



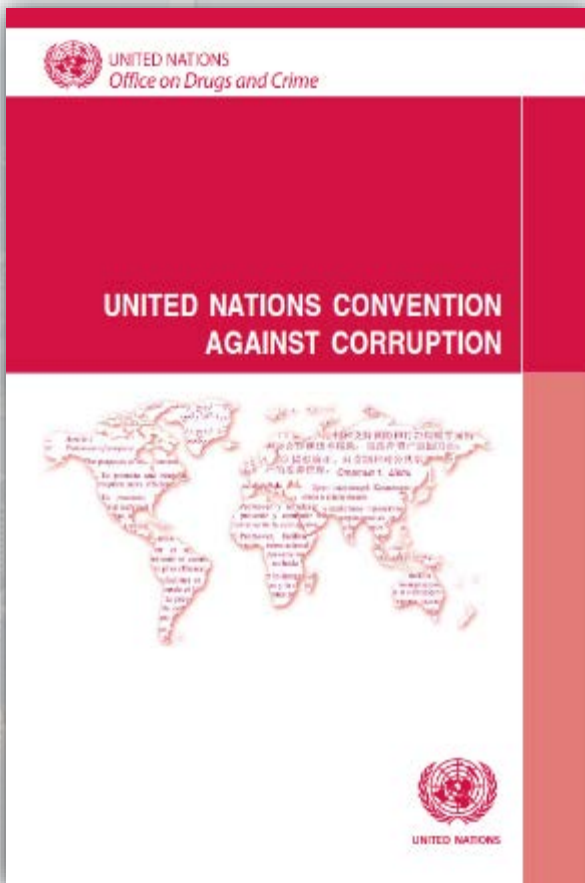
NO SAFE HAVEN : The Essentials of Asset Recovery

Ricky YAU

Deputy Commissioner and Head of Operations
Independent Commission Against Corruption

United Nations Convention Against Corruption

- Chapter 5 – Asset Recovery



Article 51: The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.

