



[Helen Colquhoun](#)

Partner

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Helen Colquhoun is triple qualified in New York, England and Wales, and Hong Kong. She advises employers across a range of industries on both contentious and non-contentious employment issues such as investigations, restrictive covenants, risk management, acquisitions, restructuring, managing employee hiring and terminations, design of incentive schemes, and drafting contracts and handbooks. Helen frequently advises overseas employers on their operations in Hong Kong, including in relation to sensitive and/or C-suite terminations, secondments, dual contracts, enforcement of restrictive covenants, investigations and general HR matters. Helen also routinely oversees regional APAC projects that require advice on local law nuances, trends and approaches on a range of issues, including restructurings, policy roll outs and outsourcing arrangements.

• Employment

English

As a triple qualified employment lawyer with over 17 years' experience, Helen is well-placed to provide a single source of advice for clients who require advice in more than one jurisdiction.

Helen is currently ranked as "Band 2" by the leading legal directory Chambers and Partners. (Chamber Asia Pacific 2022 - China, Employment: Hong Kong-based (International Firms)) and as "Next Generation Partner" by Legal 500 (Hong Kong). Helen is described in Legal 500 as "*brilliant*", "*a standout legal partner who provides exceptional and practical legal advice and guidance on difficult labour matters*" and as leading a team with "*excellence at handling multi-jurisdictional mandates*".

## LANGUAGES SPOKEN

- English

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- Advising on senior and board level dismissals, including the dismissal of a CFO and CEO on the grounds of fraud
  - Advising a Chinese entity on its expansion into Hong Kong, including preparing template dual-language employment documentation

and coordinating training for the China based HR team on general Hong Kong employment matters

- Advising a US headquartered company on the termination of a C-Suite executive with dual Hong Kong/China contracts
- Assisting a UK headquartered retail company in relation to EOC and Labour Tribunal proceedings in Hong Kong, including advising on strategy, drafting witness and defence statements and conducting settlement discussions
- Advising a UK-headquartered retail on outsourcing and restructuring programme across APAC, including advising on transfers of employment, redundancies and resolution of disputes with employees
- Advising a hotel brand on the implementation and communication of cost-cutting measures across APAC, including the use of furloughs, salary cuts and redundancy programmes
- Advising a UK-based hotel group on its expansion into Hong Kong and Singapore, including advising on appropriate structuring of employment relationships, providing template documentation and coordinating immigration support
- Advising on the design, structuring and implementation of short and long term incentive and bonus plans across APAC
- Advising a US buyer on employment issues arising from acquisition of an asset management company with operations across APAC, including due diligence, negotiation of key employee contracts and harmonization of benefits
- Advising a Chinese technology company on the use of secondments and internships across 10+ locations globally, including advising on the appropriate structuring of such arrangements to address tax and dual employment risks

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the Senior Courts of England and Wales
- Attorney-at-law admitted with the Supreme Court of New York
- Solicitor of the High Court of Hong Kong

### Education

- University of Warwick, Bachelor of Laws, First Class, 2000
- Westminster, LPC, Distinction, 2003

## INSIGHTS

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### Publications

#### **Hong Kong Government Passes Amendment Bill on Abolishing MPF Offsetting Arrangement**

10 June 2022

The Hong Kong Legislative Council passed the Employment and Retirement Schemes Legislation (Offsetting Arrangement) (Amendment) Bill 2022 to abolish the longstanding arrangement which allows employers to offset statutory severance or long service payment against the value of employer's mandatory provident fund scheme contributions.

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#### **Guide to Remote Working in APAC**

27 May 2022

With COVID-19 continuing to cause travel disruption in many locations, employers are increasingly having to respond to scenarios where employees are stranded or unwilling to return from overseas as planned and therefore are working overseas for extended periods of time.

