## DCPI 874/2007

**IN THE DISTRICT COURT OF THE**

**HONG KONG SPECIAL ADMINISTRATIVE REGION**

PERSONAL INJURIES ACTION NO. 874 OF 2007

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##### BETWEEN

CHAN SHUI FONG Plaintiff

### and

THE EXECUTIVE COMMITTEE OF THE ALICE 1st Defendant

HO MIU LING NETHERSOLE HOSPITAL

SIU KWAI YUNG 2nd Defendant

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Coram : Her Honour Judge Mimmie Chan

Dates of hearing : 19 – 21 December, 2007

Date of handing down Judgment :31 January, 2008

# JUDGMENT

**Background**

1. The Plaintiff, Miss Chan, worked as a Personal Care Worker at the Elderly Care Home ("**Home**") operated by the 1st Defendant, The Executive Committee of the Alice Ho Miu Ling Nethersole Hospital ("**Hospital**"). On 4 June 2004, at about 5 p.m., Miss Chan was working with the 2nd Defendant, Miss Siu, who was another Personal Care Worker at the Home, and they were in the course of transferring Madam Lai, a largely immobile elderly lady staying at the Home, from her bed to a wheelchair. Miss Chan was slightly squatting down near the end of Madam Lai's bedside, and in the process of moving Madam Lai's legs from the bed to the side of the bed, when Madam Lai's body slid from the bed towards Miss Chan, and hit her. Miss Chan pushed against Madam Lai's body in an attempt to prevent Madam Lai from falling down from the bed. She claims that Madam Lai’s knee or knees hit her whilst she slid down the bed, and that in the entire process of Madam Lai’s fall, she had sprained her back and that her right knee, lower abdomen and pubic area was injured as a result. Miss Chan claims that her injuries were caused as a result of Miss Siu's negligence, in failing to properly secure the upper part of Madam Lai's body, or failing to keep a proper lookout or to pay adequate attention when Miss Siu was assisting Miss Chan in transferring Madam Lai from her bed. Miss Chan originally claimed that the Hospital was also negligent and/or in breach of its statutory duties, but such claim has been abandoned. Miss Chan only claims that the Hospital is vicariously liable for Miss Siu's negligence.

**Issues**

1. The issues for determination at trial are:
   1. Did the accident happen in the manner alleged by Miss Chan?
   2. Was the accident caused by the negligence of Miss Siu?
   3. What are the damages recoverable by Miss Chan?

