

Trade Unions (Amendment) Bill 2025

Contents

Clause	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1.	Short title and commencement ..... C2941
2.	Enactments amended ..... C2941
<b>Part 2</b>	
<b>Amendments to Trade Unions Ordinance (Cap. 332)</b>	
3.	Section 2 amended (interpretation) ..... C2943
4.	Section 3 amended (appointment of Registrar, etc.) ..... C2951
5.	Part III, Division 1 heading added ..... C2951
<b>Division 1—Register</b>	
6.	Part III, Division 2 heading added ..... C2953
<b>Division 2—Procedures, etc. for Applying for Registration</b>	
7.	Section 5 amended (trade unions to be registered, etc.) ..... C2953
8.	Section 6 amended (registration) ..... C2957
9.	Section 7 amended (refusal of registration) ..... C2959
10.	Section 8 amended (appeals against refusal of Registrar to register trade union) ..... C2963
11.	Part III, Division 3 heading added ..... C2967

---

Clause	Page
--------	------

**Division 3—Procedures, etc. for Cancelling Registration**

12.	Section 10 amended (cancellation of registration) .....	C2967
13.	Section 11 amended (notice of cancellation) .....	C2969
14.	Section 12 amended (appeals in relation to cancellation by Registrar of registration of trade union) .....	C2971
15.	Part III, Division 4, Part III, Division 5, heading and section 12D added .....	C2977

**Division 4—Appointing Manager Pending Determination of Appeal**

12A.	Interpretation of Division 4 of Part III .....	C2977
12B.	Registrar may appoint manager pending determination of appeal .....	C2979
12C.	Powers of manager .....	C2981

**Division 5—Effect of Registration and Cancellation of Registration,  
etc.**

12D.	Interpretation of Division 5 of Part III .....	C2987
16.	Section 14 amended (effect of cancellation of registration) .....	C2987
17.	Section 15 amended (power of liquidator and Registrar in winding up of affairs of a trade union) .....	C2991
18.	Section 16 amended (closure of liquidation on appointment of liquidator by Registrar) .....	C2999
19.	Part IV, Division 1 heading added .....	C3003

Clause	Page
--------	------

### **Division 1—Officers and Members**

20.	Section 17 amended (officers and members of trade unions) .....	C3003
21.	Section 17AA added .....	C3009
	17AA. Duty of officers of trade unions to notify specified charges and convictions .....	C3009
22.	Section 17A amended (powers of Registrar in respect of union elections and membership) .....	C3011
23.	Section 17C and Part IV, Division 2 heading added .....	C3015
	17C. Members' representatives .....	C3015

### **Division 2—Rules**

24.	Section 18 amended (rules) .....	C3015
25.	Section 18AA added .....	C3019
	18AA. Transitional provisions in relation to section 18—Trade Unions (Amendment) Ordinance 2025 .....	C3021
26.	Section 18A amended (refusal by Registrar to register rules under section 18) .....	C3021
27.	Part IV, Division 3 heading added .....	C3025

### **Division 3—Office and Seal**

28.	Section 20 amended (registered office) .....	C3025
29.	Section 20A amended (seal) .....	C3027
30.	Part IV, Division 4 heading added .....	C3029

Clause

Page

**Division 4—Notification of Certain Information**

31.	Section 21 amended (branches and various undertakings of trade unions to be reported to the Registrar) .....	C3031
32.	Section 22 amended (notification of officers, etc.) .....	C3033
33.	Part IV, Division 5 heading added .....	C3035

**Division 5—Change of Name**

34.	Section 23 amended (change of name) .....	C3037
35.	Part IVA heading added .....	C3041

**Part IVA****Amalgamation of Trade Unions**

36.	Section 25 amended (application for consent to amalgamation) .....	C3041
37.	Section 27 amended (grounds for refusal to consent to amalgamation and procedure in such cases) .....	C3043
38.	Section 28 repealed (application for consent to be referred to Chief Executive in certain cases) .....	C3049
39.	Section 29 amended (notice in writing to be given of consent to amalgamation, and saving of powers of Registrar in relation to registration of trade union formed by amalgamation) .....	C3051
40.	Section 30 amended (procedure for amalgamation, etc.) .....	C3053
41.	Section 31 amended (transfer of liabilities, etc. to trade union formed by amalgamation) .....	C3055

Clause	Page
42.	Part IVB heading and section 31A added ..... C3055

### **Part IVB**

#### **Notification in respect of Dissolution**

31A.	Notification of passing resolution for dissolution ..... C3057
43.	Section 32 amended (notification of dissolution) ..... C3057
44.	Part V heading amended (funds, accounts and returns) ..... C3059
45.	Part V, Division 1 heading added ..... C3059

#### **Division 1—Funds**

46.	Section 33 amended (application of funds) ..... C3061
47.	Section 33A amended (electoral fund) ..... C3063
48.	Section 33B amended (electoral expenses resolution) ..... C3067
49.	Section 34A and Part V, Division 2 heading added ..... C3067
34A.	Restrictions on receiving contributions or donations from external force ..... C3067

#### **Division 2—Accounts and Returns**

50.	Section 35 amended (treasurer to render accounts to members) ..... C3073
51.	Section 36 amended (annual statement of account and returns to be rendered to Registrar) ..... C3081
52.	Part V, Division 3 heading and section 36A added ..... C3089

Clause	Page
--------	------

### **Division 3—Records**

36A.	Duty to keep records .....	C3091
53.	Section 37 amended (inspection of accounts) .....	C3095
54.	Section 38 repealed (power to require detailed accounts) .....	C3097
55.	Section 38A added .....	C3097
38A.	Transitional provisions in relation to section 36A—Trade Unions (Amendment) Ordinance 2025 .....	C3097
56.	Section 42 amended (immunity from civil suit in certain cases) .....	C3099
57.	Section 43A amended (protection from civil suit for acts done in contemplation or furtherance of trade dispute) .....	C3099
58.	Part VIA heading and section 44A added .....	C3101

### **Part VIA**

#### **Restrictions on Affiliation with Organizations in External Places**

44A.	Interpretation of Part VIA .....	C3101
59.	Section 45 amended (affiliation with organizations in foreign countries) .....	C3103
60.	Section 45AA added .....	C3111
45AA.	Restrictions on officers of registered trade unions being office-bearers of organizations in external places .....	C3111
61.	Section 45B added .....	C3115

Clause		Page
45B.	Transitional provisions in relation to section 45AA—Trade Unions (Amendment) Ordinance 2025 .....	C3115
62.	Section 46 amended (peaceful picketing) .....	C3119
63.	Section 47 amended (intimidation and annoyance) .....	C3121
64.	Section 49 amended (punishment for withholding money or property of a registered trade union) .....	C3123
65.	Section 50 amended (circulating false copies of rules, etc.) .....	C3127
66.	Section 50A added .....	C3129
	50A. Furnishing false or misleading information .....	C3129
67.	Part VIIIA added .....	C3131

### **Part VIIIA**

#### **Enforcement Powers**

51A.	Interpretation of Part VIIIA .....	C3131
51B.	Authorizing officers and appointing persons .....	C3131
51C.	Powers to conduct inquiries .....	C3133
51D.	Powers to require verification of explanation, etc. by statutory declaration .....	C3135
51E.	Use of incriminating evidence in proceedings .....	C3137
51F.	Offences in relation to destruction of documents and information .....	C3139
51G.	Powers to enter premises of trade unions .....	C3141

Clause	Page
51H. Powers to enter and search premises with warrants .....	C3143
68. Section 52 substituted .....	C3145
52. Power to issue notices for contravention of objects or rules .....	C3147
69. Section 53 amended (application to trade union federations) .....	C3147
70. Section 54 amended (provisions as to application for registration of trade union federation) .....	C3149
71. Section 56 amended (additions to membership of trade union federations) .....	C3151
72. Section 57 amended (officers of trade union federations) ....	C3155
73. Section 58 amended (forms and offences in relation thereto) .....	C3155
74. Section 59 amended (regulations) .....	C3157
75. Section 60 amended (delegation of powers) .....	C3157
76. Section 61 amended (liability of officers thereof where offence committed by trade union) .....	C3159
77. Section 61A added .....	C3163
61A. Standard of proof for defence .....	C3163
78. Section 62 substituted .....	C3163
62. Prosecution deadline for summary offences .....	C3163



Clause	Page
79. Section 63 amended (service of legal process and notices issued by Registrar) .....	C3165
80. Section 65 amended (Ordinance not to affect certain agreements) .....	C3165
81. Section 66 amended (notification in the Gazette) .....	C3167
82. Section 67 heading amended (provisions of certain Ordinances not to apply to trade unions or trade union federations) .....	C3167
83. Section 68 amended (result of registration) .....	C3169
84. Schedule 1 amended .....	C3171
85. Schedule 2 amended (matters for which provision must be made in the rules of every registered trade union) .....	C3173

### **Part 3**

#### **Amendments to Trade Union Registration Regulations (Cap. 332 sub. leg. A)**

86. Regulation 2 amended (contents of the register) .....	C3177
87. Regulation 5 amended (provisions as to submission for registration of rules on application for registration of trade union) .....	C3177
88. Regulation 6 amended (documents to be issued on registration of a trade union) .....	C3179
89. Regulation 9 amended (procedure on registration of change of name) .....	C3181

---

Clause	Page
90.	Regulation 10 amended (provisions as to submission for registration of wholly new rules or altered, amended or added rules) ..... C3183
91.	Regulation 11 amended (procedure on registration of amalgamation of trade unions, etc.) ..... C3185
92.	Regulation 12 amended (loss, etc. of certificate) ..... C3187
93.	Regulation 13 amended (certificate of registration to be returned on cancellation of registration) ..... C3187
94.	Regulation 15 amended (access to books for purposes of audit) ..... C3187
95.	Regulation 16 amended (audit of annual statement of account) ..... C3189
96.	Regulation 17 amended (offences and penalty) ..... C3191

# A BILL

## To

Amend the Trade Unions Ordinance and its subsidiary legislation to empower the Registrar of Trade Unions (***Registrar***) to refuse applications of trade unions for registration or amalgamation if it is necessary for safeguarding national security; to prohibit persons who have been convicted of an offence endangering national security from holding office in any trade unions or signing any applications for registration of trade unions; to impose restrictions on trade unions' receiving and using of contributions or donations made by external forces; to provide for regulation in relation to trade unions' being or becoming members of organizations in external places and in relation to members of the executives of trade unions' being office-bearers of organizations in external places; to empower the Registrar to appoint managers to take over the management of the property of trade unions pending the determination of appeals against the cancellation of the registrations of such trade unions; to strengthen the enforcement powers of the Registrar and authorized officers; to adjust the penalties for the offences under the Ordinance; to improve other aspects of the regulatory regime in respect of trade unions; and to make related and miscellaneous amendments.

Enacted by the Legislative Council.

## Part 1

### Preliminary

**1. Short title and commencement**

- (1) This Ordinance may be cited as the Trade Unions (Amendment) Ordinance 2025.
- (2) This Ordinance comes into operation on the expiry of 6 months after the day on which it is published in the Gazette.

**2. Enactments amended**

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

---

## Part 2

### Amendments to Trade Unions Ordinance (Cap. 332)

#### 3. Section 2 amended (interpretation)

(1) Section 2—

**Repeal**

“, unless the context otherwise requires”.

(2) Section 2, English text, definition of *executive*—

**Repeal**

“chairman, vice-chairman, secretary or treasurer thereof”

**Substitute**

“chairperson, vice-chairperson, secretary or treasurer of the trade union, the branch of the trade union or the trade union federation”.

(3) Section 2, English text, definition of *injury*—

**Repeal**

“his”

**Substitute**

“the person’s”.

(4) Section 2, Chinese text, definition of 損害—

**Repeal**

“，就”

**Substitute**

“就”.

(5) Section 2, English text, definition of *intimidation*—

**Repeal**

“himself or to any member of his family or to any of his”

**Substitute**

“the person or to any member of the person’s family or to any of the person’s”.

- (6) Section 2, Chinese text, definition of 恐嚇—

**Repeal**

“，就”

**Substitute**

“就”.

- (7) Section 2, definition of *lock-out*—

**Repeal**

“him in”

**Substitute**

“the employer in”.

- (8) Section 2, definition of *lock-out*—

**Repeal**

“him,”

**Substitute**

“the other employer.”.

- (9) Section 2, definition of *officer*—

**Repeal**

“includes any member of the executive thereof”

**Substitute**

“means any member of the executive of the trade union, the branch of the trade union or the trade union federation”.

- (10) Section 2, Chinese text, definition of 職員—

**Repeal**

“，就”

**Substitute**

“就”.

- (11) Section 2, Chinese text, definition of 職員—

**Repeal**

“師。”

**Substitute**

“師；”.

- (12) Section 2, definition of *paid staff*—

**Repeal**

“in”

**Substitute**

“, in”.

- (13) Section 2, English text, definition of *paid staff*—

**Repeal**

“thereof”

**Substitute**

“of the trade union, the branch of the trade union or the trade union federation”.

- (14) Section 2, English text, definition of *registered office*—

**Repeal**

“the head office thereof”

**Substitute**

“its head office”.

- (15) Section 2, Chinese text, definition of 已登記辦事處—

**Repeal**

“，就”

**Substitute**

“就”.

- (16) Section 2, definition of *strike*—

**Repeal**

“their employer”

**Substitute**

“the employer of those employed persons”.

- (17) Section 2, definition of *voting member*—

**Repeal**

“registered”.

- (18) Section 2, Chinese text, definition of 分會—

**Repeal**

“他們”

**Substitute**

“該等會員”.

- (19) Section 2, Chinese text, definition of 經費—

**Repeal**

“，就”

**Substitute**

“就”.

- (20) Section 2—

**Add in alphabetical order**

“*external force* (境外勢力) has the meaning given by section 6 of the Safeguarding National Security Ordinance (6 of 2024);



*external place* (境外) has the meaning given by section 3(1) of the Safeguarding National Security Ordinance (6 of 2024);

*function* (職能) includes a power and a duty;

*specified form* (指明表格) means a form specified under section 58(1);”.

**4. Section 3 amended (appointment of Registrar, etc.)**

(1) Section 3, English text—

**Repeal**

“shall appoint such person as he may think fit”

**Substitute**

“must appoint a person the Chief Executive considers appropriate”.

(2) Section 3—

**Repeal**

“a deputy registrar, assistant registrars and such other officers as may from time to time appear to him”

**Substitute**

“any other persons that may from time to time appear to the Chief Executive”.

**5. Part III, Division 1 heading added**

Before section 4—

**Add**

**“Division 1—Register”.**

**6. Part III, Division 2 heading added**

Before section 5—

**Add**

**“Division 2—Procedures, etc. for Applying for  
Registration”.**

**7. Section 5 amended (trade unions to be registered, etc.)**

(1) Section 5(2)—

**Repeal**

“shall be made to the Registrar in the prescribed form within 30 days of the establishment thereof”

**Substitute**

“must be made to the Registrar in the specified form within 30 days beginning on the date of establishment of the trade union”.

