

EMPLOYMENT & BUSINESS IMMIGRATION LAW



Labour and employment laws in Hong Kong and China are rapidly evolving and becoming more complex, especially with the implementation of further anti-discrimination legislation. OLN's Employment Practice Group is constantly developing to keep pace with the law and has gained a respected position with employers, employees and among our peers as being at the forefront of providing practical and straightforward advice in this complex and developing area of law.

A LEADING EMPLOYMENT LAWYER IN HONG KONG

We are experienced in advising and strategizing for both employers and employees on all matters stemming from an employment relationship, from interviewing and recruiting, to terminating and enforcing post termination restrictions.





ADVICE FOR EMPLOYERS

As an employer, it is of utmost importance to understand the intricacies of the employment law to ensure compliance. We pride ourselves on being able to provide practical legal advice in a timely fashion to avoid a minor issue to escalate into something much greater. If a problem does, unfortunately, escalate, we continue to be on hand to take immediate action to prevent damage or disruption to a business.

ADVICE FOR EMPLOYEES

We recognize both the legal and emotional stress that employment-related issues often cause, and work together with individual employees to provide practical advice. We not only address their immediate concerns but also forward planning to ensure that they remain protected in the future. Also, it is very critical for an employee to fully comprehend his or her right, entitlement and obligation before entering into an employment contract.



INTERNATIONAL EMPLOYMENT AND LABOUR LAW

We are experienced in advising both employers and employees in employment-related disputes with cross border and multi-jurisdictional aspects including South-East Asia, China, Australia, the European Union and the USA. We also provide invaluable strategic legal advice in relation to "team moves" between high profile employers.

Our Employment Practice Group advises and acts in the following matters:

- Drafting contracts of employment, senior executive service agreements and staff handbooks including MPF issues
- Drafting consultancy agreements
- Summary dismissal, termination of employment and severance packages
- Employee resignation and "constructive dismissal"
- Redundancy programmes, redundancy and long service payments
- Maternity issues and dismissal during maternity leave
- Enforcement of restrictive covenants, including obtaining and defending urgent and ex parte injunctions
- Bonuses including non-payment of "discretionary" bonuses
- Claims of discrimination and avoiding potentially discriminatory practice

BUSINESS IMMIGRATION

Ensuring that key employees are legally in the right place at the right time is an essential business need, especially in Hong Kong with its large international population. We pride ourselves on treating each employee as an individual and we recognize the stress and difficulties that can be caused to an individual, his/her family and a business when delays occur and things go wrong. A key function of the Employment Practice Group is to ensure that business immigration processes are completed as smoothly and efficiently. We regularly advise and act for global employers, individuals, Hong Kong startup companies and entrepreneurs.

Business Immigration Services include advising on the following matters

- Obtaining work visas and extensions
- Advising on the effect and consequences of visitors' visas
- Obtaining spousal and dependent visas
- Obtaining business investment visas
- Advising on available visa options and implementing the action plan

TAX ADVICE FOR EMPLOYERS & EMPLOYEES

Our team also comprises of solicitors who are dual qualified tax practitioners who constantly provide tax advice to employers and employees in an employment context, including but not limited to:

- Formulating domestic and cross-border personal tax planning
- Advising employers on the potential issue or risk of creating permanent establishment by assigning employees to work in overseas jurisdictions and how to minimise such tax risk
- Structuring a more tax efficient termination compensation package (including but not limited to ex-gratia payment, statutory severance payment and relocation allowance)
- Advising on and structuring employee phantom shares and equity option plans and other award schemes in a tax efficient manner

TEAM MEMBERS



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ABOUT OLDHAM, LI & NIE (OLN)

OLN is a leading independent Hong Kong law firm, whose commitment to professional excellence has been the cornerstone of the firm since its creation in **1987**. With many years of experience practising in Hong Kong, our diverse global employees, who embody the firm's East-West culture, are able to deliver an integrated suite of legal and business solutions.

No. of lawyers: 40+

No. of staff: 100+

Jurisdictions covered: Hong Kong, the United Kingdom (England and Wales), several US states, Australia, Canada, France, Japan.

Practice Areas:

- China Practice
- Commercial Fraud and Asset Tracing
- Corporate and Commercial
- Dispute Resolution
- Employment and Business Immigration
- Family Law
- Financial Service and Regulatory
- French Practice
- Fund Practice
- Insolvency and Restructuring
- Insurance
- Intellectual Property
- Japanese Practice
- Notary
- Personal Injury
- Private Client
- Startups and Venture Capital
- Tax

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