

## LCQ20: Monitoring of trade unions

Following is a question by the Hon Shiu Ka-fai and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (August 25):

Question:

Some members of the community are concerned that certain trade unions newly registered under the Trade Unions Ordinance (Cap. 332) were established allegedly for unlawful purposes, and the activities conducted by those trade unions may also contravene the law or the provisions in their constitutions. They have also queried that the assets and personal data held by certain trade unions had not been properly disposed of when the latter were dissolved. In this connection, will the Government inform this Council:

- (1) of the current number of registered trade unions and, among them, the number of those established in the past three years;
- (2) of the number of registered trade unions dissolved or the dissolution of which was announced in each of the past three years;
- (3) whether it has conducted an in-depth investigation into the reasons for quite a number of trade unions being established and dissolved respectively in recent years; if so, of the details; if not, whether it will conduct such an investigation;
- (4) how it monitors if trade unions are established for lawful purposes and the activities that they conduct are in compliance with the law and the provisions in their constitutions;
- (5) how it monitors if the trade unions have properly disposed of the assets and personal data held by them as well as complied with the relevant taxation requirements, in the course of their dissolution; and
- (6) whether the law enforcement agencies may, under the existing legislation, hold the relevant persons responsible where a trade union had conducted, before its dissolution, activities in contravention with the law or the provisions in its constitution; if so, how such persons may be held responsible?

Reply:

President,

The Registry of Trade Unions (RTU) of the Labour Department is responsible for administering the Trade Unions Ordinance (TUO) (Cap. 332), promoting sound trade union management and trade unionism under the law, and ensuring trade unions' management and conduct of activities in accordance with TUO and their respective rules (or called constitutions) registered with RTU. Registered trade unions must operate in compliance with TUO and their

registered rules. RTU takes stringent follow-up action if a trade union contravenes TUO or its rules.

My reply to the Member's question is as follows:

(1) The numbers of trade unions newly registered during 2018 to 2020 under TUO by year were 13, 25 and 495 respectively. As at end-July 2021, the number of registered trade unions was 1 504.

(2) During 2018 to 2020, the numbers of dissolved trade unions registered by RTU by year were three, three and one respectively.

(3) Article 27 of the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China stipulates that HKSAR residents shall have freedom of association, and the right and freedom to form and join trade unions. Article 18 of the Hong Kong Bill of Rights, as set out in the Hong Kong Bill of Rights Ordinance (Cap. 383), also guarantees that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. On the premise of complying with TUO, trade unions are free to organise and plan their own activities, including dissolution of a trade union if required.

(4) RTU ensures trade unions' compliance with TUO and their rules by taking various measures, including conducting visits to trade unions, vetting and registering changes of trade union rules, examining annual statements of account of trade unions, organising training courses for trade union officials and staff, etc. RTU promptly takes stringent follow-up action if complaints about suspected breaches of TUO are received.

(5) A trade union intending to dissolve shall do so and dispose of its remaining assets in accordance with the provisions and manner prescribed in its registered rules. If the union has employed staff, it shall lay off its employees in accordance with the relevant legislation and handle matters relating to its debts, taxation, etc. It shall also properly dispose of all the personal data (including the registers of membership and other records containing personal data of members, etc.) held in accordance with the Personal Data (Privacy) Ordinance (Cap. 486). RTU closely monitors the procedures for the dissolution and disposal of assets of the trade unions concerned to ensure compliance with their rules and the relevant legislation.

(6) If a trade union has conducted activities in contravention with its rules or the legislation before dissolution, RTU and law enforcement agencies will take follow-up action depending on the circumstances of individual cases.