

No. 48537

**New Zealand
and
Hong Kong Special Administrative Region (under authorization
by the Government of the People's Republic of China)**

**Memorandum of Understanding on labour cooperation between New Zealand and
Hong Kong, China. Wellington, 22 March 2010, and Hong Kong, 25 March 2010**

Entry into force: *1 January 2011, in accordance with article 6*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *New Zealand, 20 May 2011*

**Nouvelle-Zélande
et
Région administrative spéciale de Hong Kong (par autorisation
du Gouvernement de la République populaire de Chine)**

**Mémoire d'accord relatif à la coopération dans le domaine du travail entre la
Nouvelle-Zélande et Hong Kong, Chine. Wellington, 22 mars 2010, et Hong Kong,
25 mars 2010**

Entrée en vigueur : *1^{er} janvier 2011, conformément à l'article 6*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Nouvelle-Zélande, 20 mai 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF
UNDERSTANDING ON
LABOUR COOPERATION
BETWEEN
NEW ZEALAND
AND HONG KONG, CHINA**

The Department of Labour of New Zealand, in the name of New Zealand, and the Labour Department of the Government of the Hong Kong Special Administrative Region of the People's Republic of China, in the name of Hong Kong, China (hereinafter referred to as "the Parties" or individually as "Party", unless the context otherwise requires):

Desiring to strengthen the trade and economic relationship between New Zealand and Hong Kong, China;

Considering the *New Zealand - Hong Kong, China Closer Economic Partnership Agreement*;

Considering the objectives of the International Labour Organisation ("ILO"), which the Parties firmly support;

Committed to the pursuit of sustainable development, taking into account the social, environmental, cultural and economic circumstances of the Parties, and noting that it is essential for economic prosperity;

Recognising the commitments made by the Parties in this Memorandum of Understanding on Labour Cooperation between New Zealand and Hong Kong, China ("MOU"), with each Party seeking to improve working conditions and protect and enhance basic workers' rights in its own Area, taking into account the different domestic contexts, including development, social, cultural and historical backgrounds;

Desiring to strengthen bilateral cooperation on labour matters to contribute to the development of appropriate approaches to sustainable development issues;

Reaffirming the commitment of the Parties to develop the content of their bilateral agenda and to share the knowledge and experience gained; and

Convinced that cooperation between the Parties in the abovementioned matters will serve their mutual interests;

Have agreed as follows:

Article 1: Objectives

The objectives of the Parties under this MOU are to:

- (a) through cooperation and dialogue between the Parties, strengthen the broader relationship and facilitate the improvement of the Parties' capacities to address labour matters;
- (b) enhance the well-being of the respective Parties' workforces progressively, through the promotion of sound labour policies and practices, and better understanding of each Party's labour system; and
- (c) provide a forum to discuss and exchange views on labour issues of interest or concern.

Article 2: General Provisions

- 1. The Parties respect the right of each Party to set its own policies and priorities, and to set, administer and enforce its own labour laws and regulations.
- 2. The Parties affirm their respective commitment to the principles of the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998)*.
- 3. The Parties recognise that it is inappropriate to set or use their labour laws, regulations, policies and practices for trade protectionist purposes.
- 4. The Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in their labour laws, regulations, policies and practices.

5. Recognising the desirability of clear and well understood labour policies and practices and the utility of broad domestic consultation with stakeholders in formulating these policies, each Party shall, *inter alia*, maintain close dialogue with its stakeholders.
6. Each Party shall promote public awareness of its labour laws and regulations domestically.

Article 3: Scope and Means of Cooperation

1. The Parties agree to cooperate on labour matters of mutual interest and benefit. Such cooperation shall be subject to the availability of resources, the respective priorities of the Parties and their domestic laws. The Parties shall mutually determine specific labour cooperative activities.
2. The Parties' intention is to identify and cooperate in labour areas of common interest and concern. To facilitate this, as an initial step, the Parties shall exchange lists of their areas of interest and expertise.
3. Cooperative activities may be implemented through a variety of means, such as the exchange of best practice and information, joint projects, studies, exchange visits, visits, workshops and dialogue, as the Parties may mutually determine.
4. Each Party may, having regard to its own domestic circumstances, decide to involve its unions and employers and/or other persons and organisations in its Area in identifying potential areas for cooperation and in undertaking cooperative activities.

Article 4: Institutional Arrangements

1. Each Party shall appoint a contact point within the six months following the entry into force of this MOU to: