

For discussion on
24 March 2025

Legislative Council Panel on Manpower

Proposed Retention of One Time-limited Supernumerary Post of Chief Labour Officer in the Labour Department

Purpose

We propose to retain a time-limited supernumerary post¹ of Chief Labour Officer (CLO) (D1) in the Labour Department (LD) for a period of three years, with effect from 8 July 2025 or upon approval of the Finance Committee (FC) of the Legislative Council (LegCo) (whichever is the later), to lead the Registry of Trade Unions (RTU) and the Workplace Consultation Promotion Division (WCPD) of LD to strengthen the regulation of trade unions to safeguard national security as well as promote workplace consultations to foster harmonious labour relations. Members are invited to support the proposal.

Background

2. RTU administers the Trade Unions Ordinance (Cap. 332) (TUO) to foster sound trade union management to ensure that trade unions' administration and conduct of activities are in compliance with TUO and their rules (or called constitutions) registered with RTU.

3. Pursuant to Articles 9 and 10 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL), the Government of the Hong Kong Special Administrative Region (the HKSAR) shall discharge duties of public communication, education, guidance, supervision and regulation over national security matters relating to social organisations. Such "social organisations" include trade unions registered under TUO.

¹ The civil service establishment includes posts on the permanent establishment and those on the non-permanent establishment (i.e. time-limited posts). Time-limited directorate posts are referred to as "supernumerary directorate posts", which are time-limited posts on the non-permanent establishment. It does not mean they are not counted towards the establishment.

4. According to section 8 of the Safeguarding National Security Ordinance (SNSO) (6 of 2024), if the law of the HKSAR confers any function on a person (including the Registrar of the Trade Unions (the Registrar)), the function is to be read as including a duty to safeguard national security. In making any decision in the performance of the function, the Registrar must regard national security as the most important factor, and give appropriate consideration to it accordingly.

5. On 8 July 2022, FC approved the creation of one time-limited CLO post for a period of three years to assume the position of the Registrar in leading RTU to strengthen public communication, education, guidance, supervision and regulation over trade unions. The major duties of the post during the period include:

- (i) **Strengthening the vetting of applications for registration of trade unions** – From November 2019 to May 2020, RTU received a total of 4 386 applications for registration of trade unions, some of which were submitted by persons with ulterior motives of performing unlawful or defiant activities under the guise of trade unions. RTU launched several measures in September 2022 to strengthen the vetting of registration applications, including revising the “Application for Registration of a Trade Union” to require all promoters² to sign a declaration confirming that all the purposes and objects of the trade union are lawful and that the trade union will not perform or engage in any acts or activities that may endanger national security, etc. RTU has completed the processing of the 4 386 registration applications³. At end-2024, there were a total of 1 412 registered trade unions, increased by 54% over 917 at end-2019.
- (ii) **Adopting targeted enforcement strategies** – In recent years, the activities of some trade unions were suspected to be inconsistent with TUO and / or their constitutions. RTU has proactively monitored the trade unions concerned and taken timely follow-up actions. Depending on the circumstances, RTU gives verbal advice or issues advisory / warning letters to the trade unions concerned. In case of serious non-compliance, RTU may cancel the registration of a trade union in

² TUO provides that every application for registration of a trade union shall be signed by not less than seven voting members (i.e. promoters) of the trade union.

³ As at end-2024, of the 4 386 registration applications, 736 trade unions were registered under TUO and the remaining 3 650 applications were withdrawn. Among the 736 trade unions registered, 192 were later de-registered by voluntary dissolution, at their own request or owing to contravention of TUO.

accordance with the law. In 2023, the Registrar cancelled the registration of a trade union on the ground that it had been used for purposes inconsistent with its objects or constitution, thus contravening TUO.