(2) Section 5(3), English text—

**Repeal**

“such application shall”

**Substitute**

“application for registration of a trade union must”.

(3) Section 5(3), English text—

**Repeal**

“thereof”

**Substitute**

“of the trade union”.

- (4) After section 5(3)—

**Add**

“(3A) However, a person’s signature is not to be counted for the purposes of subsection (3) if the person is not allowed to sign the application for registration as a voting member of the trade union under section 17(2A) or (3).”.

- (5) Section 5(4)—

**Repeal**

“Upon receipt of any such application in the prescribed form, the Registrar shall”

**Substitute**

“On receiving an application in the specified form, the Registrar must”.

- (6) Section 5(4)—

**Repeal**

“prescribed form acknowledging receipt of such application”

**Substitute**

“specified form acknowledging receipt of the application”.

- (7) Section 5(4), English text—

**Repeal**

“certificate or a copy thereof certified under the hand of the Registrar shall, until the contrary is proved, be received in evidence as proof of the facts specified therein”

**Substitute**

“certificate, or its copy certified under the hand of the Registrar, is, until the contrary is proved, to be received in

evidence as proof of the facts specified in the certificate or the copy”.

- (8) Section 5(5)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 6 months”

**Substitute**

“commits an offence and is liable on conviction on indictment to a fine at level 5 and to imprisonment for 3 years”.

- (9) Section 5(5), English text, proviso—

**Repeal**

“subsection shall”

**Substitute**

“subsection does”.

**8. Section 6 amended (registration)**

- (1) Section 6(1)—

**Repeal**

“Whenever he has registered a trade union, the Registrar shall issue to the trade union a certificate of registration in the prescribed”

**Substitute**

“Whenever the Registrar has registered a trade union, the Registrar must issue to the trade union a certificate of registration in the specified”.

- (2) Section 6(1), English text—

**Repeal**

“such certificate, or a copy thereof certified under his hand shall, unless proved to have been cancelled,”

**Substitute**

“the certificate, or its copy certified under the hand of the Registrar, is, unless proved to have been cancelled, to”.

- (3) Section 6(1), English text, proviso—

**Repeal**

“shall be”

**Substitute**

“is”.

- (4) Section 6(2), English text—

**Repeal**

everything after “direct”

**Substitute**

“the applicants to produce any documents, or to provide any particulars concerning the trade union that the Registrar requires, in order to satisfy the Registrar that the trade union is entitled to registration under this Ordinance.”.

**9. Section 7 amended (refusal of registration)**

- (1) Before section 7(1)—

**Add**

“(1A) The Registrar may refuse to register a trade union if the Registrar reasonably believes that it is necessary for safeguarding national security to refuse to register the trade union.”.

- (2) Section 7(1)—

**Repeal**

“The Registrar may in his”

**Substitute**

“In addition, the Registrar may in the Registrar’s”.

- (3) Section 7(1)(a)—

**Repeal**

“; or”

**Substitute a semicolon.**

- (4) Section 7(1)(b)—

**Repeal**

“or”.

- (5) Section 7(1)(c)—

**Repeal**

everything after “register the trade union”

**Substitute**

“\_\_

- (i) is identical with that by which any other trade union, whether existing or having ceased to exist, is or has been registered;
- (ii) so resembles the name mentioned in subparagraph (i) as to be likely to deceive or mislead the public, the members of the trade union or the members of any other existing trade union;
- (iii) is likely to deceive or mislead, as to the nature and purposes of the trade union, the public, the members of the trade union or the members of any other existing trade union; or
- (iv) is inconsistent with the objects or rules of the trade union; or”.

- (6) Section 7(1)(d), English text—

**Repeal**

“he”

**Substitute**

“the Registrar”.

- (7) Section 7(1)(d)—

**Repeal**

“shall not refuse registration solely on the ground that the membership of the trade union applying for registration”

**Substitute**

“must not refuse to register the trade union applying for registration solely on the ground that the membership of the trade union”.

- (8) Section 7(2)—

**Repeal**

everything after “trade union,”

**Substitute**

“the Registrar must immediately serve on the applicants for the registration a written notice to that effect and must specify in the notice the ground for refusal.”.

**10. Section 8 amended (appeals against refusal of Registrar to register trade union)**

- (1) Section 8, heading, after “**union**”—

**Add**

“**under section 7(1)**”.

- (2) Section 8—

**Repeal**

“, any of the applicants for the registration thereof”

**Substitute**

“under section 7(1), any of the applicants for the registration”.

- (3) Section 8(b), Chinese text—

**Repeal**

“並非”

**Substitute**

“不”.

- (4) Section 8(c)—

**Repeal**

“7(1)(c);”

**Substitute**

“7(1)(c); or”.

- (5) Section 8—

**Repeal**

“the service”

**Substitute**

“the date of service”.

- (6) Section 8—

**Repeal**

“as aforesaid, so declare and thereupon the Registrar shall”

**Substitute**

“as in any of the cases provided in paragraphs (a), (b), (c) and (d), so declare and the Registrar must then”.

- (7) Section 8—



**Repeal**

“save as hereinbefore provided, the appeal shall”

**Substitute**

“except as provided in any of those paragraphs, the appeal must”.

**11. Part III, Division 3 heading added**

Before section 10—

**Add**

**“Division 3—Procedures, etc. for Cancelling  
Registration”.**

**12. Section 10 amended (cancellation of registration)**

(1) Section 10(1), English text—

**Repeal**

“shall”

**Substitute**

“may”.

(2) Section 10(1)(a), English text—

**Repeal**

“such manner as the Registrar may require”

**Substitute**

“any manner the Registrar requires”.

(3) Section 10(1)(b)(i), (ii), (iii), (iv) and (v)—

**Repeal**

“; or”

**Substitute a semicolon.**

- (4) Section 10(1)(b)(vi), English text—

**Repeal**

“members thereof”

**Substitute**

“members of the trade union”.

- (5) Section 10(1)(b)(vi)—

**Repeal**

“such trade union been omitted from the accounts thereof;  
or”

**Substitute**

“the trade union been omitted from the accounts;”.

- (6) After section 10(1)(b)(vi)—

**Add**

“(via) the trade union has passed a resolution for dissolution under the rules of the trade union, but the general interests of the members of the trade union have been prejudiced, or would likely be prejudiced, in the course of dissolution of the trade union; or”.

- (7) After section 10(1)—

**Add**

“(1A) To avoid doubt, even if a trade union has passed a resolution for dissolution under the rules of the trade union, the Registrar may cancel the registration of the trade union under subsection (1).”.

**13. Section 11 amended (notice of cancellation)**

- (1) Section 11—

**Renumber the section as section 11(1).**

- (2) Section 11(1)—

**Repeal**

“shall give to the trade union not less than 2 months’ previous notice in writing specifying the ground upon which he”

**Substitute**

“must issue to, and serve on, the trade union not less than 28 days’ previous notice in writing specifying the ground on which the Registrar”.

- (3) Section 11(1), English text, proviso—

**Repeal**

“no such notice shall be”

**Substitute**

“such a notice is not”.

- (4) After section 11(1)—

**Add**

“(2) If the dissolution of the trade union is registered by the Registrar under section 32(1) during the period mentioned in subsection (1), the notice mentioned in subsection (1) ceases to have effect.”.

**14. Section 12 amended (appeals in relation to cancellation by Registrar of registration of trade union)**

- (1) Section 12(1), English text—

**Repeal**

“his”

**Substitute**

“the Registrar’s”.

- (2) Section 12(1)(f)—

**Repeal**

“such accounts,”

**Substitute**

“the accounts; or”.

- (3) After section 12(1)(f)—

**Add**

“(g) the general interests of the members of the trade union have not been prejudiced or would not likely be prejudiced (as the case may be) in the course of dissolution of the trade union,”.

- (4) Section 12(1)—

**Repeal**

“the service”

**Substitute**

“the date of service”.

- (5) Section 12(1), English text—

**Repeal**

“upon”

**Substitute**

“on”.

- (6) Section 12(1)—

**Repeal**

“aforesaid”

**Substitute**

“in any of the cases provided in paragraphs (a), (b), (c), (d), (e), (f) and (g)”.

- (7) Section 12(1)—

**Repeal**

“save as hereinbefore provided, the appeal shall”

**Substitute**

“except as provided in any of those paragraphs, the appeal must”.

(8) Section 12(2)(a)—

**Repeal**

“given”

**Substitute**

“issued or served”.

(9) Section 12(2)(b)—

**Repeal**

“registration;”

**Substitute**

“registration; or”.

(10) Section 12(2)—

**Repeal**

“cancellation of its registration,”

**Substitute**

“date on which its registration is cancelled,”.

(11) Section 12(2)—

**Repeal**

“aforesaid, so declare and thereupon the Registrar shall”

**Substitute**

“in any of the cases provided in paragraphs (a), (b) and (c), so declare and the Registrar must then”.

(12) Section 12(2)—

**Repeal**

“save as hereinbefore provided, the appeal shall”

**Substitute**

“except as provided in any of those paragraphs, the appeal must”.

(13) After section 12(2)—

**Add**

“(3) If the dissolution of the trade union is registered by the Registrar under section 32(1) pending the determination of the appeal brought under subsection (1) or (2) or of any other proceedings to which the appeal relates, the appeal is, or the proceedings are, taken to be dismissed unless the court otherwise directs.”.

**15. Part III, Division 4, Part III, Division 5, heading and section 12D added**

After section 12—

**Add**

**“Division 4—Appointing Manager Pending  
Determination of Appeal**

**12A. Interpretation of Division 4 of Part III**

In this Division, a reference to the property of a trade union is a reference to all of the property of any description (including books and documents) belonging to the trade union or held by a trustee on behalf of the trade union.

**12B. Registrar may appoint manager pending determination of appeal**

- (1) Where an appeal in relation to a trade union is brought under section 12, if the Registrar is satisfied that it is in the general interests of the members of the trade union to appoint a manager to take over the management of the property of the trade union pending the determination of the appeal or any other proceedings to which the appeal relates (collectively referred to as *appeal proceedings*), the Registrar may, by written notice, appoint a person the Registrar considers appropriate to be a manager to take over the management of the property of the trade union.
- (2) The written notice—
  - (a) must specify—
    - (i) the name of the manager appointed; and
    - (ii) the address of that manager; and
  - (b) must be served on the trade union concerned.
- (3) The appointment takes effect on the date on which the written notice is served on the trade union, and ceases to have effect on the earliest of the following—
  - (a) the date on which the trade union withdraws or discontinues the appeal proceedings;
  - (b) if any court finds that the Registrar is not entitled to cancel the registration of the trade union or that the cancellation of the registration of the trade union was wrong—the date on which the court so declares;
  - (c) if no appeal or review is made by any party against any other judgment or decision of the court in respect of the appeal proceedings

before the expiry of the prescribed period for making such an appeal or review—the date on which the period expires;

- (d) the date on which the court makes the final judgment or decision in respect of the appeal proceedings, and the judgment or decision is not appealable or reviewable;
- (e) the date specified by the Registrar in the notice.

### **12C. Powers of manager**

- (1) A manager appointed for a trade union under section 12B(1) may, during the period when the appointment has effect, do any or all of the following—
  - (a) take possession of the property of the trade union;
  - (b) for the purposes of paragraph (a), enter any premises occupied by the trade union or any branch of the trade union (*specified premises*);
  - (c) for the purposes of paragraph (a) or (b), take the proceedings that the manager considers appropriate;
  - (d) appoint a solicitor, an accountant or any other person the manager considers appropriate to assist the manager in the performance of the manager's functions;
  - (e) make an application to the District Court under section 49 on behalf of the trade union or the Registrar;
  - (f) convene a general meeting in accordance with the rules of the trade union;



- (g) sell or otherwise dispose of the property of the trade union in accordance with subsection (5).
- (2) However, the manager may enter the specified premises (or any part of the specified premises) that are premises used for dwelling purposes only if a magistrate has issued a warrant under subsection (3).
- (3) If a magistrate is satisfied by information on oath by a manager that there are reasonable grounds to suspect that there is, or is likely to be, the property of the trade union on the specified premises (or any part of the specified premises) used for dwelling purposes, the magistrate may issue a warrant authorizing the manager to enter the premises.
- (4) Subject to subsection (5), a person must not sell or otherwise dispose of the property of a trade union when the appointment of a manager of the trade union has effect.
- (5) The manager of a trade union may sell or otherwise dispose of the property of the trade union if the manager considers it reasonably necessary to do so and is authorized by secret ballot of a majority of the voting members present at a general meeting to do so.
- (6) A sale or disposal of the property of a trade union in contravention of subsection (4) is to be regarded as invalid.
- (7) To avoid doubt, despite subsection (4), a trade union may expend its funds in accordance with section 33 or the rules of the trade union when the appointment of a manager of the trade union has effect—
  - (a) for the proper functioning of the trade union; and

- (b) for conducting the relevant appeal and any other proceedings to which the appeal relates.
- (8) The exercise by a manager of a trade union of any of the powers conferred by this section is subject to the control of the Registrar, and any creditor or member of the trade union may apply to the Registrar in respect of any exercise or proposed exercise of any of those powers.
- (9) Without limiting subsection (8), the Registrar may do any or all of the following—
  - (a) rescind or vary any order made by a manager or substitute a new order for it;
  - (b) remove a manager from office and (if applicable) appoint another person to be a manager under section 12B(1);
  - (c) make an order upon the property of the trade union for the remuneration of a manager;
  - (d) call for and inspect the books, documents or other property of the trade union;
  - (e) by written order limit or restrict the powers of a manager;
  - (f) at any time require a manager to render accounts to the Registrar;
  - (g) refer any subject of dispute between a manager and any third party to arbitration, subject to the written consent of the third party;
  - (h) summon meetings of the members of the trade union.
- (10) A person who obstructs or prevents a manager from performing the functions of the manager commits an offence and is liable—

- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.
- (11) It is a defence for a person charged with an offence under subsection (10) to establish that, at the time of the alleged offence, the person had a reasonable excuse for obstructing or preventing the manager from performing the functions of the manager.

## **Division 5—Effect of Registration and Cancellation of Registration, etc.**

### **12D. Interpretation of Division 5 of Part III**

In this Division, a reference to the property of a trade union is a reference to all of the property of any description (including books and documents) belonging to the trade union or held by a trustee on behalf of the trade union.”.

### **16. Section 14 amended (effect of cancellation of registration)**

- (1) Section 14(1)—

#### **Repeal**

everything before “in addition to”

#### **Substitute**

- “(1) For a trade union the registration of which has been cancelled under this Ordinance, when the cancellation of the registration has effect, the trade union must,”.

