

## Ao Man Long (Hong Kong SAR, China)

**Case ID:**

ARW-33

**Position of Public Official(s) (yrs in office):**

Secretary of Transport and Public Works (1999-2006)

**Jurisdiction of Asset Recovery:**

Hong Kong SAR, China

**Jurisdiction of Asset Recovery ? Description:**

Location of Recovery Effort, Asset Location / Alleged Asset Location

**Asset Recovery Start:**

1999

**Asset Recovery End:**

2009

**UNCAC Offenses Implicated:**

Art.16

Art.18

Art.19

Art.20

Art.23

**Money laundering Implicated:**

Yes

**Legal Basis for Asset Recovery:**

Private Civil Action

**Intl.Cooperation: MLAT/Letter of Request?:**

No

**Basis for Intl Cooperation:**

NA

**Contributing Factors in Asset Recovery:**

The discrepancy between asset declarations filed by Mr. Ao and his wife as public officials and their assets was used as evidence against them. Search of Mr. Ao's government-provided residence yielded a notebook containing details of his illegal bank accounts. (Source: Statements by the Commission Against Corruption in Macao SAR posted on its website.)

**Status of Asset Recovery :**

Completed

**Stage in Asset Recovery Chain:**

Assets Returned to Victim or Requesting Jurisdiction

**Agreement for Returned Assets:**

No

**Agreement for Returned Assets - Description:**

NA

**Case Summary:**

According to a public statement by the Macau Public Prosecution Office, US\$56,755,400 has been recovered from Hong Kong SAR from bank accounts held in the names of individuals and companies of Mr. Ao and his family members. (Source: "The Public Prosecution Office

has retrieved over HK\$80,000,000 for the Macao SAR in the Ao Man Long case," December 15, 2014, at <http://www.mp.gov.mo/en/news/2014/news20141215en.pdf>)

According to Professor Simon N. M. Young of Hong Kong University Law School, due to an absence of a Mutual Legal Assistance Treaty between Macao and Hong Kong, Macao filed a civil suit to recover Mr. Ao's illicit assets from Hong Kong, SAR. (Source: Simon N.M. Young, "Why civil actions against corruption," Journal of Financial Crime, Vol. 16, No. 2 (2009), pp. 144-159.) Commission Against Corruption in Macao SAR stated on its website (February 5, 2009) that the Hong Kong High Court held the first hearing on February 4, 2009 concerning the recovery of the bribe money - HKD140 million deposited in 39 bank accounts and HKD80 million cash in different currencies kept in a safety deposit box. (Source: <http://www.ccac.org.mo/en/>) According to Macau News, in February 2009, the Hong Kong Court of First Instance Madame Justice Carlye Chu Fun-ling granted a judgment as part of the confiscation order sought by Macau's government to recover assets Mr. Ao and his relatives had retained in Hong Kong. (Source: Macau News, "'Former Macau's secretary of transport and public works Ao Man Long to face second trial next week," February 13, 2009.) Civil actions are private in Hong Kong, and therefore, a copy of the judgment is not publicly available. However, Hong Kong court decisions in the case initiated by Philip P.H. Wong, Kennedy, Y.H. Wong & Co. (a firm of solicitors) and Philip (Nominees) Limited challenging search warrants carried out by the Hong Kong's Independent Commission Against Corruption gives some insight into the Hong Kong authorities' role in the investigation of Mr. Ao's corporate entities formed through the corporate service provider. (Source: Between Philip P.H. Wong, Kennedy, Y.H. Wong & Co. (a firm of solicitors), Philip (Nominees) Limited and The Commissioner of the Independent Commission Against Corruption, CACV 4/2008 and CACV 272/2008, on appeal from HCAL No. 70 of 2007.)

#### **Disposition of Criminal Case(s):**

According to statements by the Commission Against Corruption in Macao SAR, Mr. Ao was tried and convicted by the Macao Court of Final Appeal in two separate trials that ended in January 2008 and April 2009, respectively. (Sources: Commission Against Corruption in Macao SAR, "What's New - Detected Cases," June 4, 2008 and "What's New - Detected Cases," April 22, 2009.)

#### **Jurisdiction of Origin: Investigative Agency:**

Commission Against Corruption of Macao SAR

#### **Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):**

Macao Public Prosecutions Office

#### **Jurisdiction of Origin: Courts Involved:**

Macao Court of First Instance

#### **Jurisdiction of Asset Recovery: Investigative Agency:**

Independent Commission Against Corruption

#### **Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):**

Attorney Jacky Cheung (private civil action)

#### **Jurisdiction of Asset Recovery: Courts Involved:**

Hong Kong Court of First Instance

#### **Documents:**

Ao\_Assets\_Macao\_Daily\_Times\_Nov\_29\_2007.pdf

Ao\_Macao\_Anti-Corruption\_Commission\_Feb\_5\_2009.pdf

Ao\_Macao\_Anti-Corruption\_Commission\_Detected\_Case\_Apr\_4\_2007.pdf



Ao\_Macao\_News\_Second\_Trial\_Feb\_13\_2009.pdf

Ao\_Macao\_Case\_36\_2007\_Judgment\_Jan\_30\_2008\_Chinese.pdf

Ao\_Macao\_Case\_36\_2007\_Judgment\_Jan\_30\_2008\_Portuguese.pdf

Ao\_Macau\_Case\_53\_2008\_Judgment\_Apr\_22\_2009\_Chinese.pdf  
Ao\_Macau\_Case\_53\_2008\_Judgment\_Apr\_22\_2009\_Portuguese.pdf  
Ao\_Macau\_Second\_Trial\_Judgment\_Apr\_22\_2009.pdf  
Ao\_Wong\_ICAC\_Commissioner\_CACV\_4\_2008.pdf  
<http://star.worldbank.org/corruption-cases/sites/corruption-cases/files/document...>  
<http://star.worldbank.org/corruption-cases/sites/corruption-cases/files/document...>

#### **Documents:**

<b>Attachment</b>	<b>Size</b>
 Ao_HK_Explain_Assets_Macau_Daily_Nov_29_2007.pdf	243.56 KB
 Ao_Macao_PPO_PR_Dec_15_2014.pdf	18.34 KB

#### **Other Sources:**

Statements by Commission Against Corruption in Macao SAR (April 22, 2009 and February 5, 2009) and others posted on its official website at <http://www.ccac.org.mo/en/>;

"The Public Prosecution Office has retrieved over HK\$80,000,000 for the Macao SAR in the Ao Man Long case," December 15, 2014, at <http://www.mp.gov.mo/en/news/2014/news20141215en.pdf>;

Macau News, "Former Macau's secretary of transport and public works Ao Man Long to face second trial next week," February 13, 2009, accessed at [http://www.macaunews.com.mo/index.php?option=com\\_content&task=view&id=30...](http://www.macaunews.com.mo/index.php?option=com_content&task=view&id=30...) Simon N.M.Young, "Why civil actions against corruption," *Journal of Financial Crime*, Vol. 16, No. 2 (2009) at 144-159 (purchased online); Philip P.H. Wong, Kennedy, Y.H. Wong & Co. (a firm of solicitors), Philip (Nominees) Limited and The Commissioner of the Independent Commission Against Corruption, CACV 4/2008 and CACV 272/2008, on appeal from HCAL No. 70 of 2007. Macao court judgments in Mr. Ao's underlying cases: Acordam No Tribunal de Ultima Instancia da Regiao Administrativa Especial de Macau, Processo no. 36/2007 and Acordao do Tribunal de Ultima Instancia da Regiao Administrative Especial de Macau, Processo cmum colectivo No. 53/2008 (in Portuguese and Chinese).