

LABOUR ADVISORY BOARD

2025 BY-ELECTION OF EMPLOYEE REPRESENTATIVE —

RULES AND PROCEDURES

Introduction

1. The Labour Advisory Board (“LAB”) is a consultative body appointed by the Secretary for Labour and Welfare (in exercise of the authority delegated by the Chief Executive) to advise the Commissioner for Labour on labour matters, including legislation and Conventions and Recommendations of the International Labour Organisation.

2. LAB comprises representatives of employers and employees. Of the six employer representatives, five are nominated by major employer associations and one appointed ad personam. Of the six employee representatives, five are elected by employee unions registered under the Trade Unions Ordinance (Chapter 332 of the Laws of Hong Kong) (“employee unions”) (see Note 1) and one appointed ad personam. The term of office of LAB Members is two years from 1 January to 31 December of the following year.

3. The 2024 LAB Election of Employee Representatives was held on 16 November 2024. As one of the elected employee representatives has resigned from the service of LAB, the Labour Department (“LD”) will hold the 2025 LAB By-election of Employee Representative to fill the vacancy. Upon the appointment by the Secretary for Labour and Welfare with authority delegated by the Chief Executive, the elected representative will become LAB Member for the current 2025-2026 term. The notice of appointment will be published in the Gazette.

LAB By-election of Employee Representative

4. The 2025 LAB By-election of Employee Representative will be held on **29 March 2025 (Saturday) at Function Rooms, 3/F South Tower, The Salisbury – YMCA of Hong Kong, 41 Salisbury Road, Tsim Sha Tsui, Kowloon**. For the purpose of the by-election, LD will issue a circular letter to all employee unions to:

- announce the by-election and its details, including the date, time and venue;

- publish the by-election rules and procedures;
- invite all registered employee unions to nominate candidates to run for the by-election;
- invite employee unions that have registered as electors to appoint authorised representatives to take part in the voting on the By-election Day; and
- invite employee unions that have not yet registered as electors to register and appoint authorised representatives to take part in the voting on the By-election Day.

Details are set out below.

Nomination of Candidates

Eligibility

5. Nomination of candidates for the 2025 LAB By-election of Employee Representative starts on **3 February 2025 (Monday)**. Each employee union registered under the Trade Unions Ordinance on or before 21 February 2025 (Friday) is entitled to nominate **one candidate** to run for the by-election. A candidate must be a **paid-up member** (see Note 2) of an employee union. Incumbent LAB employee representatives are not eligible for nomination for the by-election. For a candidate who has run for but not been elected at the 2024 LAB Election of Employee Representatives and wishes to run for the by-election, a new nomination form must be completed and submitted afresh by the nominating employee union.

How to nominate

6. The nomination from each employee union must be made by **Form LAB/E1/2025** (“nomination form”) (see Note 3). Before completing the nomination form, the nominating party should read this “Rules and Procedures” and the “Statement of Purpose for the Collection of Personal Data” attached to the nomination form.

7. Part A of the nomination form must be stamped with the official seal of the employee union making the nomination and signed by an officer (see Note 4) of the union concerned. An officer of the candidate’s employee union should also sign a statement and stamp an official seal of the union in Part B of the nomination form to certify that the candidate is a paid-up member of that union. Moreover, the nominated candidate should complete Part C of the nomination form. Please note that personal data including the particulars on the identification documents have to be collected through the nomination form so as to enable accurate identification of the nominated candidates in activities relating to the by-election. The candidate shall

provide LD with a recent full-face colour photograph for inclusion into the candidate list to be published by LD.

When to submit nomination form

8. Completed nomination forms must be sent to the International Liaison Division of LD (see Note 5) **on or before 25 February 2025 (Tuesday) by post** (see Note 6) **or by hand**. Submission of nomination forms by other means (e.g. by facsimile or electronic mail) will not be accepted. Nomination forms delivered by post must carry postmark dated **on or before 25 February 2025**. Nomination forms delivered by hand must reach the International Liaison Division of LD **during office hours** (see Note 7) **on or before 25 February 2025**. The above submission deadlines will be extended in case of inclement weather conditions (see Note 8). Employee unions are encouraged to submit their nominations as early as possible. In general, late submission of nomination will not be accepted.