Assets

Tracing

Restraint

Recovery

Return



Political Will



Capacity

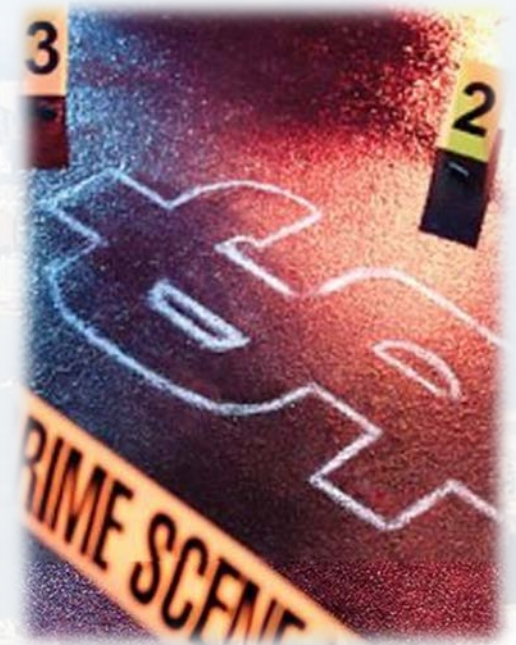


**International
Liaison**



Asset Tracing

- Capacity for financial investigation
- The importance of forensic accountants



Rafael HUI Case

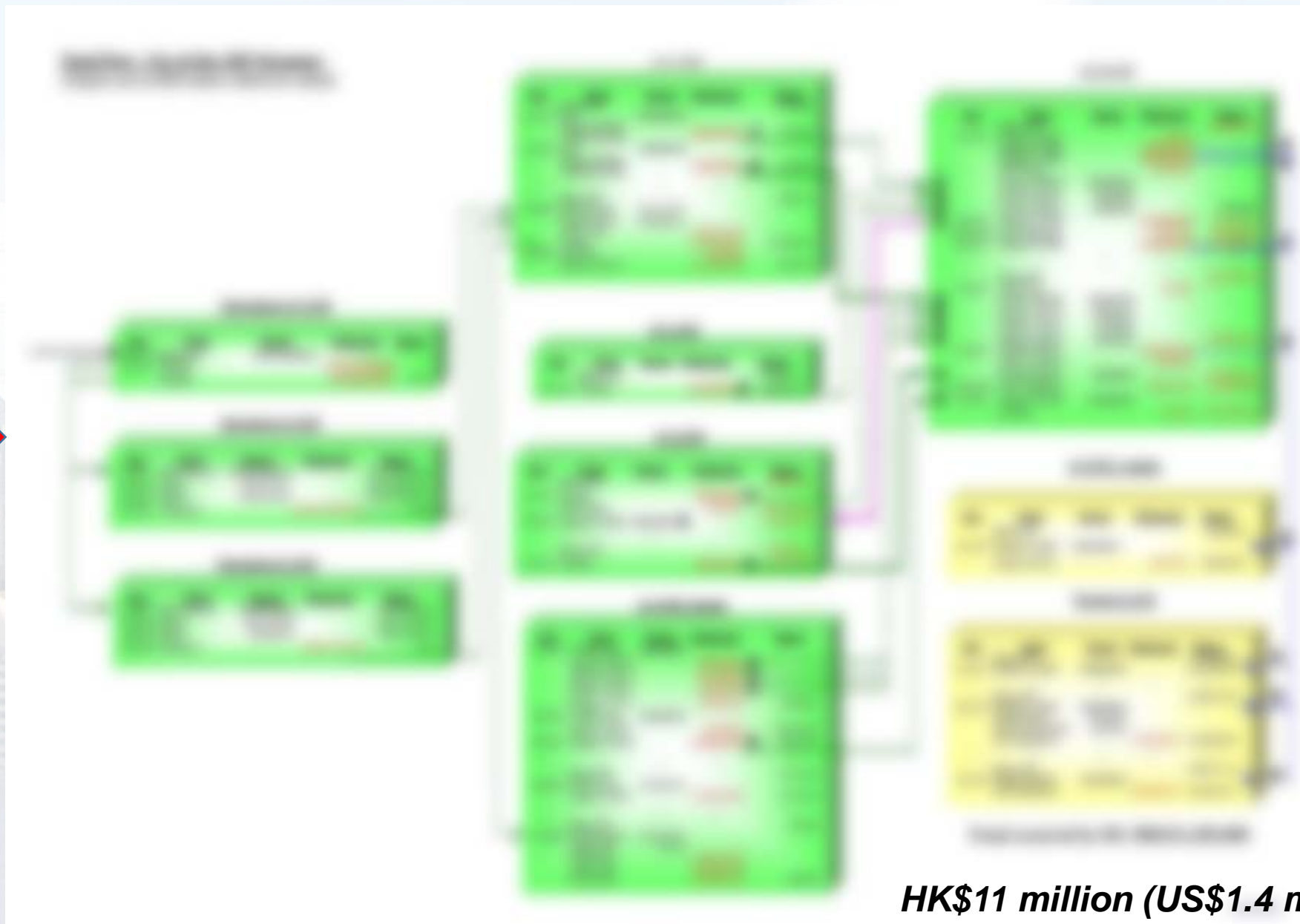
- Former Chief Secretary (July 2005 – June 2007)
- Bribes from property developer for “remaining favourably disposed”:
 - ◆ US\$1.1 million before taking office
 - ◆ US\$1.4 million after finishing his service
 - ◆ Luxury accommodation
- Charged with various counts of:
 - ◆ Conspiracy to commit misconduct in public office
 - ◆ Conspiracy to offer an advantage
- Convicted in December 2014
- Sentenced to 7.5 years’ imprisonment
- Appeal dismissed by the Court of Final Appeal in 2016



- 91 separate entities
- 256 different accounts
- Enquiries with 923 banks or financial institutions
- Hong Kong and overseas







Restraint

- Legal Framework
- Judicial Authorisations & Administrative Measures
- Domestic vs Foreign Restraint Orders
- Timing



