

The Wong Way

Mr Wong is a practising solicitor in the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC). Because he is a solicitor, he is very proud of his position in society. He wears only the latest fashionable clothes, which he purchases at a very fashionable departmental store, the same fashionable departmental store from where he purchased all of the furniture for his home. Solicitor Wong lives on The Peak, a very fashionable part of Hongkong. He lives in a house. He is married to a former teacher of the English language. He has a teenaged son who attends an international school. He is the proud owner of a white Rolls-Royce, which he purchased, second-hand, about 8 years ago.

The following are just some of the things that Solicitor Wong does; and, the reasoning (or lack of it) for his actions.

Solicitor Wong received a letter from what appeared to be a department of the US Government. On studying the letter, it required of his firm to give a detailed list of all clients who were known US citizens or who appeared might well be US citizens without making an admission as such. The letter said that it was not necessary for Solicitor Wong's firm to contact the client, or clients, personally, but to inform the US Government, following an electronic search of the names of all clients, present and past, in order to ascertain whether or not the client(s) was the beneficial owner of any US property, had an address in the US, had transacted any business in the US, or had any other US connection. Solicitor Wong studied the letter carefully and came to conclusion that he could not assist the US Government since it would be considered a breach of the ethical standards of his profession. He telephoned an acquaintance in Bank of America Corporation, Hongkong Branch, and was told of The Foreign Account Tax Compliance Act, which had been passed into law in the US, last year. Effective 2013, this law comes into force, he was told. The aims and objects of this piece of legislation are, inter alia, to prevent tax evasion in the US. According to the intelligence that his acquaintance imparted to him, bank records, foreign and domestic, are no longer sacrosanct. *'If we have to follow the letter of the law in respect of The Foreign Account Tax Compliance Act,'* the banker explained, *'solicitors and accountants, around the world, will be next on the US Government's hit list. Sorry, Solicitor Wong. It looks as though you are about to get it in the neck.'*

The words of this banker shocked the Hongkong solicitor and he felt a cold chill run up and down his spine. Should Solicitor Wong wait for the axe to come down on Hongkong solicitors or should he take action before the US Government's axe was razor sharp? He wrote a hurried note to some

friends in high places, asking them for advice as to what action he should take with regard to the letter that he had received from the US Government. After a period of a fortnight, there had been no response to his missive. Then, to his amazement, he received a terse letter from a well-placed, Hongkong barrister, who took exception to Solicitor Wong's enquiries, suggesting that hypothetical questions of the nature, suggested by Solicitor Wong, could not be answered and that, at the appropriate time, should it come to pass that there was a need to discuss matters of this nature, it would be studied calmly and comprehensively. *'In the meantime,'* the letter ended, *'it would be wise not to raise issues of a hypothetical imperative.'* On learning the definition of the term, *'hypothetical imperative'*, Solicitor Wong became irritated since the letter suggested to him to keep quiet – and that should not be the way in which an officer of the Hongkong High Court should act. He wrote back to the US Government, stating that he could not assist a foreign power by revealing any part of a solicitor-client communication. He, also, stated that Hongkong was the sovereign territory of the People's Republic of China and, should the US Government require information about US citizens in the territory, then, the appropriate party to contact was in Beijing, the Capital City of the PRC. Solicitor Wong made it very clear that he would not be a party to a *'quasi-international police force'* under the name of the US Treasury Department or any other US Government department. He mentioned, in capital letters, the inviolability of information, obtained in a solicitor-client relationship. He, never, received a response to his letter, which was written in the definitive language of legalese that he had been taught as a student at The University of Hongkong. He told Judy, his wife, of this matter and how he had handled it: *'I am proud of the way that I handled this situation. I am an Officer of the High Court of Hongkong and I cannot be pushed round like a rag doll.'*

About one year later, he applied for a Visitor's Visa to tour parts of California with his wife and his teenage son, Nickolas. When he did not receive a reply with regard to his application for a visa, he telephoned the US Consulate General in Hongkong. He was informed by a Consul that no application for a Visitor's Visa had been received from anybody with a name along the lines of Solicitor Wong. After a period of another 6 months, Solicitor Wong still did not have a visa to visit the US and so he and his little family flew off to New Zealand on their holiday. On the way to Auckland, Solicitor Wong turned to his wife and said:

*'These Americans cannot push me around!
I hope you like the silence of this lamb, Judy.'*

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