

LCQ1: Protection for food delivery workers of digital platforms

Following is a question by the Hon Kingsley Wong and a reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (May 28):

Question:

There are views that food delivery workers on Hong Kong's digital platforms (platforms) are not covered by various forms of labour protection. This situation lags behind that in both the Mainland and the West. In this connection, will the Government inform this Council:

(1) as the Government indicated in November last year that it would propose a direction to strengthen the protection of platform workers, which "may include proposals that can only be implemented by legislation", of the scope of the protection and legislative details being considered by the authorities, and when the legislative proposals are expected to be introduced into this Council;

(2) given that the Supreme People's Court issued guiding cases last year, pointing out that the key to determining whether there is a labour relationship between enterprises and workers is to establish whether there are "facts surrounding the employment", which constitute dominant labour management, whether the authorities have drawn reference from such cases to formulate the relevant safeguarding direction; if so, of the details; if not, the reasons for that; and

(3) as it has been reported that some Mainland enterprises have paid the "five insurances and one housing fund" for platform delivery workers so that they are protected by law in the event of old age, illness, work-related injury, unemployment, maternity and so on, whether the authorities have encouraged Hong Kong platform enterprises to follow suit, such as making Mandatory Provident Fund contributions for platform delivery workers?

Reply:

President,

The Government is concerned about the protection for digital platform workers (platform workers) and has established a Liaison Group comprising representatives from the Government, platform companies, and labour organisations to explore suitable proposals to enhance the protection for platform workers. In response to the Member's question, the reply is provided below:

(1) The Labour Department (LD) completed statistical surveys and conducted

consultations last year, including the Thematic Household Survey, an opinion survey for platform workers, as well as focus group meetings to collect data on the working conditions of platform workers and their views on protection matters. The results of the above surveys revealed that platform workers were most concerned about work injury compensation. In addition, the LD organised a retreat in November last year to facilitate representatives from the Government, platform companies, labour sector, academics and the insurance industry to express and exchange views on how to protect platform workers, including issues of work injury compensation.

Having regard to the data and views collected from the above surveys and through various channels, the Government will introduce a proposal for further enhancing the rights and benefits of platform workers within this year, and will consider reinforcing the protection for platform workers through legislative means. In collaboration with platform companies and other stakeholders through the Liaison Group, the Government will continue to take forward the work on protection for platform workers.

(2) The Government has studied the guiding cases of the Supreme People's Court in the Mainland and recognised that the Court determined the relationship between platform companies and workers based on the facts of work arrangements. The Court took into account such factors as "personal subordination", "economic subordination" and "organisational subordination" in an integrated manner in determining whether a dominant labour management relationship existed. Given the specific circumstances of each case differ, the Court needs to adjudicate the existence of a labour relationship or not for each and every case.

In Hong Kong, the court has also established a series of factors to distinguish whether an individual is classified as a self-employed person, an independent contractor or an employee. Relevant factors include whether the purported employer exercises control over the purported self-employed person's work; and whether the purported self-employed individual can hire helpers to assist with the work, whether he provides his own equipment or tools, and whether he bears the financial risk over his/her business. If in essence there exists an employer-employee relationship, even if an employer claims that an employee is a self-employed person or a contractor, the employer must fulfill the responsibilities under labour legislation in respect of that employee, including bearing the criminal liability for violating provisions of employment rights.

We will continue to monitor the policies and measures in the Mainland and other places on the protection for platform workers, and contemplate how to formulate appropriate policies to strengthen the protection for platform workers with regard to the local circumstances.

(3) To the LD's understanding, platform companies in Hong Kong generally take out personal accident insurance for their platform workers, and provide safety training and disseminate information on workplace safety to platform workers with a view to preventing and reducing accidents.

In accordance with the Mandatory Provident Fund Schemes Ordinance, employees and self-employed persons aged 18 to 64 (save for exempt persons) are required to join the Mandatory Provident Fund (MPF) Scheme. If a platform worker is an employee as defined in the Employment Ordinance, the platform company as the employer is obliged to enrol these employees in an MPF scheme and arrange employer and employee mandatory contributions. If a platform worker is a self-employed person, he is required to arrange his own enrolment in an MPF scheme and make mandatory contributions.

