

Increase in amount of damages for bereavement under Fatal Accidents Ordinance proposed

The Secretary for Justice today (May 13) gave notice to the Legislative Council (LegCo) that she will move a resolution at the LegCo sitting on June 3 to increase the statutory sum to be awarded as damages for bereavement (bereavement sum) under the Fatal Accidents Ordinance (Cap 22) to \$231,000.

In accordance with the Government's commitment, the proposed increase reflects the outcome of the biennial review of the bereavement sum by making reference to the Consumer Price Index (A) (CPI(A)). The increased sum will reflect the cumulative impact of inflation experienced over the period from March 2018 to March 2020.

A spokesman for the Department of Justice (DoJ) said that the Ordinance was enacted in 1986. It allows an action for damages to be brought against a person for the benefit of the dependants of the deceased in respect of that person's wrongful act, neglect or default which has caused the death of the deceased. An action under the Ordinance may include a claim for damages for bereavement in the sum as prescribed in section 4(3). Section 4(5) of the Ordinance provides that the LegCo may by resolution vary the sum.

"Since the enactment of the Ordinance, the bereavement sum was adjusted in 1991, 1997 and 2018. The current sum is set at \$220,000," the spokesman said.

The LegCo Panel on Administration of Justice and Legal Services, the Law Society of Hong Kong, the Hong Kong Bar Association and the Hong Kong Federation of Insurers have been informed of the outcome of the present biennial review and the Government's intention to make the proposed adjustments by making reference to the CPI(A).