

# LCQ15: Traffic Accident Victims Assistance Fund

Following is a question by the Hon Frankie Yick and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (May 8):

Question:

According to the Traffic Accident Victims Assistance Fund Annual Report for the year from April 1, 2022 to March 31, 2023, both the rate of application for Traffic Accident Victims Assistance and the total amount of assistance paid in the year had increased as compared with those in 2021-2022, and among which, the victims of nearly 90 per cent of the cases sustained slight injuries. There are views pointing out that the increased amount of assistance paid is due to the abuse of the Traffic Accident Victims Assistance Fund (the Fund). In this connection, will the Government inform this Council:

(1) of the following information on the applications made to the Fund in 2022-2023 in respect of the aforesaid slight injury cases:

(i) the respective numbers of applications in which the victims were drivers, passengers and pedestrians;

(ii) whether it has categorised the severity of the injuries under "slight injury"; if so, set out the respective numbers of applications in which the victims were drivers, passengers and pedestrians with a breakdown by such categories;

(iii) the respective numbers of applications submitted with injury certificates issued by doctors in public and private healthcare institutions;

(iv) among the applications with injury certificates issued by doctors in private healthcare institutions, (a) the number of applications involving an re-assessment of the injury certificates and (b) whether it has found cases involving injury certificates mostly issued by a small number of private doctors; and

(v) the respective numbers of applications in which injury grant and interim maintenance grant were granted, together with a breakdown by the number of days of sick leave for the victims (i.e. less than one month, one month to less than three months, and three months to six months) as certified by doctors;

(2) the number of reports on fraud of the Fund received by the Government in the past three years; whether it will step up measures to encourage the public to report suspected cases; and

(3) given that the amount of assistance disbursed from the Fund in 2020-2021 was substantially higher than that in 2019-2020, and the Fund recorded deficits in the past three years, whether the authorities will consider tightening the Fund's eligibility criteria as well as the vetting and approval of applications, such as by tightening the requirements on sick leave certificates or shortening the time limit for the submission of an application after the accident, so as to eradicate fraud and abuse of the Fund by lawbreakers and reduce the financial pressure on the Fund; if so, of the details; if not, the reasons for that?

Reply:

President,

The Traffic Accident Victims Assistance (TAVA) Scheme is administered by the Social Welfare Department (SWD). The objective of the TAVA Scheme is to provide speedy financial assistance to road traffic accident victims or the surviving dependents of deceased traffic accident 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 reply is as follows:

(1) To achieve the objective of the TAVA Scheme to support traffic accident victims, financial assistance is provided on a non-means-tested basis, regardless of the element of fault leading to the occurrence of the accident. However, an applicant must meet the following conditions to be eligible for assistance payment, including (a) the accident must have been reported to the Police and determined by the Police as a road traffic accident; and (b) the victim is injured or killed in the accident. In case of injury, the injured victim must be certified by a registered doctor that such injury requires hospitalisation of no less than three days or issued with proof for medical leave of no less than three days.

(i) and (ii) In 2022-23, the number of cases by the recipient's level of injury and role in the accident is tabulated below:

Level of injury	Number of cases (Note 1)			Total
	Role of recipient in the accident			
	Driver	Passenger	Pedestrian	
Slight injury	5 061	1 706	692	7 459
Serious injury	664	161	173	998
Fatal	16	7	28	51
Total	5 741	1 874	893	8 508 (Note 2)

(iii) In 2022-23, the number of cases involving sick leave certificates issued by the public hospitals and/or private hospitals/clinics are tabulated below:

Medical institutions issuing the sick leave certificates	Number of cases (Note 1)
Public hospitals	3 900
Private hospitals/clinics	585
Involving both public and private hospitals/clinics	3 977
Total	8 462 (Note 2)

(iv) The SWD does not maintain statistics on re-assessment of injuries by doctors of private hospitals/clinics and the information on private doctors.

(v) In 2022-23, the number of cases receiving Injury Grant and Interim Maintenance Grant by number of sick leave days granted are tabulated below:

Number of sick leave days granted	Number of cases (Note 1) receiving Injury Grant	Number of cases (Note 1) receiving Interim Maintenance Grant
30 days or below	2 745	513
31 – 90 days	1 696	539
91 – 180 days	4 021	1 577
Total	8 462	2 629

Note 1: The figures are based on the date of application of the cases.

Note 2: As some recipients passed away or passed away after applying for sick leave, the number of cases involving sick leave certificates and the total number of cases under the TAVA Scheme could vary.

(2) When processing applications, the SWD will clearly explain to the applicant that obtaining assistance payment by deception is a criminal offence. Apart from losing the eligibility for assistance, the applicant may be prosecuted under the Theft Ordinance (Cap. 210) and be liable on conviction to imprisonment of a maximum of 14 years. The number of the suspected fraud cases reported by the public in the past three years are tabulated below:

Year	Number of suspected fraud cases reported
2021-22	28
2022-23	74
2023-24	16

Total	118
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(3) The SWD has been strictly verifying every TAVA application, including seeking written confirmation from the Police on whether a traffic accident is involved, maintaining close liaison with the Hospital Authority and the Department of Health to ensure the injuries sustained by the applicants are related to the traffic accidents concerned, strengthening the procedures of vetting income proof, and verifying whether the applicants have made any claim for damages or compensation through other means for the same traffic accident as well as informing insurance companies in writing on the disbursement of payment in a timely manner to avoid double compensation.

The SWD will continue to monitor the implementation of the TAVA Scheme, review all aspects of work to enhance workflow of processing applications and step up inspections to strictly combat any abuses or frauds of TAVA. If any case is suspected to involve criminal elements, the SWD will handle it seriously and refer the case to law enforcements agencies for investigation.