- (2) Section 14(1)(a)—

#### **Repeal**

“notwithstanding anything contained in the rules of such trade union, forthwith”

**Substitute**

“despite anything contained in the rules of the trade union, immediately”.

- (3) Section 14(1)(a), English text—

**Repeal**

“thereof”

**Substitute**

“of the trade union”.

- (4) Section 14(1)(b)—

**Repeal**

“assets”

**Substitute**

“property”.

- (5) Section 14(1)(c)—

**Repeal**

“forthwith be dissolved and no person shall, except for the purpose of defending proceedings against the trade union or of dissolving it and disposing of its funds in accordance with the rules thereof”

**Substitute**

“immediately be dissolved and a person must not, except for the purpose of defending proceedings against the trade union or of dissolving it and disposing of its funds in accordance with the rules of the trade union”.

- (6) Section 14(1)(c), after “Ordinance”—

**Add**

“or of taking any other reasonable steps relating to the dissolution of the trade union”.

- (7) Section 14(1)(c), English text—

**Repeal**

“officer thereof”

**Substitute**

“officer of the trade union”.

**17. Section 15 amended (power of liquidator and Registrar in winding up of affairs of a trade union)**

- (1) Section 15(1)—

**Repeal**

everything after “section 14,” and before “appointment”

**Substitute**

“the property of the trade union must vest in the liquidator by the official name of the liquidator with effect from the date of the liquidator’s”.

- (2) Section 15(1)—

**Repeal**

“as the Registrar may direct, may”

**Substitute**

“as the Registrar directs, may do any or all of the following”.

- (3) Section 15(1)(a), English text—

**Repeal**

“his official name”

**Substitute**

“the official name of the liquidator”.

- (4) Section 15(1)—

**Repeal paragraph (b)**

**Substitute**

“(b) take possession of the property of the trade union;”.

- (5) Section 15(1)(c)—

**Repeal**

“by public auction or private contract, with power to transfer the whole thereof”

**Substitute**

“, with power to transfer all of them”.

- (6) Section 15(1)(d)—

**Repeal**

“or agent to assist him in his”

**Substitute**

“, an accountant or any other person the liquidator considers appropriate to assist the liquidator in the liquidator’s”.

- (7) Section 15(1)(f)—

**Repeal**

“thereof or any other debtor or person apprehending liability to the trade union and any questions in any way relating to or affecting the assets”

**Substitute**

“of the trade union or any other debtor or person apprehending liability to the trade union and any questions in any way relating to or affecting the property”.

- (8) Section 15(1)(f)—

**Repeal**

“thereof;”

**Substitute**

“of such debt, liability or claim;”.

- (9) Section 15(1)(g)—

**Repeal**

“whereby the trade union may be rendered liable; and”

**Substitute**

“by which the trade union may be rendered liable;”.

- (10) Section 15(1)(h)—

**Repeal**

“assets” (wherever appearing)

**Substitute**

“property”.

- (11) Section 15(2)—

**Repeal**

“shall be”

**Substitute**

“is”.

- (12) Section 15(2), Chinese text, after “事宜”—

**Add a comma.**

- (13) Section 15(3)—

**Repeal**

“prejudice to the generality of”

**Substitute**

“limiting”.

- (14) Section 15(3), after “Registrar may”—

**Add**

“do any or all of the following”.

- (15) Section 15(3)(a), English text—

**Repeal**

“therefor a new order”

**Substitute**

“a new order for it”.

- (16) Section 15(3)(c)—

**Repeal**

“assets”

**Substitute**

“property”.

- (17) Section 15(3)(d)—

**Repeal**

“assets of a trade union”

**Substitute**

“other property of the trade union”.

- (18) Section 15(3)(f), English text—

**Repeal**

“accounts to be rendered to him by a liquidator”

**Substitute**

“a liquidator to render accounts to the Registrar”.

- (19) Section 15(3)(h), English text—

**Repeal**

“may appear to him”

**Substitute**



“appears to the Registrar”.

(20) Section 15(3)(h), Chinese text—

**Repeal**

“結束該”

**Substitute**

“結束有關”.

**18. Section 16 amended (closure of liquidation on appointment of liquidator by Registrar)**

(1) Section 16—

**Repeal**

“notwithstanding”

**Substitute**

“despite”.

(2) Section 16(a)—

**Repeal**

“assets of what description soever belonging to the trade union shall be realized and converted into money and shall”

**Substitute**

“property of any description belonging to the trade union must be realized and converted into money and must”.

(3) Section 16(a), English text—

**Repeal**

“such manner as may be provided by the rules of the trade union or, failing provision therefor, in such manner as the Registrar may direct”

**Substitute**

“the manner as provided by the rules of the trade union or, if there is no such provision, in the manner the Registrar directs”.

- (4) Section 16(b)—

**Repeal**

“thereof has not claimed or received what is due to him”

**Substitute**

“of the trade union has not claimed or received what is due to the creditor”.

- (5) Section 16(b), English text—

**Repeal**

“shall be published”

**Substitute**

“must be published”.

- (6) Section 16(b), English text—

**Repeal**

“union shall be”

**Substitute**

“union are”.

- (7) Section 16(b), English text—

**Repeal**

“shall have”

**Substitute**

“have”.

- (8) Section 16(c), English text—

**Repeal**

“shall”

**Substitute**

“is to”.

**19. Part IV, Division 1 heading added**

Before section 17—

**Add**

**“Division 1—Officers and Members”.**

**20. Section 17 amended (officers and members of trade unions)**

(1) Section 17(1)—

**Repeal**

“(1A), no person shall be a member of a registered trade union unless he”

**Substitute**

“(1AA) or (1A), a person must not be a member of a registered trade union unless the person”.

(2) After section 17(1)—

**Add**

“(1AA) A person who is not ordinarily resident in Hong Kong but is engaged or employed in Hong Kong in a trade, industry or occupation with which a registered trade union is directly concerned may also be a member of the trade union if the rules of the trade union allow such a person to be its member.”.

(3) Section 17(1A), English text—

**Repeal**

“his”

**Substitute**

“the person’s”.

- (4) Section 17(1A), English text—

**Repeal**

“he” (wherever appearing)

**Substitute**

“the person”.

- (5) Section 17(1A), English text—

**Repeal**

“thereof, but shall”

**Substitute**

“of the trade union, but must”.

- (6) Section 17(1B), English text—

**Repeal**

“No person shall be refused membership of a trade union solely on the ground that he”

**Substitute**

“A person must not be refused membership of a trade union solely on the ground that the person”.

- (7) Section 17(2), English text—

**Repeal**

“No person shall, without the consent in writing of the Registrar, be an officer of a registered trade union unless he”

**Substitute**

“A person must not, without the consent in writing of the Registrar, be an officer of a registered trade union unless the person”.

- (8) After section 17(2)—

**Add**

“(2A) A person who has been convicted of any offence specified in Part 1 of Schedule 1 must not, from the date of the person’s conviction—

(a) sign, as a voting member of a trade union, an application for registration of any trade union; or

(b) be an officer of any registered trade union.”.

(9) Section 17(3)—

**Repeal**

everything before “conviction”

**Substitute**

“(3) Except with the consent of the Chief Executive in Council, a person who has been convicted of any offence specified in Part 2 of Schedule 1 must not, within the period of 5 years from the date of the person’s”.

(10) Section 17(3)—

**Repeal**

everything after “later”

**Substitute**

“—

(a) sign, as a voting member of a trade union, an application for registration of any trade union; or

(b) be an officer of any registered trade union.”.

(11) After section 17(3)—

**Add**

“(3AA) To avoid doubt, if the conviction of a person under subsection (2A) or (3) is quashed on appeal, that subsection no longer applies to the person from the date on which the conviction is quashed.”.

(12) Section 17(6)—

**Repeal**

everything after “section”

**Substitute**

“commits an offence and is liable on conviction on indictment to a fine at level 5 and to imprisonment for 3 years.”.

(13) Section 17(6), Chinese text—

**Repeal**

“的規定”.

**21. Section 17AA added**

After section 17—

**Add**

**“17AA. Duty of officers of trade unions to notify specified charges and convictions**

- (1) An officer of a registered trade union who is charged with any offence specified in Schedule 1 must, as soon as reasonably practicable after the officer is charged with the offence, serve on the Registrar a written notice of the officer’s being charged with the offence, which must specify the nature of the offence.
- (2) An officer of a registered trade union who is convicted of any offence specified in Schedule 1 must, as soon as reasonably practicable after the

officer is convicted of the offence, serve on the Registrar a written notice of the officer's being convicted of the offence, which must specify the nature of the offence.

- (3) To avoid doubt, if the officer is convicted of any offence specified in Schedule 1, the officer must serve a written notice under subsection (2) even though the officer has served a written notice under subsection (1).”.

**22. Section 17A amended (powers of Registrar in respect of union elections and membership)**

- (1) Section 17A(1)—

**Repeal**

“The Registrar may, if he is of the opinion”

**Substitute**

“If the Registrar reasonably believes”.

- (2) Section 17A(1)—

**Repeal**

“serve upon such officer, candidate or person, and upon the trade union, a notice in writing”

**Substitute**

“the Registrar may serve on such officer, candidate or person, and on the trade union, a written notice”.

- (3) Section 17A(2)—

**Repeal**

everything before “the Court of First Instance may”

**Substitute**

“(2) If the officer, candidate or person fails to satisfy the Registrar that the officer, candidate or person has complied with the notice within 14 days beginning on the date on which the notice is served under subsection (1),”.

(4) Section 17A(2)(b)—

**Repeal the semicolon**

**Substitute**

“; and”.

(5) Section 17A(2)(c)—

**Repeal**

“such manner as the court may direct”

**Substitute**

“any manner the Court of First Instance directs”.

(6) After section 17A(2)—

**Add**

“(3) If the Registrar reasonably believes that an officer of a registered trade union is charged with any offence specified in Schedule 1 but has contravened section 17AA(1), the Registrar may serve on the officer and the trade union a written notice requiring the officer to cease holding office until the proceedings relating to the offence have been concluded.

(4) If the officer fails to satisfy the Registrar that the officer has complied with the notice within 14 days beginning on the date on which the notice is served under subsection (3), the Court of First Instance may, on the application of the Registrar, grant an injunction prohibiting the officer from holding office



until the proceedings relating to the offence have been concluded.

- (5) In this section, a reference to proceedings does not include appeal or review proceedings.”.

**23. Section 17C and Part IV, Division 2 heading added**

Before section 18—

**Add**

**“17C. Members’ representatives**

- (1) The rules of a registered trade union may provide for elections in respect of members’ representatives of the trade union and matters for voting by members’ representatives of the trade union.
- (2) If the rules of a registered trade union provide that voting by members’ representatives of the trade union is allowed, then, in relation to the trade union and subject to the rules, a reference to “a majority of the voting members present at a general meeting” in sections 12C, 23, 33B and 45 is to be construed as “a majority of the voting members present at a general meeting or a majority of members’ representatives present at a general meeting of the members’ representatives”.

**Division 2—Rules”.**

**24. Section 18 amended (rules)**

- (1) Section 18(2)(a), English text—

**Repeal**

“shall”

**Substitute**

“must”.

- (2) Section 18(2)(b)—

**Repeal**

“he shall register such rules, but if he is not so satisfied he shall”

**Substitute**

“the Registrar must register such rules, but if the Registrar is not so satisfied the Registrar must”.

- (3) Section 18(4), English text—

**Repeal**

“rules thereof”

**Substitute**

“rules”.

- (4) Section 18(4)—

**Repeal**

“shall, within 30 days of the making thereof”

**Substitute**

“must, within 30 days beginning on the date on which the alteration, amendment or addition is made or the new rules are made”.

- (5) Section 18(5)—

**Repeal**

“he shall register the altered or amended rule or the rule so added or the new rules, as the case may be, but if he is not so satisfied he shall”

**Substitute**

“the Registrar must register the altered or amended rule or the rule so added or the new rules (as the case may be), but if the Registrar is not so satisfied the Registrar must”.

(6) Section 18(7)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary”

**Substitute**

“commits an offence and is liable on”.

(7) Section 18(7), Chinese text—

**Repeal**

“的規定”.

(8) Section 18(8)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary”

**Substitute**

“commits an offence and is liable on”.

(9) Section 18(8), Chinese text—

**Repeal**

“的規定”.

**25. Section 18AA added**

After section 18—

**Add**

**“18AA. Transitional provisions in relation to section 18—Trade Unions (Amendment) Ordinance 2025**

- (1) For the purposes of section 18, Schedule 2 as in force immediately before the commencement date continues to apply in relation to a trade union registered before the commencement date as if the amendments to paragraph (h)(iic) of Schedule 2 made by the Amendment Ordinance had not been made, unless the trade union seeks the consent of the Chief Executive under section 45(1)(b)(i) for being or becoming a member of an organization established in an external place.

- (2) In this section—

*Amendment Ordinance* (《修訂條例》) means the Trade Unions (Amendment) Ordinance 2025 ( of 2025);

*commencement date* (生效日期) means the date on which the Amendment Ordinance comes into operation.”.

**26. Section 18A amended (refusal by Registrar to register rules under section 18)**

- (1) Section 18A(1)—

**Repeal**

“him”

**Substitute**

“the Registrar”.

- (2) Section 18A(1)—

**Repeal**

“he shall, upon”

**Substitute**

“, the Registrar must, on”.

- (3) Section 18A(1)—

**Repeal**

“shall specify in the notice the ground of his”

**Substitute**

“specify in the notice the ground for the”.

- (4) Section 18A(2)—

**Repeal**

“him”

**Substitute**

“the Registrar”.

- (5) Section 18A(2)—

**Repeal**

“he shall, upon”

**Substitute**

“, the Registrar must, on”.

- (6) Section 18A(2)—

**Repeal**

“shall specify in the notice the ground of his”

**Substitute**

“specify in the notice the ground for the”.

- (7) Section 18A(3)(a) and (b)—

**Repeal**

“him”

**Substitute**

“the Registrar”.

- (8) Section 18A(3)—

**Repeal**

“service”

**Substitute**

“the date of service”.

- (9) Section 18A(4)—

**Repeal**

“subsection, but unless the court so finds it shall”

**Substitute**

“section, but unless the court so finds it must”.

**27. Part IV, Division 3 heading added**

Before section 20—

**Add**

**“Division 3—Office and Seal”.**

**28. Section 20 amended (registered office)**

- (1) Section 20(2)—

**Repeal**

“therein, shall, within 2 weeks of the”

**Substitute**

“in the situation or in the postal address, must, within 14 days beginning on the date of”.

- (2) Section 20(2)—

**Repeal**

“shall be registered by him, and the trade union shall not be deemed to have”

**Substitute**

“must be registered by the Registrar, and the trade union is not to be regarded as having”.

