

**A Concise Guide to
the Trade Unions (Amendment)
Ordinance 2025**

Preface

This booklet sets out in simple terms the major amendments made to the Trade Unions Ordinance (TUO) (Cap. 332) by the Trade Unions (Amendment) Ordinance 2025 (Amendment Ordinance), which will **take effect on 5 January 2026**. The Amendment Ordinance aims to better safeguard national security and improve the trade union regulatory regime, thereby fostering sound trade union management. The information provided in this booklet is for reference only. The Amendment Ordinance and TUO remain the sole authority for the provisions of the law explained.

Relevant information is available via the following QR code or URL:



https://www.labour.gov.hk/eng/labour/content3_4.htm

Gist of the Amendments

(1) Registration and de-registration of trade union

Application for new registration or amalgamation of trade unions

The Amendment Ordinance empowers the Registrar of Trade Unions (the Registrar) to refuse an application for new registration or amalgamation of trade unions on the following new grounds:

- (1) It is necessary for safeguarding national security;
- (2) The proposed name of the trade union¹
 - is likely to deceive or mislead the public or the members of such trade union or the members of any other existing trade union as to the nature and purposes of the trade union; or
 - is inconsistent with the objects or rules of the trade union.

Cancellation of registration of trade union/dissolution of trade union

The Amendment Ordinance includes the following new requirements for cancellation of registration of trade union/dissolution of trade union:

Cancellation of registration of trade union	• Adding a new ground for cancelling the registration of trade union: The general interests of the members of a trade union have been prejudiced, or would likely be prejudiced, in the course of dissolution of the trade union
	• Amending the notice period for cancelling the registration of a trade union from two months to 28 days to align with the appeal period

¹ The Amendment Ordinance also empowers the Registrar to refuse an application for change of trade union name on the same ground.

Dissolution of trade union	• Requiring a trade union which has passed a resolution of dissolution in accordance with its rules (or called constitutions) registered with the Registry of Trade Unions (RTU) to inform the Registrar in writing within 14 days after the passing of such resolution
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(2) Eligibility of officers, promoters and members of trade union

The Amendment Ordinance provides for the eligibility of officers (i.e. members of the executive), promoters² and members of trade union as follows:

Regulating the eligibility of officers

	Offence convicted	Disallowed from serving as trade union officer	Can the restriction be waived with the consent of the Chief Executive (CE) in Council?
Existing requirement	Offence specified in the existing Schedule 1 (i.e. fraud, dishonesty, extortion and membership of a triad society)	Within the period of five years from the date of conviction or discharge from prison, whichever is the later	✓
Revised requirement	Offence specified in the existing Schedule 1	Remains unchanged	Remains unchanged
	Any offence endangering national security ³	From the date of conviction	✗

Note: Other eligibility criteria of a trade union officer (including age, residence in Hong Kong, or the trade/industry/occupation engaged or employed in, etc.) remain unchanged.

² Under TUO, registration application of a new trade union shall be signed by not less than seven of its voting members.

³ The definition of “offence endangering national security” under section 7 of the Safeguarding National Security Ordinance (SNSO) applies to “any other Ordinance”, including TUO.

Notification of charge or conviction of specified offences

The Amendment Ordinance requires an officer of any registered trade union who has been charged with or convicted of any offence specified in the revised Schedule 1 (i.e. offences endangering national security and those involving fraud, dishonesty, extortion and membership of a triad society) to serve on the Registrar a written notice specifying the nature of the relevant offence, as soon as reasonably practicable after being charged or convicted.

Regulating the eligibility of promoters

Under TUO, registration application of a new trade union shall be signed by not less than seven of its voting members. The voting members signing the application are hereinafter referred to as “promoters”.

	Offence convicted	Disallowed from serving as promoter of trade union	Can the restriction be waived with the consent of CE in Council?
Existing requirement	Not applicable		
Revised requirement	Offence specified in the existing Schedule 1 (i.e. fraud, dishonesty, extortion and membership of a triad society)	Within the period of five years from the date of conviction or discharge from prison, whichever is the later	✓
	Any offence endangering national security	From the date of conviction	✗

Eligibility of members

	Person who is ordinarily resident in Hong Kong	Person who is not ordinarily resident in Hong Kong
Existing requirement	Must be engaged or employed in a trade, industry or occupation with which the registered trade union is directly concerned	Not eligible to be a trade union member
Revised requirement	Remains unchanged	If a 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.