9. LD will publish a bilingual candidate list carrying a photograph of each candidate for use in activities relating to the by-election. The sequence of candidates on the list will be arranged according to the order of receipt of nominations by LD.

10. If no valid candidates have been nominated, further nominations from all registered employee unions will be invited again to fill the vacant seat.

11. If there is only one validly nominated candidate, the candidate will be declared elected. Voting is not required.

12. If there is more than one validly nominated candidates, employee unions that have registered as electors and appointed authorised representative(s) will be invited to participate in a secret ballot to elect one LAB employee representative.

Withdrawal of Candidature

13. Any candidate wishing to withdraw candidature must complete and sign **Form LAB/EW/2025** (“notice of withdrawal of candidature”) (see Note 3). An officer of the nominating employee union should also complete and sign that notice of withdrawal of candidature and stamp an official seal of the union to acknowledge the candidate’s withdrawal. The completed notice of withdrawal of candidature must be sent to the International Liaison Division of LD (see Note 5) **by post** (see Note 6) **or by hand before the expiration of the nomination period (i.e. on or before 25 February 2025)**. Submission of notice of withdrawal of candidature by other means (e.g. by facsimile or electronic mail) will not be accepted. A notice of withdrawal of candidature delivered by post must carry a postmark dated **on or before 25 February 2025**. A notice of withdrawal of candidature delivered by hand must

reach the International Liaison Division of LD **during office hours** (see Note 7) **on or before 25 February 2025**. The above submission deadlines will be extended in case of inclement weather conditions (see Note 8). In general, late submission of notice of withdrawal of candidature will not be accepted.

Registration of Employee Unions as Electors

Employee unions already registered as electors

14. Re-registration is not required for employee unions which have registered as electors in the LAB elections held in 2006 or thereafter and have a valid registration on the register of trade unions maintained by the Registrar of Trade Unions under the Trade Unions Ordinance. **Please note that employee unions already registered as electors (inclusive of employee unions having appointed authorised representatives in the 2024 LAB Election of Employee Representatives) are entitled to vote in the by-election only if they have appointed authorised representative(s) by using Form LAB/E2A/2025 (“authorisation form”) (see Note 3).**

Employee unions not yet registered as electors

15. Employee unions registered under the Trade Unions Ordinance on or before 21 February 2025 (Friday), which have not yet registered as electors in the LAB elections held in 2006 or thereafter, may register as electors (see Note 9) and appoint authorised representatives. The employee unions must use **Form LAB/E2B/2025** (“registration and authorisation form”) (see Note 3) to register as electors and appoint authorised representative(s) in order to vote in the by-election.

Appointment of Authorised Representatives to Vote in the By-election

How to appoint

16. Each employee union registered as an elector can appoint **not more than two authorised representatives** to take part in the voting on the By-election Day. The person(s) so appointed must be either the **paid-up member(s)** (see Note 2) **or officer(s)** (see Note 4) **or paid staff** (see Note 10) of that union. Appointment of authorised representatives must be made by using **Form LAB/E2A/2025** (“authorisation form”) (see paragraph 14 above) or **Form LAB/E2B/2025** (“registration and authorisation form”) (see paragraph 15 above). Before completing the authorisation form / registration and authorisation form, please read this “Rules and Procedures” and the “Statement of Purpose for the Collection of Personal Data” attached to the form.

17. The authorisation form / registration and authorisation form must be stamped with the official seal of the employee union and signed by an officer (see Note 4) of the union concerned, certifying the authorised representative(s) as the paid-up member(s) or officer(s) or paid staff of the union. The person(s) authorised as representative(s) should also complete the form. Please note that personal data including particulars on the identification documents have to be collected through the authorisation form / registration and authorisation form so as to enable accurate identification of persons authorised as representatives to take part in the voting on the By-election Day.

