

Corporate Commercial Client Alert

Employment & Pensions

9 October 2024

Awards and Recognitions in 2024

In 2024, Deacons' Employment and Pensions team has once again achieved remarkable recognition for its exceptional legal services. We are proud to announce on rankings as follows:



- **Legal 500 Asia Pacific** – Tier 1 in Labour and Employment
- **Chambers Greater China Region** – Band 1 in Employment: Hong Kong-based (International Firms)
- **Benchmark Litigation** – Highly Recommended in Labour and employment
- **AsiaLaw** – Outstanding in Labour and Employment
- **Manage HR APAC** – Top 10 Employment Law Firms in APAC 2024

These achievements reflect our commitment to excellence and our dedication to providing top-tier legal support to our clients in the field. We extend our gratitude to our clients and partners for their continued trust and support.



From left to right:

Behind: **Daniel Xu** – Registered Foreign Lawyer, PRC | **Nicole Chong** – Associate | **Stephanie Yip** – Associate | **Eunice Wu** – Associate | **Elsie Chan** – Partner

Front: **Helen Liao** – Partner | **Cynthia Chung** – Partner, Head of Employment and Pensions | **Bernie Ng** – Associate

Our Employment and Pensions team provides a comprehensive range of services, comprising 3 Partners and 5 Associates – including 1 Registered Foreign Lawyer (PRC). We also have the unique capability to advise on cross-border and regional issues. Our Partner **Helen Liao** and Associate **Eunice Wu** are dual-qualified lawyers, practicing in both Hong Kong and the PRC. Additionally, our Partner **Elsie Chan** and Associate **Stephanie Yip** have passed the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Legal Qualification Examination. This diverse expertise allows the team to effectively navigate complex legal landscapes and deliver tailored solutions to clients across various sectors. From the regional and international front, we are supported by the expertise in the Employment Law Alliance (ELA) and Lex Mundi.

Deacons is the sole Hong Kong member ELA, a global legal network of over 140 leading independent law firms with more than 3,000 lawyers globally. Our Head of Employment and Pensions Partner **Cynthia Chung** is the former Vice President of ELA and is still currently on APAC leadership role, while Partner **Elsie Chan** serves as the Next Gen Regional Chair, Asia Pacific.



The Employment Law Alliance (ELA) is a global network of over 100 top-tier law firms specialising in employment and labour law. ELA provides clients with comprehensive legal resources and expertise across jurisdictions, ensuring effective solutions for workplace issues. Its collaborative approach enhances the delivery of strategic employment law guidance worldwide.

Lex Mundi is a global network of independent law firms, comprising over 160 member firms across more than 125 countries. Renowned for its expertise and local knowledge, Lex Mundi connects clients with trusted legal advisors worldwide, facilitating cross-border transactions and providing comprehensive legal solutions tailored to diverse needs.

Part One: Legal updates

New statutory benefit

In February 2024, the Labour Advisory Board agreed to revise the “continuous contract” requirement, so as to replace the “418 rule” with a new “468 rule” once the amendment bill is passed and comes into effect. The proposed amendment is expected to extend benefits coverage to an additional 11,400 Hong Kong employees upon legislation.



Our Partner **Cynthia Chung** and Associate **Stephanie Yip** contributed to an article on “‘418 rule’ overhaul bridges benefit gap for Hong Kong workers” published by Hong Kong Business Magazine.

In this article, Cynthia and Stephanie explained that the relaxation of the “continuous contract” aims to protect more employees, particularly part-time workers, from potential exploitation. They believe the “468 rule” introduction is a positive step to enhance employee welfare and address manpower shortages.

Read the full article [here](#).



Part Two: Marketing involvements

Fintech videos

Deacons is delighted to have collaborated with Rajah & Tann, a leading Singaporean law firm and a Lex Mundi member firm, to present the Fintech Legal Guide for Hong Kong and Singapore.



In this Guide, our Associate **Stephanie Yip** has shared her insights on 1) workplace relations and 2) work visa and permits, the content of which has also been recorded in the video “Hong Kong FinTech Legal Guide”.

The Fintech Legal Guide for Hong Kong and Singapore can be viewed [here](#).

