 2 HKC 523: organized crime, drug trafficking, money laundering; Mexican drug manufacturing and distribution plant; BOC and HSBC banking conduits; freezing order (CA)
- *Cheung Kam Sing v HKSAR* [2011] HKCU 2456: appeal against conviction and sentence by a Hong Kong certified public accountant for dealing in the proceeds of foreign crime (CA)

#### Administrative and Public International Law

##### *Extradition*

- *Government of Republic of India v Ramanjit Singh alias Romi* [2021] HKCA 865: treaty interpretation and the Fugitive Offenders (India) Order (CA)
- *Government of Republic of India v Ramanjit Singh alias Romi* [2021] 1 HKLRD A2: case-stated appeal, offence of escape from lawful custody, treaty interpretation and the Fugitive Offenders (India) Order (CFI)
- *Re Ramanjit Singh (2019 Eastern Magistracy)*: firearms, escape from prison, Sikh activist affiliated with the Khalistan Movement, risk of torture and prejudice on account of religion or political opinion; committal proceedings
- *Ho Man Kong v Superintendent of Lai Chi Kok Reception Centre* (2014) 17 (HKCFAR) 179: drug trafficking; habeas corpus, admission of foreign telephone intercept evidence; fundamental rights; led by Anderson Chow S.C. (CFA)

- *Chan Hok Shek v Superintendent Lai Chi Kok Reception Centre* [2010] 3 HKC 94: arms trafficking, smuggling, money laundering; habeas corpus; non – availability of witnesses for trial; duty of candour (CFI)
- *Re Kenneth John Freeman (2007 Eastern Magistracy)*: rape, child pornography; America’s Most Wanted; committal proceedings
- *Re Wong Sui Ching (2007 Eastern Magistracy)*: murder; contract killing of pregnant victim, hitman travelling to Northern Ireland; committal proceedings
- *Huang Yuan Yuan Ian v Superintendent of Lai Chi Kok Reception Centre* (2006) 9 HKCFAR 860: forgery, theft; habeas corpus; authentication of foreign supporting evidence (CFA)
- *See Cherk Ching v Superintendent of Lai Chi Kok Reception Centre* [2005] 3 HKC 559: drug trafficking, firearms, forgery; habeas corpus; admissibility of witness evidence not made under oath or affirmation (CFI)
- *Re Shah, Afridi, and Ali (2002 Eastern Magistracy)*: supply of weapons to terrorists; purchase of anti – aircraft missiles for Al Qaida in exchange for drugs; committal proceedings
- *Chen Chui Ping v Superintendent Lai Chi Kok Reception Centre* [2000] 3 HKC 777; *Chen Chui Ping v Chief Executive of the HKSAR* [2002] HKCU 1076: migrant smuggling, hostage – taking; ‘Sister Ping’ alien smuggling operation China to the United States; habeas corpus / judicial review; lapse of time for prosecution of the offences under foreign law (CA)
- *Chong Bing Keung, Peter v Government of United States of America (No 2)* [2000] 2 HKC 137: murder, dangerous drugs, arson, criminal intimidation; habeas corpus; adjudication by domestic courts of treaty obligations between HKSAR and a foreign country (CA)
- *Alfred Gomez Tiongco v Government of the Republic of the Philippines* [1998] 2 HKLRD 282: drug trafficking, firearms; habeas corpus; test for relevant offence (CFI)
- *Chen Chong Gui v Senior Superintendent of Lai Chi Kok Reception Centre* [1998] 1 HKC 522: migrant smuggling, hostage – taking; habeas corpus; plea in bar of autrefois convict (CA)

#### *Mutual Assistance / Search Warrants*

- *Chan Mei Yiu Paddy v Secretary for Justice* [2013] HKCU 1554, 1884: fraud, corruption, money laundering; Silvio Berlusconi; judicial review of a direction to send material obtained under search warrant to a foreign jurisdiction (CA), (CFA)
- *Chan Mei Yiu Paddy v Secretary for Justice* [2012] 4 HKC 341: fraud, corruption, money laundering; Silvio Berlusconi; judicial review of a search warrant executed with assistance from foreign investigators; led by Clive Grossman S.C. (CA)
- *Rmba Corporate Services Ltd v Secretary for Justice* [2008] 2 HKC 81; *Rmba Corporate Services Ltd v Secretary for Justice (No 2)* [2010] 2 HKC 331: corruption; judicial review of a search warrant over premises occupied by a foreign registered law firm; legal privilege (CA), (CFI)
- *Re Anson Garments Ltd* [2006] 2 HKC 246: textile smuggling fraud; China to the United States; judicial review of a search warrant in a foreign revenue context (CFI)

#### **Text Publications**

Mr. Walsh is the author of the legal text ‘Cross-Border Crime in Hong Kong: Extradition, Mutual Assistance, Financial Sanctions’ (2<sup>nd</sup> Ed.) LexisNexis 2020 which surveys the Hong Kong offence of money laundering and procedures for extradition, mutual assistance, prisoner transfer, implementation of sanctions against financing of terrorism and proliferation of weapons of mass

destruction. Financing offences under the National Security Law and sanctions imposed by the United States on Hong Kong are also covered.

He is a Contributing Editor to Archbold Hong Kong Criminal Law Pleadings Evidence & Practice.

**Other Information**

Mr. Walsh began his legal career in 1987 as a commercial litigator with the New Zealand law firm Russell McVeagh and then from 1990-1992 he was a prosecutor with the Serious Fraud Office. Mr. Walsh also served as an Inspector in the Royal Hong Kong Police Force from 1981-1984. In 2021, Mr. Walsh was recognized in *Doyles Guide* as a leading criminal law silk in Hong Kong. In 2021, he was recognized by *The Legal 500* as a leading silk in categories of White-Collar Crime and Commercial Disputes.