

LCQ1: Combating fraudulent claims of Traffic Accident Victims Assistance

Following is a question by the Hon Chan Kin-por and a reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (December 4):

Question:

It has been reported that the Police recently arrested 275 people suspected of making fraudulent claims of Traffic Accident Victims Assistance (TAVA) disbursed by the Social Welfare Department (SWD) by producing fake medical proof or staging traffic accidents. The relevant cases involved 121 traffic accidents and an amount as high as \$14 million. The SWD has pointed out that obtaining TAVA by deception is a criminal offence, and the persons concerned may be prosecuted under the Theft Ordinance and be liable on conviction to imprisonment of a maximum of 14 years. In this connection, will the Government inform this Council:

(1) of the number of TAVA applications referred to the Hospital Authority or the Department of Health for re-assessment as the medical proof submitted was considered suspicious as well as the number of suspicious cases referred to the Police for thorough investigation over the past three years; whether the Police have taken law enforcement actions and prosecuted the persons suspected of obtaining TAVA by deception under the Theft Ordinance; if so, of the number of persons arrested and the penalties imposed;

(2) apart from verifying medical proof with healthcare institutions, of the Government's further measures in place to prevent TAVA frauds, such as stepping up investigation into applicants making multiple TAVA applications as well as looking into the suspected issuance of fake sick leave certificates by the same healthcare institutions or doctors; and

(3) of the Government's means to make members of the public clearly understand that TAVA fraud is a criminal offence subject to severe punishment?

Reply:

President,

The Traffic Accident Victims Assistance (TAVA) Scheme (the Scheme) is a welfare measure administered by the Social Welfare Department (SWD). The objective of the Scheme is to provide speedy financial assistance to road traffic accident victims or the surviving dependents of deceased victims on a non-*'means'*-tested basis, regardless of the element of fault leading to the occurrence of the accident.

In response to the question raised, my consolidated reply is as follows:

(1) The SWD strictly verifies every TAVA application. According to the existing arrangement, the SWD will seek written confirmation from the Police regarding whether a traffic accident is involved in the relevant application and seek clarification on the relevant medical assessment information with the public/private medical institution which issued the medical certificate. If incomplete information and documents are identified or clarification is needed, e.g. when the medical certificate does not establish that the applicant's injuries were caused by the traffic accident, the SWD will make enquiries with the medical institution concerned or request a re-assessment to ensure that the injuries sustained by the applicants are related to the traffic accidents concerned. Over the past three years (i.e. from 2022-23 to the end of September in 2024-25), the SWD had verified medical certificates with public/private medical institutions for a total of about 5 600 times. The SWD officers will continue to process the applications in accordance with the established procedures after confirming or clarifying the relevant medical assessment information.

Besides, the SWD officers will strengthen the verification of whether the applicant has made any claims for damages or compensation through other means for the same traffic accident. To avoid double compensation, the SWD will timely inform insurance companies upon SWD's disbursement of TAVA payments to the applicant.

If false medical information, fraudulence or other criminal element are suspected to be involved during the processing of application, the SWD will refer the case to the Police for investigation and will immediately cease processing the relevant application. In recent months, the Police has arrested a number of individuals suspected of submitting fraudulent TAVA claims using false medical certificates and other methods. These arrests were indeed prompted by suspicious applications identified by the SWD officers during the application vetting process, in accordance with the established working procedures. Over the past three years (i.e. from 2022-23 to the end of September in 2024-25), the SWD referred a total of 575 suspicious cases to the Police for investigation. Among these cases, 275 individuals were arrested for allegedly providing false medical certificates to the SWD to fraudulently obtain TAVA payments.

(2) and (3) To prevent abuse or fraudulent claims of TAVA, the SWD has reviewed its case vetting workflow and increased random checks of medical certificates submitted by applicants pursuant to the risk-based principle. In addition, for cases with repeated applications by the same applicant, the SWD will require these applicants to provide more detailed information about the traffic accidents for conducting investigations. The SWD will also analyse whether the traffic accidents concerned share common features or suspicious elements. For the applications involving Interim Maintenance Grant (IMG), depending on the circumstances of each individual case (e.g. the length of the period for obtaining IMG), the SWD will check the applicant's traffic violation records with the Police to verify their eligibility for the grant.

The SWD will clearly explain to the applicants that obtaining TAVA payments by deception is a serious criminal offence. Apart from losing their eligibility for assistance, applicants may also be prosecuted under the Theft Ordinance (Cap. 210) and be liable on conviction to a maximum penalty of 14 years' imprisonment. All applicants are required to sign the application form to acknowledge that they fully understand their obligation to provide accurate and truthful information, and that they will be criminally liable for obtaining TAVA by deception. In addition to disseminating related promotional information through its website, the SWD also posts press releases and broadcasts short videos on combating abuse or fraud related to TAVA in the reception area of the office of TAVA Section, to remind visitors that defrauding TAVA is a serious criminal offence with severe penalties.

To enhance the integrity of the Scheme and ensure proper use of public funds, the Government will conduct a review of the eligibility criteria and scope of assistance of the Scheme, with a view to ensuring that traffic accident victims with genuine needs receive timely assistance while at the same time, preventing abuse and severely punishing criminals who commit fraud cases.