

TUNG MAN KEUNG, GEORGE (the Respondent)

Principles 1.02 and 6.04 of The Hong Kong Solicitors' Guide to Professional Conduct, Volume I

Hearing dates: 24 July 2002 and 19 September 2002

Tribunal decision: 18 March 2003

On 18 March 2003 the Solicitors Disciplinary Tribunal found that the following complaints against the Respondent were proved:

Complaint 1:

Professional misconduct or conduct unbecoming a solicitor for failing to conduct himself appropriately in the negotiation of barrister's fees outside legal practice and in his private capacity as a client, in breach of Principle 1.02 of The Hong Kong Solicitors' Guide to Professional Conduct, Volume I (the Guide), in that he, being a client represented by a firm of solicitors in a court case, negotiated directly with counsel on settlement of barrister's fees and paid directly to counsel a sum in partial settlement of the fees instead of dealing with the same through his instructing solicitors.

Complaints 2 and 3:

Professional misconduct or conduct unbecoming a solicitor for failing to deal with the inquiries from the Law Society in breach of Principle 6.04 of the Guide.

(The Tribunal found that two other complaints against the Respondent were not proved.)

The Tribunal ordered that:

- in respect of the 1st Complaint, the Respondent be censured;
- in respect of the 2nd and 3rd Complaints, the Respondent be fined HK\$5,000.00 and HK\$16,000.00 respectively; and
- 60% of the costs of and occasioned by these proceedings including all prior enquiries and investigations in relation to the matters before the Tribunal be paid by the Respondent on a full indemnity basis, such costs to include the costs of the Clerk to the Tribunal, the Applicant and the Prosecutor; and such costs to be taxed on a full indemnity basis if not agreed.

Mr Peter K F Chan for the Law Society.

The Respondent in person.

Tribunal Members

Mr Frank Kee Wai Lee (Chairman)

Mr William Alvin Hui

Dr Wu Po Him Philip