

立法會
Legislative Council

LC Paper No. CB(1)230/2025(06)

Ref: CB1/PL/MP

Panel on Manpower

Meeting on 24 February 2025

Background brief on trade union management

Purpose

This paper provides background information on trade union management and summarizes the major views and concerns expressed by the Panel on Manpower in the Seventh Legislative Council (“LegCo”) on relevant issues.

Background

2. The **Registry of Trade Unions** (“RTU”) of the Labour Department is responsible for administering the Trade Unions Ordinance (Cap. 332) (“TUO”) and the Trade Union Registration Regulations (Cap. 332A), with a view to **fostering sound trade union management and responsible trade unionism**, as well as ensuring trade unions’ compliance with the law and their respective rules. **The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region** (“HKNSL”) **applies to trade unions registered under TUO**.¹ RTU shall discharge its duties of education, public communication, guidance, supervision and regulation over national security matters relating to trade unions.

3. RTU’s **primary functions** include registering trade unions and their rules, examining trade unions’ annual statements of accounts and any other returns required by the law to be furnished to RTU, conducting visits to trade unions and organizing educational and promotional activities to **enhance trade union officers’ and staff’s understanding of national security and trade union administration**. In discharging its duties, RTU pays due regard to and protects

¹ The “social organisations” referred to in Articles 9 and 10 of HKNSL include trade unions registered under TUO.

employees' rights and freedoms to form and join trade unions pursuant to the Basic Law, the Hong Kong Bill of Rights Ordinance and relevant international conventions.² However, the right to freedom of association is not absolute or unrestricted.³

4. The following table sets out certain key statistics on registered trade unions in Hong Kong:

	2020	2021	2022	2023	2024⁴
Employee unions	1 355	1 472	1 398	1 377	1 353
Employer associations	12	12	12	12	11
Mixed organizations of employees and employers	43	43	44	47	48
Total number of registered trade unions	1 410	1 527	1 454	1 436	1 412

² Article 27 of the Basic Law and Article 18 of the Hong Kong Bill of Rights, as set out in the Hong Kong Bill of Rights Ordinance (Cap. 383), guarantee that Hong Kong residents shall have the right to freedom of association, including the right to form and join trade unions.

Relevant international conventions include the Freedom of Association and Protection of the Right to Organise Convention, 1948 (International Labour Convention (“ILC”) No. 87) of the International Labour Organization. ILC No. 87 is applied to Hong Kong after modifications. Article 3 of the Convention stipulates that workers' organizations shall have the right to draw up their constitutions and rules, to organize their administration and activities and to formulate their programmes, etc. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

³ According to the International Covenant on Civil and Political Rights, the right to freedom of association may be subject to restrictions provided by law and which are necessary in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. The International Covenant on Economic, Social and Cultural Rights also stipulates that the right to form and join trade unions, and the right of trade unions to function freely may be subject to limitations prescribed by law and which are necessary in the interests of national security or public order or for the protection of the rights and freedoms of others. Moreover, Article 8 of the Freedom of Association and Protection of the Right to Organise Convention stipulates that in exercising the rights provided for in the Convention, workers, employers and their respective organizations shall respect the law of the land.

⁴ The figures for 2024 are preliminary only and may be subject to adjustments.

Members' views and concerns

5. The views and concerns expressed by Members on trade union management are summarized below.

Work of the Registry of Trade Unions

6. Members supported the measures taken by the Administration to discharge its duties of supervision, regulation, etc. over national security matters relating to trade unions. Members noted that in the wake of the “black-clad violence” incidents in 2019, RTU had received over 4 000 registration applications in just a few months, representing a big jump over the yearly average of 15 or so in the past, and among these applications, hundreds of trade unions had been successfully registered. Members were concerned as to **whether the vetting and approval criteria adopted by RTU were laxer than before**. In their view, RTU should take special follow-up actions to **review whether** those hundreds of trade unions **had been used for illegal purposes**. Members were also concerned about the follow-up measures to be taken by RTU in respect of trade unions which did not have any substantive operation.

7. According to the Administration, RTU adopted targeted enforcement strategies pursuant to the risk-based principle (including conducting visits to trade unions, vetting and registering their rules, and examining their annual statements of accounts) to ensure that trade unions' conduct of activities was in compliance with relevant laws and their constitutions. Moreover, RTU would proactively monitor trade unions for any activities suspected to be in breach of TUO and/or inconsistent with their registered constitutions, and take timely follow-up actions. Depending on the circumstances of non-compliance, RTU would give verbal advice or issue advisory/warning letters to the trade unions concerned. In case of serious non-compliance, RTU might cancel the registration of trade unions in accordance with the law. As for inactive trade unions, RTU would contact the officers of the trade unions concerned and take follow-up actions.

8. Members opined that the Administration should step up publicity and education to **promote trade unions' understanding about their obligation of safeguarding national security when launching trade union activities**. The Administration advised that RTU would organize training courses regularly to explain to trade union officers and paid staff the relationship between TUO, HKNSL and trade unions, as well as other topics. RTU had held the “Seminar on Hong Kong National Security Law for Trade Unions” in 2022, and organized the “Seminar on National Security for Trade Unions” in conjunction with labour organizations in 2024. The Administration would also be pleased to organize

more publicity and educational activities with trade unions and labour organizations to enhance stakeholders' knowledge and understanding of national security and trade union administration.

9. Members noted that RTU had revised the "Application for Registration of a Trade Union", such that all promoters of a trade union were required to sign a declaration confirming that all the purposes and objects of the trade union were lawful, and that the trade union would not perform or engage in any acts or activities that might endanger national security or otherwise be contrary to the interests of national security and were in contravention of TUO and other relevant laws of Hong Kong. Members suggested that **consideration be given to refining the design of the Application** so that the promoters would not need to sign the Application and the declaration separately. The Administration advised that the existing arrangement was made in consultation with the Department of Justice.

Protection of the right to form and join trade unions

10. Members remarked that some trade unions in Hong Kong had all along maintained connections and exchanges with trade unions or relevant professional bodies in the Mainland and around the world. Given that **the Safeguarding National Security Ordinance expressly stipulated that local organizations should not have any connections with political organizations of external places**, Members considered that the Administration **should provide concise guidelines for trade unions to avoid inadvertent contravention of the law on their part**.

11. The Administration advised that under the existing TUO, a registered trade union might become a member of an organization of workers or employers, or a relevant professional organization, which was established in a foreign country. RTU was actively taking forward amendments to TUO to strengthen the statutory powers of the Registrar of Trade Unions in supervising and regulating trade unions for safeguarding national security. When drawing up the legislative amendment proposals, the Administration would take reference from the relevant provisions of the Safeguarding National Security Ordinance, and pay due regard to employees' rights and freedoms to form and join trade unions pursuant to the Basic Law, the Hong Kong Bill of Rights Ordinance and relevant international conventions.

Relevant papers

12. A list of the relevant papers on the LegCo website is in the [Appendix](#).

Council Business Divisions
Legislative Council Secretariat
18 February 2025

Relevant papers on trade union management

Committee	Date of meeting	Papers
Panel on Manpower	19 April 2022	Agenda Item IV: Creation of one additional supernumerary post of Chief Labour Officer (D1) in the Labour Department to head the Registry of Trade Unions Minutes Follow-up paper
	12 April 2024	Agenda Item IV: Measures for promoting sound trade union management Minutes

Council meeting	Papers
25 August 2021	Question 20 : Monitoring of trade unions