**Did the accident happen in the manner alleged by Miss Chan?**

1. The accident in question occurred in the course of Miss Chan and Miss Siu moving Madam Lai from her bed to a wheelchair, for the purpose of taking Madam Lai to the dining area of the Home. In her statement, Miss Chan described the proper working procedure for this. According to Miss Chan, it generally involved three stages: (1) The elderly person to be transported has to be moved to a position such that the person would be lying on his/her side on the side of the bed where the wheelchair was placed, with the face of the person towards the wheelchair. (2) One care worker would be responsible for securing the upper half of the body of the elderly person on the bed, whereas another care worker would bend to put the feet of the elderly person down by the side of the bed, noting the distance between the elderly person's feet and the foot rest of the wheelchair. The latter care worker would then stand up straight, and put his/her leg between the elderly person's legs to prepare for the next stage. (3) The 2 care workers would then lift the elderly person's upper body onto the wheelchair, using a lifting belt if necessary.
2. According to Miss Chan, Madam Lai was heavy and weighed about 150 pounds. Miss Chan also claims that she had been told by other senior care workers at the Home that Madam Lai was suffering from rheumatoid arthritis, and should not be moved unnecessarily in order not to cause her unnecessary pain and discomfort. Miss Chan therefore claims that on previous occasions when she was involved in transporting Madam Lai from her bed to a wheelchair, stage one of the procedure she described in paragraph 3 above was omitted. Madam Lai would not be turned to lie on her side on the bed. She would remain lying on her back.
3. Miss Au, the Supervisor of the Hospital who gave evidence on behalf of the Hospital, does not dispute the procedure described by Miss Chan as being the correct procedure for transporting Madam Lai. Further, it is not in dispute that the accident occurred in the course of Miss Chan carrying out the steps described in stage two of the procedure she outlined, and that Miss Chan and Miss Siu had not proceeded to stage three of the procedure.
4. Miss Siu also did not dispute the general procedure described by Miss Chan for transporting an elderly person from the bed to the wheelchair, so far as relevant for determination of the issues in dispute at trial. Miss Siu did not agree that Madam Lai was as heavy as Miss Chan suggests, but she agreed that Madam Lai had rheumatoid arthritis. According to Miss Siu, it was not inevitably the case that Madam Lai would not be turned on her side on the bed. According to Miss Siu, Madam Lai would be turned a little bit on her side, before she would be helped to sit up for the purpose of being transported to a wheelchair. However, when she gave evidence in court, Miss Siu claimed that she had very little recollection of the events of 2004, and had no recollection at all of any accident involving Madam Lai, whether as described by Miss Chan, or otherwise. Miss Siu further claimed that at stage three described by Miss Chan, the two care workers would signal to each other to be ready before they commenced to lift the elderly person from the bed to the wheelchair.
5. According to Miss Chan, just before the accident, she and Miss Siu had moved Madam Lai's body in such a way that Madam Lai was still lying on her back, but with her feet near to the side of the bed. Miss Chan claims that Miss Siu then instructed her to stand at the end of the bed to be responsible for moving the lower half of Madam Lai's body, whilst Miss Siu stood at the front of the bed to be responsible for the top half of Madam Lai's body. Miss Chan bent and squatted to move Madam Lai's feet down the side of the bed. Miss Chan claims that whilst she was bending to move Madam Lai's feet, she saw that Miss Siu was standing by the side of the bed to prevent Madam Lai's body from falling off. She could not then see where Miss Siu's hands had rested before the accident.
6. Whilst Miss Chan was still squatting and her hands were still on Madam Lai's feet, she felt a "huge force" pushed against her, and was hit by Madam Lai's body. According to Miss Chan, after Madam Lai's body had hit her, she could see that most of Madam Lai's body was away from the bed, with only the part of her body immediately below the shoulders still on the bed. To prevent Madam Lai sliding further or falling down the bed altogether, Miss Chan claims that she used her body to push against Madam Lai. She claims that the force of Madam Lai's body hitting her had caused her pain and made her fall back a couple of steps, causing her nearly to hit and sit on the ground. Yet, she claims that Miss Siu did nothing until Miss Chan called out to her for help. According to Miss Chan, Miss Siu had not paid sufficient attention, or was otherwise negligent in failing to properly hold on to or secure Madam Lai's body to prevent her from falling.
7. Counsel for the Hospital and for Miss Siu challenged Miss Chan's testimony as to how the accident occurred as being incredible and improbable. It is claimed that if Madam Lai was lying flat on the bed with only the part of her legs below the knees hanging down the bedside, she could not have “rushed down” from the bed towards Miss Chan with the great force described by Miss Chan, bearing in mind that Madam Lai weighed 150 pounds as Miss Chan claims, and was immobile. Counsel for the Hospital and Miss Siu submits that as the only force which had been exerted on Madam Lai came from Miss Chan as she was pulling down Madam Lai's legs, the accident must have been caused as a result of Miss Chan having applied too much force while pulling Madam Lai's legs. Miss Chan denies this when this was put to her in the course of cross-examination. She claims that she had only applied very little force on Madam Lai's legs.
8. Miss Chan was also referred to the accident report which she prepared for the Hospital on the day of the accident. It was suggested to her in the course of cross-examination that the report was inconsistent with her testimony in court, as the report mentions that immediately after she was hit, she looked up and saw that Miss Siu had already held up Madam Lai by the top part of her body. This, counsel claims, is inconsistent with Miss Chan's allegation that Miss Siu had only responded to assist Miss Chan, when Miss Chan called out for help. In this regard, Miss Chan claims that when she prepared the report, she had deliberately omitted any suggestion of fault on the part of Miss Siu, so as not to create trouble for her colleague.
9. Considering Miss Chan's evidence including her testimony in court as a whole, I accept that although she may have exaggerated the extent of the injury caused by the accident and her discomfort after the accident, she has given an honest overall account of how the accident had occurred and how she had been hit. I accept her counsel's submission that if she had fabricated the accident, she would not have included the injury to her pubic area so as to avoid unnecessary suspicion and embarrassment. As Miss Siu did not have any recollection at all of the accident, in the absence of any other credible evidence to the contrary, I accept on a balance of probabilities that the accident had occurred in the manner described by Miss Chan. The account of the accident set out in Miss Chan's written report made on the day of the accident is largely consistent with Miss Chan's evidence in these proceedings. It is understandable that she omitted putting any blame on her colleague when she filed the report of the accident to the Hospital. She had only been employed for 4 months, and she expected at the material time to continue working with Miss Siu at the Home. It is also natural that after proceedings were commenced in court, she would be asked by her lawyers to give further and clearer details of the circumstances of the accident and how it happened, as reflected by the more detailed accounts given in the Statement of Claim and in her statement.

