

**Application of an Officer of a Trade Union / Trade Union Federation for  
Being an Office-bearer of an Organization in an External Place  
— Guidance Notes for Completion of Form 17**

1. According to section 45AA(1) of the Trade Unions Ordinance (Cap. 332) (“TUO”), an officer of a registered trade union / trade union federation (i.e. a member of the executive committee) must not be an office-bearer of an organization established in an external place<sup>1</sup> unless:
  - (a) the trade union / trade union federation is or becomes a member of the organization as provided in section 45(1)(a) or (b) of the TUO (section 45AA(1)(a) of the TUO); or
  - (b) the trade union / trade union federation 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 (section 45AA(1)(b) of the TUO).
2. If the Registrar of Trade Unions (“Registrar”) reasonably believes that an officer of a registered trade union / trade union federation contravenes the above requirements, the Registrar may, in accordance with section 45AA(4) of the TUO, serve on the officer and the trade union / trade union federation a written notice requiring the officer to cease holding office in the trade union / trade union federation within 14 days beginning on the date of service of the notice.
3. An officer who fails to comply with a notice served by the Registrar under section 45AA(4) 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 an officer of a registered trade union / trade union federation is required to seek the consent of the Chief Executive to be an office-bearer of an organization established in an external place pursuant to section 45AA(1)(b) of the TUO (see paragraph 1(b) above), the officer must make an application in Form 17.

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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).

5. The application must set out:
  - (a) the particulars of the organization in an external place;
  - (b) the particulars of the position that the applicant intends to hold in the organization in an external place; and
  - (c) any other information required by the form.
6. According to section 51C of the TUO, the Registrar may inquire about a registered trade union / trade union federation for performing the functions of the Registrar under the TUO, and may request the trade union / trade union federation, an officer of the trade union / trade union federation or a specified person<sup>2</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 applicant and the trade union / trade union federation 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 17 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 officer of the trade union / trade union federation in writing. According to section 45AA(3) of the TUO, any consent given may be withdrawn at the discretion of the Chief Executive.

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<sup>2</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.