When to submit authorisation form / registration and authorisation form

18. Completed authorisation forms / registration and authorisation forms must be sent to the International Liaison Division of LD (see Note 5) **on or before 25 February 2025 (Tuesday) by post** (see Note 6), **facsimile** (see Note 11), **electronic mail** (see Note 12) or **by hand**. Authorisation forms / registration and authorisation forms delivered by post, facsimile or electronic mail must carry postmark, facsimile timestamp or electronic mail timestamp dated **on or before 25 February 2025**. Authorisation forms / registration and authorisation forms delivered by hand must reach the International Liaison Division of LD **during office hours** (see Note 7) **on or before 25 February 2025**. The above submission deadlines will be extended in case of inclement weather conditions (see Note 8). Employee unions are encouraged to submit their authorisation forms / registration and authorisation forms as early as possible. In general, late registration as electors and / or appointment of authorised representatives will not be accepted.

Replacement of authorised representatives

19. If an employee union that has submitted an authorisation form / registration and authorisation form under paragraph 18 above finds it necessary to replace its authorised representative(s), it must notify the International Liaison Division of LD of such a replacement as soon as possible by completing **Form LAB/E3/2025(R)** (“replacement of authorisation form”) (see Note 3). The replacement of authorisation form must be stamped with the official seal of the employee union and signed by an officer (see Note 4) of the union concerned to certify the replacement representative(s) as the paid-up member(s) or officer(s) or paid staff of the union. Again, the person(s) authorised as replacement representative(s) should also complete the form. Completed replacement of authorisation forms must be sent to the International Liaison Division of LD (see Note 5) **on or before 26 March 2025 (Wednesday) by post** (see Note 6), **facsimile** (see Note 11), **electronic mail** (see Note 12) or **by hand**. Replacement of authorisation forms delivered by post, facsimile or electronic mail must carry postmark, facsimile timestamp or electronic mail timestamp dated **on or before 26 March 2025**.

Replacement of authorisation forms delivered by hand must reach the International Liaison Division of LD **during office hours** (see Note 7) **on or before 26 March 2025**. The above submission deadlines will be extended in case of inclement weather conditions (see Note 8). In general, late submission of replacement of authorisation forms will not be accepted.

20. An employee union which fails to comply with the requirements set out in paragraphs 14 to 19 above will not be allowed to vote in the by-election. The decision of the Commissioner for Labour shall be final in determining the validity of any nomination form, notice of withdrawal of candidature, authorisation form, registration and authorisation form, and replacement of authorisation form.

List of Employee Unions and List of Electors

21. A list of employee unions provided by the Registrar of Trade Unions is kept at the office of the International Liaison Division of LD (see Note 5) for inspection by representatives of employee unions during office hours (see Note 7) from 3 February 2025 to the By-election Day. Moreover, after the close of registration of electors, a list of electors will be available at the office of the International Liaison Division of LD for inspection by representatives of the electors and the public during office hours from 7 March 2025 to the By-election Day. The list of employee unions and the list of electors will also be uploaded to LD's homepage (see Note 13) during the aforementioned periods. The candidates will be provided with the list of electors for the purpose of the by-election as well.

Voting Procedure

22. The Commissioner for Labour will appoint a Returning Officer and a Deputy Returning Officer from among the staff of LD to supervise the conduct of the by-election. Around three weeks before the By-election Day, the candidates and electors that have appointed authorised representatives (including replacement representatives) will be informed in writing of the candidate list and proceedings on the By-election Day in detail.

23. The by-election will be held on **29 March 2025 (Saturday)** and the polling hours are from **9:00 am to 5:00 pm**. Authorised representatives of the electors may cast their votes during the polling hours at the polling station (**Function Rooms, 3/F South Tower, The Salisbury – YMCA of Hong Kong, 41 Salisbury Road, Tsim Sha Tsui, Kowloon**). These representatives shall register themselves at the registration counters and produce their identification documents as specified in Form LAB/E2A/2025, LAB/E2B/2025 or LAB/E3/2025(R) as appropriate, to the

polling staff for checking against a register. After registration, they can cast their votes immediately. Persons who fail to produce identification documents stated in the above forms or whose identification documents carry information different from that submitted on the forms will not be allowed to take part in the voting.

24. The authorised representative of an elector shall be issued with **one** ballot paper on the By-election Day. If an elector has appointed two authorised representatives, the ballot paper shall be issued to the authorised representative who first registers at the registration counter. Only the registered authorised representative who has been issued a ballot paper is allowed access to the voting area.

