



Hong Kong Institute of
Certified Public Accountants
香港會計師公會



*Season's Greetings from The Forensics Interest Group
Wishing you a Merry Christmas and a Peaceful and Prosperous New Year*

Forensic Update

News from your forensics interest group - ForensIG



Issue no. 3 (Dec 2014)

Feature

In this issue, we feature:

- Upcoming and past events
- The UK Bribery Act 2010: Implications outside the UK
- Useful news and articles

Inviting new members

Please alert your friends and colleagues who may be interested. Membership is open to all members of the Institute and to non-members of the Institute who are working in forensics and related sectors.

For those who are not yet members, to join, please complete the [membership application form](#) and return it, by post or by fax, to the Institute, as indicated on the form.

Upcoming events

The interest group holds regular events. Among some of the topics being planned for 2015 are:

- Shell company investigations: planned for early 2015
- Others: disputes in valuation; Hong Kong competition law

Look out for further details of coming events. If you have a good idea for an event or a speaker, please email us at: ForensIG@hki CPA.org.hk.

Past events

Corporate Monitorship and Deferred Prosecution Agreements

At this seminar, held on 18 September, Adam S. Goldberg from Gibson, Dunn & Crutcher, and Keith Williamson from Alvarez & Marsal Global Forensic and Dispute Services Limited discussed the concepts of monitorship and deferred prosecution agreements ("DPAs"), which have been more commonly used in the United States, and the practices in different countries. They considered how companies, having signed a DPA, monitor the compliance regime and financial controls, including reviewing the design, testing and implementation of relevant internal controls. The speakers also covered the key elements and risks of DPAs, how companies commit to the agreements to avoid being prosecuted, and recent developments with DPAs. The event was chaired by ForensIG management committee member, Guy Norman.

Challenges Faced by Expert Witnesses

The seminar, on 14 October, discussed providing expert testimony before the Court or an Arbitral Tribunal. Speakers, EY's Trevor Dick and FTI Consulting's Catherine Williams, focused on the expert's paramount duty to provide impartial and objective expert testimony, how to deal with actual and perceived conflicts of interest, what to say and how to say it in an expert report, etc. The seminar was moderated by Andrew Dale from Orrick, Herrington & Sutcliffe.

Joint Seminar on Arbitration and the High Court's E-discovery Practice Direction

ForensIG was pleased to co-host an event with the Chartered Institute of Arbitrators ("CIArb") on 25 November. It covered the High Court's new arrangement for the management of commercial cases involving electronic documents. It also covered CIArb's Protocol for E-disclosure in Arbitration and similar developments amongst international arbitration institutions.

Prominent speakers comprised the Hon. Mr. Justice Mohan Bharwaney, judge of the Court of First Instance, Paul Taylor, director of Deloitte Financial Advisory Services and Menachem Hasofer, partner of Mayer Brown JSM and co-leader of its International Arbitration Group.

The United Kingdom Bribery Act 2010: Implications outside the UK

The Institute of Chartered Accountants in England and Wales ("ICAEW") has recently issued a briefing paper on the Bribery Act in the United Kingdom ("UK"). Like the US' Foreign Corrupt Practices Act, the Bribery Act extends its reach to citizens and companies of the home country even when they are conducting business outside the country. The paper also looks how people can protect themselves in a corporate setting by adopting adequate procedures and the particular risk areas that they should pay attention to outside the UK. Click here for [the publication](#) (*Circulated with permission of ICAEW ©ICAEW 2014. First published on 15 August 2014.*)

News and articles

The following news and articles may be of interest to you:

- [The Business Codes of the Fortune Global 200: What the largest companies in the world say and do](#) by KPMG
- [FVS Consulting Digest: Issue 4 – October 2014](#), (in particular the article on "Nuances of a White Collar Criminal Investigation: The Defense Side"), by American Institute of CPAs
- [Newsletter Issue No.18](#), including a brief information on a bribery case in a waterworks project, by the Independent Commission Against Corruption

Do you have an interesting and informative article to share with *Forensic Update*? If so, please email ForensIG@hki CPA.org.hk.

Quick links

- [A Plus](#)
- [TechWatch](#)
- [CPD \(events by date\)](#)
- [E-circular](#)

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