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## **Application for Hong Kong's Employment Support Scheme to open on 29 April**

26 April 2022

On 25 April 2022, the Government announced that applications for the latest round of the Employment Support Scheme (ESS) can be made between 29 April 2022 and 12 May 2022 (both dates inclusive). Employers intending to apply should complete and submit an online application form and upload the necessary documents.

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## **Latest update on the new round of Hong Kong's Employment Support Scheme**

11 April 2022

On 7 April 2022, the Government provided further details on the new round of the Employment Support Scheme (ESS) which would be launched in response to the COVID-19 pandemic.

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## **New round of Hong Kong's Employment Support Scheme announced**

22 March 2022

On 18 March 2022, the Government announced at a press conference that a new round of the Employment Support Scheme (ESS) would be launched in response to the COVID-19 pandemic.

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## **Proposed Amendments to the Employment Ordinance under the Employment Amendment Bill 2022**

28 February 2022

On 25 February 2022, the Government published the Employment (Amendment) Bill 2022 ("Bill") which sets out certain proposed amendments to the Employment Ordinance (Cap. 57) ("EO"). As alluded to by the Government earlier, these changes aim to minimise employment disputes which may arise from COVID-19 related matters.

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## **Latest update to Vaccine Pass Arrangements – what an employer should know**

23 February 2022

On 21 February 2022, the Food and Health Bureau issued a vaccine pass direction pursuant to the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599L) (Regulation) and provided further information on the vaccine pass arrangements which will take effect on 24 February 2022.

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## **Hong Kong Government Announces Expansion of the Use of Vaccine Pass and Proposed Amendments to the Employment Ordinance**

9 February 2022

On 8 February 2022, the Hong Kong Government announced the expansion of the use of vaccine pass and certain amendments which will be made to the Employment Ordinance (Cap. 57).

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## **Asia Pacific Employment Law Forecast 2022**

20 January 2021

DLA Piper's APAC Employment Team has prepared their annual employment law forecast featuring a summary of the major legislative changes and key developments in 2021 that impacted the region and which also explores significant trends expected to shape the landscape for employers in 2022.

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## Greater Bay Area - Cross Border Employment and Tax Guide

9 December 2021

In this guide, we provide an overview of the recent regulations and preferential policies in Guangdong province and Hong Kong that facilitates the flow of business and talent.

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## Embracing Digital Evolution: Our new business report

14 September 2021

Our new report - *Embracing Digital Evolution* - shows how businesses can succeed in Industry 4.0, with contributions from digital revolutionaries such as Microsoft, Salesforce, Rolls-Royce and DocuSign.

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## 5 More Statutory Holidays From 2022

13 July 2021

The Legislative Council of Hong Kong has approved a government proposal to increase the number of statutory holidays under the Employment Ordinance from 12 to 17 by 2030. Previously, employers were only legally required to grant employees 12 statutory holidays, with discretion as to whether to grant employees an additional 5 general holiday days.

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## Employment Law Health Check 2021 - Asia

29 April 2021

Earlier this year, at a time of unprecedented challenges for business, we offered employers the opportunity to complete our Employment Law Health Check surveys covering China, Hong Kong, Singapore and Thailand.

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## Hong Kong Judgment affirms importance of properly documenting repatriation terms

26 April 2021

In the recent Hong Kong case of *Zhang Qiang v Cisco Systems (HK) Ltd* (HCA 1497/2010) [2021] HKCFI 694, the Court of First Instance upheld the binding nature of a repatriation agreement which meant a particularly uncooperative employee was not entitled to receive significant sums in connection with his repatriation back to Hong Kong.

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## Asia Pacific Employment Law Forecast 2021

16 February 2021

DLA Piper's APAC Employment Team has prepared their annual employment law forecast featuring a summary of the major legislative changes and key developments in 2020 that impacted the region and which also explores significant trends expected to shape the landscape for employers in 2021.

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## Transfer of Labour Tribunal proceedings rejected - A shift in Labour Tribunal dynamics?