(3) Trade unions being or becoming members of organizations in external places and trade union officers being office-bearers of organizations in external places

The Amendment Ordinance provides for regulation in relation to trade unions being or becoming members of organizations in external places and trade union officers being office-bearers of organizations in external places as follows:

Regulating trade unions being or becoming members of organizations in external places

Type of organization	Can a trade union be or become a member of the organization?
Organization of workers, organization of employers or relevant professional organization established in a foreign country (hereinafter referred to as “related foreign organization”)	✓ (the existing requirement is retained: authorisation by ballot of its members ⁴ is required)
Political organization or body in an external place ⁵	✗
Organization in an external place other than the above two types of organizations	✗ (unless the consent of CE and authorisation by ballot of its members are obtained)

⁴ “Authorisation by ballot of its members” means that a trade union has obtained authorisation by secret ballot of a majority of its voting members present at a general meeting; or by secret ballot of a majority of members’ representatives (MRs) present at a general meeting of MRs, where the rules of the trade union allow voting by MRs.

⁵ “External place” means a region or place outside the Hong Kong Special Administrative Region (other than the Mainland and Macao).

- A trade union is required to notify the Registrar in writing **within one month after becoming a member of a related foreign organization.**
- If the Registrar reasonably believes that a trade union contravenes relevant requirement, the Registrar may 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.

Making provisions in trade union rules for matters in respect of being or becoming members of organizations in external places

According to paragraph (h)(iiic) of Schedule 2 to the existing TUO, the rules of every registered trade union shall provide that all decisions in respect of being or becoming a member of an organization established in a **foreign country** be taken by decision of the voting members of the trade union by means of secret ballot. In light of the above amendments on regulating trade unions to be or become members of organizations in external places, the Amendment Ordinance makes consequential amendment to paragraph (h)(iiic) of Schedule 2, requiring trade unions to make provisions in their rules for matters in respect of being or becoming a member of an organization in an **external place**.

To minimise the impact of the consequential amendment on registered trade unions, the Amendment Ordinance provides for the following transitional arrangements:

	If a trade union <u>does not intend</u> to be or become a member of an organization in external place (excluding related foreign organization)	If a trade union <u>intends</u> to be or become a member of an organization in external place (excluding related foreign organization)
Trade union registered before the commencement date (i.e. before 5 January 2026)	Paragraph (h)(iiic) of the existing Schedule 2 will continue to apply (i.e. the trade union is only required to make provisions in its rules for matters in respect of being or becoming a member of an organization in a foreign country)	Require to submit an application to the Registrar for amendment of its rules and make provisions in its rules that all decisions in respect of being or becoming a member of an organization established in an external place must be taken by decision of the voting members or (if applicable) MRs of the trade union by means of secret ballot
Trade union registered on or after the commencement date (i.e. on or after 5 January 2026)	Require to make provisions in its rules for matters in respect of being or becoming a member of an organization in an external place	

Regulating trade union officers being office-bearers in organizations in external places

Type of organization	Can a trade union officer be an office-bearer in the organization?
Related foreign organization/ organization in an external place which has affiliated with the trade union in accordance with the law	✓
Political organization or body in an external place	✗
Non-affiliated organization in an external place	✗ (unless the consent of CE has been obtained)

- The trade union officer is required to notify the Registrar in writing **within one month after beginning to be an office-bearer of the affiliated organization.**
- If the Registrar reasonably believes that a trade union officer contravenes relevant requirement, the Registrar may serve on the officer and the trade union a written notice requiring the officer to cease holding office in the trade union within 14 days beginning on the date of service of the notice.