- (iii) **Promoting national security education and trade union administration** – Apart from staging the “Seminar on Hong Kong National Security Law for Trade Unions” and the “Seminar on National Security for Trade Unions” in December 2022 and April 2024 respectively, RTU organises training courses regularly to brief officials and paid staff of trade unions on NSL, SNSO and TUO, as well as the basic knowledge of trade union management and bookkeeping. In addition, RTU has strengthened the dissemination of relevant information by setting up a thematic webpage on LD’s homepage, and publishing a leaflet on “Understanding the Relationship between the Hong Kong National Security Law & Trade Unions” and the “Trade Unions Management Newsletter”, etc.
- (iv) **Taking forward amendments to TUO** – The Government proposes to amend TUO to strengthen the statutory powers of the Registrar on supervising and regulating trade unions, and to improve the trade union regulatory regime. The Labour and Welfare Bureau (LWB) / LD consulted the Labour Advisory Board (LAB) and the LegCo Panel on Manpower on the proposed amendments in January and February 2025 respectively. Members of LAB and LegCo expressed support at the meetings. We plan to introduce the bill into LegCo in April 2025.

6. The time-limited CLO post will lapse on 8 July 2025. After a critical review, we consider it operationally necessary to retain the post for a period of three years and enhance its functions to ensure that the tasks of RTU at the senior management level will be led by a dedicated directorate officer. In particular, the tasks include completing the legislative amendment exercise on TUO, publicising and explaining the amendment details to relevant stakeholders and administering the amended TUO after the passage of the amendments by LegCo, maintaining close communications with relevant bureaux and departments, and making timely adjustments of work directions and strategies. The post will also lead WCPD in promoting workplace consultations and fostering harmonious labour relations. Detailed justifications are set out in the ensuing paragraphs.

Justifications

(A) Safeguarding National Security

7. The fundamental premise of “One Country, Two Systems” is to safeguard sovereignty, security and development interests of our nation. As the principal responsible person for the administration of TUO, the Registrar shall continuously and conscientiously discharge the constitutional and legal responsibility of safeguarding national security pursuant to relevant provisions of NSL and SNSO. Specifically, the Registrar shall formulate and implement various initiatives to strengthen and improve the trade union regulatory regime. The main duties are outlined below.

Strengthening and improving the legal system

8. As mentioned in paragraph 5(iv) above, RTU is taking forward amendments to TUO to strengthen the Registrar’s statutory powers on the supervision and regulation of trade unions for safeguarding national security, and to improve the trade union regulatory regime. Proposed amendments to safeguard national security include empowering the Registrar to refuse applications for new registration or amalgamation of trade unions as necessary for safeguarding national security; prohibiting persons convicted of specified offences (including an offence endangering national security) from serving as trade union officers or promoters for new union registration applications; regulating trade unions’ receipt and use of contributions or donations provided by an external force; regulating trade unions’ affiliation with any organization in an external place; regulating the assumption of office by trade union officers in any organization in an external place; and strengthening the statutory powers of the Registrar on regulating and investigating trade unions.

9. Proposed amendments to improve the trade union regulatory regime include empowering the Registrar to cancel the registration of a trade union undergoing dissolution where there is evidence or information revealing that the general interest of trade union members has been prejudiced (or is likely to be prejudiced) in the dissolution process; aligning the notice period and appeal period for cancelling the registration of a trade union; improving the regulation over the naming of trade unions; allowing a trade union to accept as a member of the trade union, in accordance with its registered rules, a person who is not ordinarily resident in Hong Kong but is engaged or employed in Hong Kong in a trade with which the trade union is directly concerned; allowing trade unions to use their funds (not provided by an external force) for elections of the Election Committee and the Chief Executive; and technical amendments to facilitate trade unions’ operation and

rationalise RTU's work.

10. Important considerations of the Government in drawing up the proposed amendments include addressing the current situation of local trade unions; complementing NSL and SNSO; as well as protecting employees' right and freedom to form and join trade unions pursuant to relevant laws of Hong Kong and international conventions. Owing to the complexity and importance of the legislative amendment exercise involving a wide spectrum of policies, the Registrar needs to maintain high-level liaison and collaboration with relevant bureaux and departments. LWB / LD plans to introduce the bill into LegCo in April 2025 and seek to secure its passage within the current-term LegCo. The Registrar will render full support for the scrutiny of the bill and follow up on the implementation arrangements for the amendment ordinance.

11. Having regard to complex and ever-changing national security risks, as well as the developments of local trade unions, the Registrar shall ensure effective implementation of TUO to fulfil the duty of safeguarding national security while protecting the rights of trade unions.

