



 **Howse Williams**

Employment Practice

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Howse Williams is an independent Hong Kong law firm which combines the in-depth experience of its lawyers with a creative, forward-thinking approach.

About Us

Our key practice areas are corporate/commercial and corporate finance; commercial and maritime dispute resolution; clinical negligence and healthcare; insurance, personal injury and professional indemnity insurance; employment; family and matrimonial; property and building management; banking; fraud; financial services/corporate regulatory and compliance.

As an independent law firm we are able to minimise legal and commercial conflicts of interest and act for clients in every industry sector. The partners have spent the majority of their careers in Hong Kong and have a detailed understanding of international business and business in Asia.

The HW partners and their teams have an excellent reputation for delivering high quality legal advice with a practical and commercial approach to solving legal issues in line with clients' commercial objectives.

We advise upon all aspects of the fast-changing contractual, common law and statutory law employment framework in Hong Kong which regularly include:

- Compromise agreements
- Confidential information and trade secrets
- Corruption
- Discrimination (marital status, disability, race and sex)
- Employee incentive schemes
- Executive bonus, share option and pension schemes
- Health and safety
- Hiring
- Industrial espionage
- Immigration
- Internal disciplinary proceedings
- Internal staff handbooks, policies and procedures
- Investigations
- Leave rights and entitlements
- Mandatory provident fund
- Minimum Wage Ordinance
- Personal data
- Post-termination restrictions (e.g. non-compete, non-solicitation, non-dealing, restrictive covenants etc.)
- Prevention of Bribery Ordinance
- Privacy
- Regulatory
- Reference letters
- Retirement schemes
- Springboard injunctions
- Termination and redundancies
- Transfer of business
- Union activity

Investigations

HW employment lawyers are often involved in conducting external investigations into areas of suspected misconduct by employees and are skilled at extracting relevant information during the investigation process before devising practical, innovative and effective solutions.

Employment Dispute Resolution

HW's team of experienced employment lawyers has a track record of success in conducting employment related claims on behalf of both employers and employees in both mediation and litigation. We strive to keep our clients out of court if at all possible by achieving practical, commercial and cost-effective solutions to often complicated and sensitive disputes in the employment arena. If however litigation is inevitable, we advise our clients behind the scenes in the conduct of proceedings in the Labour Tribunal (in which lawyers have no rights of audience) and before the District and High Courts in Hong Kong. We have particular experience in the conduct of applications for springboard injunctions.

Non-contentious Employment

HW advises both employer and employee clients upon all aspects of drafting employment-related documentation and advising them upon the meaning and effect of contractual, common law and statutory employment issues in Hong Kong.

Training

HW recognizes that having internal policies and procedures is only half of the battle for employers and that for those policies and procedures to provide maximum protection to employers, they must be implemented within the workforce. We therefore offer bespoke training courses to our employer clients in order to ensure that the implementation process is carried out as effectively as possible.

HR professionals should also benefit from our free quarterly lunchtime employment seminar series.

Awards

In 2013 HW was awarded International Employment Law Firm of the Year in Hong Kong by Global Law Experts.



Patricia Yeung

Partner

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Patricia has focused on employment law since qualifying as a solicitor in 2011, and her experience in employment matters is now widely recognised in Hong Kong. Patricia heads up HW's employment team, which consists of two partners (including Patricia) and three associates.

Patricia regularly advises employers and senior executives on both contentious and non-contentious employment matters. Her clients include airlines, education providers, insurers and financial services providers.

Patricia's practice covers a wide range of work, including drafting employment contracts, handbooks and policies, terminations and advising upon the enforcement of post-termination restrictions and confidentiality obligations. She and her team frequently advise on the employment aspects of M&A deals and business transfers.

Many of Patricia's clients operate in the financial services sector, and she frequently negotiates exit packages in relation to high-level employees of banks, brokerages and insurance companies. Patricia also advises upon the employment issues arising from discrimination and harassment, personal data related matters and immigration issues (including prosecutions). She also has experience in assisting employers and employees during the conduct of internal investigations and discrimination and harassment complaints.

Patricia has an in-depth knowledge of the Labour Tribunal, having assisted parties involved in Labour Tribunal proceedings for several years. She has also represented both plaintiffs and defendants in both District and High Court actions involving substantial claims for unpaid bonuses, enforcement of restrictive covenants and claims for injunctive relief in Hong Kong, including applications for injunctive relief. She also advises clients on licencing issues and regulatory investigations involving the SFC and the HKMA.

▾ *Professional Recognition*

Patricia is consistently ranked in Legal Directories. Examples of recent client comments:

2021 Chambers and Partners: *"a very dedicated, client-centric and commercial partner, who manages to be detail-oriented and technical, while giving clear and succinct advice."*

2021 Chambers and Partners client testimonial: *"The advice we received was excellent. It was well constructed, thorough, easy to follow, and received in a timely manner."*

2021 Legal 500: *"Very sensible team head Patricia Yeung is at the heart of many of the firm's financial services-related mandates, and as well as advising on employment litigation in the sector, also frequently negotiates exit packages in relation to high-level employees of banks, brokerages, and insurance companies."*

Patricia has also been listed in the Labour and Employment section of Who's Who Legal.