- (3) Section 20(3)(a) and (b)—

**Repeal**

“; or”

**Substitute a semicolon.**

- (4) Section 20(3)(b), English text—

**Repeal**

“thereof”

**Substitute**

“of its registered office”.

- (5) Section 20(3)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary”

**Substitute**

“commits an offence and is liable on”.

**29. Section 20A amended (seal)**

- (1) Section 20A(2), English text—

**Repeal**

“shall only”

**Substitute**

“may only”.

- (2) Section 20A(2), English text—

**Repeal**

“shall be affixed shall”

**Substitute**

“is to be affixed must”.

- (3) Section 20A(2), English text—

**Repeal**

“chairman”

**Substitute**

“chairperson”.

- (4) Section 20A(3)—

**Repeal**

“which fails to comply with subsection (1) shall be guilty of an offence and shall be liable on summary”

**Substitute**

“that fails to comply with subsection (1) commits an offence and is liable on”.

- (5) Section 20A(4), after “who”—

**Add**

“knowingly”.

- (6) Section 20A(4)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1”

**Substitute**

“commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 3 months”.

**30. Part IV, Division 4 heading added**

Before section 21—

**Add**



**“Division 4—Notification of Certain Information”.**

**31. Section 21 amended (branches and various undertakings of trade unions to be reported to the Registrar)**

- (1) Section 21, English text, heading—

**Repeal**

**“reported”**

**Substitute**

**“notified”.**

- (2) Section 21(1), English text—

**Repeal**

“shall be made to the Registrar in writing, together with such particulars as the Registrar may require”

**Substitute**

“must be made to the Registrar in writing, together with any particulars the Registrar requires”.

- (3) Section 21(1)—

**Repeal**

“the establishment”

**Substitute**

“the date of establishment”.

- (4) Section 21(2)—

**Repeal**

“shall report the fact to the Registrar in writing within 30 days thereafter”

**Substitute**

“must notify the Registrar of the fact in writing within 30 days after the date of cessation”.

- (5) Section 21(3)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary”

**Substitute**

“commits an offence and is liable on”.

- (6) Section 21(3), Chinese text—

**Repeal**

“的規定”.

**32. Section 22 amended (notification of officers, etc.)**

- (1) Section 22(2)—

**Repeal**

“shall, within 14 days thereof”

**Substitute**

“must, within 14 days beginning on the date of the change”.

- (2) Section 22(3)—

**Repeal**

“such particulars as he may consider”

**Substitute**

“any particulars the Registrar considers”.

- (3) Section 22(3), English text—

**Repeal**

“shall furnish such”

**Substitute**

“must furnish those”.

- (4) Section 22(3)—

**Repeal**

“14 days of”

**Substitute**

“14 days beginning on”.

- (5) Section 22(4)—

**Repeal**

“therein”

**Substitute**

“in subsection (3)”.

- (6) Section 22(4)—

**Repeal**

“which the Registrar may have required under subsection (3) shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1”

**Substitute**

“that the Registrar has required under subsection (3) commits an offence and is liable on conviction to a fine at level 4”.

- (7) Section 22(4), Chinese text—

**Repeal**

“的規定”.

**33. Part IV, Division 5 heading added**

Before section 23—

**Add**

## **“Division 5—Change of Name”.**

### **34. Section 23 amended (change of name)**

(1) Section 23(1)—

**Repeal**

“its voting members present at a general meeting or of a majority of members’ representatives present at a general meeting where the rules of the trade union allow voting by members’ representatives”

**Substitute**

“the voting members present at a general meeting”.

(2) Section 23(2)—

**Repeal**

“shall be made to the Registrar within 14 days thereof”

**Substitute**

“must be made to the Registrar within 14 days beginning on the date on which the trade union has so agreed”.

(3) Section 23(3)(a)—

**Repeal**

everything after “name is”

**Substitute**

“such a name as is specified in section 7(1)(c); or”.

(4) Section 23(3), English text—

**Repeal**

“shall”

**Substitute**

“must”.

(5) Section 23(5)(a)—

**Repeal**

“subsection (3)(a);”

**Substitute**

“section 7(1)(c); or”.

- (6) Section 23(5)—

**Repeal**

“after the refusal of the Registrar”

**Substitute**

“after the date on which the Registrar refuses”.

- (7) Section 23(5)—

**Repeal**

“aforesaid, so declare and thereupon the Registrar shall”

**Substitute**

“in any of the cases provided in paragraphs (a) and (b), so declare and the Registrar must then”.

- (8) Section 23(5)—

**Repeal**

“save as hereinbefore provided, the appeal shall”

**Substitute**

“except as provided in any of those paragraphs, the appeal must”.

- (9) Section 23(8)—

**Repeal**

“which fails to comply with subsection (2) shall be guilty of an offence and shall be liable on summary”

**Substitute**

“that fails to comply with subsection (2) commits an offence and is liable on”.

**35. Part IVA heading added**

Before section 24—

**Add**

**“Part IVA**

**Amalgamation of Trade Unions”.**

**36. Section 25 amended (application for consent to amalgamation)**

(1) Section 25(1), English text—

**Repeal**

“shall be made to the Registrar for his consent”

**Substitute**

“must be made to the Registrar for the Registrar’s consent”.

(2) Section 25(2)—

**Repeal**

“shall be made in the prescribed form and shall be signed by the chairman”

**Substitute**

“must be made in the specified form and must be signed by the chairperson”.

(3) Section 25(2)—

**Repeal**

“shall be accompanied by 3 copies”

**Substitute**

“must be accompanied by a copy”.

**37. Section 27 amended (grounds for refusal to consent to amalgamation and procedure in such cases)**

(1) Before section 27(1)—

**Add**

“(1A) The Registrar may refuse to give consent to an intended amalgamation of registered trade unions if the Registrar reasonably believes that it is necessary for safeguarding national security to refuse to give consent to the intended amalgamation.”.

(2) Section 27(1)—

**Repeal**

“The Registrar may refuse to give his”

**Substitute**

“In addition, the Registrar may also refuse to give”.

(3) Section 27(1)(a), English text—

**Repeal**

“his consent”

**Substitute**

“the Registrar’s consent”.

(4) Section 27(1)(d)—

**Repeal**

everything after “known is”

**Substitute**

“such a name as is specified in section 7(1)(c).”.

(5) Section 27(2)—

**Repeal**

“subsection (1) of this section or section 28(2), the Registrar refuses to give his”

**Substitute**

“subsection (1A) or (1), the Registrar refuses to give”.

- (6) Section 27(2)—

**Repeal**

“he shall, in writing, notify the trade unions of his refusal and shall specify therein”

**Substitute**

“the Registrar must issue to, and serve on, the trade unions a written notice and must specify in the notice”.

- (7) Section 27(2)—

**Repeal**

“for his refusal”

**Substitute**

“for the refusal”.

- (8) Section 27(3)—

**Repeal**

“Any”

**Substitute**

“If the Registrar refuses to give consent to an intended amalgamation of registered trade unions under subsection (1), any”.

- (9) Section 27(3)—

**Repeal**

“under subsection (1) to give his consent to an”

**Substitute**



“to give consent to the”.

- (10) Section 27(3), English text—

**Repeal**

“notice given”

**Substitute**

“notice issued”.

- (11) Section 27(3)(a), English text—

**Repeal**

“his consent”

**Substitute**

“the Registrar’s consent”.

- (12) Section 27(3)(c)—

**Repeal**

“unlawful;”

**Substitute**

“unlawful; or”.

- (13) Section 27(3)(d)—

**Repeal**

“subsection (1)(d)”

**Substitute**

“section 7(1)(c)”.

- (14) Section 27(3)—

**Repeal**

“Registrar has given such notice”

**Substitute**

“date on which the notice is served on the trade union”.

(15) Section 27(3)—

**Repeal**

“his consent to the intended amalgamation was wrong as aforesaid”

**Substitute**

“consent to the intended amalgamation was wrong as in any of the cases provided in paragraphs (a), (b), (c) and (d)”.

(16) Section 27(3)—

**Repeal**

“thereupon the Registrar shall, subject to the provisions of section 28, give his”

**Substitute**

“the Registrar must then give”.

(17) Section 27(3)—

**Repeal**

“save as hereinbefore provided, the appeal shall”

**Substitute**

“except as provided in any of those paragraphs, the appeal must”.

**38. Section 28 repealed (application for consent to be referred to Chief Executive in certain cases)**

Section 28—

**Repeal the section.**

**39. Section 29 amended (notice in writing to be given of consent to amalgamation, and saving of powers of Registrar in relation to registration of trade union formed by amalgamation)**

(1) Section 29(1), English text—

**Repeal**

“his”.

(2) Section 29(1)—

**Repeal**

“he shall send to each of the trade unions a notice in writing thereof and shall supply to each of the trade unions such additional copies of such notice as may be”

**Substitute**

“the Registrar must serve on each of the trade unions a written notice of that fact and must supply to each of the trade unions any additional copies of the notice that are”.

(3) Section 29(2), English text—

**Repeal**

“his”.

(4) Section 29(2), English text—

**Repeal**

“shall”

**Substitute**

“does”.

(5) Section 29(2)—

**Repeal**

“him” (wherever appearing)

**Substitute**

“the Registrar”.

- (6) Section 29(2), English text—

**Repeal**

“thereof”

**Substitute**

“of the trade union formed by the amalgamation”.

**40. Section 30 amended (procedure for amalgamation, etc.)**

- (1) Section 30(1), English text—

**Repeal**

“No registered trade unions shall”

**Substitute**

“Registered trade unions must not”.

- (2) Section 30(1)(a), English text—

**Repeal**

“of each of the trade unions party to the amalgamation and in every branch thereof”

**Substitute**

“, and in every branch, of each of the trade unions that are party to the amalgamation”.

- (3) Section 30(1)(a), Chinese text—

**Repeal**

“天”

**Substitute**

“日”.

- (4) Section 30(1)(b), English text—

**Repeal**

“such trade union, on a vote being taken in secret ballot, the votes of at least 50% of the voting members thereof”

**Substitute**

“of the trade unions, on a vote being taken in secret ballot, the votes of at least 50% of the voting members”.

**41. Section 31 amended (transfer of liabilities, etc. to trade union formed by amalgamation)**

After section 31(2)—

**Add**

“(3) To avoid doubt, even if a registered trade union has been authorized under section 45(1)(a), or has been authorized and has obtained the consent of the Chief Executive under section 45(1)(b), for being or becoming a member of an organization established in an external place before the trade union amalgamates with any other registered trade union, the authorization and consent do not apply in relation to the trade union formed by the amalgamation.”.

**42. Part IVB heading and section 31A added**

After section 31—

**Add**

## “Part IVB

### Notification in respect of Dissolution

#### 31A. Notification of passing resolution for dissolution

- (1) A registered trade union that has passed a resolution for dissolution under the rules of the trade union must, within 14 days after the date of the passage, notify the Registrar in writing that the resolution has been passed.
- (2) A registered trade union that contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.”.

#### 43. Section 32 amended (notification of dissolution)

- (1) Section 32(1), English text—

**Repeal**

“thereof” (wherever appearing)

**Substitute**

“of the trade union”.

- (2) Section 32(1)—

**Repeal**

“shall, within 14 days after the dissolution”

**Substitute**

“must, within 14 days after the date of dissolution”.

- (3) Section 32(1), English text—

**Repeal**

“upon the registration by the Registrar of such dissolution, the trade union shall”

**Substitute**

“on the registration by the Registrar of such dissolution, the trade union must”.

(4) Section 32—

**Repeal subsection (2)**

**Substitute**

“(2) If subsection (1) is contravened, each of the following persons commits an offence and is liable on conviction to a fine at level 4—

- (a) the registered trade union;
- (b) every officer of the trade union;
- (c) if there is any other person bound by the rules of the trade union to issue or send the notice—every such person.”.

**44. Part V heading amended (funds, accounts and returns)**

Part V, heading—

**Repeal**

**“and Returns”**

**Substitute**

**“, Returns and Records”.**

**45. Part V, Division 1 heading added**

Before section 33—

**Add**

**“Division 1—Funds”.**

**46. Section 33 amended (application of funds)**

- (1) Section 33(1), English text—

**Repeal**

“rules thereof”

**Substitute**

“rules of the trade union”.

- (2) Section 33(1)(b), English text—

**Repeal**

“thereof”

**Substitute**

“of the trade union”.

- (3) Section 33(1)(c), English text—

**Repeal**

“thereof”

**Substitute**

“of the trade union”.

- (4) Section 33(1)(c), English text—

**Repeal**

“his”

**Substitute**

“the member’s”.

- (5) Section 33(1)(d), English text—

**Repeal**

“thereof”



**Substitute**

“of the trade union”.

- (6) Section 33(1)(j), English text—

**Repeal**

“therewith”

**Substitute**

“with such a trade union or organization”.

- (7) Section 33(2)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1”

**Substitute**

“commits an offence and is liable on conviction on indictment to a fine at level 5”.

- (8) Section 33(2), Chinese text—

**Repeal**

“的規定” (wherever appearing).

**47. Section 33A amended (electoral fund)**

- (1) Section 33A(1)(a)—

**Repeal**

“for election to a District Council or the Legislative Council”

**Substitute**

“of a specified election for standing for the election”.

- (2) Section 33A(1)(b)—

**Repeal**

“for election to a District Council or the Legislative Council”

**Substitute**

“of a specified election to stand for the election”.

- (3) Section 33A(1)—

**Repeal paragraph (c)**

**Substitute**

“(c) expenses related to the registration of electors or voters of a specified election or the selection of a candidate of a specified election to stand for the election.”.

- (4) Section 33A(4)—

**Repeal**

“to a fine at level 1”

**Substitute**

“on conviction on indictment to a fine at level 5”.

- (5) Section 33A(4), Chinese text—

**Repeal**

“的規定”.

- (6) After section 33A(4)—

**Add**

“(5) In this section—

*specified election* (指明選舉) means an election set out in section 4(1)(a), (b), (c), (d), (da), (e) or (f) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).”.

**48. Section 33B amended (electoral expenses resolution)**

(1) Section 33B(1)—

**Repeal**

“its voting members present at a general meeting or of a majority of members’ representatives present at a general meeting where the rules of the trade union allow voting by members’ representative”

**Substitute**

“the voting members present at a general meeting”.

(2) Section 33B(2), Chinese text—

**Repeal**

“必”.