**Was the accident caused by the negligence of Miss Siu?**

1. According to the evidence of Miss Chan, Madam Lai was lying flat on the bed, somewhat diagonally, with her legs hanging down the side of the bed from the knees down. Miss Chan claims that she was engaged in the second stage of the procedure she described in paragraph 3 above, and had just put Madam Lai's legs down the side of the bed, with her hands still on Madam Lai's legs, when the accident occurred. She denies that she had pulled Madam Lai's legs with great force, as counsel suggested to her. I accept her evidence in this regard and consider that it is inherently improbable that Madam Lai could have slid down the bed as a result of Miss Chan pulling her legs. Miss Chan claims that she herself weighed about 110 pounds. Madam Lai weighed 150 pounds, and was lying flat on the bed. It would have taken a great deal of force on Miss Chan's part to have caused Madam Lai to slide and fall by pulling on Madam Lai's legs in the course of positioning them on the side of the bed.
2. When Miss Chan was positioning Madam Lai's legs, she did not notice if Miss Siu had any contact with Madam Lai's body, but according to Miss Chan, Miss Siu was standing beside the bed. Although Miss Siu claimed that she had no recollection of the accident, she said in her evidence, when asked how Madam Lai would generally be moved from the bed to a wheelchair, that Madam Lai would be turned on her side before her legs were positioned to hang down the side of the bed. It is inherently probable that Madam Lai slid down the bed towards Miss Chan, as a result of Miss Siu having turned Madam Lai on her side whilst Miss Chan was positioning Madam Lai's legs by the side of the bed. In the course of giving evidence in court, Miss Siu would not accept that Madam Lai should not be turned on her side before being transported from her bed, whereas Miss Chan insisted that the practice of the care workers at the Home was that Madam Lai should not be turned on her side.
3. In any event, irrespective of the direct cause of Madam Lai sliding down the bed towards Miss Chan, I accept Miss Chan's evidence that when she was pushing Madam Lai's body to prevent her from falling, Miss Siu only commenced to hold Madam Lai when Miss Chan called out for help. If Miss Siu had paid due attention whilst Madam Lai was being moved, she should have been able to notice Madam Lai sliding down from the bed and would have been able to secure Madam Lai's body in time to prevent her from sliding. On the evidence, I find on a balance of probabilities that Madam Lai had slid down the bed, hitting Miss Chan in the process, as a result of the lack of due attention and reasonable care on the part of Miss Siu. In my judgment, the accident was a result of Miss Siu's negligence, for which the Hospital is vicariously liable, as it accepts.

