

Further information on the Hong Kong National Security Law and trade unions

The RTU has uploaded information on the Hong Kong National Security Law and trade unions to the website of the Labour Department. You may access the information via this QR code or the following link:

https://www.labour.gov.hk/eng/labour/content3_3.htm

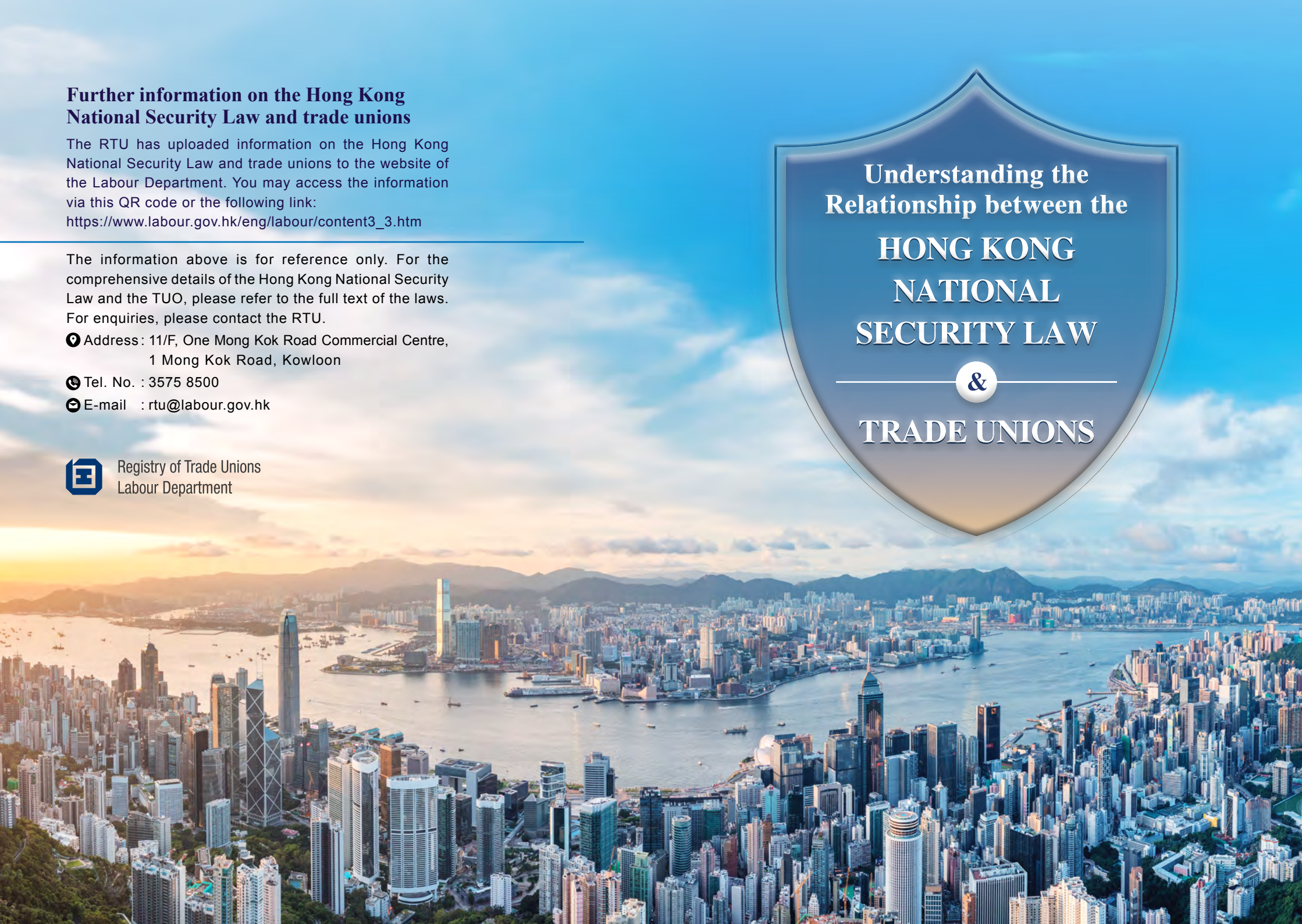
The information above is for reference only. For the comprehensive details of the Hong Kong National Security Law and the TUO, please refer to the full text of the laws. For enquiries, please contact the RTU.