**49. Section 34A and Part V, Division 2 heading added**

After section 34—

**Add**

**“34A. Restrictions on receiving contributions or donations from external force**

- (1) If an officer of a registered trade union knows or has reason to believe that any external force will make contributions or donations to the trade union, the trade union—

- 
- (a) must make an application to the Registrar in the specified form before receiving the contributions or donations; and
    - (b) must decline to receive the contributions or donations until the Registrar has approved the application.
  - (2) If any external force makes contributions or donations to a registered trade union without the prior knowledge of any of the officers of the trade union, the trade union—
    - (a) must make an application to the Registrar in the specified form within 14 days after any of its officers becomes aware of the fact that the trade union has received the contributions or donations; and
    - (b) must not expend the contributions or donations until the Registrar has approved the application.
  - (3) The application under subsection (1)(a) or (2)(a) must set out—
    - (a) the particulars of the external force that makes the contributions or donations;
    - (b) the purposes for which the trade union intends to expend the contributions or donations; and
    - (c) any other information required by the specified form.
  - (4) If—
    - (a) the external force makes contributions or donations to the trade union even though the Registrar rejected the application under subsection (1)(a); or

- (b) the Registrar rejects the application under subsection (2)(a),  
the trade union must, as soon as practicable, return the relevant contributions or donations to the external force.
- (5) If the Registrar approves an application under subsection (1)(a) or (2)(a), the trade union may only expend the contributions or donations for the purposes approved by the Registrar.
- (6) The trade union may make an application in writing to the Registrar for altering the purposes mentioned in subsection (5).
- (7) However, the Registrar must not approve—
  - (a) a transfer of the contributions or donations to the electoral fund established under section 33A; or
  - (b) the use of the contributions or donations to pay for the expenses referred to in section 33A(1) under section 33B.
- (8) A registered trade union that contravenes subsection (1) or (2) commits an offence.
- (9) A registered trade union that contravenes subsection (4) or (5) commits an offence.
- (10) A registered trade union that commits an offence under subsection (8) or (9) is liable—
  - (a) on summary conviction—to a fine at level 6; or
  - (b) on conviction on indictment—to a fine of \$200,000.

- (11) It is a defence for a person charged with an offence under subsection (8) to establish that, at the time of the alleged offence, the person had a reasonable excuse for contravening subsection (1) or (2) (as the case may be).
- (12) To avoid doubt—
- (a) this section does not apply in relation to the contributions or donations received by a registered trade union before the commencement date; and
  - (b) if any purpose mentioned in subsection (3)(b) is one that is mentioned in section 33(1)(j) or (l), the trade union must make an application to the Chief Executive under that section even though it has made an application to the Registrar.
- (13) In this section—
- commencement date*** (生效日期) means the date on which the Trade Unions (Amendment) Ordinance 2025 ( of 2025) comes into operation.

## **Division 2—Accounts and Returns”.**

### **50. Section 35 amended (treasurer to render accounts to members)**

- (1) Section 35, heading—

**Repeal**

**“Treasurer”**

**Substitute**

**“Specified officers”.**

- (2) Section 35(1)—

**Repeal**

“The treasurer of a registered trade union and every other officer thereof who is responsible for the accounts of the trade union or for collection, disbursement, custody or control of the funds or moneys thereof shall, upon resigning or vacating his”

**Substitute**

“Every specified officer of a registered trade union must, on resigning or vacating the officer’s”.

- (3) Section 35(1), English text—

**Repeal**

“such time as may be specified in the rules of the trade union and at any other times at which he may be required to do so by a resolution of the voting members of the trade union or by the rules thereof”

**Substitute**

“the time specified in the rules of the trade union and at any other times at which the specified officer is required to do so by resolution of the voting members of the trade union or by the rules of the trade union”.

- (4) Section 35(1)—

**Repeal**

“him during the period that has elapsed since his assuming”

**Substitute**

“the specified officer during the period that has elapsed since the specified officer assumed”.

- (5) Section 35(1)—

**Repeal**

“he has previously rendered an account, since the last date upon which he rendered such account, and of the balance remaining in his custody”

**Substitute**

“the specified officer has previously rendered an account, since the last date on which the specified officer rendered such account, and of the balance remaining in the custody of the specified officer”.

- (6) Section 35(1)—

**Repeal**

“his custody or under his control”

**Substitute**

“the custody of, or under the control of, the specified officer”.

- (7) Section 35—

**Repeal subsection (2).**

- (8) Section 35(4)—

**Repeal**

“the treasurer or other officer referred to in subsection (1) shall, if he is resigning or vacating his”

**Substitute**

“a specified officer must, if the specified officer is resigning or vacating the officer’s”.

- (9) Section 35(4)—

**Repeal**

“thereof, as the case may be, hand over to the trade union such balance as appears to be due from him”

**Substitute**



“of the trade union (as the case may be), hand over to the trade union such balance as appears to be due from the specified officer”.

(10) Section 35(4)—

**Repeal**

“papers and property of the trade union in his custody or otherwise under his control”

**Substitute**

“documents and property of the trade union in the custody of, or otherwise under the control of, the specified officer”.

(11) Section 35(5)—

**Repeal**

“the treasurer or other officer referred to in subsection (1)”

**Substitute**

“a specified officer”.

(12) Section 35(5)—

**Repeal**

“thereof may sue him”

**Substitute**

“of the trade union may sue the specified officer”.

(13) Section 35(5)—

**Repeal**

“him upon the account last rendered by him and for all moneys since received by him”

**Substitute**

“the specified officer on the account last rendered by the specified officer and for all moneys since received by the specified officer”.

- (14) Section 35(5)—

**Repeal**

“securities and effects, books, papers and property in his custody, leaving him to set off in such action the sums, if any, that he may have since paid on account of the trade union, and in any such action the plaintiff shall be”

**Substitute**

“bonds, securities, effects, books, documents and property in the custody of the specified officer, leaving the specified officer to set off in such action the sums, if any, that the specified officer may have since paid on account of the trade union, and in any such action the plaintiff is”.

- (15) After section 35(5)—

**Add**

“(6) In this section—

*specified officer* (指明職員), in relation to a registered trade union, means—

- (a) the treasurer of the trade union;
- (b) any other officer who is responsible for the accounts of the trade union; or
- (c) any other officer who is responsible for the collection, disbursement, custody or control of the funds or moneys of the trade union.”.

**51. Section 36 amended (annual statement of account and returns to be rendered to Registrar)**

- (1) Section 36, heading—

**Repeal**

“Annual statement”

**Substitute**

“Statements”.

- (2) Section 36(1), English text—

**Repeal**

“shall furnish”

**Substitute**

“must furnish”.

- (3) Section 36(1), English text—

**Repeal**

“of the trade union as specified in the rules thereof or within such further period as the Registrar may on application in writing grant”

**Substitute**

“as specified in the rules of the trade union (or within any further period that the Registrar may grant on written application)”.

- (4) Section 36(1), English text, after “expenditures”—

**Add**

“of the trade union”.

- (5) Section 36(1)—

**Repeal**

everything after “union.”.

- (6) After section 36(1)—

**Add**

“(1A) After receiving contributions or donations made by an external force as provided in section 34A, a

registered trade union must furnish annually to the Registrar, not more than 3 months after the termination of each financial year as specified in the rules of the trade union (or within any further period that the Registrar may grant on written application), a statement of account, audited by an auditor approved by the Registrar, that contains all receipts and expenditures of the trade union in connection with the contributions or donations during that financial year.

(1B) However, if the contributions or donations mentioned in subsection (1A) have been wholly expended during any financial year as specified in the rules of the trade union, then, starting from the financial year immediately following that financial year, the trade union is no longer required to furnish a statement of account referred to in that subsection.

(1C) A statement of account referred to in subsections (1) and (1A)—

- (a) must be prepared in the specified form;
- (b) must contain the specified particulars; and
- (c) must be accompanied by a report of the auditor who audits the statement of account.”.

(7) Section 36(2), English text—

**Repeal**

“shall”

**Substitute**

“must”.

(8) Section 36(2)—

**Repeal**

“, or within such further period as the Registrar may on application in writing grant, a return in the form prescribed”

**Substitute**

“(or within any further period that the Registrar may grant on written application) a return prepared in the specified form”.

- (9) Section 36(2), English text—

**Repeal**

“thereof”

**Substitute**

“of the trade union”.

- (10) Section 36(2)—

**Repeal**

“such other particulars as may be prescribed”

**Substitute**

“any other specified particulars”.

- (11) Section 36(3), English text—

**Repeal**

“shall be”

**Substitute**

“is”.

- (12) Section 36(3)—

**Repeal**

“(1)”

**Substitute**

“(1) or (1A)”.

- (13) Section 36(3), English text—

**Repeal**

“thereof specified in the rules of the trade union shall”

**Substitute**

“specified in the rules of the trade union must”.

- (14) Section 36(3), English text—

**Repeal**

“him therefor”

**Substitute**

“the secretary or officer”.

- (15) Section 36(4)—

**Repeal**

“(1)”

**Substitute**

“(1), (1A), (1C)”.

- (16) Section 36(4)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1”

**Substitute**

“commits an offence and is liable on conviction to a fine at level 4”.

**52. Part V, Division 3 heading and section 36A added**

Before section 37—

**Add**

**“Division 3—Records****36A. Duty to keep records**

- (1) A registered trade union must keep the following records and documents until the expiry of the period specified in subsection (2)—
  - (a) (subject to paragraph (b)) an account book containing the record of each transaction carried out by the trade union, and the verifying documents for the records of transactions;
  - (b) if the trade union has received contributions or donations made by an external force and the contributions or donations have not been wholly expended—another account book containing the record of each transaction in connection with the contributions or donations, and the verifying documents for the records of transactions;
  - (c) a register of members containing the following information in respect of each member of the trade union—
    - (i) the name and occupation of the member;
    - (ii) how the member satisfies the requirements for being a member of the trade union under section 17 and the rules of the trade union;
    - (iii) the type of membership to which the member belongs under the rules of the trade union;
    - (iv) whether the member has paid subscriptions, fees and contributions in accordance with the rules of the trade union; and

- (v) the date on which the member ceases to be a member of the trade union (if applicable);
  - (d) the minutes of the general meetings of the trade union and of the meetings of the executive of the trade union; and
  - (e) the records of resolutions passed by the officers of the trade union without a meeting.
- (2) The period is—
  - (a) in relation to the records or documents mentioned in subsection (1)(a) or (b)—2 years after the date on which the financial year (as specified in the rules of the trade union) to which the records or documents relate terminates;
  - (b) in relation to the information mentioned in subsection (1)(c)—2 years after the date on which the member ceases to be a member of the trade union;
  - (c) in relation to the minutes mentioned in subsection (1)(d)—2 years after the date on which the meeting is held; and
  - (d) in relation to the resolutions mentioned in subsection (1)(e)—2 years after the date on which the resolution is passed.
- (3) A registered trade union that contravenes subsection (1)(a), (c), (d) or (e) commits an offence and is liable on conviction to a fine at level 4.
- (4) A registered trade union that contravenes subsection (1)(b) commits an offence and is liable on conviction to a fine at level 5.



(5) In this section—

***verifying document*** (核實文件), in relation to a record of transaction, means a voucher, bank statement, invoice, receipt or any other document that is necessary to verify the record of transaction.”.

**53. Section 37 amended (inspection of accounts)**

(1) Section 37, heading—

**Repeal**

**“accounts”**

**Substitute**

**“records”.**

(2) Section 37(1), English text—

**Repeal**

“of a registered trade union and the register of the members thereof shall”

**Substitute**

“and the register of members of a registered trade union must”.

(3) Section 37(1)—

**Repeal**

everything after “agent”

**Substitute**

“of the trade union at the time and place specified in the rules of the trade union.”.

(4) Section 37—

**Repeal subsection (2)**

**Substitute**

“(2) For the purposes of subsection (1), a registered trade union may, in accordance with the rules of the trade union and subject to any other enactment, determine the information that is to be contained in the register of members made available for inspection under that subsection.”.

**54. Section 38 repealed (power to require detailed accounts)**

Section 38—

**Repeal the section.**

**55. Section 38A added**

At the end of Part V—

**Add**

**“38A. Transitional provisions in relation to section 36A—Trade Unions (Amendment) Ordinance 2025**

- (1) Section 36A(1)(a) does not apply in relation to a transaction that is carried out before the commencement date.
- (2) Section 36A(1)(b) does not apply in relation to a contribution or donation that is received before the commencement date.
- (3) Section 36A(1)(c)—
  - (a) does not apply in relation to a person who has ceased to be a member of the trade union concerned before the commencement date; and
  - (b) does not apply, within 1 year beginning on the commencement date, in relation to a person who is a member of the trade union as at the commencement date.

- (4) Section 36A(1)(d) and (e) does not apply in relation to a meeting that is held, or a resolution that is passed, before the commencement date.
- (5) In this section—  
***commencement date*** (生效日期) means the date on which the Trade Unions (Amendment) Ordinance 2025 (      of 2025) comes into operation.”.

**56. Section 42 amended (immunity from civil suit in certain cases)**

- (1) Section 42, Chinese text, heading—

**Repeal**

“若干”

**Substitute**

“某些”.

- (2) Section 42, English text—

**Repeal**

“shall”

**Substitute**

“may”.

- (3) Section 42, English text—

**Repeal**

“his capital or of his labour as he”

**Substitute**

“that other person’s capital or of that other person’s labour as that other person”.

**57. Section 43A amended (protection from civil suit for acts done in contemplation or furtherance of trade dispute)**

- (1) Section 43A(1), English text—

**Repeal**

“shall”

**Substitute**

“may”.

- (2) Section 43A(1), English text—

**Repeal**

“his capital or of his labour as he”

**Substitute**

“that other person’s capital or of that other person’s labour as that other person”.

**58. Part VIA heading and section 44A added**

After section 44—

**Add**

**“Part VIA**

**Restrictions on Affiliation with Organizations in  
External Places**

**44A. Interpretation of Part VIA**

- (1) In this Part—

*office-bearer* (幹事), in relation to an organization, means the president, vice-president, secretary or treasurer of the organization, or a member of the committee or governing body of the organization, or a person who holds in the organization an office or position analogous to any of those mentioned above;

*relevant professional organization* (有關專業組織), in relation to a registered trade union, means an organization the objects of which are to promote the interests of persons engaged or employed in a trade, industry or occupation that is the same as, or similar to, the trade, industry or occupation with which the trade union is directly concerned.

- (2) In this Part, a reference to an organization of workers, an organization of employers or a relevant professional organization includes a federation of organizations of that particular type.”.

