

Labour Tribunal (Forms) Rules

(Cap. 25, section 45)

[1 March 1973]

(Format changes—E.R. 1 of 2013)

1. Citation

These rules may be cited as the Labour Tribunal (Forms) Rules.

2. Forms

The forms contained in the Schedule may be used in the tribunal with such variations as the circumstances may require.

Schedule

Form 1

[rule 2]

Labour Tribunal Ordinance
(Chapter 25)

TITLE TO CLAIM: GENERAL FORM

Between (a) Claim No. of
Claimant(s)
and
(b) Defendant(s)

Note: (a) Insert full name and address of each claimant and, in the case of a representative claim, the name and address of each person represented.

(b) Insert full name and address of each defendant.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 2

[s. 11]

Labour Tribunal Ordinance
(Chapter 25)

FORM OF CLAIM

[title as in Form 1]

TO THE DEFENDANT.

The claimant claims the amount of
particulars of the grounds for which and the manner in which it is
calculated are set out as follows:

(a) 1. The grounds for the claim are:

(b) 2. The amount of claim is calculated as follows:

Dated this day of

.....
(c) *(Signature of Claimant)*

Filed this day of

Registrar

L.S.

- Note:* (a) Set out sufficient particulars to inform the defendant of the grounds for the claim.
(b) Set out in full the manner in which the amount of claim is calculated and whether it includes any interest or expenses.
(c) This claim must be signed by each claimant or person represented before the date of hearing.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 3

[s. 13]

Labour Tribunal Ordinance
(Chapter 25)

NOTICE OF PLACE AND DAY FIXED FOR HEARING

[title as in Form 1]

TO THE DEFENDANT.

TAKE NOTICE that this claim has been made by the claimant against you and will be heard at a tribunal to be held at before, Presiding Officer, on the day of, at *a.m./p.m.

AND TAKE NOTICE that if you do not attend at the time and place mentioned, the claim will be heard in your absence and such award or order may be made in your absence as the tribunal thinks fit.

Dated this day of

Registrar

L.S.

(a) This notice and a copy of the claim was served by me on at on the day of

(Signature of recipient of claim and notice)

(Signature of process server)

* Delete whichever is not applicable.

Note: (a) Service shall be effected in accordance with section 13(2) of the Labour Tribunal Ordinance.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 4

[s. 13]

Labour Tribunal Ordinance
(Chapter 25)

NOTICE OF NEW PLACE AND NEW DAY FIXED FOR HEARING

[title as in Form 1]

TO THE DEFENDANT.

TAKE NOTICE that this claim will be heard at on the day of, at *a.m./p.m. and any previous notice of the place and date of hearing is hereby cancelled.

Dated this day of

Registrar

L.S.

(a) This notice was served by me on at on the day of

(Signature of recipient of notice)

(Signature of process server)

* Delete whichever is not applicable.

Note: (a) Service shall be effected in accordance with section 13(2) of the Labour Tribunal Ordinance.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 5

[(Gen.) rule 7]

Labour Tribunal Ordinance
(Chapter 25)

NOTICE OF DAY OF HEARING BY COURT/TRIBUNAL TO
WHICH CLAIM HAS BEEN TRANSFERRED

In the *Court of First Instance/District Court/Small Claims Tribunal of
Hong Kong

[*title as in Form 1*]

TO ALL PARTIES INTERESTED.

TAKE NOTICE that this claim has been transferred to *this Court/this
Tribunal and will be heard at on the day of,
at *a.m./p.m.

Dated this day of

Registrar,
**High Court/District Court/Small Claims Tribunal*

L.S.

(a) This notice was served by me on at
..... on the day of

(Signature of recipient of notice)

(Signature of process server)

* Delete whichever is not applicable.

Note: (a) Service shall be effected in accordance with the Labour
Tribunal (General) Rules.

(L.N. 125 of 1995; 25 of 1998 s. 2; 25 of 1999 s. 19; 20 of 2014 s. 19)

Form 6

[s. 14(1) & (Gen.)
rule 8(a)]

Labour Tribunal Ordinance
(Chapter 25)

SUMMARY OF FACTS

[title as in Form 1]

TO THE PRESIDING OFFICER.

I,, tribunal officer, on the day of received a copy of this claim from the registrar and have inquired into the facts thereof, a summary of which is set out in the following :

1. By a contract of employment made *orally/in writing, *(a copy of which is attached) on the day of, the claimant(s) agreed *to serve/employ the defendant(s) as on the following terms:
 - (a)
 - (b)
 - (c)
 - (d)

2. *The claimant(s) were dismissed from the services of the defendant(s) on the day of

3. *The dismissal was made *orally/in writing *(a copy of which is attached).

