

LCQ8: Traffic Accident Victims Assistance Scheme

Following is a question by the Hon Frankie Yick and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (December 9):

Question:

Victims of road traffic accidents or their dependents (in case of death of the victims), regardless of their financial situation and the element of responsibility for the traffic accidents concerned, may apply for financial assistance under the Traffic Accident Victims Assistance Scheme (TAVA Scheme), the amount of which is based on the injuries sustained by or the death of the victims. In 2019-2020, the number of applications under the TAVA Scheme rose by 10 per cent from that of the previous year. It is learnt that some insurance companies have found that the injuries sustained by some traffic accident victims were minor and they had normal mobility, but they were granted injury grant and interim maintenance grant for a long period of time (up to a maximum of 180 days), arousing suspicion that the TAVA Scheme has been abused. In this connection, will the Government inform this Council:

- (1) of the number of applications under the TAVA Scheme in the past five years, with a breakdown by the transport modes involved in the accidents;
- (2) of (i) the number of suspected fraudulent applications referred to the Police by the Social Welfare Department, and (ii) the number of cases in which the persons involved were convicted of fraud offences, and what penalties were imposed on them by the court, in the past five years;
- (3) whether it will step up efforts to verify the information submitted by the applicants (including certification issued by doctors) to prevent fraud and abuse cases; and
- (4) given that at present, the eligibility criteria for the TAVA Scheme are just that the traffic accident has been reported to the Police and the victim has been certified to have sustained an injury requiring hospitalisation of no less than three days or issued with proof of medical leave of no less than three days by a doctor, whether the authorities will review if such eligibility criteria are too lax and need to be tightened; if they will, of the details; if not, the reasons for that?

Reply:

President,

The Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229) provides for the establishment of the Traffic Accident Victims Assistance (TAVA) Scheme, which is administrated by the Social Welfare Department (SWD). The objective of the Scheme is to provide speedy financial assistance to road

traffic accident victims (including pedestrians and drivers) or their surviving dependents (in case of death) on a non-means-tested basis, regardless of the element of fault leading to the occurrence of the accident. Payments are made for personal injuries, while loss of or damage to property is not covered.

My reply to the Member's question is as follows:

(1) In the past five years, the statistics on the applications under the TAVA Scheme are as follows:

Year	Number of applications received	Number of applications approved
2019-20	9 342	6 820
2018-19	8 483	7 334
2017-18	8 419	6 553
2016-17	8 799	7 340
2015-16	8 524	7 148

SWD does not maintain statistics on the applications by the types of vehicles involved.

(2) In the past five years, SWD referred five suspected cases of attempted fraud to the Police, one of which resulted in prosecution by the Police. The applicant concerned was sentenced to seven days of imprisonment, suspended for two years.

(3) and (4) The TAVA Scheme is a social welfare initiative which aims to provide speedy financial assistance to injured victims of road traffic accidents or their surviving dependents (in case of death). To prevent abuse and fraud, an application for assistance payment must meet the following conditions:

(i) the accident must have been reported to the Police and determined by the Police as a road traffic accident; and

(ii) 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.

SWD staff will verify the information submitted by applicants when considering their applications, so as to ensure the assistance is paid and disbursed to eligible applicants. SWD collaborates and maintains close liaison with the Police, the Hospital Authority (HA) and the Department of Health (DH) to thoroughly review suspicious traffic accidents, medical proof and medical reports. Depending on the circumstances, the proof and reports submitted by applicants will be passed to HA or DH for re-assessment, and suspected cases of fraud will be referred to the Police for follow-up.

When processing an application, SWD will clearly explain to the applicant that obtaining assistance payment by deception is a criminal offence. Apart from being ineligible for assistance, the applicant is also liable on conviction under the Theft Ordinance (Cap. 210) to imprisonment of a maximum of 14 years. SWD will continue to monitor the implementation of the TAVA Scheme. Any person who possesses information about improper or illegal activities by any person in applying for assistance under the TAVA Scheme may lodge a report to SWD or the Police.