For meeting on
17 July 2026

Legislative Council Panel on Manpower

Legislating for Improving the Work Injury Compensation Mechanism for Digital Platform Workers

Purpose

As announced in the Chief Executive's 2025 Policy Address, the Government will improve the work injury compensation (WIC) mechanism for digital platform workers through legislation to protect platform workers engaging in food and/or goods delivery services. This paper briefs Members on the proposed legislative framework.

Background

2. The Labour Department (LD) conducted statistical surveys and consultations in 2024 to collect data on the working conditions of platform workers and their views on protection matters. The results of surveys revealed that platform workers were most concerned about work injury compensation. Having considered the results of surveys and views from stakeholders, the Government will improve the WIC mechanism for platform workers engaging in food and/or goods delivery services through legislation. The Government has established the Tripartite Committee for the Digital Platform Industry (Tripartite Committee), which comprises representatives from the Government, platform operators and labour organisations, to explore issues of digital platform work and render opinions on the legislative work of the Government.

3. After thorough consideration of the views from the platform operators, labour organisations, the insurance sector and academics; the distinct mode of work of platform workers which is not akin to that of employees; the accident insurance coverage currently provided by the platform operators to platform workers; and the relevant experiences in other places, the legislative framework of the new legislation will be formulated in adherence to the following principles:

(i) the compensation mechanism shall provide clear legal

foundation and certainty to the protection afforded to platform workers who sustain injuries or die as a result of work;

(ii) the coverage, items and details of compensation shall enhance the protection for platform workers while taking into consideration the affordability of platform operators, thereby facilitating the sustainable and stable development of the digital platform industry; and

(iii) the implementation arrangements should be simple, easy to understand and administer so as to minimise disputes over compensation.

Key features of the legislative framework

4. The key features of the legislative framework are elaborated in the ensuing paragraphs 5 to 27 based on the fundamental principles set out in paragraph 3 above.

A. Definitions of "platform operator", "platform worker," and "managing performance of tasks"

5. Platform worker and platform operator will be defined in the new legislation, where a "platform operator" refers to a natural person or legal person who:

(i) sets up an application (including via webpages and mobile applications, etc.) for providing platform services as specified in the legislation to service users within the Hong Kong Special Administrative Region (HKSAR);

(ii) matches services users and platform workers for provision of relevant services in an automated manner by electronic means; and

(iii) manages the performance of tasks by platform workers in the provision of the specified platform services.

6. A "platform worker" as defined in the legislation is a person who(se):

(i) has entered into a platform work agreement with a platform operator to engage in platform services as specified in the legislation in the HKSAR;

(ii) is required to register a work account with the platform operator and can only provide services after approval is given by the platform operator;

(iii) receives remuneration for the platform work completed in accordance with the relevant platform work agreement; and

(iv) performance of tasks in platform work is managed by the platform operator.

7. "Managing performance of tasks" exercised by platform operators over platform workers refers to:

(i) the use of data on platform workers and service users by platform operators through automated means for specified purposes, viz., determining whether platform workers are eligible for providing platform services, assigning tasks which platform workers may choose to perform, or determining the remuneration of platform workers in each task; and

(ii) the imposition of specific restrictions by platform operators on platform workers not required by laws, viz., requiring platform workers to comply with rules, guidelines, or standards when performing work (such as when and how to provide services, and the quality or standard of the provision of services); prohibiting or restricting platform workers from negotiating core service fees with service users; prohibiting or restricting platform workers from establishing their own clientele; prohibiting or restricting platform workers from choosing the number of working hours or the number of tasks they perform; or giving incentives to or imposing penalties on platform workers in a systematic way on the basis of their performance.

8. If a platform worker as defined above sustains an injury or dies as a result of work, the platform operator involved is required to pay compensation in accordance with the new legislation. The existing labour legislation, including

the Employment Ordinance (Cap. 57) and the Employees' Compensation Ordinance (ECO) (Cap. 282), is not applicable to the platform work agreement concerned.

