



[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 3" by the leading legal directory Chambers and Partners. (Chamber Asia Pacific 2020- 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

#### 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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#### 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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## **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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## **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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## **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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## **Hong Kong Court of Appeal rules withholding of bonus and set-off for gross misconduct was unlawful**

10 September 2020

It is well-known that deductions made from wages due to an employee are unlawful. Are bonuses due to an employee also subject to the same restriction against deductions from wages? Does an employer have the right to set-off any sums owed to it by an employee or will this violate section 32 of the Employment Ordinance?

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## **Details of the second tranche of Hong Kong's Employment Support Scheme released**

24 August 2020

On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

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## **Hong Kong Government increases statutory entitlement for maternity leave**

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

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## **Changes to Hong Kong anti-discrimination legislation**

30 June 2020

Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

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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

### Previous

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

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

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

25 May 2021  
Webinar

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#### Doing Business Globally: Spotlight Hong Kong

22 September 2020  
Webinar

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#### International Employment Law Return to Work Program

16 June 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