

Labour Department

List of Legal Restrictions and Obligations

Legal Reference	Summary
Section 72A of Employment Ordinance, Cap 57	Disclosure of the following information is prohibited : (a) the name or identity of the person who has made a complaint alleging a contravention of the Ordinance; (b) that the visit to the place of employment maintained by the employer was made in consequence of the receipt of the complaint; (c) any manufacturing or commercial secret or any working process that comes to the knowledge of a public officer; except that with the order of the court during legal proceedings, disclosure of information relating to (a) and (c) is permitted.
Section 3(2) of Factories and Industrial Undertakings (Safety Management) Regulation, Cap 59	The register of registered safety auditors and registered scheme operators shall be available for inspection by the public free of charge.
Section 4 of Factories and Industrial Undertakings (Asbestos) Regulation, Cap 59	The Commissioner shall approve or revoke the approval of a respiratory protective equipment by notice in the Gazette. The Commissioner shall notify the approved notification form for asbestos work, the approved method for measuring exposure to asbestos and the approved form of health register by notice in the Gazette.
Regulation 6(2) of Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulation, Cap 59	The register of safety officers shall be available for inspection by the public free of charge.
Section 6BA(2) of Factories and Industrial Undertakings Ordinance, Cap 59	The Commissioner shall recognize a relevant safety training course by notice in the Gazette.

Legal Reference	Summary
Section 12 of Factories and Industrial Undertakings (Confined Spaces) Regulation, Cap 59	The Commissioner shall approve a breathing apparatus by notice in the Gazette.
Regulation 13 of Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulation, Cap 59	Cancellation or suspension of registration of safety officers shall be published in the Gazette.
Section 31 of Factories and Industrial Undertakings (Safety Management) Regulation, Cap 59	Cancellation or suspension of registration of safety auditors or scheme operators shall be published in the Gazette.
Regulation 4 of Factories and Industrial Undertakings (Protection of Eyes) Regulation, Cap 59	The Commissioner shall approve specifications for eyes protectors, shields and fixed shields by notice, and revoke, replace or amend such notice, in the Gazette.
Section 7 of Factories and Industrial Undertakings (Noise at Work) Regulation, Cap 59	The Commissioner shall publish in the Gazette the name or description of the type of ear protector that he has approved.
Regulation 16F of Factories and Industrial Undertakings Regulations, Cap 59	<p>The information of person under the age of 21 employed to work underground shall be supplied to an authorized member of the executive of the trade union on his request.</p> <p>Disclosure of medical information of persons employed to work underground is prohibited.</p>
Regulation 19 of Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations, Cap 59	The Commissioner shall approve a cartridge-operated fixing tool by notice in the Gazette.
Regulation 20(4) of Factories and Industrial Undertakings Regulations, Cap 59	Disclosure or publication of any analysis results on samples taken from industrial undertakings is prohibited.
Section 17L(1A) of Immigration Ordinance, Cap 115	An employer has the right to access to make copies of and take extracts from records, lists or other documents that are required to be kept by him under Section 17K of the Ordinance or which have been seized and removed by the Director of Immigration for an offence, pending any proceedings for the offence.

Legal Reference	Summary
Section 7(2) of Trade Unions Ordinance, Cap 332	When the Registrar of Trade Unions refuses to register a trade union, he shall notify the applicant in writing of his refusal and specify the ground for his refusal.
Section 11 of Trade Unions Ordinance, Cap 332	Before cancelling the registration of a registered trade union, the Registrar shall give to the trade union not less than 2 months' previous notice in writing specifying the ground for cancellation, but no such notice is required in the following circumstances : (a) where the trade union has ceased to exist; or (b) where cancellation is at the request of the trade union.
Section 27(2) of Trade Unions Ordinance, Cap 332	Where the Registrar refuses to give his consent to the amalgamation of any registered unions, he shall notify the trade unions in writing of his refusal and specify the ground for his refusal.
Regulation 3 of Trade Union Registration Regulations, Cap 332	Members of the public may, on application in writing to the Registrar, inspect the register at the Registry of Trade Unions free of charge.
Regulation 4 of Trade Union Registration Regulations, Cap 332	Members of a registered trade union may, on application in writing to the Registrar, inspect free of charge, at the Registry of Trade Unions any documents required by law to be filed with the Registrar, relating to such registered trade union or to any registered trade union federation to which such registered trade union is a party.
Section 17 of Protection of Wages on Insolvency Ordinance, Cap 380	Any applicant aggrieved by any decision of the Commissioner for Labour under Section 16 may in writing request the Commissioner to give reasons for that decision.
Section 21 of Minor Employment Claims Adjudication Board Ordinance, Cap 453	The written award or order made by the adjudication officer shall be served by the Registrar on the parties concerned.

Legal Reference	Summary
Rule 5 of Minor Employment Claims Adjudication Board (General) Rules, Cap 453	Where an application for leave to appeal is made, the Registrar shall on request of any party to the proceedings and on payment of the prescribed fee supply to the applicant within 7 days of the request a certified copy of the records of proceedings.
Section 29 of Occupational Safety and Health Ordinance, Cap 509	<p>Disclosure of the following information is prohibited :</p> <ul style="list-style-type: none"> (a) the name or any information that could identify a person who has made a complaint alleging a contravention of the Occupational Safety and Health Ordinance or the Factories and Industrial Undertakings Ordinance (Cap. 59); (b) that a visit to the workplace was made as a result of a complaint; (c) information relating to manufacturing or commercial secrets or working processes that was obtained through the exercise or performance of a function under the Occupational Safety and Health Ordinance or the Factories and Industrial Undertakings Ordinance (Cap. 59); (d) information relating to occupational disease notified by a medical practitioner; except with the order of the court in connection with the hearing or determination of any matter by the court.

Labour Department

List of Tribunals/Inquiries

Legal Reference	Tribunals/Inquiries
Sections 2 to 5 of Minor Employment Claims Adjudication Board Ordinance, Cap. 453	Provides for the establishment of the Minor Employment Claims Adjudication Board (MECAB) within the Labour Department to adjudicate minor employment claims when settlement cannot be achieved through conciliation by the Labour Relations Division.
Section 3 of Protection of Wages on Insolvency Ordinance, Cap. 380	Provides for the establishment of the Protection of Wages on Insolvency Fund and a board to administer it. Under the Ordinance, employees who are owed wages, wages in lieu of notice, severance payment, pay for untaken annual leave and untaken statutory holidays by their insolvent employers may apply to the Fund for <i>ex-gratia</i> payments.
Section 27 of Pneumoconiosis and Mesothelioma (Compensation) Ordinance, Cap. 360	Provides for the establishment of the Pneumoconiosis Compensation Fund, administered by the Pneumoconiosis Compensation Fund Board, which pays compensation to sufferers of silicosis, or asbestosis and/or cancerous mesothelioma.

Administration Division
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