Strengthening and improving the implementation mechanism

12. To effectively carry out various new statutory functions relating to the aforementioned proposed amendments, the Registrar shall lead RTU in strengthening and improving the implementation mechanism, including reviewing its modus operandi and devising new implementation mechanism and operational guidelines, and formulating targeted enforcement strategies, etc. To ensure complementary implementation of NSL, SNSO and TUO, the Registrar shall also maintain high-level liaison and collaboration with relevant bureaux and departments on enforcement work involving national security issues.

13. In addition, in order to address national security threats and challenges, the Registrar shall review and enhance the implementation mechanism and enforcement strategies of RTU from time to time to ensure trade unions' compliance with TUO and promote the healthy development of trade unions.

Stepping up promotion of national security education

14. RTU shall step up educational and promotional efforts to cater for the amendments to TUO. Apart from organising seminars, briefings and training courses for officials and paid staff of trade unions, RTU will also publish promotional materials and draw up guidelines to facilitate trade

unions' understanding and compliance with the amended TUO. RTU will update relevant educational and promotional messages in a timely manner, having regard to its enforcement experience, trade unions' concerns and relevant court cases, etc.

Responding to views expressed by international organisations on trade union rights

15. On the international front, some organisations criticise the implementation of relevant international covenants⁴ in the HKSAR, involving issues of freedom of association and trade union rights, etc. The Registrar shall formulate responses of the HKSAR Government, articulate its position clearly, clarify misunderstanding in a timely manner and refute unfounded accusations.

Coordinating the work of LD in safeguarding national security

16. Under SNSO, all government bureaux and departments shall prevent, suppress and punish acts and activities endangering national security in accordance with the law. Hence, different divisions of LD shall fulfil their responsibility for safeguarding national security. The Registrar is responsible for coordinating departmental efforts in safeguarding national security and maintaining high-level liaison and collaboration with relevant bureaux and departments.

(B) Promoting workplace consultations to foster harmonious labour relations

17. Hong Kong has applied International Labour Conventions No. 98 (Right to Organise and Collective Bargaining Convention) and No. 144 (Tripartite Consultation (International Labour Standards) Convention). To fulfil the obligations under these conventions, WCPD is responsible for fostering tripartite dialogue among representatives of employers, employees and the Government, as well as promoting the Employment Ordinance and good human resource management practices to employers and employees. The time-limited CLO post proposed to be retained will concurrently lead WCPD to promote workplace consultations and foster harmonious labour relations.

⁴ Relevant international conventions include the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, etc.

18. The Registrar is well versed in trade union management and has extensive connections with trade unions and labour organisations. The Registrar can assist in formulating appropriate strategies and measures to promote sound trade union management and harmonious labour relations.

Need for Retaining the Time-limited CLO Post

19. The duties of the Registrar have long been taken up by a directorate officer at D1 level. In view of the increasingly complex duties of the Registrar and the discharge of additional essential responsibilities after amending TUO, spanning extensive policy areas and involving collaboration with multiple bureaux, departments and stakeholders concerned, a dedicated directorate officer with sufficient experience is critically required to coordinate and formulate appropriate policies to continuously address challenges including that on safeguarding national security. In addition, the close connections established between the Registrar and trade unions and labour organisations are conducive to further promoting workplace consultations and fostering harmonious labour relations. In sum, LD needs a dedicated CLO post (D1) to continuously lead and take forward the aforementioned tasks. Before the lapse of the proposed time-limited post to be retained, we will review the long-term manpower requirement having regard to the relevant work progress. The designation of the proposed time-limited CLO post to be retained will change from the Registrar to Chief Labour Officer (Labour Relations)² to reflect its expanded areas of work. The job description is at **Annex 1**. The proposed organisation chart of the Labour Administration Branch of LD is at **Annex 2**.

Non-Directorate Support

20. The proposed time-limited CLO post will be supported by a total of 38 non-directorate civil service posts⁵.

Alternatives Considered

21. We have critically examined the possibility of redeploying the existing staff of LD to absorb the various duties mentioned above. LWB and LD have been operating under a “merging of bureau and department”

⁵ The aforementioned 38 civil service posts providing support include 18 civil service posts on the establishment of RTU and 20 civil service posts on the establishment of WCPD.

arrangement. Apart from overseeing the implementation of various measures, the directorate staff of LD are also required to provide support for the formulation of labour policies. There are currently only three permanent CLO posts in LD which are respectively responsible for maintaining sound labour relations, overseeing the statutory minimum wage regime, and reviewing and implementing policies on employment benefits relating to the Mandatory Provident Fund and maternity leave pay reimbursement as well as the subsidy schemes thereunder. As they have already been stretched to the limit by their own portfolios, it is operationally infeasible for them to shoulder the duties of the proposed CLO post. The areas of work for the existing CLOs of LD are set out at **Annex 3**.