4. *The defendant(s) left the services of the claimant(s) on the day of

5. *The defendant(s) gave *no notice/ days' notice to the claimant(s) of *his/their intention to leave the services of the claimant(s).

6. *The claimant(s) became ill on the day of and informed the defendant(s) *orally/in writing *(a copy of which is attached) of *his/their illness and the opinion of *his/their medical advisor *(a copy of which is attached) that he/they would be unable to resume work for days.

7. *The following facts are agreed by the claimant(s) and the defendant(s):
 - (a)
 - (b)
 - (c)
 - (d)

8. *The claimant(s) dispute(s) the following facts:
 - (a)
 - (b)
 - (c)
 - (d)

9. *The defendant(s) dispute(s) the following facts:

- (a)
- (b)
- (c)
- (d)

10. The following facts are, in my opinion, of assistance to the tribunal:

- (a)
- (b)
- (c)
- (d)

11. The following persons have refused to be interviewed by me:

- (a)
- (b)
- (c)
- (d)

12. The following persons have been interviewed by me but have refused to *make any statement/answer any question put to him:

- (a)
- (b)
- (c)
- (d)

Dated this day of

.....
Tribunal Officer

* Delete whichever is not applicable.

Note: To be completed in duplicate and delivered to the registrar not later than 24 hours after the completion of the necessary inquiries.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 7

[s. 15(1)]

Labour Tribunal Ordinance
(Chapter 25)

CERTIFICATE OF CONCILIATION

[title as in Form 1]

I,, authorized officer, hereby
*certify/report—

*That the following *claimant(s) defendant(s), having been interviewed by me, *has/have indicated *his/their refusal to take part in conciliation :

- (a) 1.
2.
3.
4.

*That the parties to this claim, having taken part in conciliation, have not been able to reach any settlement.

*That having interviewed the parties to this claim, I am of the opinion that conciliation is unlikely to result in a settlement being reached.

*That having interviewed the parties to this claim, I am of the opinion that conciliation may prejudice the interest of the *claimant(s)/defendant(s).

*(b) Dated this day of

Authorized Officer

*(c) I,, tribunal officer, having studied the above report, certify that it is true and correct.

*(b) Dated this day of

Tribunal Officer

* Delete whichever is not applicable.

- Note:* (a) Insert full name of each claimant or person represented, or defendant who refuses to participate in conciliation.
(b) To be delivered to the registrar not later than 24 hours before the date fixed for the hearing of the claim.
(c) To be filled and signed by the tribunal officer if the authorized officer has reported to him on conciliation.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 8

[s. 15(3)]

Labour Tribunal Ordinance
(Chapter 25)

NOTICE OF ADJOURNMENT

[title as in Form 1]

TO THE COMMISSIONER FOR LABOUR.

TAKE NOTICE that this appearing to me that there is a reasonable likelihood of a settlement of this claim being agreed to by all or some of the parties thereto, I have ordered that hearing of this claim be adjourned to the day of at
*a.m./p.m.

Dated this day of

Presiding Officer

* Delete whichever is not applicable.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 9

[s. 15(5) & (6)]

Labour Tribunal Ordinance
(Chapter 25)

ADVICE OF RESULT OF CONCILIATION

[title as in Form 1]

TO THE PRESIDING OFFICER.

Conciliation has been held by me pursuant to section 15(4) of the Labour Tribunal Ordinance between the *(following) parties to this claim:

*A settlement has been agreed to by such parties.

*I am of the opinion that there is no reasonable likelihood of a settlement being agreed to by such parties.

*The following has resulted from conciliation:

Dated this day of

**Authorized Officer/for
Commissioner for Labour.*

* Delete whichever is not applicable.

Note: This advice has to reach the presiding officer not less than 24 hours before the date to which hearing has been adjourned.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 10

[s. 15(7)]

Labour Tribunal Ordinance

CERTIFICATE OF SETTLEMENT

[*title as in Form 1*]

We, (a)

parties to this claim, hereby agree to a settlement of this claim on the following terms:

(b)

The above agreement has been interpreted to us in the dialect and understood by us.

Dated this day of

(c) (*Signature of Claimant(s)*)

(c) (*Signature of Defendant(s)*)

Before me,

Authorized Officer

Filed this day of

Registrar

L.S.

- Note:* (a) Insert full names of those parties who agree to the settlement.
(b) Set out in full the conditions on which the settlement is agreed.
(c) This certificate must be signed by all parties who agree to the settlement.

(*L.N. 125 of 1995; 20 of 2014 s. 19*)

Form 11

[s. 31(2)(a)]

Labour Tribunal Ordinance
(Chapter 25)

OWN MOTION

[title as in Form 1]

TO ALL PARTIES INTERESTED.

TAKE NOTICE that in exercise of the powers conferred by section 31(1) of the Labour Tribunal Ordinance, Presiding Officer, will review the *award/order made on the day of against (a) *claimant(s)/defendant(s) to this claim.