Transitional arrangements for trade union officers being office-bearers in organizations in external places

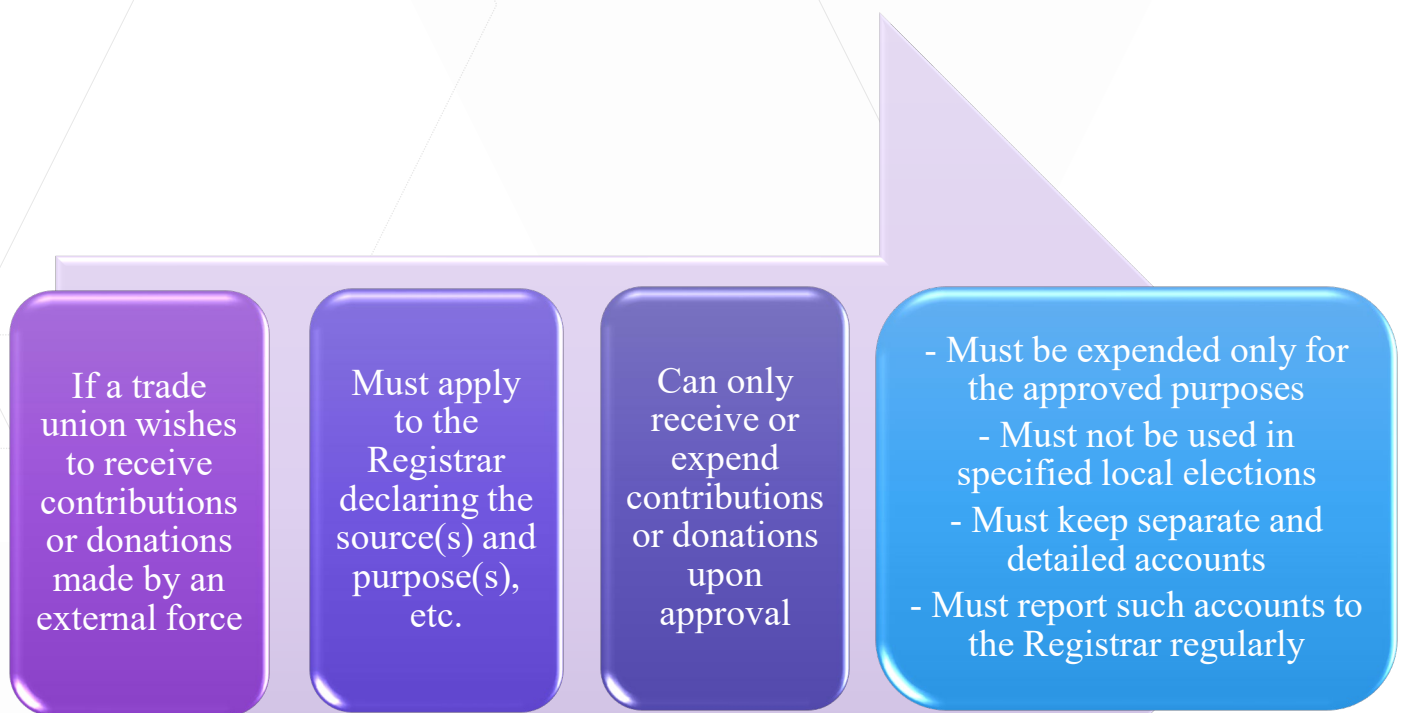
If, on the commencement date of the Amendment Ordinance (i.e. 5 January 2026), a trade union officer is an officer-bearer of:	
Affiliated organization in an external place	The trade union officer is required to notify the Registrar in writing within one month after the commencement date (i.e. on or before 5 February 2026) .
Non-affiliated organization in an external place (except political organization or body)	<u>Non-affiliated related foreign organization</u> ➤ If the trade union affiliates with the related foreign organization in accordance with the law within two months after the commencement date (i.e. on or before 5 March 2026) and the trade union officer notifies the Registrar in writing that he is the office-bearer of the related foreign organization before the above period, the trade union officer may continue to serve as the office-bearer in that organization; or ➤ If the trade union officer applies to CE for serving as an office-bearer in the related foreign organization within two months after the commencement date (i.e. on or before 5 March 2026), the trade union officer may continue to serve as an office-bearer in that organization before CE decides whether or not to give his consent.