25. The ballot paper, affixed with a special seal of LD, will carry the names of the candidates (listed according to the sequence of the candidate list), their organisations and posts. It will not carry any serial number or other identification marks as secret ballot is adopted.

26. Each elector participating in the by-election can, through its authorised representative, use one ballot paper to elect **one candidate only** by stamping on the ballot paper a tick “✓” **in the box against the name of the candidate with a chop provided at the polling booth.**

27. **The authorised representatives should not make any entry or marking of any kind other than that prescribed in paragraph 26 above, otherwise the ballot paper will be considered invalid and not be counted.**

28. If an authorised representative has not yet deposited the ballot paper into the ballot box, he / she is allowed to apply for a replacement of the ballot paper with a new one under the following circumstances:

- the representative has inadvertently damaged the ballot paper received; or
- the representative has entered erroneous markings on the ballot paper.

The authorised representative should return the damaged / erroneously marked ballot paper to the Returning Officer / Deputy Returning Officer before he / she is issued a new ballot paper.

29. The authorised representatives should then deposit the ballot papers into the designated ballot box and leave the polling station after voting. They may return to the designated area of the polling station after the close of the poll to observe the counting proceedings.

30. The candidates will be admitted into the polling station (except for designated areas such as polling booths and the ballot box) to observe the voting proceedings subject to the verification of their identification documents by the polling staff.

31. **No publicity or canvassing activities are allowed within the area of The Salisbury – YMCA of Hong Kong on the By-election Day, including the display or erection of any election poster, notice, banner or signboard, or distribution of any election advertisement or publicity materials. Unless authorised by the Returning Officer / Deputy Returning Officer, persons are not allowed to use mobile phones or any other forms of electronic communication devices, or any devices for capturing images in the polling station.**

32. The Returning Officer / Deputy Returning Officer has the authority to decide and order any person(s) to immediately leave the polling station should he / she cause interruption to the election process or interfere with candidates / authorised representatives / any other persons inside the polling station; and to prohibit the person(s) from entering the polling station again over a period of time as the Returning Officer / Deputy Returning Officer deems necessary.

33. If, after the close of nomination but before the close of polling, proof is given to the satisfaction of the Returning Officer that a validly nominated candidate for by-election has died, the proceedings for the by-election have to be terminated and another by-election will be arranged (see paragraph 45 below).

Counting of Votes

34. Votes shall be counted by officers of LD at the polling station right after the close of the poll.

35. The voting system adopted for the by-election is the “first past the post” system. The candidate who obtains the greatest number of votes will be elected.

36. Counting of votes will be supervised by:

- the Returning Officer;
- the Deputy Returning Officer; and
- the candidates who wish to observe the counting.

37. **A ballot paper will be considered invalid and not be counted if:**

- **it is not affixed with the special seal of LD;**

- **it contains “✓” stamps in more than one box against the names of candidates;**
- **it does not contain any prescribed “✓” stamp;**
- **it carries markings other than the prescribed “✓”s;**
- **it is substantially mutilated;**
- **the elector’s intention is unclear; or**
- **it is marked in any way by which the elector can be identified.**

38. The decision of the Returning Officer shall be final in determining the validity of any ballot paper. The candidates can inspect all the invalid ballot papers.

39. After counting of votes has been completed, the results will in the first instance be presented to the Returning Officer, who will invite other persons in paragraph 36 above to inspect the same. In the case of very close votes, the candidate(s) concerned can request the Returning Officer to recount the votes. The Returning Officer will make a final decision on whether the votes should be recounted.

40. **If the ballot fails to clearly fill the vacant seat as a result of an equal number of votes cast for two or more of the candidates,** the filling of the remaining seat(s) will be **determined by drawing of lots** by the candidates receiving the same number of votes. The drawing of lots will be performed immediately under the supervision of the Returning Officer and may be observed by all present at the polling station. If the candidate(s) concerned is / are absent at the time of drawing lots, the Deputy Returning Officer will draw the lots on behalf of the candidate(s).

