

**CONTROLLING OFFICER'S REPLY**

**SB361**

**(Question Serial No. 4079)**

Head: (30) Correctional Services Department  
Subhead (No. & title): (193) Earnings Scheme for Persons in Custody  
Programme: (1) Prison Management  
Controlling Officer: Commissioner of Correctional Services (WOO Ying-ming)  
Director of Bureau: Secretary for Security

Question:

1. The estimated provision for the Earnings Scheme for Persons in Custody (PICs) had not increased in 2017-18 and 2018-19, and the estimate for 2019-20 has not been raised. What are the reasons?
2. In the society, the minimum wage has all along been raised timely. Does the Department plan to lift the rates of earnings per week for PICs in different earning grades to narrow the gap with the minimum wage in future? If yes, what are the details? If not, what are the reasons?

Asked by: Hon POON Siu-ping (LegCo internal reference no.: 43)

Reply:

1. A person in custody (PIC) who works and a PIC who, through no fault of his/her own, is unable to work, and an unconvicted person on remand who elects to engage in the service or industries of the prison in accordance with Rule 39 and Rule 201 of the Prison Rules respectively, may receive payment in accordance with rates approved by the Commissioner of Correctional Services. The earnings from work may be saved or used by PICs to purchase canteen items (such as snacks and additional daily commodities, etc.). The rates of earnings will be reviewed once a year and adjusted by the Correctional Services Department (CSD) in accordance with the established mechanism, having regard to the change of the prices of canteen items and the quantity of items purchased. The prices of canteen items are the major factor affecting the estimate for earnings. There has been little change in these prices, and thus the estimate for earnings has not been raised but may be adjusted in accordance with the mechanism where necessary.

2. As CSD arranges PICs to work according to Rule 38 of the Prison Rules, the Department does not have an employer-employee relationship with PICs. Therefore, it is inappropriate to compare the statutory minimum wage with the earnings of PICs. Given all basic necessities of PICs and medical services are provided by the Government, there is no such issue as PICs' earnings being too low to meet their basic living needs. The Department will review the rates of earnings once a year in accordance with the established mechanism.

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