Patricia is the author of the 'Hong Kong Employment Ordinance - An Annotated Guide', which is published by Lexis Nexis. She also teaches on the PCLL Employment Law and Practice course at the University of Hong Kong.

▼ *Experience*

2015 Howse Williams
2008 Gall Solicitors

▼ *Education*

2008 The University of Hong Kong, Postgraduate Certificate in Laws
2007 Cardiff University, Master of Laws in Commercial Law
2006 BPP Law School, Legal Practice Course

▼ *Professional Admissions/Qualifications*

2011 Hong Kong

▼ *Professional Affiliations*

Member, Law Society of Hong Kong



Michael Withington

Partner

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Michael is experienced in a wide range of commercial litigation, including shareholder disputes involving both listed companies and high-profile private companies (many of which involve a cross-border element). He has also acted in litigation involving financial services institutions (including mis-selling claims and negligence claims), claims involving directors, and disputes over asset acquisitions.

A large part of Michael's practice at Howse Williams involves contentious employment matters (acting for both employers and employees), including claims over termination and remuneration, enforcement of post-termination restrictions, discrimination claims and partnership disputes. He advises employers and statutory bodies on internal investigations and disciplinary proceedings, and has represented a number of individuals in SFC investigations. He also has significant experience in conducting and defending judicial review proceedings.

Michael also has extensive insurance experience, particularly in relation to the defence of professional negligence claims and advising on coverage issues. He has been a panel solicitor for the Hong Kong Solicitors Professional Indemnity Scheme since 1998, and has represented both local and international law firms in connection with a broad range of claims.

▼ *Experience*

2015 Howse Williams
2012 Gall
2002 Herbert Smith Freehills
1998 Wilkinson & Grist
1994 Haldanes

▼ *Education*

1987 The University of Sydney, LLB

▼ *Professional Qualifications*

1994 Hong Kong
1994 England and Wales
1987 New South Wales, Australia

▼ *Professional Affiliations*

Member, Law Society of Hong Kong

▼ *Reported Decisions*

- Philippe Delhaise v Ng & Co & Erving Brettell [HCA 10165/2000; CACV 386/2003]
- Mimi Monica Wong v Mirko Sacconi [HCA 2061/2004]
- Pat Bobby Ying Ho v Hong Kong Solicitors Indemnity Fund Ltd [HCCT 40/2004]
- Michael John Treloar Rowse v The Secretary for the Civil Service, The Chief Executive & The Chief Secretary for Administration [HCAL 41/2007]
- GFI (HK) Securities LLC v Kang Gyong Hee & ICAP Equities Asia Ltd [HCA 451/2015]

▼ *Professional Recognition*

Michael is currently ranked by Chambers Asia as a Band 2 employment lawyer and a Band 3 insurance lawyer. Comments include:

2017: "He has a cool, calm demeanour. We use him during a crisis."

2015: "a seasoned operator"
"a very good litigator - very experienced and steady"

2014: "is an experienced litigator who certainly knows his stuff; gives clients sensible and considerate advice."

"He is particularly adept in restrictive covenants, partnership disputes and investigations by local regulators"

2013: "very quick and very clear on providing advice" ... "his immediate response and technical support are always available"

2012: "good judgement and great technical skills"... "is a seasoned practitioner for commercial litigious matters on labour issues"

2011: "has deep rooted experience in employment litigation"



Angela Wu

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Angela joined HW as a trainee in 2016. She has now completed her training contract having gained experience in a wide range of dispute resolution practices including clinical negligence, professional indemnity, employment, corporate regulatory and general commercial matters.

Angela's current practice focuses on general commercial litigation and contentious employment matters. Angela is fluent in English, Cantonese, Mandarin and French.

Angela has advised on both contentious and non-contentious employment matters, including compensation, statutory benefits, contractual and discretionary bonuses and wrongful terminations. She also has experience in handling disputes in the Labour Tribunal and the High Court regarding clawback provisions, contractual and discretionary bonuses and unreasonable termination.



Elaine Kwok

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Elaine joined the employment department upon completion of her training contract with HW.

Elaine's practice covers a wide range of contentious and non-contentious employment matters, including wrongful termination, unreasonable and constructive dismissals, employee misconduct, compensation and benefits, and enforcement of restrictive covenants. She advises on employment issues arising from discrimination and harassment, termination of contracts of employment, data privacy issues and immigration matters (including prosecution).

Elaine has experience in handling disputes in both District Court and High Court, as well as the Labour Tribunal. She also has experience in dealing with Labour Department and Immigration Department investigations, and advising parties involved in complaints to the Equal Opportunities Commission.



Bella Chan

Associate

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Bella joined the employment department in 2022 upon completion of her training contract with Howse Williams. She has advised on both contentious and non-contentious employment matters including contractual and discretionary bonuses, wrongful terminations, harassment, immigration-related prosecutions and data privacy issues.

Bella has experience in handling disputes in the Labour Tribunal and the District Court. She also has experience in advising employers undergoing investigations of the Immigration Department and the Equal Opportunities Commission.



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