

CONTROLLING OFFICER'S REPLY**SB168****(Question Serial No. 3428)**Head: (30) Correctional Services DepartmentSubhead (No. & title): ()Programme: (1) Prison ManagementControlling Officer: Commissioner of Correctional Services (WONG Kwok-hing)Director of Bureau: Secretary for SecurityQuestion:

In the past 5 years, what were the numbers of work injuries sustained by persons in custody (PICs) in various correctional facilities? What were the average and median amount of compensation for work injuries? What were the degrees of recovery of work injuries after assessment? Are there any guidelines to follow? How does the Department ensure PICs comply with occupational safety and health requirements while they are at work?

Asked by: Hon TIK Chi-yuen (LegCo internal reference no.: 281)Reply:

Statistics of persons in custody (PICs) rendered unfit for work for 4 or more days due to injuries arising from work accidents in the past 5 years are tabulated below:

Year	Number of accidents
2022	12
2021	8
2020	4
2019	7
2018	9

According to Rule 38 of the Prison Rules (Cap. 234A), all convicted adult PICs are required to engage in work (unless they have been certified by the Medical Officers seconded to the Correctional Services Department (CSD) as unfit to work on medical grounds). CSD does not have an employer-employee relationship with PICs, and the daily necessities and medical services of PICs are provided by the Government. If PICs sustain a certain degree of permanent disability or die due to injuries sustained at work while serving their sentences, the PICs or their representatives may apply to CSD for an ex-gratia payment. All eligible cases are handled and approved under the established mechanism.

In the past 5 years, there were 3 applications for ex-gratia payments from PICs on the ground of work injuries. While 2 of them are being processed, the other has been handled with an

ex-gratia payment of about \$80,000 granted to the PIC concerned who also filed a civil claim for damages. This case was concluded with out-of-court settlement, with the settlement amount totalling \$200,000. Besides, there was 1 case in which a PIC who had sustained injury at work filed a civil claim for damages. It was concluded with out-of-court settlement, with the settlement amount totalling \$90,000. CSD cannot disclose detailed information about these cases due to the confidentiality agreements.

CSD has formulated a safety management system and associated guidelines in accordance with the Factories and Industrial Undertakings Ordinance (Cap. 59), the Code of Practice on Safety Management issued by the Commissioner for Labour under that Ordinance, as well as the Occupational Safety and Health Ordinance (Cap. 509). These include the establishment of the Departmental Occupational Safety and Health Steering Committee, the setting up of Occupational Safety and Health Committees and appointment of Occupational Safety and Health Officers in correctional institutions, regular safety audits conducted for correctional institutions, risk assessment of workplaces and work procedures, as well as the provision of training and personal protective equipment to all PICs who engage in work, etc.

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