

Dissolution of a Trade Union

— Guidance Notes for Completion of Form 9(a) and Form 9 —

- [1] Dissolving a trade union is a major decision. Hence, the trade union has the responsibility to notify all members to attend a general meeting through various methods and channels, and to pass the resolution on dissolution by secret ballot.
- [2] Before dissolution, the trade union must liquidate all properties, settle all debts, and resolve on the disposal of any remaining funds in accordance with the provisions of its registered rules (i.e. constitution) of the trade union. Moreover, after handling all assets, the trade union must close all bank accounts opened in its name.
- [3] The procedures for convening and conducting the general meeting must adhere to the provisions of the constitution of the trade union, such as: the meeting notice must be sent out within the timeframe as stipulated in the constitution, a sufficient quorum must be present for the meeting, and the resolution for dissolution must be passed by secret ballot.

Notice of Passing a Resolution for Dissolution of a Trade Union (Form 9(a))

- [4] According to section 31A(1) of the Trade Unions Ordinance, a registered trade union that has passed a resolution for dissolution under the rules of the trade union must, within 14 days after the date of the passage, notify the Registrar of Trade Unions (“the Registrar”) in writing (Form 9(a)) that the resolution has been passed.
- [5] The Secretary and seven voting members of the trade union should sign the “Notice of Passing a Resolution for Dissolution of a Trade Union” (Form 9(a)) before sending it to the Registry of Trade Unions (“the Registry”) with all requisite documents listed below:
 - [a] A notice and an agenda of the general meeting signed by the Secretary and seven voting members:

The motion in respect of the trade union’s dissolution must be clearly listed in the agenda. If the agenda is not included in the meeting notice as referred to in item 2(a) of the form, it must be submitted together with that notice. The meeting notice must specify the date of issue.
 - [b] The meeting minutes signed by the Secretary and seven voting members (i.e. a copy of the resolution referred to in item 2(b) of the form). The content should include the following points:
 - [i] Date and time of the meeting;
 - [ii] Venue of the meeting;
 - [iii] Chairperson of the meeting;
 - [iv] Total number of voting members (or members’ representatives) on the date of passing the resolution for the dissolution;
 - [v] Total number of voting members (or members’ representatives) present at the meeting;

- [vi] Details of the passage of resolution for the trade union's dissolution and handling of its assets by voting members (or members' representatives) at the meeting; and
- [vii] The number of voting members (or members' representatives) who voted for, voted against and / or abstained from the resolution.

Notice of Dissolution of a Trade Union (Form 9)

- [6] According to section 32(1) of the Trade Unions Ordinance, when a trade union is dissolved, the "Notice of Dissolution of a Trade Union" (i.e. Form 9) must be sent to the Registrar **within 14 days** after the date of the dissolution.
- [7] The Secretary and seven voting members must sign the "Notice of Dissolution of a Trade Union" (Form 9) before sending it to the Registry with all requisite documents listed below:
 - [a] A notice and an agenda of the general meeting signed by the Secretary and seven voting members:
The motion in respect of the trade union's dissolution must be clearly listed in the agenda. If the agenda is not included in the meeting notice as referred to in item 2(a) of the form, it must be submitted together with that notice. The meeting notice must specify the date of issue.
(Note: The documents should be submitted if the trade union had not done so when submitting the "Notice of Passing a Resolution for Dissolution of a Trade Union" (Form 9(a)).)
 - [b] The meeting minutes signed by the Secretary and seven voting members. (i.e. a copy of the resolution referred to in item 2(b) of the form) (Note: The document should be submitted if the trade union had not done so when submitting the "Notice of Passing a Resolution for Dissolution of a Trade Union" (Form 9(a)).)
 - [c] Original Certificate of Registration of a Trade Union (Form 3).
 - [d] The final statement of account of the trade union (Form 13).
Upon completing the handling of remaining funds and assets, the trade union should submit a final statement of account, which should show a zero balance. Relevant vouchers, donation receipts and proof of bank account closure, etc. should be submitted together.