**What are the damages recoverable by Miss Chan?**

1. Although I accept that the accident on 4 June 2004 genuinely occurred and did happen as described by Miss Chan, I am not convinced that the damages now sought by her are all caused by and attributable to the accident and the injury she sustained as a result. After reviewing all the evidence, I have concluded that Miss Chan has exaggerated her symptoms and the pain caused to her as a result of the accident.
2. According to the accident report she prepared for the Hospital on the day of the accident, she claims that she experienced mild pain in her pubic area, kneecap and waist as a result of the accident. According to the evidence of Miss Chiu, the manager to whom Miss Chan had reported the accident on the day in question, and who asked Miss Chan to prepare the accident report, Miss Chan had rushed into her office at about 7 p.m., to express concern over her possible injury as a result of her having been kicked by Madam Lai in the pubic area. According to Miss Chiu, the pain in the pubic area was Miss Chan's complaint, and it was only upon Miss Chiu questioning Miss Chan as to whether she had been injured in any other area, that Miss Chan informed Miss Chiu that she felt some pain in her kneecap and in the back.
3. According to the medical report issued by the United Christian Hospital, Miss Chan attended its Accident and Emergency Department on 4 June 2004, complaining of "back and *right* knee sprain and lower abdomen, pubic area contusion", without any complaint of limb weakness or numbness. Physical examination on the day showed that Miss Chan was able to walk unaided, that there were no signs to suggest any knee fracture, and that "bilateral lower limbs had full power and full range of movement". There was reported tenderness at the lower back region but no stepping. Miss Chan's abdomen was reported as soft and non-tender. An x-ray of the lumbar spine was taken and showed degenerative change only without any fracture or displacement. Miss Chan was granted 2 days of sick leave.
4. There was evidence produced as to Miss Chan having sustained an injury in her *left* knee many years ago before the accident. Miss Chan maintains that the pre-existing injury was to her left knee, as supported by what she informed Dr. Tsoi and Dr. Fu at the joint inspection on 3 July 2006. According to Miss Chiu, Miss Chan had informed her at an interview that she had sustained an injury to her *right* knee. The reports of Mr. Kam of the Chinese Medicine and Clinical Research and Services Center ("the Center") at the Kwong Wah Hospital of the Chinese University of Hong Kong, also show that from at least November **2002**, Miss Chan had regularly attended the Center for treatment, her main complaint being pain and numbness of the left lower limb. According to the reports of Mr. Kam, when Miss Chan attended the Center on 18 June 2004 (her earliest attendance after the accident), her complaint was only back pain, the other reference in the report of 18 June 2004 to pain and numbness in the lower limbs repeating and being the same as the complaints made by Miss Chan before the accident. The reports of Miss Chan's visit to Mr. Kam on 22 July 2004 and 10 August 2004 also revealed complaints and treatment for back pain, being more severe when Miss Chan bent, with no mention of Miss Chan having been treated for any pain in the limb.
5. As evidenced by the relevant medical reports, Miss Chan had complained of numbness in her left calf, left leg, left foot, and low back pain radiating to left lower limb or left leg, at different times when she consulted doctors between 5 August 2004 and 2 June 2005. The only time when she complained of pain in the *right* knee or *right* lower limb was when she first attended the United Christian Hospital on 4 June 2004, the Tseung Kwan O Hospital on 9 December 2004 and the assessment at the Tseung Kwan O Hospital in early 2005.
6. In her testimony, Miss Chan maintained that she had all along informed the doctors who had examined her that she had pain in the right leg. She said that possibly because of her earlier injury of the left knee, she felt pain in her left limb earlier, but the pain in her right limb was greater.
7. Miss Chan's complaints about injury to her right limb were not supported by the objective findings of the doctors who had examined her. Dr. Kong who examined her on 27 May 2005 reported that "SLR was 80

degrees bilaterally", reflexes were normal and sensation was intact. Dr. Chan who examined her on 13 August 2004 reported that there was no lower limb neurological deficit, and that straight leg raising test and jerks were normal. Her examination at the United Christian Hospital on 20 September 2004 revealed that the muscle power of the lower limbs was normal, the straight leg raising tests of both lower limbs were 90 degree and that the gait was normal. The physiotherapy report issued by the Tseung Kwan O Hospital dated 30 November 2005 also confirmed that there was no weakness and neurological deficits detected in both lower limbs.