AND TAKE NOTICE that the review will be heard at on the day of at *a.m./p.m.

Dated this day of

Registrar

L.S.

(b) This notice was served by me on at on the day of

(Signature of recipient of notice) (Signature of process server)

* Delete whichever is not applicable.

- Note: (a) Insert full name and address of party against whom award/order was made. (a) Service shall be effected in the manner prescribed under the Labour Tribunal (General) Rules.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 12

[s. 31(2)(b)]

Labour Tribunal Ordinance (Chapter 25)

NOTICE OF REVIEW BY A PRESIDING OFFICER ON THE APPLICATION OF A PARTY

[title as in Form 1]

TO ALL PARTIES INTERESTED.

An Application has been made by (a), a party to this claim, for a review under section 31 of the Labour Tribunal

Ordinance of an *award/order made on the day of in respect of this claim.

TAKE NOTICE that, Presiding Officer, will review the *award/order at on the day of at *a.m./p.m.

Dated this day of

Registrar

L.S.

(b) This notice was served by me on at on the day of

(Signature of recipient of notice)

(Signature of process server)

* Delete whichever is not applicable.

Note: (a) Insert full name of the party by whom the application has been made.

(b) Service shall be effected in the manner prescribed under the Labour Tribunal (General) Rules.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 13

[s. 31(4)]

Labour Tribunal Ordinance
(Chapter 25)

APPLICATION FOR REVIEW OF AN *AWARD/ORDER
BY A PARTY

[title as in Form 1]

To, PRESIDING OFFICER

I, (a), a party to this claim which was heard and determined before you on the day of, being dissatisfied with the *award/order made by you in respect of this claim, hereby, pursuant to section 31(2)(b) of the Labour Tribunal Ordinance, make application to you to review the *award/order.

(b) Dated this day of

(Signature of Applicant)

* Delete whichever is not applicable.

- Note: (a) Insert full name of the party making application.
 (b) An application for a review of an award or order must be made within 7 days of the award or order.

(L.N. 125 of 1995; 20 of 2014 s. 19)

Form 14

[s. 32(2)]

Labour Tribunal Ordinance
(Chapter 25)

APPLICATION FOR LEAVE TO APPEAL ON POINT OF LAW

[title as in Form 1]

TO THE COURT OF FIRST INSTANCE.

I, (a), a party to this claim, pursuant to section 32 of the Labour Tribunal Ordinance do hereby apply for leave to appeal against the *award/order/determination by, Presiding Officer, made in respect of this claim on the day of

The grounds on which I desire to appeal are that—

*the *award/order/determination is erroneous in point of law in that—(b)

- 1.
- 2.
- 3.
- 4.

*the *award/order/determination is outside the jurisdiction of the tribunal in that—(c)

- 1.
- 2.
- 3.
- 4.

Dated this day of

(Signature of Applicant)

(d) Lodged this day of

Registrar, High Court

L.S.

* Delete whichever is not applicable.

- Note: (a) Insert full name of the party making the application for leave to appeal.
 (b) Set out the point of law in question.
 (c) Set out the reasons.
 (d) This application must be lodged with the Registrar, High Court, within 7 days after the date on which the written award/order/determination appealed against was served.

L.N. 133 of 1974; L.N. 126 of 1976; L.N. 203 of 1982; L.N. 125 of 1995; 25 of 1998 s. 2; 20 of 2014 s. 19)

Form 15

(Repealed L.N. 126 of 1976)

Form 15A

[(Gen.) rule 8A]

Labour Tribunal Ordinance
(Chapter 25)

NOTICE OF DAY FIXED FOR HEARING OF AN APPLICATION
FOR LEAVE TO APPEAL

[title as in Form 1]

To (the applicant).

TAKE NOTICE that your application dated
 for leave to appeal against the *award/order/determination of
, Presiding Officer, made on the
 day of in respect of this
 claim will be heard at on the
 day of at

Dated this day of

Registrar, High Court

L.S.

(a) This notice was served by me on at

..... on the day
of

(Signature of recipient of notice)

(Signature of process server)

* Delete whichever is not applicable.

Note: (a) Service to be effected in accordance with the Labour Tribunal
(General) Rules.

*(L.N. 133 of 1974; L.N. 203 of 1982; L.N. 125 of 1995; 25 of 1998 s. 2; 20
of 2014 s. 19)*

Form 16

[(Gen.) rule 9(1)(c)]

Labour Tribunal Ordinance
(Chapter 25)

NOTICE OF DAY FIXED FOR HEARING OF AN APPEAL

In the High Court of Hong Kong

[title as in Form 1]

TO ALL PARTIES INTERESTED

TAKE NOTICE that leave to appeal against the
*award/order/determination of, Presiding Officer,
made on the day of in respect of this claim has
been granted. The grounds of appeal are set out in the application for leave
to appeal, a copy of which is annexed hereto.