Non-affiliated organization in an external place (except political organization or body)	<u>Other non-affiliated organization in an external place</u> ➤ The trade union officer is required to apply to CE for serving as an office-bearer of an organization in an external place within two months after the commencement date (i.e. on or before 5 March 2026). The trade union officer may continue to serve as the office-bearer of that organization before CE decides whether or not to give his consent.
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(4) Trade union funds

Regulating receipt and use of contributions or donations made by an external force

To forestall a trade union from receiving contributions or donations made by an external force⁶ to perform acts or activities endangering national security or interfere with local elections, the Amendment Ordinance stipulates the following:

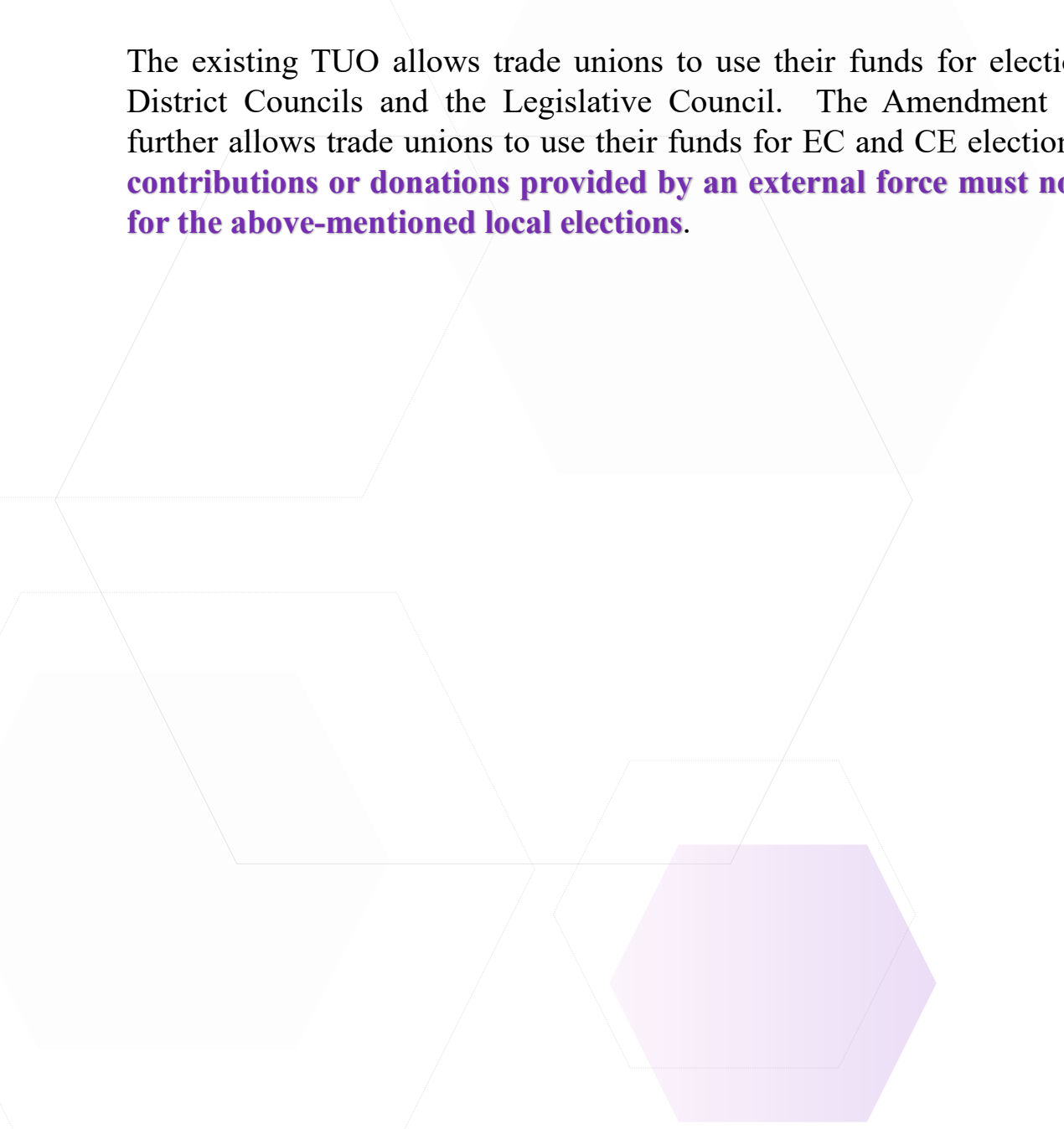


The requirement is only applicable to contributions or donations received from an external force since the commencement date of the Amendment Ordinance (i.e. on or after 5 January 2026).