B. Application

(i) Applicable platform industries in the legislation

9. As platform workers at present mainly engage in food and/or goods delivery services, the Government proposes focusing on the formulation of a WIC mechanism for the above platform workers. The new legislation will apply to platform operators and platform workers meeting the definitions set out in paragraphs 5 to 7 above and engaging in food and/or goods delivery services.

(ii) Work periods covered in the legislation

10. The new legislation will provide statutory protection for platform workers who sustain injuries or die as a result of **an accident arising out of and in the course of performing platform work**. On this basis, accidents covered in the legislation must occur during the period of time when platform workers are performing platform work and arise out of performing platform work. Taking into account the distinctiveness of platform work, the period of time during which a platform worker is covered by the legislation will be defined as the period between the platform worker **starting to depart for the designated location to perform a pick-up task** and the **food / goods having been delivered to the designated location** (covering the period of time the platform worker is on the way back to the vehicle used after the delivery of food / goods), or **the specified period of time in case of cancellation of order**. On this basis, individual platform operators may consider and decide whether the period of time when platform workers are waiting or competing for orders would be included in the work period covered.

11. Regarding protection under adverse weather conditions, unlike employees who are generally required to work at a designated time and location, platform workers may decide themselves whether or not to perform delivery services having regard to the weather condition. Certain platform operators also stop assigning orders around half an hour to one hour before the issuance of Tropical Cyclone Warning Signal No. 8 or above by the Hong Kong Observatory, so as not to increase the risk of injury to workers arising from accident. As the period of time after a platform worker starts to commute to a designated location to perform

platform work is within the work period and covered by work injury protection (paragraph 10 above), it is not necessary to specify additional work injury protection under adverse weather conditions for such work period. However, if a platform worker **sustains an accident when commuting from where he/she performs platform work to his/her place of residence within four hours immediately after the delivery work is completed** and Tropical Cyclone Warning Signal No. 8 or above or a red / black rainstorm warning signal or an "extreme conditions" announcement by the Government is in force at the time of the accident, the platform worker will be entitled to WIC.

(iii) Illegal platform workers

12. With reference to ECO, if it appears to the Court that an illegal platform worker sustains an injury or dies while performing platform work in accordance with the agreement made with a platform operator, the Court may, having regard to all circumstances, deal with matters relating to WIC for the illegal platform worker.

(iv) "No-fault" principle

13. Making reference to ECO, the WIC mechanism under the new legislation is based on the "no-fault" principle. The liability to pay compensation by a platform operator will not be exempted under normal circumstances, even if a platform worker is found to have negligence or has breached any legislation at the time of the work accident. Nevertheless, a platform operator shall not be liable to pay compensation if there is proof that a platform worker's injury is deliberately self-inflicted; or that an accident causing injury is directly attributable to the platform worker's addiction to drugs or his/her having been at the time of the accident under the influence of alcohol, and the injury sustained does not result in death or serious and permanent incapacity. Besides, if it is proved in legal proceedings that a platform worker's injury is attributable to his/her serious and wilful misconduct, or that a work injury is deliberately aggravated by the platform worker, any compensation claimed in respect of that injury shall be disallowed; except that where the injury results in death or serious incapacity, the Court on consideration of all the circumstances may award compensation as it shall think fit.

C. <u>Compensation items</u>

14. The major compensation items that platform workers may be entitled to

receive include:

Compensation items for injury cases

(i) Compensation for temporary incapacity (i.e. payment for work injury sick leave)
(ii) Compensation for permanent incapacity
(iii) Medical expenses
(iv) Costs of prostheses and surgical appliances

Compensation items for fatal cases

(i) Compensation for death
(ii) Funeral and medical attendance expenses

15. A platform worker's disease attributed to an accident arising out of and in the course of performing platform work is compensable under the new legislation. Platform workers often perform platform delivery work irregularly or are simultaneously engaged in other work or occupations. Given the current lack of basis for considering and determining whether there is any specific type of disease that is attributable to platform work performed, there is no plan to make provisions on occupational diseases in relation to platform work in the new legislation.