**59. Section 45 amended (affiliation with organizations in foreign countries)**

- (1) Section 45, heading—

**Repeal**

**“Affiliation with organizations in foreign countries”**

**Substitute**

**“Restrictions on registered trade unions being or becoming members of organizations in external places”.**

- (2) Section 45—

**Repeal subsection (1)**

**Substitute**

- “(1) A registered trade union must not be or become a member of an organization established in an external place unless—
- (a) if the organization is an organization of workers, an organization of employers or a relevant professional organization, that is established in a foreign country—the trade union is authorized to be or become a member

- 
- of the organization by secret ballot of a majority of the voting members present at a general meeting; or
- (b) if the organization is any other organization established in an external place—
- (i) the trade union has obtained the consent of the Chief Executive; and
  - (ii) the trade union is authorized to be or become a member of the organization by secret ballot of a majority of the voting members present at a general meeting.”.
- (3) Section 45(2), English text—
- Repeal**
- “shall”
- Substitute**
- “must”.
- (4) Section 45(2)—
- Repeal**
- “subsection (1)”
- Substitute**
- “subsection (1)(a)”.
- (5) Section 45—
- Repeal subsection (3).**
- (6) Section 45(4)—
- Repeal**
- “subsection (3)(a)”
- Substitute**
- “subsection (1)(b)(i)”.

- (7) Section 45(5)—

**Repeal**

“a foreign country as provided in subsection (1) or (3), it shall not be”

**Substitute**

“an external place as provided in subsection (1), it is not”.

- (8) Section 45(6)(a)—

**Repeal**

“subsection (1)”

**Substitute**

“subsection (1)(a)”.

- (9) Section 45(6)(a)—

**Repeal**

“or employers,”

**Substitute**

“, an organization of employers”.

- (10) Section 45(6)(b)—

**Repeal**

“subsection (3) shall”

**Substitute**

“subsection (1)(b) is to”.

- (11) Section 45(6)(b)—

**Repeal**

“a foreign country”

**Substitute**

“an external place”.

(12) After section 45(6)—

**Add**

“(6A) If the Registrar reasonably believes that a registered trade union contravenes subsection (1), the Registrar may serve on the trade union a written notice requiring the trade union to cease to be a member of the organization established in an external place within 14 days beginning on the date of service of the notice.”.

(13) Section 45(7)—

**Repeal**

“or (3) commits an offence and is liable”

**Substitute**

“commits an offence and is liable on conviction”.

(14) After section 45(7)—

**Add**

“(7A) A registered trade union that fails to comply with a notice served under subsection (6A) commits an offence and is liable—

- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
- (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.

(7B) It is a defence for a person charged with an offence under subsection (7A) to establish that, at the time of the alleged offence, the person had a reasonable excuse for failing to comply with the notice.”.

(15) Section 45(8)—

**Repeal**



“a foreign country and”

**Substitute**

“an external place and”.

- (16) Section 45(8), English text—

**Repeal**

“shall be”

**Substitute**

“is”.

- (17) Section 45(8)—

**Repeal**

“a foreign country shall in the absence of evidence to the contrary be”

**Substitute**

“an external place is, in the absence of evidence to the contrary,”.

- (18) Section 45—

**Repeal subsection (9).**

**60. Section 45AA added**

After section 45—

**Add**

**“45AA. Restrictions on officers of registered trade unions being office-bearers of organizations in external places**

- (1) An officer of a registered trade union must not be an office-bearer of an organization established in an external place unless—

- (a) the trade union is or becomes a member of the organization as provided in section 45(1)(a) or (b); or
  - (b) the trade union is not a member of the organization, which is not a political organization or body, and the officer has obtained the consent of the Chief Executive.
- (2) The officer must, within 1 month after beginning to be an office-bearer of the organization as provided in subsection (1)(a), notify the Registrar in writing of the fact.
- (3) Any consent given under subsection (1)(b) may be withdrawn at the discretion of the Chief Executive.
- (4) If the Registrar reasonably believes that an officer of a registered trade union contravenes subsection (1), the Registrar may serve on the officer and the trade union a written notice requiring the officer to cease holding office in the trade union within 14 days beginning on the date of service of the notice.
- (5) If the officer fails to satisfy the Registrar that the officer has complied with a notice served under subsection (4) within 14 days beginning on the date of service of the notice, the Court of First Instance may, on the application of the Registrar—
  - (a) grant an injunction prohibiting the officer from holding office in the trade union;
  - (b) make a declaration that the officer no longer holds office in the trade union; and

- (c) make an order directing the trade union to hold, in any manner the Court of First Instance directs, a fresh election if an officer has ceased to hold office in the trade union by virtue of this section.
- (6) An officer who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 1.
- (7) An officer who fails to comply with a notice served under subsection (4) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.
- (8) It is a defence for an officer charged with an offence under subsection (7) to establish that, at the time of the alleged offence, the officer had a reasonable excuse for failing to comply with the notice.”

**61. Section 45B added**

Part VIA, after section 45A—

**Add**

**“45B. Transitional provisions in relation to section 45AA—Trade Unions (Amendment) Ordinance 2025**

- (1) If, on the commencement date, an officer of a registered trade union is an office-bearer of the organization mentioned in section 45AA(1)(a) as provided in that section, then, in relation to the officer, the reference in section 45AA(2) to “within 1 month after beginning to be an office-bearer of the

organization as provided in subsection (1)(a)” is to be construed as “within 1 month after the commencement date”.

- (2) Subsection (3) or (4) applies to an officer of a registered trade union if—
  - (a) the officer is an office-bearer of an organization established in an external place on the commencement date;
  - (b) the trade union is not a member of the organization; and
  - (c) the organization is not a political organization or body.
- (3) If—
  - (a) the organization concerned is an organization of workers, an organization of employers or a relevant professional organization, that is established in a foreign country;
  - (b) within 2 months after the commencement date, the trade union becomes a member of the organization as provided in section 45(1)(a); and
  - (c) within 2 months after the commencement date, the officer notifies the Registrar in writing of the fact that the officer is an office-bearer of the organization,section 45AA does not apply to the officer within those 2 months to the extent that the officer is an office-bearer of that organization.
- (4) If, within 2 months after the commencement date, the officer seeks the consent of the Chief Executive for the officer to be an office-bearer of the organization concerned as provided in section

45AA(1)(b), section 45AA does not apply to the officer to the extent that the officer is an office-bearer of that organization until the Chief Executive has decided on whether or not to give consent.

(5) In this section—

***commencement date*** (生效日期) means the date on which the Trade Unions (Amendment) Ordinance 2025 ( of 2025) comes into operation.”.

## 62. Section 46 amended (peaceful picketing)

(1) Section 46—

### **Repeal**

“Notwithstanding anything in this Ordinance, it shall be lawful for one or more persons”

### **Substitute**

“Despite anything in this Ordinance, it is lawful for one or more persons (*persons*)”.

(2) Section 46, proviso—

### **Repeal**

“shall not be lawful if they”

### **Substitute**

“is not lawful if the persons”.

(3) Section 46, English text, proviso—

### **Repeal**

“thereto or egress therefrom”

### **Substitute**

“to, or egress from, that place”.

(4) Section 46, proviso—

**Repeal**

everything after “proviso”

**Substitute**

“commits an offence and is liable—

- (a) on summary conviction—to a fine at level 4 and to imprisonment for 2 years; or
- (b) on conviction on indictment—to a fine at level 6 and to imprisonment for 5 years.”.

**63. Section 47 amended (intimidation and annoyance)**

- (1) Section 47(1)(a)—

**Repeal**

“his wife or children, or injures his”

**Substitute**

“that other person’s spouse or children, or injures that other person’s”.

- (2) Section 47(1)(a) and (b)—

**Repeal**

“; or”

**Substitute a semicolon.**

- (3) Section 47(1)(c), English text—

**Repeal**

“him” (wherever appearing)

**Substitute**

“that other person”.

- (4) Section 47(1)(c)—

**Repeal**

“thereof; or”

**Substitute**

“of the same;”.

- (5) Section 47(1)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 6 months”

**Substitute**

“commits an offence”.

- (6) After section 47(1)—

**Add**

“(1A) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction—to a fine at level 4 and to imprisonment for 2 years; or
- (b) on conviction on indictment—to a fine at level 6 and to imprisonment for 5 years.”.

**64. Section 49 amended (punishment for withholding money or property of a registered trade union)**

- (1) Section 49(1), English text—

**Repeal**

“himself”

**Substitute**

“that other person”.

- (2) Section 49(1), English text—

**Repeal**

“thereof or any person whatsoever”

**Substitute**

“of the trade union or a person of any description”.

- (3) Section 49(1), English text—

**Repeal**

“papers or other effects of such trade union, or having the same in his possession”

**Substitute**

“documents or other effects of such trade union, or having the same in the possession of such officer, member or other person”.

- (4) Section 49(1), English text—

**Repeal**

“upon”

**Substitute**

“on”.

- (5) Section 49(1), English text—

**Repeal**

“papers, or”

**Substitute**

“documents, or”.

- (6) Section 49(1), English text—

**Repeal**

“thinks fit”

**Substitute**

“considers appropriate”.

- (7) Section 49(1)—

**Repeal**



“\$200”

**Substitute**

“\$25,000”.

- (8) Section 49(1), English text—

**Repeal**

“aforesaid, the said court may order such officer, member or person”

**Substitute**

“, the court may order such officer, member or other person”.

- (9) Section 49(1), English text, proviso—

**Repeal**

“shall prevent”

**Substitute**

“prevents”.

**65. Section 50 amended (circulating false copies of rules, etc.)**

- (1) Section 50—

**Renumber the section as section 50(1).**

- (2) Section 50(1)(a)—

**Repeal**

“; or”

**Substitute a semicolon.**

- (3) Section 50(1)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 3 months”

**Substitute**

“commits an offence”.

- (4) After section 50(1)—

**Add**

- “(2) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.”.

**66. Section 50A added**

After section 50—

**Add**

**“50A. Furnishing false or misleading information**

- (1) A person commits an offence if the person, knowing or having reason to believe that any document or information is false or misleading in a material particular—
  - (a) furnishes under this Ordinance the document or information to the Registrar or any person authorized by the Registrar, whether in writing, orally or otherwise; or
  - (b) causes or procures the document or information to be furnished under this Ordinance to the Registrar or any person authorized by the Registrar.
- (2) A person commits an offence if the person signs any document or information furnished under this Ordinance to the Registrar or any person authorized

by the Registrar, knowing or having reason to believe that the document or information contains any statement that is false or misleading in a material particular.

- (3) A person who commits an offence under subsection (1) or (2) is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.”.

**67. Part VIIIA added**

Before section 52—

**Add**

**“Part VIIIA**

**Enforcement Powers**

**51A. Interpretation of Part VIIIA**

In this Part—

*authorized officer* (獲授權人員) means a public officer authorized under section 51B(1).

**51B. Authorizing officers and appointing persons**

- (1) The Registrar may authorize in writing a public officer as an authorized officer for the purposes of this Part.
- (2) The Registrar may appoint a solicitor, an accountant or any other person the Registrar considers appropriate to assist the Registrar in performing the functions under section 51C.

**51C. Powers to conduct inquiries**

- (1) The Registrar or an authorized officer may inquire about a registered trade union for performing the functions of the Registrar under this Ordinance.
- (2) For conducting an inquiry under subsection (1), the Registrar or the authorized officer may require the trade union, an officer of the trade union or a specified person—
  - (a) to produce, within the period and at the place the Registrar or the authorized officer requires in writing, any document or information that is reasonably necessary for the Registrar or the authorized officer to conduct inquiry;
  - (b) to give an explanation or further particulars in respect of a document or information produced;
  - (c) to attend before the Registrar or the authorized officer at the time and place the Registrar or the authorized officer requires in writing, and answer a question relating to any matter for the inquiry that may be raised by the Registrar or the authorized officer; and
  - (d) to answer in writing, within the period the Registrar or the authorized officer requires in writing, a written question relating to any matter for the inquiry that may be raised by the Registrar or the authorized officer.
- (3) The Registrar or an authorized officer may, on application made to the Registrar or the authorized officer and on good reason being shown—
  - (a) grant an extension of the period under subsection (2)(a) or (d); or

- (b) vary the time under subsection (2)(c),  
at the Registrar's or the authorized officer's discretion.
- (4) A person who fails to comply with a requirement imposed on the person under subsection (2) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.
- (5) It is a defence for a person charged with an offence under subsection (4) to establish that, at the time of the alleged offence, the person exercised due diligence and failed to comply with the requirement for reasons beyond the person's control.
- (6) However, a person is not excused from complying with a requirement imposed on the person under subsection (2) only on the ground that to do so might tend to incriminate the person.
- (7) In this section—

***specified person*** (指明人士) means a person whom the Registrar or an authorized officer reasonably believes to have any document or information relating to an inquiry in that person's possession, control or custody.

**51D. Powers to require verification of explanation, etc. by statutory declaration**

- (1) If a person gives any explanation, particulars or answer in compliance with a requirement imposed under section 51C(2), the Registrar or the authorized

officer may, in writing, require the person to verify, within the time specified in the requirement, the explanation, particulars or answer by a statutory declaration.

- (2) If a person does not give any explanation, particulars or answer in compliance with a requirement imposed under section 51C(2) for the reason that the document or information concerned was not within the person's knowledge, possession, control or custody, the Registrar or the authorized officer may, in writing, require the person to verify, within the time specified in the requirement, by a statutory declaration, that the person did not comply with the requirement for that reason.
- (3) A statutory declaration under subsection (1) or (2) may be made before the Registrar or the authorized officer and, for that purpose, the Registrar or the authorized officer is to have full power to administer the statutory declaration.

#### **51E. Use of incriminating evidence in proceedings**

- (1) If the Registrar or an authorized officer requires a person to give an answer to a question or to give an explanation or further particulars under this Part, the Registrar or the authorized officer must ensure that the person has first been informed of the effect of subsection (2).
- (2) Despite anything in this Ordinance and subject to subsection (3), if—
  - (a) the Registrar or an authorized officer requires a person to give an answer to a question or to give an explanation or further particulars under this Part; and

- (b) the answer, explanation or particulars might tend to incriminate the person and the person so claims before giving the answer, explanation or particulars,

the requirement and the question and answer, or the explanation or particulars, are not admissible in evidence against the person in criminal proceedings in a court of law.

- (3) Subsection (2) does not apply to criminal proceedings in which the person is, in relation to the answer, or the explanation or further particulars, charged with—
  - (a) an offence under section 50A(1) or (2), 51C(4), 51G(3) or 51H(3) or under Part V of the Crimes Ordinance (Cap. 200); or
  - (b) perjury.

#### **51F. Offences in relation to destruction of documents and information**

- (1) A person commits an offence if—
  - (a) the person destroys, falsifies, conceals or otherwise disposes of, or causes or permits the destruction, falsification, concealment or disposal of, a document or information that the person is required by the Registrar or an authorized officer to produce under this Part; and
  - (b) the person does so with intent to conceal, from the Registrar or the authorized officer, facts or matters capable of being disclosed by the document or information.

- (2) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.