<p>Workplace Relations</p>  <p>DEACONS 的近律師行</p> <p>Hong Kong. Fintech. Legal Guide.</p> <p>Workplace Relations</p>	<p>In this video, Stephanie discusses the laws in governing workplace relations and behaviours in Hong Kong, and how violation of these laws may result in civil and/or criminal consequences. Additionally, Stephanie sheds light on the common practices adopted by many employers in Hong Kong to effectively govern their employees.</p>
<p>Work Visa and Permits</p>  <p>DEACONS 的近律師行</p> <p>Hong Kong. Fintech. Legal Guide.</p> <p>Work Visa and Permits</p>	<p>In this video, Stephanie explains when an individual must obtain an employment visa in order to legally work in Hong Kong, as failure to do so could result in criminal liability for both the employee and employer.</p>

Labour Law – Grab n Go video series

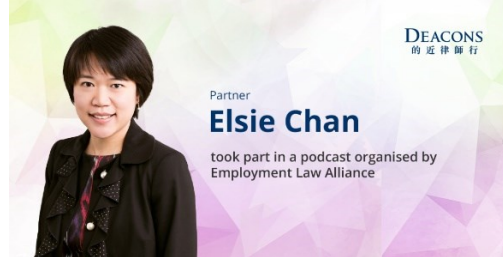
To keep our clients abreast of key legal and regulatory developments of Employment Law in Hong Kong, we regularly publish timely and incisive updates and guides on a wide range of topics. In response to the growing popularity of video communication platforms, we launched the “Labour Law – Grab n Go” video series in 2021, click [here](#) to watch our episodes.

<p>The validity of dual employment contracts</p>	
 <p>DEACONS 的近律師行</p> <p>Labour Law - Grab n Go</p> <p>The validity of dual employment contracts</p> <p>EP 22</p> <p>Stephanie Yip</p>	<p>Our Associate Stephanie Yip discussed the validity of dual employment contracts in the Court of First Instance judgment in <i>AIM Global Holdings Ltd. & Ors v Chien Kun Allen & Rising Dragon Global Ltd.</i> In this case, the Court looked at whether, if there was an overlap of duties in a dual employment arrangement, the employee’s performance under one employment agreement would still count as valid consideration for the other employment agreement.</p> <p>Click here to view the video.</p>
<p>The Non-compete Covenant</p>	
 <p>DEACONS 的近律師行</p> <p>Labour Law - Grab n Go</p> <p>Importance of restrictive covenants</p> <p>EP 24</p> <p>Bernie Ng</p>	<p>Our Associate Bernie Ng discussed a case where a Company successfully sought an interim-interim injunction against its former CFO. The company alleged that the CFO’s new employment with a competitor would violate the non-compete covenant in his employment agreement. This case highlights the importance for employers to carefully consider the drafting of restrictive covenants. The scope of such covenants must be reasonable and limited to only what is necessary to protect the employer’s legitimate business interests.</p> <p>Click here to view the video.</p>

Podcasts

Our partners from the Employment and Pensions team have actively participated in ELA-driven events, including webinars, podcasts and conferences. Recently, Elsie Chan and Cynthia Chung took turns to share their insights on employment law developments in Mainland China, Hong Kong, and Taiwan as well as Indonesia's New Law on Maternal and Child Welfare and the impact of the AI revolution.

Key Employment Law Developments in Mainland China, Hong Kong, and Taiwan in 2024



Our Partner **Elsie Chan**, participated in a podcast titled "Key Employment Law Developments in Mainland China, Hong Kong, and Taiwan in 2024", organised by the Employment Law Alliance (ELA). Elsie was joined by Elva CHUANG, Senior Associate of Lee, Tsai & Partners, and Hongjuan Bai, Partner of JunHe.

In this episode, Elsie, Elva and Hongjuan engage in an extensive discussion on the latest developments in employment law across Mainland China, Hong Kong, and Taiwan. The topics covered include gender equality, sexual harassment, layoffs, independent contractors and more.

To listen to the full podcast, click [here](#).

Indonesia's New Law No. 4 of 2024 on Maternal and Child Welfare



Our Corporate Commercial Partner **Cynthia Chung** recently hosted a podcast titled "Indonesia's New Law No. 4 of 2024 on Maternal and Child Welfare", organised by Employment Law Alliance (ELA).

In this episode, Cynthia was joined by Syahdan Aziz, Partner at SSEK Law Firm in Indonesia. They highlighted the significant regulations changes that employers in Indonesia need to comply and act upon.

To listen to the full podcast, click [here](#).

How the AI Revolution is Reshaping the Future of Legal Systems



Our Corporate Commercial Partner **Cynthia Chung** recently hosted a podcast titled "How the AI Revolution is Reshaping the Future of Legal Systems", organised by Employment Law Alliance (ELA).

Joining Cynthia in this programme was Albert Yen, Associate at Lee, Tsai & Lee, Tsai & Partners from Taiwan. They delved into a discussion on the technological advancements in AI and provided insights into how the rapid development of AI technology drives the need for legal systems to evolve and adapt to the new realities reshaped by these advancements.

To listen to the full podcast, click [here](#).

Want to know more?

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