1. On the evidence, therefore, I am not satisfied that Miss Chan's complaints regarding the pain and numbness in her limbs had anything to do with the injury she sustained on 4 June 2004.
2. According to the joint medical report of Dr. Tsoi and Dr. Fu, both agree that Miss Chan only sustained a minor soft tissue sprain of her lower back on 4 June 2004. Dr. Fu pointed out that she was able to resume work two days later, and it was more than two months before Miss Chan sought further treatment to her injured back. This suggested to Dr. Fu that the initial trauma should be of very mild degree. Although an MRI scan on 22 April 2005 revealed multiple degenerative lumbar discs with narrowing of L4-5 disk space, there was no compression of adjacent nerve root. The doctors are of the opinion that the multiple degenerative discs were features of natural degeneration, and would not be caused by a simple sprain on 4 June 2004.
3. The joint medical examination conducted by Dr. Tsoi and Dr. Fu on 3 July 2006 revealed local tenderness over Miss Chan's lower lumbar region. The range of motion of her back was preserved and no muscle spasm in was noticed. Despite Miss Chan’s complaint of weakness, pain and numbness of her right lower limb radiating from her lower back pain, the doctors could not identify any objective sign suggestive of nerve root dysfunction. The conclusion made by Dr. Fu was that Miss Chan was magnifying her disability during the assessment, whereas Dr. Tsoi was of the opinion that although Miss Chan did have residual low back pain, the severity was probably less than she described.
4. When Miss Chan sought Chinese medical treatment at the Center, she had complained of neck and back pain since November/December 2002. Having noted that the report of Miss Chan's treatment at the Center on 30 November 2002 referred to neck pain, and the report of Miss Chan's treatment at the Center on 9 December 2002 regarding her back, Dr. Fu was of the opinion that the degenerative disc might be the source of the bilateral lower limb numbness complained of by Miss Chan before the accident. Dr. Fu was therefore of the opinion that Miss Chan's current complaints were due to her pre-existing ailments rather than having been caused by the accident. On his part, Dr. Tsoi was of the opinion that the accident might have triggered the onset of symptoms of the pre-existing degenerative disc.
5. Counsel for Miss Chan disputed Dr. Fu's reliance on Miss Chan having sought treatment for back pain since 30 November 2002. He also argued that Dr. Fu did not explain whether the bilateral lower limb numbness was the first sign of the natural progression of the pre-existing degenerative back disease, later to develop into back pain even if there was no accident.
6. Although the report of Miss Chan's treatment at the Center on 30 November 2002 referred only to neck pain and numbness of the limbs, the "inspection" section of the report referred to restrictions in movement of the neck and the back. In any event, the report of Miss Chan's treatment at the Center on 9 December 2002 clearly referred to the neck and back, with numbness of the limbs. The "inspection" section also referred to x-rays of the lumbar region. References to neck and back disease and numbness of the lower limbs were repeated throughout the reports of December 2002, and from January to April 2003. Further, in the medical reports submitted after June 2004, Miss Chan repeatedly referred to numbness of the lower limb having radiated from her low back pain. I regard that Dr. Fu had legitimate basis for his conclusion that Miss Chan's complaint of bilateral limb numbness might have been caused by the degenerative disc.
7. Although Miss Chan had at different consultations with doctors complained of tinnitus, dizziness, and urinary frequency/incontinence, there is no independent evidence that such problems were caused by the accident. In my judgment, this is consistent with the impression I have formed of Miss Chan from her evidence as being overly anxious of her condition to the extent of magnifying her problems.
8. On the basis of their examination, Dr. Tsoi evaluated that Miss Chan only suffered 3% permanent impairment of the whole person as a result of the injury she sustained on 4 June 2004, disregarding impairment caused by pre-existing degeneration. Dr. Fu was of the opinion that most of Miss Chan's complaints were due to her pre-existing degenerative disc disease, and that the accident caused at most 0.5% permanent impairment of the whole person.
9. According to the Certificate of Review of Assessment (Form 9), on the basis of Miss Chan having suffered multiple injuries resulting in back pain, right knee pain and both lower limbs and numbness, she was certified to have a total of 296 days of sick leave and assessed as having 4 percent loss of earning capacity permanently caused by the injury.
10. However, according to the Employees' Compensation Division of the Labour Department, on their review of the medical reports submitted, only the sick leave for 5 June 2004 was accepted to have been related to the accident on 4 June 2004, and it was considered that some of the medical conditions complained of by Miss Chan were unlikely to be related to the accident.
11. Having due regard to the evidence generally, the medical reports and the evaluation made by Dr. Tsoi and Dr. Fu, I am more persuaded by Dr. Fu's evaluation, and agree with Dr. Fu that Miss Chan had on the whole magnified the extent of the pain and discomfort she experienced after the accident. I consider that she had suffered 1% permanent impairment of the whole person as a result of the injury she sustained on 4 June 2004.

***Pain, Suffering and Loss of Amenities***

1. Miss Chan was 44 years old at the time of the accident, and is 48 years old now. Bearing in mind the nature of her injury so far as is accepted to have been caused by the accident, I regard that a reasonable amount to be awarded under this head is $70,000. This is essentially compensation for the pain, suffering and loss of amenities caused as a result of the minor tissue sprain of her lower back, which I accept to be the only injury caused by the accident.

