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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 25 August 2021

**Amendments to Hon LUK Chung-hung's motion on
"Protecting the rights and interests of platform workers"**

Further to LC Paper No. CB(3) 854/20-21 issued on 12 August 2021, the President has given permission for Hon POON Siu-ping and Hon KWOK Wai-keung to move amendments to Hon LUK Chung-hung's motion, and has directed that the amendments be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the amendments. I set out below the relevant proceedings in which the President will:

- (a) call upon the motion mover to speak and move the motion;
- (b) propose the question on the motion;
- (c) call upon the Members who wish to move amendments to the motion to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon KWOK Wai-keung; and
 - (ii) Hon POON Siu-ping;

- (d) call upon the public officer(s) to speak;
- (e) invite other Members to speak;
- (f) call upon the motion mover to speak on the amendments;
- (g) call upon the public officer(s) to speak again;
- (h) deal with the amendments in the order set out in paragraph (c) above, i.e. first invite the mover of the first amendment to move the amendment and forthwith propose and put to vote the question on the amendment, and thereafter proceed to deal with the remaining amendment(s); and
- (i) after all amendments have been dealt with, call upon the motion mover to reply, and then put to vote the question on the motion, or the motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and the marked-up version of the amendments are set out in the **Appendix**.

4. Members are reminded that in accordance with Appendix IIIA to the House Rules, the **maximum duration of this joint debate (including voting) is four hours**. The motion mover will have a total of 10 minutes to make introductory speech and reply, and another five minutes to speak on the amendment(s). The mover(s) of the amendment(s) and other Members may each speak once up to a maximum of five minutes. The public officer(s) will not be subject to any speaking time limit.

(Miranda HON)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Protecting the rights and interests of platform workers”**

1. Hon LUK Chung-hung’s original motion

That, given the rapid development of platform economy in recent years, various platform companies in Hong Kong have recruited large numbers of platform workers to engage in food delivery and transport services, but such companies have not provided platform workers with sufficient protection; in this connection, this Council urges the Government to set up a licensing regime for regulating platform companies, and to make the taking out of accident insurance with a certain insured amount by platform companies for their platform workers one of the licensing terms and conditions, so as to protect the rights and interests of platform workers.

2. Motion as amended by Hon KWOK Wai-keung

That, given the rapid development of platform economy in recent years, various platform companies in Hong Kong have recruited large numbers of platform workers to engage in food delivery and transport services, but such companies have not provided platform workers with sufficient protection; *courts in various places such as the Taiwan region, Spain and the United Kingdom have handed down judgments pointing out that platform companies and platform workers are on unequal footing, and as platform companies adopt an algorithmic management approach to manipulate the behaviour of platform workers, platform workers are absolutely not ‘self-employed persons’ as such; some places have even affirmed the presence of an employment relationship between platform companies and platform workers;* in this connection, this Council urges the Government to *set adopt the following measures to protect the rights and interests of platform workers:*

- (1) *setting up a licensing regime for regulating platform companies, and to ~~make~~ making the taking out of accident insurance with a certain insured amount by platform companies for their platform workers one of the licensing terms and conditions, so as to protect the rights and interests of platform workers;*
- (2) *expeditiously reviewing the mode of employment under platform economy and, by making reference to overseas experience, conducting studies on affirming the presence of an employment relationship between platform companies and platform workers, so as to enable platform workers to enjoy such protection as minimum wage, work*

injury compensation, the Mandatory Provident Fund and paid statutory holidays; and

- (3) *collecting the relevant statistics at regular intervals to grasp the latest situation of platform economy; the Employees' Compensation Division of the Labour Department should take the initiative to follow up work injury cases involving platform workers and ascertain the liability of platform companies, so as to properly prepare for affirming the presence of an employment relationship between platform companies and platform workers.*

Note: Hon KWOK Wai-keung's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon POON Siu-ping

That, given the rapid development of platform economy in recent years, various platform companies in Hong Kong have recruited large numbers of platform workers to engage in food delivery and transport services, but such companies have not provided platform workers with sufficient protection; in this connection, this Council urges the Government to set up a licensing regime for regulating platform companies, and to make the taking out of accident insurance with a certain insured amount by platform companies for their platform workers one of the licensing terms and conditions, so as to protect the rights and interests of platform workers; *the Government should also expand the target coverage of the Protection of Wages on Insolvency Fund to platform workers and conduct a comprehensive study on the formulation of an employment policy for platform economy.*

Note: Hon POON Siu-ping's amendment is marked in *bold and italic type*.