New Zealand Dairy Case



Stock Code : 462

天然乳品（新西蘭）控股有限公司
Natural Dairy (NZ) Holdings Limited

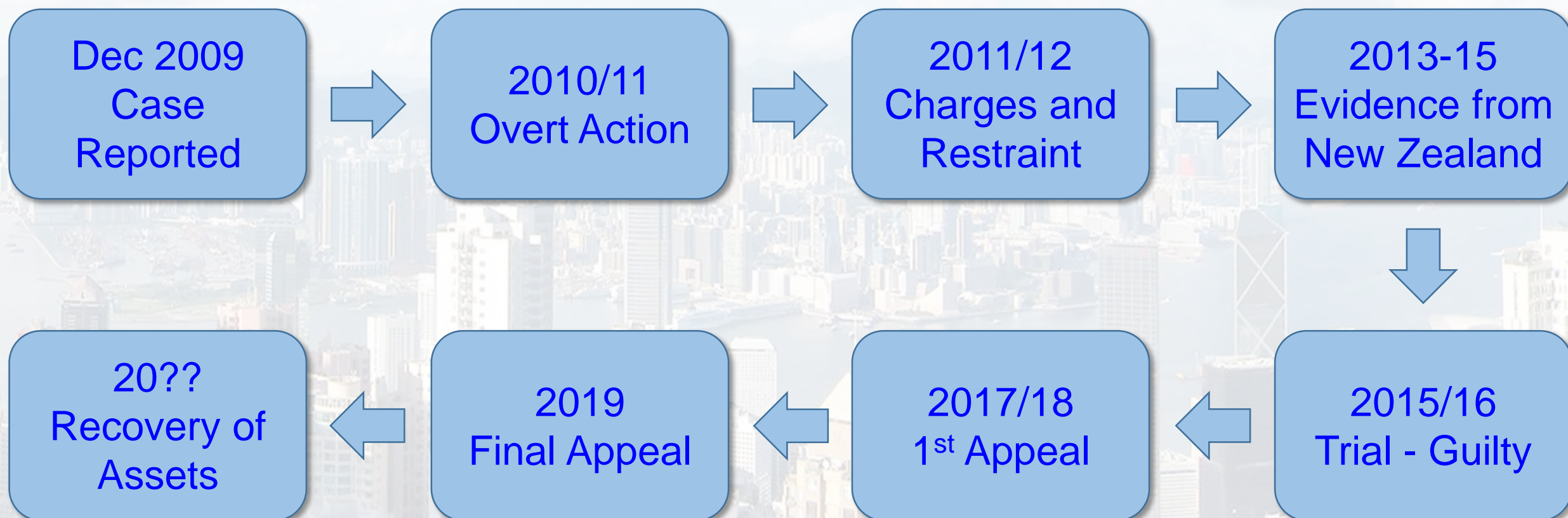


- Public announcements with misleading details:
 - a) Vendor of the farms was a third party independent of the listed company
 - b) There was no prior relationship between the Chairman and the vendor
- In the announcements, the farm accounts were falsified:
 - Deficit NZ\$31.5 million → Profit NZ\$18.5 million
- Over HK\$1 billion was raised from investors to fund the acquisition but only four farms purchased
- Remaining proceeds diverted to Chairman and Vendor
- 2011 - Chairman and vendor charged with conspiracy to defraud and money laundering
- Assets restrained in Hong Kong and New Zealand
- Both convicted on all charges in April 2016 pending final appeal