Financial and Establishment Implications

22. The proposed retention of the time-limited CLO post will incur a notional annual salary cost at mid-point of \$2,088,840. The full annual average staff cost (including salaries and staff on-cost) to be incurred is around \$2,791,000. As regards the 38 non-directorate posts mentioned in paragraph 20 above, the total notional annual salary cost estimated at mid-point is \$27,925,920, and the total full annual average staff cost (including salaries and staff on-cost) is around \$37,889,000. LD has earmarked the required provision in the 2025-26 Estimates and will reflect the resources required in the estimates of the relevant years.

23. As this time-limited post has been included in the establishment, its retention will not additionally increase the overall establishment of the civil service.

Advice Sought

24. We appeal to Members' support for the proposed retention of the aforementioned time-limited CLO post. Subject to Members' views, we will submit the proposal to the Establishment Subcommittee for consideration and seek approval from FC in accordance with the established mechanism.

Labour and Welfare Bureau
Labour Department
March 2025

**Job Description
of the Proposed Time-limited Post of
Chief Labour Officer to be Retained**

Post title : Chief Labour Officer (Labour Relations)²

Rank : Chief Labour Officer (D1)

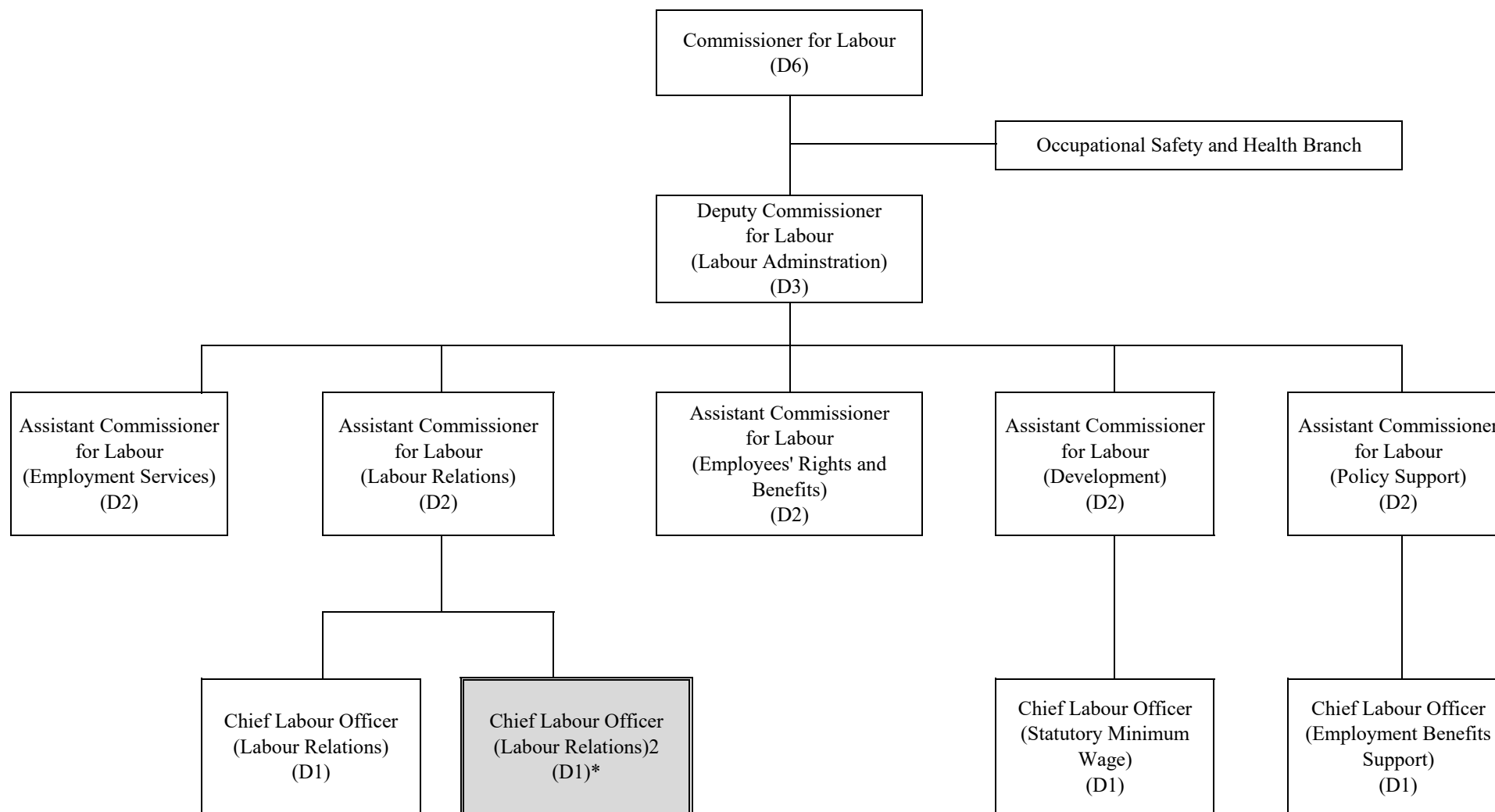
Responsible to : Assistant Commissioner for Labour (Labour Relations)
(ACL(LR))