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 Registry of Trade Unions
Labour Department



Understanding the Relationship between the HONG KONG NATIONAL SECURITY LAW & TRADE UNIONS

Introduction

The Hong Kong Special Administrative Region (HKSAR) is an inalienable part of the People's Republic of China and a local administrative region which enjoys a high degree of autonomy and comes directly under the Central People's Government. **Safeguarding national sovereignty, security and development interests is the constitutional duty of the HKSAR and concerns every citizen, institution and organisation in Hong Kong.**

The **purposes of** the Law of the People's Republic of China on Safeguarding National Security in the HKSAR (**Hong Kong National Security Law**), which came into effect in June 2020, **are to prevent, suppress and punish acts and activities endangering national security** (including commission of secession, subversion, terrorist activities, and collusion with a foreign country or external elements to endanger national security), **to maintain prosperity and stability of the HKSAR and to protect the lawful rights and interests of HKSAR residents.**

The Hong Kong National Security Law applies to trade unions registered under the Trade Unions Ordinance (Cap. 332) (TUO). The Registry of Trade Unions (RTU) of the Labour Department shall undertake education, public communication, guidance, supervision and regulation work over matters concerning national security relating to registered trade unions.

Protection of rights and freedoms

HKSAR residents enjoy the right and freedom to form and join trade unions in accordance with the law. The Hong Kong National Security Law stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR, and reaffirms that the rights and freedoms which HKSAR residents enjoy under the Basic Law of the HKSAR (Basic Law) and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) as applied to the HKSAR shall be protected in accordance with the law. The right to freedom of association is adequately protected by the Basic Law, the Hong Kong Bill of Rights Ordinance (Cap. 383) and relevant International Labour Conventions.

However, these rights are not absolute or unrestricted. Trade unions shall respect the law of the land when exercising these rights, including the right to freedom of association. According to the ICCPR, the right to freedom of association may be subject to restrictions provided by law which are necessary in the interests of national security or public safety, public order, the protection

of public health or morals or the protection of the rights and freedoms of others. The ICESCR also stipulates that the right to form and join trade unions, and the right of trade unions to function freely may be subject to limitations prescribed by law which are necessary in the interests of national security or public order or for the protection of the rights and freedoms of others. Moreover, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) provides that in exercising the rights provided for in this Convention, workers, employers and their respective organisations shall respect the law of the land.

Rights and duties of trade unions

Article 6 of the Hong Kong National Security Law provides that it is the common responsibility of all the people of China, including the people of the HKSAR, to safeguard the sovereignty, unification and territorial integrity of the People's Republic of China. **Any institution, organisation or individual in the HKSAR shall abide by the Hong Kong National Security Law and the laws of the HKSAR in relation to the safeguarding of national security,** and shall not engage in any act or activity which endangers national security.

The RTU administers the TUO to foster sound trade union management and trade unionism. Promoters of trade unions intending to apply for registration under the TUO are required to sign a declaration confirming that all the purposes and objects of the trade union are lawful, and that the union will not perform or engage in any acts or activities that may endanger national security or otherwise be contrary to the interests of national security and/or are in contravention of the TUO, its regulations or other relevant laws of Hong Kong. If a trade union does not comply with any provisions of the TUO or its regulations, or if any purpose of the trade union is unlawful, the RTU may refuse to register the trade union according to the TUO.

The operations of a trade union must comply with the Hong Kong National Security Law, the TUO and its regulations, other relevant laws of the HKSAR and the registered union rules. In general, trade union activities will be considered as lawful if their purposes are to promote and defend the occupational interests of trade union members, help trade union members resolve labour disputes with their employers, liaise with employers for better conditions of employment, etc. **If a trade union contravenes the relevant laws or its rules, the RTU will follow up accordingly.** Depending on the circumstances, the RTU may give verbal advice or issue advisory/warning letters to the trade unions concerned, and/or refer the cases to relevant law enforcement agencies. In case of serious non-compliance, the RTU may cancel the trade union's registration in accordance with the law.