D. Definition of "Earnings"

16. **"Earnings" of a platform worker refers to all sums paid to the platform worker by a platform operator for the platform work he/she has performed in accordance with the platform work agreement**[1], including but not limited to service fees, tips received via the platform and cash bonuses under platform reward programmes, etc. However, it does not include reimbursements for expenses incurred by provision of services by platform workers, tips given directly by service users to platform workers (not collected via platform operators), and fees negotiated between platform workers and service users for provision of additional services (e.g. lifting and assembly of goods, etc.). If a platform worker **also engages in full-time or part-time non-platform work**, **the earnings from such work will be excluded** in the calculation of WIC.

[1] In some regions (e.g. South Korea, the Province of British Columbia in Canada and Spain), the "total earnings" of a platform worker (i.e. without deduction for the expenses incurred by the platform worker in order to earn income) are used in calculating the WIC for the platform worker.

E. Calculation of WIC

17. In view of the characteristics of platform work, LD proposes that WIC payable to platform workers shall be calculated as follows.

(i) Apportionment of liability for compensation among platform operators

18. If a platform worker is working for multiple platforms at the time of work accident, the platforms involved shall **apportion** the liability for compensation.

(ii) Setting the minimum monthly earnings, the maximum and/or the minimum amount for calculation of relevant WIC items

19. As platform workers are mostly engaged in casual delivery work, the requirement similar to the **minimum monthly earnings** (currently at $5,710) under ECO is **not applicable** in the calculation of periodical payments to platform workers during the period of work injury sick leave. This can prevent the periodical payments payable to casual workers from being unreasonably higher than the earnings received from engaging in platform work.

20. In the calculation of the amount of compensation for death and compensation for permanent total incapacity, **the minimum amount of compensation** ($514,510 and $584,220 respectively) and **the monthly earnings ceiling** ($38,670) under ECO are **applicable** to compensation payable to platform workers. This will ensure that platform workers who suffer from permanent total or partial incapacity or die as a result of a work accident are entitled to compensation comparable to those of employees.

F. Responsibilities of platform operators

21. Given the unique mode of operation of platform work, platform operators are required to let the public know that their business operations are covered by the new legislation and they shall also meet the following obligations:

(i) notify LD of their platform businesses;

(ii) take out statutory WIC insurance for their platform workers;

(iii) report work injuries sustained by their platform workers to LD;

(iv) maintain records of platform workers' work and earnings; and

(v) provide breakdown of earnings to platform workers on a regular basis.

The new legislation will provide for the transitional arrangements.

G. Mechanism for handling claims

22. The mechanism for handling work injury cases involving platform workers is similar to that for handling employees' work injury cases. A platform operator must notify the Commissioner for Labour through the specified form within the specified period in accordance with the new legislation after having knowledge of a work injury by accident sustained by a platform worker, irrespective of whether the accident gives rise to any liability to pay compensation.

	Resulting in	Notice period
Work injury	Incapacity for a period not exceeding 3 days	Within 14 days
	Incapacity for a period exceeding 3 days	Within 14 days
	Death	Within 7 days

23. Given the flexible working pattern of platform workers, platform operators may not be well aware of the work conditions and details of platform workers at the time of accident, hence **platform workers are also required to report to LD their work injuries within the specified period, and to declare and sign that the information provided is true**.

H. Other arrangements

24. In addition to reporting to LD the work injury, a platform worker shall also comply with the platform operator's request for undergoing medical examination made under specified circumstances. A platform operator may, within seven days from the receipt of a platform worker's report of a work injury by accident, require him/her to undergo medical examination conducted by a registered medical practitioner, a registered Chinese medicine practitioner or a registered

dentist designated by the platform operator. A worker who is in receipt of periodical payments shall also undergo medical examination conducted by a registered medical practitioner, a registered Chinese medicine practitioner or a registered dentist designated by the platform operator if so required by the operator. **If a worker fails to submit himself/herself for such examination, his/her right to WIC shall be suspended until such examination has taken place**; a worker who fails without reasonable cause to attend for medical examination within 15 days of being required to do so may lose his/her right to WIC.