Major Duties and Responsibilities:

1. To assume the position of the Registrar of Trade Unions (the Registrar) under the Trade Unions Ordinance (TUO) and lead the Registry of Trade Unions (RTU) in administering TUO to foster sound trade union management and protect the right and freedom of employees to form and join trade unions;
2. To complete the legislative amendment exercise on TUO, and to safeguard national security in accordance with the new powers conferred by TUO;
3. To discharge statutory functions conferred by the amended TUO to ensure trade unions' compliance with TUO and their rules registered with RTU, and to protect the rights of trade union members;
4. To devise and implement educational and promotional programmes to promote the understanding of trade unions about TUO, the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the HKSAR) and the Safeguarding National Security Ordinance;
5. To formulate responses to the views expressed by international organisations on the exercise of trade union rights by HKSAR residents and accusations against the HKSAR Government;
6. To coordinate the work of the Labour Department in safeguarding national security, and to formulate strategies and action plans to address national security risks and threats;

7. To maintain high-level liaison and collaboration with relevant bureaux and departments on matters relating to safeguarding national security;
8. To plan and supervise relevant work and activities to promote workplace consultations and foster harmonious labour relations; and
9. To provide strategic and policy support to ACL(LR) regarding the trade union regulatory regime and the promotion of workplace consultations.

Organisation Chart of the Labour Administration Branch of the Labour Department



Note -

* Proposed time-limited post of Chief Labour Officer to be retained.

**Areas of Work for the Existing Chief Labour Officers
in the Labour Administration Branch of the Labour Department (LD)**

Chief Labour Officer (Labour Relations) (CLO(LR))

CLO(LR) provides support to Assistant Commissioner for Labour (ACL)(Labour Relations) in formulating policies and strategies in respect of the maintenance of sound labour relations in the territory. CLO(LR) takes charge of studies and reviews on subjects of employment rights and benefits relating to the Employment Ordinance (EO), putting forward legislative review proposals and conducting legislative amendment exercises concerning EO and the Labour Relations Ordinance. CLO(LR) steers and supervises the operation of the Labour Relations Division with 10 branch offices across the territory to provide consultation and conciliation services with a view to resolving labour disputes and maintaining harmonious labour relations in Hong Kong. CLO(LR) establishes and fosters partnership with various relevant stakeholders to uphold industrial harmony. In addition, CLO(LR) takes action to forestall labour disputes and personally conciliates in major industrial disputes.

