

## **Application for Registration of a Trade Union** **— Guidance Notes for Completion of Form 1 —**

[ 1 ] According to section 5 the Trade Unions Ordinance (Cap. 332), a trade union must make an application for registration to the Registrar of Trade Unions (“the Registrar”) within 30 days beginning on the date of establishment of the trade union. The “Application for Registration of a Trade Union” (Form 1) must be signed by not less than seven voting members of the trade union (i.e. promoters).

[ 2 ] Section 17 of the Trade Unions Ordinance stipulates the eligibility of trade union members and voting members as follows:

- [ a ] Section 17(1): Any person who is ordinarily resident in Hong Kong and is engaged or employed in a trade, industry or occupation with which a registered trade union is directly concerned may be a member of that trade union. Any person who is casually or seasonally engaged or employed in a trade, industry or occupation with which a trade union is directly concerned may also be a member of that trade union.
- [ b ] Section 17(1AA): If a registered trade union amends its rules on the eligibility of members to allow 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 to be its member, and the above-mentioned amended rules have been registered by the Registrar, such person can become a member of that trade union.

**Note:** Section 17(1AA) only applies to registered trade unions. **Promoters for new union registration applications must fulfil the requirement of being ordinarily resident in Hong Kong.**

- [ c ] Section 17(4): A person under the age of 16 may be a member of a trade union, unless provision is made in the rules thereof to the contrary, but must not be a voting member or an officer (i.e. member of the executive committee) of a trade union.
- [ d ] Section 17(5): Any member under the age of 18, but of or over the age of 16, may, subject to the rules of the trade union, enjoy all the rights of a member, but must not be an executive committee member.

Regarding the eligibility of trade union officers stipulated under the Trade Unions Ordinance, please refer to the “Annual Return of

Membership and Officers of a Trade Union - Guidance Notes for Completion of Form 10”.

- 〔 e 〕 Section 17(1A): Trade union members who retire on account of age or ill-health may retain their trade union membership, but must not have the right to vote.
- 〔 f 〕 Section 17(2A)(a): A person who has been convicted of any offence endangering national security must not sign, as a voting member of a trade union, an application for registration of any trade union from the date of conviction.
- 〔 g 〕 Section 17(3)(a): Except with the consent of the Chief Executive in Council, a person who has been convicted of any offence involving fraud, dishonesty, extortion or membership of a triad society must not sign, as a voting member of a trade union, an application for registration of any trade union within the period of 5 years from the date of conviction or discharge from prison, whichever is the later.

〔 3 〕 Seven voting members must sign the “Application for Registration of a Trade Union” (Form 1) and submit it to the Registry of Trade Unions with all requisite documents listed below:

- 〔 a 〕 One copy of the trade union rules which has been signed by the above seven voting members;
- 〔 b 〕 One copy of duly completed Particulars of Signatories / Members of the Preparatory Committee (i.e. particulars of the above seven voting members) (Appendix A);
- 〔 c 〕 One copy of duly signed Declaration (Appendix B) from each of the above seven voting members; and
- 〔 d 〕 Copies of employment / engagement proof of the above seven voting members (e.g. employment contracts / tax returns provided by employers / employment proofs signed by employers).