9 February 2021

The Labour Tribunal is designed to be an informal and inexpensive means of resolving employment disputes. However, the recent judgment in *Kouk Chung Fai v EBP Global Ltd* [2020] HKCFI 370 has put this into question and suggests the Labour Tribunal may now be applying greater scrutiny to applications for a transfer.

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## **From hiring to firing: A basic guide to the Hong Kong employment law life cycle**

2 February 2021

For many employers, the key to having a productive and high-performing workforce is recruiting the right people to start with.

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## **EOC Issues Practical Guidance on How to Prevent Discrimination against Breastfeeding Women in the Workplace**

18 January 2021

In June 2020, the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 was passed which made a number of changes to Hong Kong's anti-discrimination laws. We have set out below a summary of the key recommendations for employers.

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## **COVID-19: Impact on retail employers in APAC**

20 November 2020

The global retail sector has been hard hit by the COVID-19 pandemic. Retailers across APAC have had to adapt to the new normal by implementing short- and long-term measures to keep their businesses and employees afloat.

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## **HK Case Alert - Duties of a contractor as proprietor and employer to ensure safe system of work at construction sites**

28 October 2020

In the recent Hong Kong Court of Appeal judgment of *HKSAR v Gammon Construction Limited* (HCMA 97/2019) [2020] HKCA 752, the Court has endorsed the stringent statutory duty imposed on the proprietor of a construction site to ensure the safety of a construction site.

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## **China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas**

16 October 2020

With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

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## **Hong Kong Employment Law Update**

16 October 2020

In this article, our Hong Kong Employment team provides an update on the Government's efforts to enforce clawback and penalties in respect of the first tranche of the Employment Support Scheme and statutory maternity leave increasing to 14 weeks from 11 December 2020.

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## Mass layoffs and collective redundancies guide

6 October 2020

As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

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- Author, "Privilege issues in cross-border investigations," *Regulation Asia*, May 2017
- Author, "Issues to consider when moving role," *SCMP*, 2016
- Author, "Hong Kong – Contracts and Third Party Rights," *ABA International Employment Committee Newsletter*, December 2015

## Events

### Upcoming

#### Discrimination Case Law Update and EOC Investigations

7 October 2022

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### Previous

#### APAC Employment Webinar

24 February 2022  
Webinar

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#### Looking ahead: global changes and employment challenges

8 February 2022 | 3:00 - 5:00 pm  
Webinar

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#### APAC Employment Webinar

9 September 2021  
Webinar

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#### Global Employment Webinar on Return to Work Strategies, Vaccines and Testing

25 May 2021  
Webinar

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#### Hong Kong Employment Litigation Series: Labour Tribunals

4 March 2021  
Webinar

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### **APAC Employment Year in Review Webinar**

3 February 2021  
Webinar

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### **APAC Employment Law Update**

15 October 2020  
Webinar

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### **Webinar: Current people implications of COVID-19 for the hospitality and leisure sector**

6 October 2020  
Webinar

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- Speaker, "Flexible working issues," AmCham HR conference, Hong Kong, December 2016
- Speaker, "Global Perspectives on Labor and Employment Law Dispute Resolution," ABA Labour and Employment Law conference, Hong Kong, May 2016
- Speaker, "Social Media Policies, Terms and Conditions," AIJA Conference, London, April 2014
- Speaker, "Doing Business in the UK," UKTI panel session, New York, April 2014

## **NEWS**

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### **DLA Piper advises US flexible workspace company Industrious on Asia expansion**

13 June 2022

DLA Piper has advised Industrious, the flexible workspace company backed by CBRE Group, on its acquisition of co-working space operator The Great Room, as part of the company's plan to expand its footprint internationally.

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### **DLA Piper appoints strategic leadership roles in Asia Employment practice**

30 May 2022

DLA Piper today announces important changes in its Asia employment practice. Helen Colquhoun has been appointed as Head of Employment for Asia, while Johnny Choi, Head of Employment for China, will lead the firm's Greater Bay Area employment initiative, expanding his existing China role.

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