Chief Labour Officer (Statutory Minimum Wage) (CLO(SMW))

2. CLO(SMW) provides support to the ACL(Development) in formulating policies and strategies in respect of the implementation of SMW. CLO(SMW) steers the operation of the Statutory Minimum Wage Division (SMWD) to coordinate the implementation of the Minimum Wage Ordinance (MWO) involving other enforcement divisions of LD, takes forward the legislative exercises to revise the SMW rate; stages community-wide publicity and promotional activities to enhance the public understanding of SMW and oversees the implementation of the productivity assessment mechanism for employees with disabilities under the SMW regime. In addition, CLO(SMW) serves as the secretary to the Minimum Wage Commission (MWC) which reviews and recommends the SMW rate and discharges other functions as required by the Chief Executive (CE). CLO(SMW) underpins MWC to conduct reviews of the SMW rate and compile reports on MWC's recommendations for consideration of the CE in Council, collaborates with the Office of the Government Economist of the Financial Secretary's Office and the Census and Statistics Department in supporting the work of MWC and evaluating the impacts of SMW adjustments. CLO(SMW) also oversees the research and analyses of local views and overseas experiences on implementing minimum wage and assists in making appointments to MWC. Upon the Government's acceptance of the recommendations made by

MWC on enhancing the review mechanism of SMW, CLO(SMW) is thrashing out the implementation arrangements of the new annual review mechanism, and will monitor its implementation and underpin MWC to conduct subsequent reviews of the new mechanism. From 2025-26 onwards, CLO(SMW) will lead SMWD in supporting MWC's annual reviews of the SMW rate and future reviews of the new mechanism, amending MWO and the relevant legislation as well as planning and staging territory-wide publicity campaigns for the revised SMW rate on an annual basis.

Chief Labour Officer (Employment Benefits Support) (CLO(EBS))

3. CLO(EBS) provides support to the ACL(Policy Support) in reviewing and implementing policies relating to the Mandatory Provident Fund (MPF) related employment benefits and maternity leave pay reimbursement and the subsidy schemes thereunder. Specifically, CLO(EBS) assists in the policy of abolishing the offsetting arrangement under the MPF system and the launch of a large-scale Subsidy Scheme for Abolition of MPF Offsetting Arrangement (SSA) on 1 May 2025 which will disburse subsidies to employers over the next 25 years to help employers adapt to this major policy change. CLO(EBS) assists in administering the information technology system of SSA, developing the business process for handling SSA applications and employees' shortfall applications, stepping up publicity efforts to raise public awareness of the abolition of offsetting and familiarise the businesses with the subsidy application procedures, ensuring the smooth operation of the subsidy disbursement mechanism, overseeing the Processing Agent responsible for SSA as well as the take-up situation and cashflow of the Scheme, etc. CLO(EBS) also assists in overseeing two other major MPF-related subjects, namely, (i) review of the minimum and maximum relevant income levels for MPF contributions; and (ii) study of the proposed initiative of Government paying MPF contributions for low-income persons. In addition to the aforementioned MPF-related subjects, CLO(EBS) assists in overseeing policy and operation of the Reimbursement of Maternity Leave Pay Scheme, which reimburse employers of the additional four-week maternity leave pay paid to eligible employees since 2021.

Chief Labour Officer / Registrar of Trade Unions (the Registrar)¹

4. CLO / the Registrar provides support to ACL(Labour Relations) in formulating policies and strategies to strengthen and improve the trade union regulatory regime. CLO / the Registrar leads the Registry of Trade Unions (RTU) in administering the Trade Union Ordinance (TUO) to foster sound trade union management and protect the right and freedom of employees to form and join trade unions. On the legislative front, CLO / the Registrar takes forward a major and important legislative amendment exercise to safeguard national security through additional powers conferred by TUO. As regards the implementation mechanism, CLO / the Registrar formulates and executes targeted enforcement strategies to ensure trade unions' compliance with TUO and their rules registered with RTU; and maps out details on the modus operandi of RTU to implement the amended TUO. To deepen the understanding of trade unions about national security and trade union administration, CLO / the Registrar devises and implements relevant educational and promotional programmes. CLO / the Registrar also formulates responses to the views expressed by international organisations on the exercise of trade union rights by residents of the Hong Kong Special Administrative Region (HKSAR) and accusations against the HKSAR Government. In addition, CLO / the Registrar coordinates the work of LD in safeguarding national security, and formulates strategies and action plans to address national security risks and threats. If the proposed retention of the time-limited CLO post is approved, the designation will change to Chief Labour Officer (Labour Relations)², with expanded duties including leading the Workplace Consultation Promotion Division to formulate appropriate strategies and measures to promote workplace consultations and foster harmonious labour relations.

¹ This time-limited post was created upon approval by the Finance Committee of the Legislative Council on 8 July 2022 for a period of three years. We now propose to continue retaining this post for three years and expand its functions.