I. List of platform operators engaging in food and/or goods delivery services

25. An individual or a legal person must notify LD after meeting the definition of "platform operator" under the new legislation. **LD will make public the names of such platform operators** such that the public can access a list of platform operators applicable under the legislation. For the avoidance of doubt, whether or not platform operators have notified LD that they are the platform operators applicable under the legislation as required does not affect their obligations to comply with the legislation.

J. Penalties stipulated in the legislation

26. Requirements applicable to employers under ECO and the penalties for contravening those requirements are generally applicable to platform operators under the new legislation. The Government will also stipulate in the new legislation new requirements and the corresponding penalties having regard to the uniqueness of platform work.

K. Consequential amendments to other legislation and schemes / arrangements

27. Apart from the enactment of new legislation, the Government will also make consequential amendments to other relevant legislation and schemes / arrangements, including:

(i) extending the protection of the Employees Compensation Assistance Fund (ECAF) to platform workers and requiring

platform operators to pay levies when taking out WIC insurance[2];

(ii) extending the coverage of the Employees' Compensation Insurance Residual Scheme (ECIRS) to platform workers, such that ECIRS may provide last-resort cover if platform operators experience difficulties in taking out WIC insurance for platform workers;

(iii) extending the scope of the Employees Compensation Insurer Insolvency Scheme (the Insolvency Scheme)[3] and the facility covering terrorism risks[4] to insurers engaging in business of WIC insurance for platform workers; and

(iv) reviewing all Hong Kong legislation which makes reference to ECO and making consequential amendments if needed.

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2 The Government set up ECAF under the Employees Compensation Assistance Ordinance (Cap. 365) to provide for protection to injured employees or eligible family members of deceased employees of their entitlements to employees' compensation or common law damages arising out of work injuries. ECAF is administered by the Employees Compensation Assistance Fund Board and is financed by a levy payable by employers under the Employees' Compensation Insurance Levies Ordinance (Cap. 411) when they take out employees' compensation insurance policies.

3 The insurance sector set up the Insolvency Scheme in 2003. The Insolvency Scheme, administered by the Employees Compensation Insurer Insolvency Bureau, assumes responsibility for the liabilities of insurers engaging in employees' compensation business that become insolvent on or after 1 April 2004. The Insolvency Scheme is funded by contributions from insurer members calculated at 2% of the gross premium of employees' compensation policies.

4 The Government provided a facility of HK$10 billion in 2002 to cover terrorism risks in respect of employees' compensation insurance business (the facility). With the facility, insurers will be willing to underwrite work-related death or injury caused by terrorist activities, so as to ensure that employers can continue to enjoy insurance coverage and employees can get the relevant protection. Participation in the facility is voluntary. Insurers which decide not to participate in the facility but wish to underwrite employees' compensation insurance policies have to demonstrate to the Insurance Authority that they are able to secure alternative reinsurance cover, while those participating in the facility are required to pay to the Government a charge pitched at 3% of the gross premium of employees' compensation policies they underwrite in Hong Kong.

Work plan

28. LD briefed the Labour Advisory Board on the above legislative framework on 22 May 2026. The Government will continue to discuss with the Tripartite Committee on refining the legislative framework and finalising the concrete details. Besides, the Government has consulted relevant bureaux / departments / organisations on the above legislative framework, including the Financial Services and the Treasury Bureau, Department of Health and Hospital Authority, etc.; and will later consult the Employees Compensation Assistance Fund Board and the Employees' Compensation Insurance Levies Management Board.

29. The Government is taking forward the law drafting work at full steam, with a view to introducing the legislative proposal into the Legislative Council within this year.

Advice sought

30. Members are invited to note and offer views on the above legislative framework.

Labour and Welfare Bureau
Labour Department
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