The Government will continue to encourage platform companies to adopt suitable measures to improve the welfare of platform workers through the Liaison Group.

[Two property owners convicted again for persistently not complying with removal orders](#)

Two property owners were fined \$16,000 and nearly \$140,000 upon conviction again at the Kowloon City Magistrates' Courts and Tuen Mun Magistrates' Courts this month respectively for persistently failing to comply with removal orders issued under the Buildings Ordinance (BO) (Cap. 123). One of them was sentenced to two months' imprisonment suspended for 12 months.

The first case involved two unauthorised structures with a total area of about 35 square metres on the flat roof of a residential building on Emma Avenue, Kowloon. As the unauthorised building works (UBWs) were carried out without prior approval and consent from the Buildings Department (BD), two removal orders were served on the owner under section 24(1) of the BO.

Failing to comply with the two removal orders, the owner was prosecuted for three times by the BD and was fined \$42,960 in total upon convictions by the court. As the owner persisted in not complying with the removal orders, the BD instigated the fourth prosecution for both removal orders in 2024. Although the owner subsequently completed the removal of the UBWs, the owner was convicted for the fourth prosecution and fined \$16,000 and sentenced to two months' imprisonment suspended for 12 months at the Kowloon City Magistrates' Courts on May 7, 2025.

The second case involved UBWs inside the area of a two-storey house at Tsing Yan Street, Tuen Mun, which included the erection of UBWs on a slope adjoining the rear garden, on the garden at ground floor, over the open yard at ground floor, on the terraces at first floor and on the roof, with total area of about 54 sq m. As the UBWs were carried out without prior approval

and consent from the BD, a removal order was served on the owner under section 24(1) of the BO.

Failing to comply with the removal order, the owner was prosecuted by the BD and was fined \$5,590 upon conviction by the court. As the owner persisted in not complying with the removal order, the BD instigated prosecution again in 2024. The owner was fined \$139,520 in total by the Court, of which \$109,520 was the fine for the number of days that the offence continued, upon conviction at the Tuen Mun Magistrates' Courts on May 16.

A spokesman for the BD said today (May 28), "UBWs may lead to serious consequences. Owners must comply with removal orders without delay. The BD will take enforcement action against owners who have failed to comply with removal orders, including instigation of prosecution, to ensure building safety."

Failing to comply with a removal order without reasonable excuse is a serious offence under the BO. The maximum penalty upon conviction is a fine of \$200,000 and one year's imprisonment, and a further fine of \$20,000 for each day that the offence continues.

Red flags hoisted at several beaches

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (May 28) that due to big waves, red flags have been hoisted at Stanley Main Beach, Shek O Beach and Big Wave Bay Beach in Southern District, Hong Kong Island; Cheung Chau Tung Wan Beach in Islands District; and Silverstrand Beach and Clear Water Bay Second Beach in Sai Kung District. Beachgoers are advised not to swim at these beaches.

New names introduced for tropical cyclones in 2025

Three new names, Bori, Saobien and Tianma, have been introduced to the list of tropical cyclone names in the western North Pacific and the South

China Sea in 2025 to replace the old names of Doksuri, Saola and Haikui respectively.

The new names were endorsed at the 57th session of the Typhoon Committee, which is under the United Nations Economic and Social Commission for Asia and the Pacific, and the World Meteorological Organization.

The meanings of the three new names and the contributing countries are as follows:

Name	Meaning	Contributing country
Bori	Barley	Republic of Korea
Saobien	An echinoderm invertebrate, typically star-shaped	Vietnam
Tianma	A flying horse in Chinese legend	China

According to convention, the Typhoon Committee will consider retiring the name of a tropical cyclone which has caused serious casualties and economic losses. Super Typhoon Doksuri hit the Philippines in late July 2023, causing at least 25 deaths. Over 2.45 million people were affected and the economic loss exceeded PHP5.4 billion. During its passage in China, around 2.95 million people were affected and the economic loss exceeded RMB14.7 billion. Super Typhoon Saola brought torrential rain and squalls to the northern part of the Philippines in late August 2023, causing at least two deaths. More than 1.16 million people were affected and the economic loss exceeded PHP2.4 billion. Severe Typhoon Haikui hit China in early September 2023, affecting more than 1.59 million people and resulting in economic loss exceeding RMB5 billion.