***Pre trial loss of earnings & MPF***

1. According to the Certificate of Review of Assessment, Miss Chan was given a total of 295 days of sick leave from 5 June 2004 to 14 July 2005. However, both Dr. Tsoi and Dr. Fu agree after the joint inspection that Miss Chan had only sustained a minor soft tissue sprain of her lower back on 4 June 2004, and that the multiple degenerative discs detected were features of natural degeneration and would not be caused by a simple sprain on 4 June 2004. Dr. Fu therefore agreed with the Labor Department that only the sick leave for 4 June 2004 was related to the accident, the other periods of sick leave being related to her pre-existing degenerative disc disease not related to the accident. Although Dr. Choi believed that the sick leave granted to Miss Chan until 14 July 2005 was reasonable, I cannot see how this tallies with his opinion that Miss Chan had only sustained a mild back sprain.
2. The sick leave granted to Miss Chan was in relation to her complaints of back pain, right knee pain and numbness of both lower limbs. Obviously, it cannot be seen from the leave records how many days were given for back pain and how many days were given for knee pain or numbness of the limbs.
3. From the medical report issued by the Tseung Kwan O Hospital dated 13 November 2004, when Miss Chan was seen on **16 October 2004**, she was complaining of persistent low back pain, which radiated down to her left calf. According to the report, there was no gross motor and sphincter disturbance, and only slight sensory change over the lateral aspect of her left leg. Also noted was mild tenderness at the lumbosacral spinal region, and x-ray revealed decreased disk space at the level of L4 and L5. She was treated as left sciatica and given a course of physiotherapy. When further examined on 11 November 2004, her back pain had slightly improved with physiotherapy but because of her complaints of persistent back pain and left leg pain, magnetic resonance imaging study was arranged. The imaging report of 15 January 2005 showed minimal degenerative changes, with degeneration at her L3/4 and L4/5 discs.
4. The medical report issued on 19 November 2005 also confirmed that although she complained on 9 December 2004 of right knee pain, physical and x-ray examination showed no abnormality in the right knee. Only degenerative discs and narrowing of L4/5 discs were noted.
5. It therefore appears from the medical reports that at the latest by 16 October 2004, although Miss Chan was still complaining about and treated for back pain radiating to the left limb, the only objective evidence of her ailment was the degeneration of the L4 and L5 discs, a condition she had complained about since December 2002. I am therefore not satisfied that the leave period from and after 16 October 2004 was related to the injury she sustained as a result of the accident. I will only accept the sick leave from 5 June 2004 to 26 September 2004 (a total period of 23 days) as being related to the accident.
6. The loss of earnings during the period of sick leave which I allow is accordingly $5,750 ($7,500 x 23/30). The loss of MPF during the same period is $287.50 ($5,750 x 5%).

***Future Loss of Earnings***

1. Both Dr. Tsoi and Dr. Fu were of the opinion that Miss Chan should be able to resume her pre-injury job as a personal care assistant, based on the fact that only soft tissue injury of the lower back was sustained on 4 June 2004. Although Dr. Tsoi claims that Miss Chan would have some "inconvenience" in transferring heavy patients and she might require more assistance from her co-workers, Dr. Tsoi was of the clear opinion that she would be able to work as a saleslady, office clerk, cashier or as a receptionist, if she should change her work. From the Government statistics adduced, the average monthly earnings from such work posts were no less than Miss Chan's monthly earnings of $7,500 at the material time. Given Miss Chan's previous experience of working with the mentally handicapped and given her Form 5 education level, I am not satisfied that she would suffer any wage difference even if she could not return to her previous job. I will not make any award for future loss of earnings.

***Loss of Earning Capacity***

1. In the light of her minor injury, the medical evidence, and the matters set out in the preceding paragraph, I am not satisfied that there is a substantial or real risk that Miss Chan will suffer disadvantage in the labour market by reason of her injury. I will not make any award under this head.

***Special Damages***

1. There is no evidence at all to support the claim for tonic food. Of the amount of $5,000 claimed, in view of my findings on the extent of Miss Chan's injury, I will only make a nominal award of $300.
2. In relation to medical expenses and related travel expenses, the Defendants agree these at $220. I will allow this, and such further medical expenses and travel expenses incurred before 16 October 2004 and as may be agreed, in the absence of any clear evidence on the apportionment of the relevant expenses for the entire period claimed.

**Award**

1. The award for damages includes :
   1. PSLA $70,000
   2. Pre-trial loss of earnings & MPF $ 6,037.50
   3. Special damages $520

Less : Payment already made by the Hospital $45,700

Total : $30,857.50

1. I will award interest on the award of PSLA at the rate of 2% per annual from the date of the writ to the date of judgment, and on the award of total special damages at half the judgment rate from the date of the accident to the date of judgment.

1. I will further make an order nisi that the costs of the action be paid by the Defendants to Miss Chan, with certificate for counsel, to be taxed if not agreed. Miss Chan's own costs are to be taxed in accordance with the Legal Aid Regulations.

(Mimmie Chan)

District Judge

*Mr. Damien Wong, instructed by Hobson & Ma, for the Plaintiff*

*Miss Alice Tsang, instructed by Rowland Chow, Chan & Co, for the 1st and 2nd Defendants*