41. If the filling of the seat(s) has to be determined by drawing of lots, the method will be as follows:

- (a) A total of 10 identical cards each marked with a number from 1 to 10 will be put into an empty opaque paper box provided by LD. Each candidate receiving the same number of votes is to draw one card from the paper box according to the sequence of the candidate list. The number marked on the card should be noted by the Returning Officer and then the card should be put back into the paper box.
- (b) As there is only one seat to be filled, the candidate who draws the larger number will fill the seat. 1 is the smallest number and 10 is the largest number. If two or more of the candidates have drawn the same larger number and the remaining candidate(s) has / have drawn a smaller number (if applicable), there must be a second draw for those candidates who have obtained the same larger number in

the first draw. If two or more of the candidates have also drawn the same larger number and the remaining candidate(s) has / have drawn a smaller number (if applicable) in the second draw, there must be a third drawing of lots by those candidates who have obtained the same larger number in the second draw, and so on until the seat is filled by a candidate with the larger number (see Note 14).

Announcement of By-election Results

42. The Returning Officer will announce the number of votes received by each candidate and the by-election results upon completion of counting of votes and, where necessary, upon completion of drawing of lots.

43. If, before declaring the result of the by-election, proof is given to the satisfaction of the Returning Officer that the candidate who is found to be successful at the by-election has died, the by-election should be considered as failed and another by-election will be arranged (see paragraph 45 below).

44. All employee unions will be notified in writing of the by-election results.

Special Circumstances

45. In case the election cannot be conducted or completed on 29 March 2025 owing to inclement weather or circumstances beyond the control of LD (such as the circumstances as mentioned in paragraphs 33 and 43 above), LD will arrange another by-election as soon as possible and will inform all the candidates and qualified electors of the arrangements.

Labour Department
February 2025

~ The End ~

Notes

- Note 1 Employee unions refer to trade unions registered under the Trade Unions Ordinance of which all the voting members are employees and the trade unions have a valid registration as of the By-election Day.
- Note 2 A paid-up member is a member who has paid membership fee in accordance with the rules of the employee union.
- Note 3 The form can be downloaded from LD's homepage as follows:
www.labour.gov.hk/eng/news/LAB_By-election2025.htm (English version)
www.labour.gov.hk/tc/news/LAB_By-election2025.htm (Chinese version)
- Note 4 An officer means any member of the current executive of the employee union but not an auditor thereof.
- Note 5 The address of the International Liaison Division of LD is as follows:
15/F, Harbour Building
38 Pier Road
Central
Hong Kong
- Note 6 To minimise the risk of loss of forms sent by post, employee unions must affix sufficient postage or use registered mail.
- Note 7 Office hours of the International Liaison Division of LD are as follows:
Monday – Friday 9:00 am to 1:00 pm; and 2:00 pm to 6:15 pm
(closed on Saturdays, Sundays and public holidays)
- Note 8 If tropical cyclone warning signal No. 8 or above is hoisted, or a black rainstorm warning signal or “extreme conditions” announced by the Government is / are in force during office hours on the submission deadline, the deadline will be extended to the first working day after the tropical cyclone warning signal No. 8 or above is lowered, or the black rainstorm warning signal or the “extreme conditions” announced by the Government has / have ceased to be in force.
- Note 9 Once registered, employee unions will be included in the list of electors of future LAB elections and by-elections (if applicable) and re-registration will not be required. LD will update the list according to the register of trade unions before every election.
- Note 10 A paid staff means a person appointed by and acting under the instructions of the executive of the employee union and paid from the funds thereof.

- Note 11 The facsimile numbers of the International Liaison Division of LD are as follows:
2854 3435 and 3105 0635
- Note 12 The email address of the International Liaison Division of LD is as follows:
LAB2025@labour.gov.hk
- Note 13 The list of employee unions and the list of electors will be available at LD's homepage as follows:
www.labour.gov.hk/eng/news/LAB_By-election2025.htm (English version)
www.labour.gov.hk/tc/news/LAB_By-election2025.htm (Chinese version)
- Note 14 Example: Where there are three candidates having an equal number of votes and the three candidates have obtained respectively "10", "5" and "2", the candidate who has obtained "10" will fill the seat. If two of the three candidates have obtained "5" and one has obtained "2", then the two candidates who have obtained "5" will participate in another draw until the seat is filled by a candidate with the larger number.