AND TAKE NOTICE that this appeal will be heard at
..... on the day of
at

Dated this day of

Registrar, High Court

L.S.

(a) This notice was served by me on
at on the day of

(Signature of recipient of notice)

(Signature of process server)

* Delete whichever is not applicable.

Note: (a) Service to be effected in accordance with the Labour Tribunal (General) Rules.

(L.N. 133 of 1974; L.N. 203 of 1982; L.N. 125 of 1995; 25 of 1998 s. 2; 20 of 2014 s. 19)

Form 17

[(Gen.) rule 12(1)]

Labour Tribunal Ordinance
(Chapter 25)

CERTIFICATE OF *AWARD/ORDER

[title as in Form 1]

I,, certify that (a) on the day of obtained against (b) in the tribunal *the award of /the order for the payment of

Dated this day of

**Registrar/Officer authorized by Presiding Officer under rule 12(4) of the Labour Tribunal (General) Rules*

L.S.

TO THE REGISTRAR, DISTRICT COURT.

The above certificate is presented by me for registration in accordance with rule 12(2) of the Labour Tribunal (General) Rules.

Dated this day of

(Signature of party presenting for registration)

The above certificate is registered in the District Court.

Dated this day of

Registrar, District Court

L.S.

* Delete whichever is not applicable.

Note: (a) Insert full name of party in whose favour the award or order is made.

(b) Insert full name of party against whom the award or order is made.

(c) *(Repealed 20 of 2014 s. 19)*

(L.N. 126 of 1976; L.N. 280 of 1981 L.N. 125 of 1995; 20 of 2014 s. 19)

Form 18

[s. 20A]

Labour Tribunal Ordinance
(Chapter 25)

APPLICATION FOR RESTORATION OF A CLAIM

[title as in Form 1]

TO THE LABOUR TRIBUNAL.

I, (a)....., a claimant to this claim, which was struck out by the tribunal in my absence on the day of hereby, pursuant to section 20A of the Labour Tribunal Ordinance, make application for the restoration of the claim.

The *reason/reasons for my non-appearance at the hearing *is/are

(b) Dated this day of

(Signature of Applicant)

* Delete whichever is not applicable.

Note: (a) Insert full name of the claimant making application.

(b) This application must be made to the tribunal within 7 days after the hearing or such further period as the tribunal may allow.

(L.N. 93 of 1984; L.N. 125 of 1995; 20 of 2014 s. 19)

Form 19

Labour Tribunal Ordinance
(Chapter 25)

APPLICATION TO SET ASIDE AN *AWARD/ORDER

[title as in Form 1]

TO THE LABOUR TRIBUNAL.

I, (a)....., a defendant to this claim, which was heard and determined by the tribunal in my absence and an *award/order made on the day of, hereby, pursuant to section 21A of the Labour Tribunal Ordinance, make application to set aside the *award/order.

The *reason/reasons for my non-appearance at the hearing *is/are

(b) Dated this day of

(Signature of Applicant)

* Delete whichever is not applicable.

- Note: (a) Insert full name of the defendant making application.
 (b) This application must be made to the tribunal within 7 days after the hearing or such further period as the tribunal may allow.

(L.N. 93 of 1984; L.N. 125 of 1995; 20 of 2014 s. 19)

Form 20

[ss. 20A & 21A]

Labour Tribunal Ordinance
(Chapter 25)

NOTICE OF PLACE AND DAY FIXED FOR HEARING OF
AN APPLICATION TO *RESTORE A CLAIM/SET ASIDE
AN *AWARD/ORDER

[title as in Form 1]

TO ALL PARTIES INTERESTED.

An application has been made by (a)
....., a *claimant/defendant to this claim, to—

*restore under section 20A of the Labour Tribunal Ordinance a claim which was struck out

*set aside under section 21A of the Labour Tribunal Ordinance the
*award/order made

in the absence of the applicant on the day of
..... in respect of this claim. The reasons for the
non-appearance of the applicant are set out in the Application, a copy of which
is annexed hereto.

TAKE NOTICE that the Application will be heard at a tribunal to be held at
..... before ,
Presiding Officer, on the day of ,
at *a.m./p.m.

Dated this day of

Registrar

L.S.

(b) This notice and a copy of the application was served by me on
.....
at
on the day of

*(Signature of recipient of
notice and application)*

(Signature of process server)

* Delete whichever is not applicable.

Note: (a) Insert full name of the applicant.

(b) Service shall be effected in accordance with section 13(2) of the
Labour Tribunal Ordinance.

(L.N. 93 of 1984; L.N. 125 of 1995; 20 of 2014 s. 19)