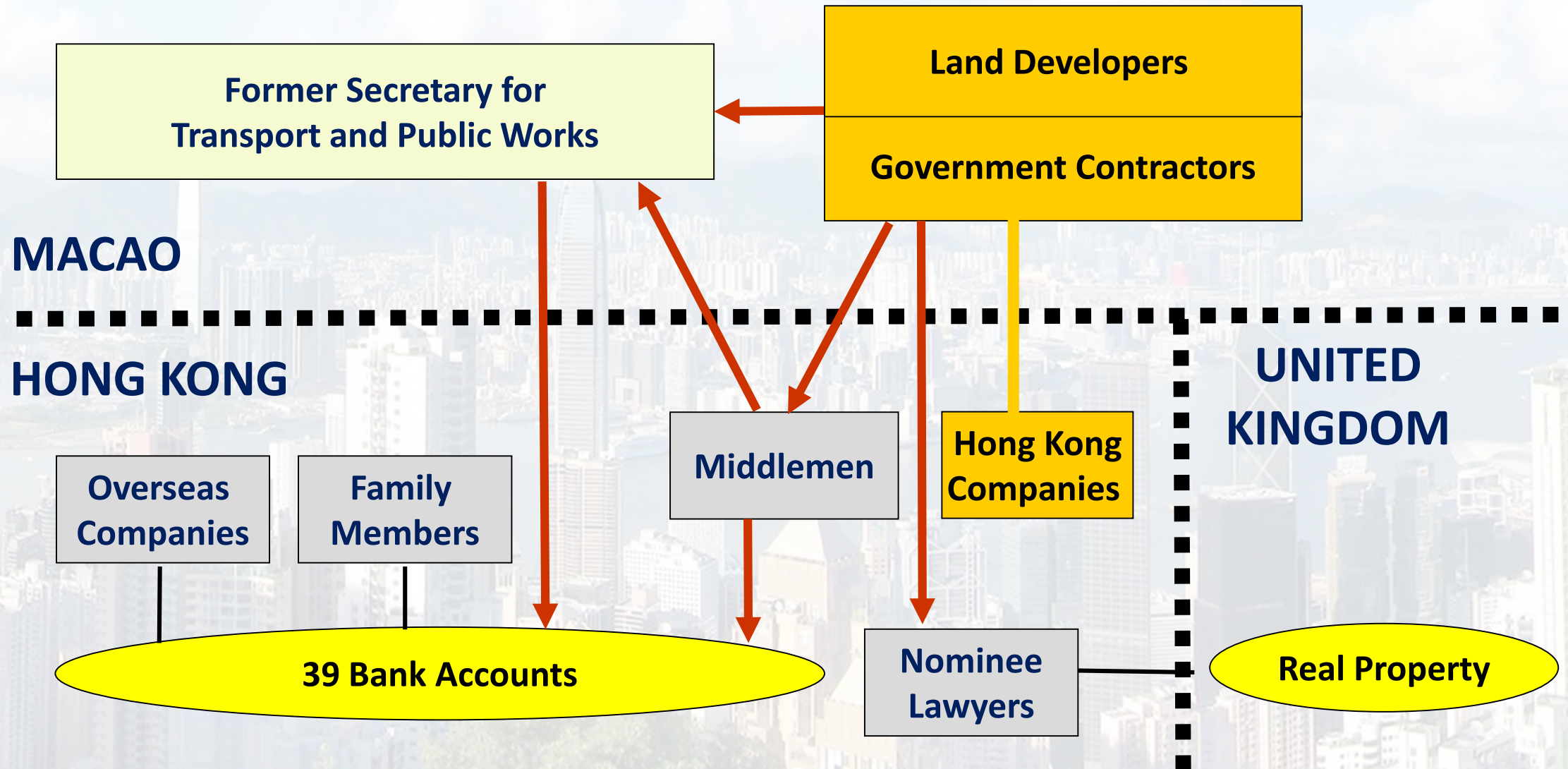
Recovery



Timeline



Macao Senior Official Case



International Cooperation

- Early Sharing of Information
- Coordinated Action
- Understanding / Trust
- Pragmatism





- Incoming Asset Tracing Requests – 90
- Different Jurisdictions – 35
- Politically Exposed Persons – 70
- Under UNCAC - 22

Capacity Building

- Anti-corruption training provided to 5 countries
- Being arranged for 7 countries
- In dialogue with 30 more



Assets

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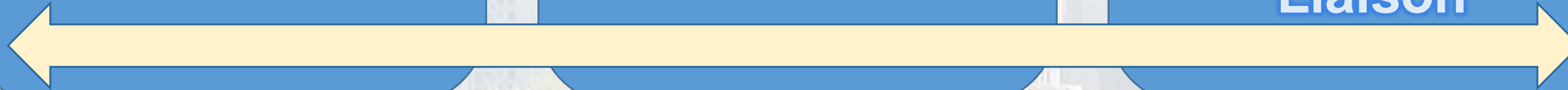
Political Will



Capacity



**International
Liaison**



THANK YOU

**7th ICAC
SYMPOSIUM**
廉政公署第七屆國際會議
22 - 24 · 5 · 2019 HONG KONG 香港



Fighting Corruption
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