The updated list of tropical cyclone names and their corresponding meanings are available on the Hong Kong Observatory webpage for [Tropical Cyclone Names in the western North Pacific and the South China Sea with effect from 2025](#).

[Special traffic arrangements for race meeting in Happy Valley](#)

Special traffic arrangements will be implemented in Happy Valley today (May 28). The arrangements will last until the crowds have dispersed after the race meeting.

A. Traffic arrangements before the commencement of the first race

The following road closure and traffic diversions will be implemented from 50 minutes before the start of the first race for day racing, or from 6pm onwards for night racing:

1. Road closure

Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp outside the Hong Kong Jockey Club (HKJC) will be closed, except for vehicles heading for Aberdeen Tunnel.

2. Traffic diversions

- Southbound Wong Nai Chung Road between Village Road and the up-ramp outside the HKJC will be re-routed one way northbound;
- Traffic along eastbound Queen's Road East heading for Wan Chai and Happy Valley will be diverted to turn left to Morrison Hill Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via Sports Road and Wong Nai Chung Road;
- Traffic along Queen's Road East cannot turn right to Wong Nai Chung Road, except for vehicles heading for Aberdeen Tunnel;
- Traffic from Cross Harbour Tunnel heading for Queen's Road East will be diverted via the down-ramp leading from southbound Canal Road flyover to Morrison Hill Road to turn right at the junction of Wong Nai Chung Road and Queen's Road East; and
- Traffic from Cross Harbour Tunnel heading for Happy Valley or Racecourse will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, southbound Morrison Hill Road, Sports Road and Wong Nai Chung Road.

B. Traffic arrangements before the conclusion of race meeting

The following road closure and traffic diversions will be implemented from about 35 minutes before the start of the last race:

1. Road closure

- The up-ramp on Wong Nai Chung Road outside the HKJC leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Village Road and the Public Stands of the HKJC;
- Westbound Leighton Road between Wong Nai Chung Road and Canal Road East; and
- Southbound Morrison Hill Road between Leighton Road and Queen's Road East.

In addition, southbound Wong Nai Chung Road between the up-ramp leading to Aberdeen Tunnel and the Public Stands of the HKJC will be closed from about 10 minutes before the start of the last race.

2. Traffic diversions

- Eastbound Queen's Road East at its junction with Morrison Hill Road will be

- reduced to one-lane traffic heading for northbound Canal Road flyover;
- Traffic from Cross Harbour Tunnel heading for Wan Chai will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, U-turn slip road beneath Canal Road flyover, Canal Road West and Hennessy Road;
 - Traffic from Cross Harbour Tunnel heading for Happy Valley will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, eastbound Leighton Road and Wong Nai Chung Road;
 - Traffic along southbound Morrison Hill Road will be diverted to turn left to eastbound Leighton Road;
 - Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via eastbound Leighton Road and Wong Nai Chung Road; and
 - Traffic along westbound Leighton Road will be diverted to Wong Nai Chung Road.

C. Learner drivers prohibition

Learner drivers will be prohibited to turn left from Caroline Hill Road to Leighton Road between one and a half hours before the start of the first race and one hour after the last race. In addition, learner drivers will be prohibited from accessing the following roads within the above period of time:

- Shan Kwong Road between Yik Yam Street and Wong Nai Chung Road;
- Village Road between its upper and lower junctions with Shan Kwong Road;
- Percival Street between Hennessy Road and Leighton Road;
- Canal Road East; and
- The service road leading from Gloucester Road to Canal Road flyover.

D. Suspension of parking spaces

Parking spaces on southbound Wong Nai Chung Road between Sports Road and Blue Pool Road will be suspended from 11am to 7pm for day racing, and from 5pm to 11.59pm for night racing respectively.

All vehicles parked illegally during the implementation of the above special traffic arrangements will be towed away without prior warning, and may be subject to multiple ticketing.

Actual implementation of road closure and traffic diversion will be made by the Police at the time depending on traffic conditions in the areas. Motorists should exercise tolerance and patience, and follow the instructions of Police on site.