**51G. Powers to enter premises of trade unions**

- (1) For performing the functions of the Registrar under this Ordinance, the Registrar or an authorized officer may, at any reasonable time, enter any non-domestic premises occupied by a registered trade union or any branch of the trade union.
- (2) After entering the premises under subsection (1), the Registrar or an authorized officer—
  - (a) may inspect the record or document kept under section 36A(1) or any other document or information that is necessary for ascertaining whether the requirements of this Ordinance or of the rules of the trade union are complied with;
  - (b) may make copies of the record, document or information;
  - (c) may make any examination or ask any question that is necessary to ascertain whether the requirements of this Ordinance or of the rules of the trade union are complied with; and
  - (d) may seize any thing that appears to be evidence of the contravention of the requirements of this Ordinance or of the rules of the trade union or the commission of an offence under this Ordinance.



- (3) A person who obstructs or prevents the Registrar or an authorized officer from performing the functions under subsection (1) or (2) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.
- (4) It is a defence for a person charged with an offence under subsection (3) to establish that, at the time of the alleged offence, the person had a reasonable excuse for obstructing or preventing the Registrar or the authorized officer from performing the functions of the Registrar or the authorized officer.

#### **51H. Powers to enter and search premises with warrants**

- (1) Subsection (2) applies if a magistrate is satisfied by information on oath by the Registrar or an authorized officer that there are reasonable grounds to suspect that there is, or is likely to be, on premises that are occupied by a registered trade union or any branch of the trade union and that are specified in the information—
  - (a) any document or information that may be required to be produced under section 51C; or
  - (b) any thing likely to be or contain evidence of the contravention of the requirements of this Ordinance or of the rules of the trade union or the commission of an offence under this Ordinance.

- (2) The magistrate may issue a warrant authorizing a person mentioned in the warrant, and any other persons who may be necessary to assist in the execution of the warrant—
  - (a) to enter the premises, if necessary by force, at any time within the period of 7 days beginning on the date of the warrant;
  - (b) to search for, seize and remove any document, information or thing that the person mentioned in the warrant reasonably believes to fall within the description of subsection (1)(a) or (b); and
  - (c) to exercise the powers under section 51G(2).
- (3) A person who obstructs or prevents the person under subsection (2) from performing the functions under that subsection commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine of \$200,000 and to imprisonment for 1 year.
- (4) It is a defence for a person charged with an offence under subsection (3) to establish that, at the time of the alleged offence, the person had a reasonable excuse for obstructing or preventing the person under subsection (2) from performing the functions under subsection (2).”.

**68. Section 52 substituted**

Section 52—

**Repeal the section****Substitute**

**“52. Power to issue notices for contravention of objects or rules**

- (1) If the Registrar reasonably believes that any registered trade union or any officer of the trade union has done, is doing or is about to do an act that is inconsistent with any object or any specified rule of the trade union, or has contravened, is contravening or is about to contravene any specified rule of the trade union, the Registrar may serve on the trade union or on the officer (as the case may be) a written notice requiring the trade union or the officer to cease doing the act or to comply with the rule (as the case may be).
- (2) If any registered trade union on which, or any officer of a registered trade union on whom, a notice has been served under subsection (1) fails to comply with the notice, the trade union or the officer (as the case may be) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 4 and to imprisonment for 3 months; or
  - (b) on conviction on indictment—to a fine at level 6 and to imprisonment for 6 months.
- (3) It is a defence for a person charged with an offence under subsection (2) to establish that, at the time of the alleged offence, the person had a reasonable excuse for failing to comply with the notice.
- (4) In this section—

***specified rule*** (指明規則) means any rule in respect of any of the matters specified in Schedule 2.”.

**69. Section 53 amended (application to trade union federations)**

- (1) Section 53(1), English text—

**Repeal**

“hereinafter expressly provided, this Ordinance shall”

**Substitute**

“expressly provided below, this Ordinance must”.

- (2) Section 53(1), English text, proviso—

**Repeal**

“shall not”

**Substitute**

“must not”.

- (3) Section 53(1), English text, proviso—

**Repeal**

“his”.

- (4) Section 53(2), English text—

**Repeal**

“thereof, or both, shall”

**Substitute**

“of the trade union, or both, must”.

- (5) Section 53(2), English text—

**Repeal**

“chairman and one other officer thereof”

**Substitute**

“chairperson and one other officer of the trade union federation”.

**70. Section 54 amended (provisions as to application for registration of trade union federation)**

- (1) Section 54, English text—

**Repeal**

“shall be signed by the chairman”

**Substitute**

“must be signed by the chairperson”.

- (2) Section 54, English text—

**Repeal**

“therein, and shall”

**Substitute**

“in the trade union federation, and must”.

- (3) Section 54, English text—

**Repeal**

“thereof” (wherever appearing)

**Substitute**

“of the trade union”.

**71. Section 56 amended (additions to membership of trade union federations)**

- (1) Section 56(1), English text—

**Repeal**

“shall subsequently enter into any agreement for membership thereof or be a member of such registered”

**Substitute**

“may subsequently enter into any agreement for membership of the trade union federation or be a member of the”.

- (2) Section 56(1)(b)—

**Repeal**

“prescribed form, which shall”

**Substitute**

“specified form, which must”.

- (3) Section 56(1)(b), English text—

**Repeal**

“thereof” (wherever appearing)

**Substitute**

“of the trade union”.

- (4) Section 56(1)(c)—

**Repeal**

“all”

**Substitute**

“a majority”.

- (5) Section 56(1)(d)—

**Repeal**

“satisfied himself”

**Substitute**

“been satisfied”.

- (6) Section 56(1)(d) and (3), English text—

**Repeal**

“his”

**Substitute**

“the Registrar’s”.

- (7) Section 56(3)—

**Repeal**

“a contravention of section 58(3), the Registrar may forthwith”

**Substitute**

“commission of an offence under section 50A(1) or (2), the Registrar may immediately”.

- (8) Section 56(4)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1”

**Substitute**

“commits an offence and is liable on conviction on indictment to a fine at level 5 and to imprisonment for 3 years”.

**72. Section 57 amended (officers of trade union federations)**

- (1) Section 57—

**Repeal**

“No person shall”

**Substitute**

“Without limiting section 17(2A) and (3), a person must not”.

- (2) Section 57, English text—

**Repeal**

“he” (wherever appearing)

**Substitute**

“the person”.

**73. Section 58 amended (forms and offences in relation thereto)**

- (1) Section 58, heading—

**Repeal**

**“Forms and offences in relation thereto”**

**Substitute**

**“Specified forms”.**

- (2) Section 58(1)—

**Repeal**

“prescribe all such forms as may, in his opinion,”

**Substitute**

“specify all forms that the Registrar considers to”.

- (3) Section 58(2)—

**Repeal**

“Any form prescribed under subsection (1) shall”

**Substitute**

“A specified form must”.

- (4) Section 58—

**Repeal subsections (3) and (4).**

**74. Section 59 amended (regulations)**

Section 59(3)—

**Repeal**

everything after “such regulations”

**Substitute**

“commits an offence and may prescribe penalties for it of a fine not exceeding level 3 and imprisonment not exceeding 6 months.”.

**75. Section 60 amended (delegation of powers)**

- (1) Section 60, heading—

**Repeal**



**“powers”**

**Substitute**

**“functions”.**

(2) Section 60—

**Repeal**

“his powers, functions or duties under this Ordinance as he may consider”

**Substitute**

“the Registrar’s functions under this Ordinance as the Registrar considers”.

(3) Section 60, proviso—

**Repeal**

“no delegation made hereunder shall preclude the Registrar from exercising or performing at any time any of the powers,”

**Substitute**

“a delegation made under this section does not preclude the Registrar from performing at any time any of the”.

(4) Section 60, proviso—

**Repeal**

“or duties so”

**Substitute**

“so”.

**76. Section 61 amended (liability of officers thereof where offence committed by trade union)**

(1) Section 61, English text, heading—

**Repeal**

**“thereof”**

**Substitute**

**“of trade union”.**

- (2) Section 61—

**ReNUMBER the section as section 61(1).**

- (3) Section 61(1), English text—

**Repeal**

**“thereunder”**

**Substitute**

**“under this Ordinance”.**

- (4) Section 61(1), English text—

**Repeal**

**“shall be”**

**Substitute**

**“is”.**

- (5) Section 61(1)—

**Repeal**

**everything after “like offence”**

**Substitute a full stop.**

- (6) After section 61(1)—

**Add**

- “(2) It is a defence for an officer charged with the like offence under subsection (1) to establish that the act constituting the offence took place without the officer’s knowledge or consent.”.**

**77. Section 61A added**

After section 61—

**Add**

**“61A. Standard of proof for defence**

A person is taken to have established a matter that needs to be established for a defence under section 12C(11), 34A(11), 45(7B), 45AA(8), 51C(5), 51G(4), 51H(4), 52(3) or 61(2) if—

- (a) there is sufficient evidence to raise an issue with respect to the matter; and
- (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

**78. Section 62 substituted**

Section 62—

**Repeal the section**

**Substitute**

**“62. Prosecution deadline for summary offences**

- (1) A prosecution for a summary offence under this Ordinance may only be started before the end of 2 years after the date on which the offence is committed.

**Note—**

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

- (2) In this section—

***summary offence*** (簡易程序罪行) means an offence triable summarily only.”.

**79. Section 63 amended (service of legal process and notices issued by Registrar)**

(1) Section 63(2)—

**Repeal**

“Notwithstanding the provisions of subsection (1), whenever the Registrar is required under section 11 to give notice to a trade union, he”

**Substitute**

“Despite subsection (1), whenever the Registrar is required under section 11 or 12B to issue a notice to, and serve the notice on, a trade union, the Registrar”.

(2) Section 63(2)—

**Repeal**

“such notice in the Gazette and such publication shall be deemed to be good and effective notice to”

**Substitute**

“the notice in the Gazette and the publication is deemed to be effective notice issued to, and duly served on,”.

**80. Section 65 amended (Ordinance not to affect certain agreements)**

(1) Section 65, Chinese text, heading—

**Repeal**

“若干”

**Substitute**

“某些”.

(2) Section 65, English text—

**Repeal**

“shall affect”

**Substitute**

“affects”.

- (3) Section 65(b), English text—

**Repeal**

“him”

**Substitute**

“the employer”.

**81. Section 66 amended (notification in the Gazette)**

- (1) Section 66, English text—

**Repeal**

“shall”

**Substitute**

“must”.

- (2) After section 66(c)—

**Add**

“(ca) the fact that the Registrar has appointed a manager or liquidator for a trade union under this Ordinance;”.

**82. Section 67 heading amended (provisions of certain Ordinances not to apply to trade unions or trade union federations)**

Section 67, Chinese text, heading—

**Repeal**

“若干”

**Substitute**

“某些”.

**83. Section 68 amended (result of registration)**

- (1) Section 68(2), English text—

**Repeal**

“shall become registered thereunder”

**Substitute**

“becomes registered under this Ordinance”.

- (2) Section 68(2), English text—

**Repeal**

“of what description soever”

**Substitute**

“of any description”.

- (3) Section 68(2), English text—

**Repeal**

“membership thereof or vested in trustees for the members of such association shall become vested in the registered trade union upon”

**Substitute**

“their membership or vested in trustees for the members of such association must become vested in the registered trade union on”.

- (4) Section 68(2), English text—

**Repeal**

“himself and all other members of such association shall”

**Substitute**

“the officer or the member and all other members of such association must”.

**84. Schedule 1 amended**

(1) Schedule 1—

**Repeal**

“[s. 17”

**Substitute**

“[ss. 17, 17AA and 17A”.

(2) Schedule 1—

**Repeal**

“Any offence involving—”

**Substitute**

**“Offences Specified for Purposes of Section  
17(2A) and (3)**

**Part 1**

**Offences Specified for Purposes of Section  
17(2A)**

1. Any offence endangering national security.

**Part 2**

**Offences Specified for Purposes of Section 17(3)**

1. Any offence involving—”.

**85. Schedule 2 amended (matters for which provision must be made in the rules of every registered trade union)**

- (1) Schedule 2, Chinese text, heading—

**Repeal**

“必”.

- (2) Schedule 2—

**Repeal**

“[s. 18”

**Substitute**

“[ss. 18, 18AA, 27, 33A and 52”.

- (3) Schedule 2, paragraph (d)—

**Repeal**

everything before “the maintenance”

**Substitute**

“(d) make provision for”.

- (4) Schedule 2, paragraph (h), after “voting members”—

**Add**

“or (if applicable) the members’ representatives”.

- (5) Schedule 2, paragraph (h)(iic)—

**Repeal**

“a foreign country”

**Substitute**

“an external place”.

- (6) Schedule 2, Chinese text, paragraph (l)—

**Repeal**

“終結”



**Substitute**

“結束”.

- (7) Schedule 2, paragraph (m)—

**Repeal**

“the registers of the names of the members thereof”

**Substitute**

“its registers of members”.

---

## Part 3

### Amendments to Trade Union Registration Regulations (Cap. 332 sub. leg. A)

**86. Regulation 2 amended (contents of the register)**

Regulation 2(2)—

**Repeal**

“thereto shall be signed or initialled by the Registrar or the Deputy Registrar of Trade Unions”

**Substitute**

“to the entry must be approved by the Registrar or a public officer authorized by the Registrar, in any manner the Registrar considers appropriate”.

**87. Regulation 5 amended (provisions as to submission for registration of rules on application for registration of trade union)**

(1) Regulation 5, after “Ordinance”—

**Add**

“, one copy of the rules must be sent, and”.

(2) Regulation 5—

**Repeal subparagraph (a).**

(3) Regulation 5(b)—

**Repeal**

“both copies of the same shall”

**Substitute**

“the copy must”.

(4) Regulation 5(b)—

**Repeal**

“such copies”

**Substitute**

“the copy”.

- (5) Regulation 5(c)—

**Repeal**

“both copies of the same shall be signed by the chairman”

**Substitute**

“the copy must be signed by the chairperson”.

- (6) Regulation 5(c), English text—

**Repeal**

“therein”

**Substitute**

“in the trade union federation”.

**88. Regulation 6 amended (documents to be issued on registration of a trade union)**

- (1) Regulation 6, English text—

**Repeal**

“Upon the registration of a trade union or a trade union federation, the Registrar shall”

**Substitute**

“On the registration of a trade union or a trade union federation, the Registrar must”.

- (2) Regulation 6(c), English text—

**Repeal**

“in his opinion”

**Substitute**

“in the Registrar’s opinion”.

- (3) Regulation 6(c), Chinese text—

**Repeal**

“一份”

**Substitute**

“1 份”.

**89. Regulation 9 amended (procedure on registration of change of name)**

- (1) Regulation 9, English text—

**Repeal**

“he shall”

**Substitute**

“the Registrar must”.

- (2) Regulation 9(a), English text—

**Repeal**

“him”

**Substitute**

“the Registrar”.

- (3) Regulation 9(b), English text—

**Repeal**

“he thinks fit”

**Substitute**

“the Registrar considers appropriate”.

**90. Regulation 10 amended (provisions as to submission for registration of wholly new rules or altered, amended or added rules)**

- (1) Regulation 10(1)(a)—

**Repeal**

“two copies of the rules shall”

**Substitute**

“one copy of the rules must”.

- (2) Regulation 10(1)(b)—

**Repeal**

“thereof shall be made in the prescribed form and shall be signed by the chairman”

**Substitute**

“of the rules must be made in the specified form and must be signed by the chairperson”.

- (3) Regulation 10(1)(c)—

**Repeal**

“both copies of such rules shall”

**Substitute**

“the copy must”.

- (4) Regulation 10(2)(a)—

**Repeal**

“shall be made in the prescribed form and shall be signed by the chairman”

**Substitute**

“must be made in the specified form and must be signed by the chairperson”.

- (5) Regulation 10(2)(b), English text—

**Repeal**

“there shall”

**Substitute**

“there must”.

- (6) Regulation 10(2)(b), after “registration”—

**Add**

“one copy of the registered rules, which”.

- (7) Regulation 10(2)(b)(i)—

**Repeal**

“one copy of the registered rules”

**Substitute**

“must be”.

- (8) Regulation 10(2)(b)(ii)—

**Repeal**

“one copy of the text of the amendment, alteration or addition, as the case may be, which shall”

**Substitute**

“must”.

**91. Regulation 11 amended (procedure on registration of amalgamation of trade unions, etc.)**

- (1) Regulation 11, English text—

**Repeal**

“he shall”

**Substitute**

“the Registrar must”.

- (2) Regulation 11(b)—

**Repeal**

“a copy”

**Substitute**

“one copy”.

- (3) Regulation 11(b), English text—

**Repeal**

“him as complying, in his opinion”

**Substitute**

“the Registrar as complying, in the Registrar’s opinion”.

**92. Regulation 12 amended (loss, etc. of certificate)**

Regulation 12—

**Repeal**

“he may issue, free of charge, a duplicate thereof”

**Substitute**

“the Registrar may issue, free of charge, one duplicate of the certificate”.

**93. Regulation 13 amended (certificate of registration to be returned on cancellation of registration)**

Regulation 13—

**Repeal**

“shall, within 14 days”

**Substitute**

“must, within 14 days beginning on the date”.

**94. Regulation 15 amended (access to books for purposes of audit)**

- (1) Regulation 15(1)—

**Repeal**

“annual”.

- (2) Regulation 15(1), English text—

**Repeal**

“shall”

**Substitute**

“must”.

- (3) Regulation 15(1), English text—

**Repeal**

“in his custody or control”.

**95. Regulation 16 amended (audit of annual statement of account)**

- (1) Regulation 16, heading—

**Repeal**

“annual”.

- (2) Regulation 16—

**Repeal**

“auditing the annual”

**Substitute**

“auditing the”.

- (3) Regulation 16, English text—

**Repeal**

“shall examine”

**Substitute**

“must examine”.

- (4) Regulation 16, English text—

**Repeal**



“shall verify them against all accounts or vouchers relating thereto, and shall”

**Substitute**

“must verify them against all relevant accounts or vouchers, and must”.

- (5) Regulation 16(a)—

**Repeal**

“annual”.

- (6) Regulation 16(b)—

**Repeal**

“he”

**Substitute**

“the auditor”.

- (7) Regulation 16(b), English text—

**Repeal**

“thereunder”

**Substitute**

“under the Ordinance”.

**96. Regulation 17 amended (offences and penalty)**

- (1) Regulation 17(1)—

**Repeal**

“shall be guilty of an offence and shall be liable to a fine at level 1, and shall be”

**Substitute**

“commits an offence and is liable on conviction to a fine at level 1, and is”.

- (2) Regulation 17(2)—

**Repeal**

“paragraph (2) of regulation 15 shall be guilty of an offence and shall be liable”

**Substitute**

“regulation 15(2) commits an offence and is liable on conviction”.

- (3) Regulation 17(3) and (4)—

**Repeal**

“shall be guilty of an offence and shall be liable on summary”

**Substitute**

“commits an offence and is liable on”.

---

## Explanatory Memorandum

The main purposes of this Bill are to amend the Trade Unions Ordinance (Cap. 332) (*Cap. 332*) and the Trade Union Registration Regulations (Cap. 332 sub. leg. A) (*Cap. 332A*)—

- (a) to empower the Registrar of Trade Unions (*Registrar*) to refuse applications of trade unions for registration or amalgamation if it is necessary for safeguarding national security;
- (b) to prohibit persons who have been convicted of an offence endangering national security from holding office in any trade unions or signing any applications for registration of trade unions;
- (c) to impose restrictions on trade unions' receiving and using of contributions or donations made by external forces;
- (d) to provide for regulation in relation to trade unions' being or becoming members of organizations in external places and in relation to members of the executives of trade unions' (*officer*) being office-bearers of organizations in external places;
- (e) to empower the Registrar to appoint managers to take over the management of the property of trade unions pending the determination of appeals against the cancellation of the registrations of such trade unions;
- (f) to strengthen the enforcement powers of the Registrar and authorized officers;
- (g) to adjust the penalties for the offences under Cap. 332;

- (h) to improve other aspects of the regulatory regime in respect of trade unions; and
- (i) to make related and miscellaneous amendments.

2. The Bill is divided into 3 Parts.

### **Part 1—Preliminary**

3. Clause 1 sets out the short title and provides for commencement.

### **Part 2—Amendments to Cap. 332**

4. Clause 3 amends section 2 of Cap. 332 to add the definitions of *external force*, *external place*, etc.

5. Clauses 5, 6, 11 and 15 add new Division headings to Part III of Cap. 332 to improve the organization of that Part.

6. Clause 7 amends section 5 of Cap. 332—

- (a) to provide that a person's signature on an application for registration of a trade union is not to be counted as a valid signature if the person is not allowed to sign the application under section 17 of Cap. 332 as amended by the Bill; and
- (b) to increase the penalty for an offence under that section 5.

7. Clause 9 amends section 7 of Cap. 332 to empower the Registrar—

- (a) to refuse to register a trade union if it is necessary for safeguarding national security; and

- (b) to refuse to register a trade union on the grounds that the name of the trade union is likely to deceive or mislead the public etc.
- 8. Clause 10 amends section 8 of Cap. 332 to provide that an appeal must not be brought in relation to the Registrar's decision to refuse to register a trade union on the ground that it is necessary for safeguarding national security.
- 9. Clause 12 amends section 10 of Cap. 332 to provide that the Registrar may cancel the registration of a trade union if the general interests of the members of the trade union are prejudiced in the course of dissolution of the trade union. Clause 14 consequentially amends section 12 of Cap. 332 to provide that a member of the trade union who considers that no such circumstance exists may bring an appeal in relation to the decision to cancel the registration.
- 10. Clause 13 amends section 11 of Cap. 332 to change the period for issuing a previous notice of cancelling the registration of a trade union by the Registrar from 2 months to 28 days.
- 11. Clause 15 adds a new Division 4 to Part III of Cap. 332 to empower the Registrar to appoint a manager to take over the management of the property of a trade union pending the determination of appeal against the cancellation of the registration of the trade union, and to provide for the powers of a manager. Clause 15 also adds an interpretative provision to provide for the meaning of the property of a trade union.
- 12. Clause 16 amends section 14 of Cap. 332 to allow reasonable steps relating to the dissolution of the trade union to be taken after its registration has been cancelled.

13. Clauses 19, 23, 27, 30 and 33 add new Division headings to Part IV of Cap. 332 to improve the organization of that Part.
14. Clause 20 amends section 17 of Cap. 332 to—
  - (a) allow a registered trade union to accept, in accordance with its rules, as a member of the trade union a person who is not ordinarily resident in Hong Kong but is engaged or employed in Hong Kong in a trade, industry or occupation with which the trade union is directly concerned;
  - (b) prohibit a person who has been convicted of an offence endangering national security from holding office in any trade union or signing any application for registration of a trade union;
  - (c) prohibit a person who has been convicted of any other specified offence from signing any application for registration of a trade union; and
  - (d) increase the penalty for the contravention of an offence under that section.
15. Clause 84 consequentially amends Schedule 1 to Cap. 332 to add any offence endangering national security to that Schedule.
16. Clause 21 adds a new section 17AA to Cap. 332 to require an officer of a trade union to notify the Registrar after the officer is charged with and convicted of any specified offence. Clause 22 consequentially amends section 17A of Cap. 332 to provide that, if an officer of a trade union fails to notify the Registrar after the officer is charged with any specified offence, the Registrar may serve a written notice or apply to the court for an injunction requiring the officer to cease holding office until the proceedings relating to the offence have been concluded.

17. Clause 23 adds a new section 17C to Cap. 332 to provide for matters relating to voting by members' representatives of a trade union.
18. Clause 29 amends section 20A of Cap. 332 to include the mens rea in an offence under subsection (4) of that section and to increase the penalty for that offence.
19. Clause 32 amends section 22 of Cap. 332 to increase the penalty for an offence under that section.
20. Clause 35 adds a new Part IVA heading to Cap. 332 to improve the organization of Cap. 332.
21. Clause 37 amends section 27 of Cap. 332 to empower the Registrar to refuse to give consent to an intended amalgamation of trade unions if it is necessary for safeguarding national security, and to provide that an appeal must not be brought in relation to such a decision.
22. Clause 41 amends section 31 of Cap. 332 to provide that an authorization or consent for being or becoming a member of an organization in external place obtained by a trade union before amalgamation does not apply in relation to the trade union formed by the amalgamation. In addition, clause 38 repeals section 28 of Cap. 332 so that the relevant application for amalgamation of trade unions is not required to be referred to the Chief Executive.
23. Clause 42 adds a new Part IVB heading to Cap. 332 to improve the organization of Cap. 332, and adds a new section 31A to require that a trade union must notify the Registrar within 14 days after passing a resolution for dissolution and to provide for the relevant offence.

24. Clause 43 amends section 32 of Cap. 332 to change the persons to whom an offence under that section applies, and to increase the penalty for that offence.
25. Clauses 45, 49 and 52 add new Division headings to Part V of Cap. 332 to improve the organization of that Part.
26. Clause 46 amends section 33 of Cap. 332 to increase the penalty for an offence under that section.
27. Clause 47 amends section 33A of Cap. 332 so that a trade union may also utilize an electoral fund for a subsector election of the Election Committee and an election of the Chief Executive.
28. Clause 49 adds a new section 34A to Cap. 332 to provide for the restrictions on the receipt by a trade union of contributions or donations from an external force. Clause 51 amends section 36 of Cap. 332 to require that a trade union that receives contributions or donations from an external force must furnish to the Registrar a statement of account for the relevant receipts and expenditures, and to increase the penalty for an offence under that section.
29. Clause 52 adds a new section 36A to Cap. 332 to require a trade union to keep an account book, verifying documents for records of transactions, the register of members, minutes and records of resolutions, etc., and to provide for the relevant offences. Clause 55 adds a new section 38A to Cap. 332 to provide for transitional provisions in relation to the duty to keep records and documents.



- 
30. Clause 58 adds a new Part VIA heading to Cap. 332 to improve the organization of Cap. 332, and adds a new section 44A to provide for the interpretation of that Part.
31. Clause 59 amends section 45 of Cap. 332 to—
- (a) extend the restrictions on a trade union's being or becoming a member of an organization in foreign country to an organization in external place;
  - (b) empower the Registrar to serve a written notice on a trade union that contravenes the restrictions requiring the trade union to cease to be a member of the organization in external place; and
  - (c) provide for the relevant offences.
32. Clause 85 consequentially amends Schedule 2 to Cap. 332, and clause 25 adds a new section 18AA to Cap. 332, to provide for the relevant transitional matters.
33. Clause 60 adds a new section 45AA to Cap. 332 to—
- (a) provide for the restrictions on a trade union officer's being an office-bearer of an organization in external place;
  - (b) empower the Registrar to serve a written notice on a trade union officer who contravenes the restrictions requiring the officer to cease holding office in the trade union; and
  - (c) provide for the relevant offences.
34. Clause 61 adds a new section 45B to Cap. 332 to provide for the relevant transitional matters.

35. Clauses 62, 63 and 65 respectively amend sections 46, 47 and 50 of Cap. 332 to increase the penalty for an offence under those sections. Clause 64 amends section 49 of Cap. 332 to increase the maximum limit on the sum in respect of the punishment for withholding the property of a trade union under that section.
36. Clause 66 adds a new section 50A to Cap. 332 to provide for the offence relating to the furnishing of false or misleading information. Clause 73 consequentially repeals section 58(3) and (4) of Cap. 332.
37. Clauses 67 and 68 respectively add a new Part VIIIA to Cap. 332 and substitute section 52 of Cap. 332 to provide for the enforcement powers of the Registrar and the officers authorized by the Registrar and the relevant offences, which include—
  - (a) the powers to conduct inquiries (new section 51C);
  - (b) the powers to require verification of explanation, etc. by statutory declaration (new section 51D);
  - (c) the offences in relation to the destruction of documents and information (new section 51F);
  - (d) the powers to enter premises of trade unions (new section 51G);
  - (e) the powers to enter and search premises with warrants (new section 51H); and
  - (f) the power to issue notices for the contravention of objects or rules (section 52 as amended).
38. In view of the new Part VIIIA, clauses 53 and 54 consequentially amend section 37 of Cap. 332 and repeal section 38 of Cap. 332 respectively.

39. Clause 71 amends section 56 of Cap. 332 to relax the requirements relating to the joining of a trade union in a trade union federation, and to increase the penalty for an offence under that section.
40. Clause 74 amends section 59 of Cap. 332 to increase the maximum penalty that may be prescribed for an offence under the regulations under Cap. 332.
41. Clause 77 adds a new section 61A to Cap. 332 to provide for the standard of proof for the defence for an offence under Cap. 332.
42. Clause 78 substitutes section 62 of Cap. 332 to provide that the prosecution deadline under that section only applies to summary offences.
43. Clause 81 amends section 66 of Cap. 332 to require the Registrar to notify in the Gazette the fact that the Registrar has appointed a manager or liquidator for a trade union.
44. The Bill also makes miscellaneous amendments to Cap. 332, which include—
  - (a) replacing prescribed forms by specified forms;
  - (b) replacing pronouns specific to a gender by gender-neutral nouns; and
  - (c) replacing certain archaic language, or expressions no longer used in new legislation, by plain language.

**Part 3—Amendments to Cap. 332A**

45. Clause 86 amends regulation 2 of Cap. 332A to simplify the manner in which the addition of, or the amendment to, an entry in the register of a trade union is approved.
46. Clauses 87 to 96 make other miscellaneous amendments to Cap. 332A.