⁶ The definition of “external force” under TUO is the same as the definition of “external force” under SNSO. The term “external force” is defined in section 6 of SNSO to mean (i) a government of a foreign country; (ii) the authority of an external place; (iii) a political party in an external place; (iv) any other organization in an external place that pursues political ends; (v) an international organization; and (vi) related entity or related individual of (i) to (v), etc.

Allowing trade unions to use their funds (not provided by an external force) for elections of the Election Committee (EC) and CE

The existing TUO allows trade unions to use their funds for elections of the District Councils and the Legislative Council. The Amendment Ordinance further allows trade unions to use their funds for EC and CE elections, but **the contributions or donations provided by an external force must not be used for the above-mentioned local elections.**



(5) Keeping and inspection of records

The Amendment Ordinance requires trade unions to keep specified records and make such records available to the Registrar or members for inspection. Details are as follows:

Retention period of records and relevant transitional arrangements

Record	Retention period	Transitional arrangement
Accounting records		
1. Account book containing the record of each transaction carried out by the trade union	Two years after the date on which the relevant financial year terminates	Only applicable to records created since the commencement date of the Amendment Ordinance (i.e. on or after 5 January 2026)
2. Separate account book containing the record of each transaction in connection with the contributions or donations made by an external force (if applicable)		
3. Documents necessary for verifying the records of transactions (e.g. bank statement, invoice and receipt, etc.)		
Register of members		
Register of members containing the following specified information: (i) name and occupation of the member; (ii) how the member satisfies the requirements for being a member of the trade union; (iii) type of membership; (iv) whether the member has paid subscriptions, fees and contributions in accordance with the rules of the trade union; and (v) the date on which the member ceases to be a member of the trade union (if applicable)	Two years after the date on which the member ceases to be a member of the trade union	A trade union may provide supplementary specified information of its existing members within one year beginning on the commencement date of the Amendment Ordinance (i.e. on or before 4 January 2027) [An existing member refers to a person who is a valid member on the commencement date of the Amendment Ordinance (i.e. 5 January 2026)]

Record	Retention period	Transitional arrangement
Minutes of meetings/records of resolutions		
1. Minutes of general meetings and meetings of the executive	Two years after the date on which the meeting is held/ the resolution is passed	Only applicable to meetings held/resolutions passed since the commencement date of the Amendment Ordinance (i.e. on or after 5 January 2026)
2. Records of resolutions passed by the officers without a meeting		

Inspection of records

Record	Is it required to be made available to the Registrar for inspection?	Is it required to be made available to members for inspection?
Accounting records		
1. Account book containing the records of transactions of the trade union	✓	✓
2. Separate account book containing the records of transactions in connection with the contributions or donations made by an external force (if applicable)		at the time and place specified in the rules of the trade union
3. Documents necessary for verifying the records of transactions (including bank statement, invoice and receipt, etc.)		✗*
Register of members	✓	✓
		at the time and place specified in the rules of the trade union A trade union may, in accordance with its rules and the relevant laws of Hong Kong (e.g. the Personal Data (Privacy) Ordinance), determine the information that is to be contained in the register of members made available for inspection by its members
Minutes of meetings/records of resolutions		✗*

* Unless stated otherwise in the rules of the trade union

(6) Revising and prescribing penalties for offences

To ensure effective implementation of TUO, the Amendment Ordinance raises the penalties on certain offences under the existing TUO in accordance with their nature and seriousness and prescribes the penalties for new offences. Examples are as follows:

Offences under the existing TUO

Offence	Revision of penalty level
A trade union expends its funds for purposes other than those stipulated in TUO	➤ Raised from a fine at level 1 (\$2,000) (on summary conviction) to a fine at level 5 (\$50,000) (on conviction on indictment)
Any person who contravenes the provisions of TUO by serving as an officer of a trade union	➤ Raised from a fine at level 1 (\$2,000) and imprisonment for 6 months (on summary conviction) to a fine at level 5 (\$50,000) and imprisonment for 3 years (on conviction on indictment)

New offences

Offence	Penalty level
A trade union, which has received contributions or donations made by an external force, fails to keep a separate account book containing the record of each transaction in connection with the contributions or donations and the relevant verifying documents in accordance with the statutory requirements	➤ A fine at level 5 (\$50,000) on summary conviction



Offence	Penalty level
A trade union fails to cease to be a member of an organization in an external place in accordance with the notice issued by the Registrar	➤ A fine at level 6 (\$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



Enquiries

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