

**Application of a Trade Union for  
Being or Becoming a Member of an Organization in an External Place  
— Guidance Notes for Completion of Form 16**

1. According to section 45 of the Trade Unions Ordinance (Cap. 332) (“TUO”), a registered trade union must not be or become a member of an organization established in an external place<sup>1</sup> unless:
  - (a) if the organization is an organization of workers, an organization of employers or a relevant professional organization<sup>2</sup>, 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 or (if applicable) the members’ representatives, present at a general meeting (section 45(1)(a) of the TUO);
  - (b) if the organization is any other organization established in an external place, the trade union has obtained the consent of the Chief Executive; and is authorized to be or become a member of the organization by secret ballot of a majority of the voting members or (if applicable) the members’ representatives, present at a general meeting (section 45(1)(b) of the TUO); and
  - (c) the organization is not a political organization or body established in a foreign country or an external place (section 45(6) of the TUO).
2. If the Registrar of Trade Unions (“Registrar”) reasonably believes that a registered trade union contravenes the above requirements, the Registrar may, in accordance with section 45(6A) of the TUO, 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.
3. A registered trade union that fails to comply with a notice served by the Registrar under section 45(6A) of the TUO commits an offence and is liable to a fine of \$100,000 and imprisonment for 6 months on summary conviction; or a fine of \$200,000 and imprisonment for 1 year on conviction on indictment.

**Seeking the Consent of the Chief Executive and Required Information**

4. If a registered trade union is required to seek the consent of the Chief Executive to be or become a member of an organization established in an external place pursuant to section 45(1)(b) of the TUO (see paragraph 1(b) above), the trade union must make an application in Form 16.

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<sup>1</sup> “External place” mentioned in the TUO has the meaning given by the Safeguarding National Security Ordinance, namely, a region or place outside the Hong Kong Special Administrative Region of the People’s Republic of China (other than the Mainland and Macao).

<sup>2</sup> According to section 44A of the TUO, “relevant professional organization”, 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.

5. The application must set out:
- (a) the particulars of the organization in an external place;
  - (b) the relevant registered rule(s) of the trade union which provides for being or becoming a member of an organization in an external place;
  - (c) the particulars of the meeting authorizing the trade union to be or become a member of the organization in an external place; and
  - (d) any other information required by the form.
6. According to section 51C of the TUO, the Registrar may inquire about a registered trade union for performing the functions of the Registrar under the TUO, and may request the trade union, an officer of the trade union or a specified person<sup>3</sup> to produce documents or information, give explanations or further particulars in respect of a document or information produced, and answer questions relating to any matter for the inquiry.
7. Failure of the trade union to provide the relevant information for the application as required by law may affect the approval of the application or result in the application being rejected.

#### Application Method

8. Please submit the completed Form 16 along with the relevant information and documents in person, or by post, fax, or email to the Registry of Trade Unions office. The contact details are as follows:

Address: 11/F, One Mong Kok Road Commercial Centre, 1 Mong Kok  
Road, Kowloon  
Fax: 2541 2681  
Email address: rtu@labour.gov.hk

#### Application Result

9. Upon approval of the application by the Chief Executive, the Registrar will notify the trade union in writing. According to section 45(4) of the TUO, any consent given may be withdrawn at the discretion of the Chief Executive.

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<sup>3</sup> “Specified person” 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.