Traffic Accident Victims Assistance Scheme

Provides financial assistance to road traffic accident victims or to their surviving dependants in cases of death.
Dr. Khalid Iqbal, Secretary for Home Affairs, has expressed concern over the recent traffic accidents in the province.

The Secretary highlighted the need for stricter traffic enforcement and called for the immediate implementation of measures to prevent accidents. He appealed to the public to cooperate with traffic officials to ensure safety on the roads.

The Secretary also emphasized the importance of road safety education and urged schools to incorporate traffic awareness programs into their curricula.

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Objective

The objective of this Scheme is to provide speedy financial assistance to road traffic accident victims (or to their surviving dependants in cases 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 included.

Eligibility Criteria

Every application must satisfy the following criteria:

- The accident must be a traffic accident as defined under the Traffic Accident Victims (Assistance Fund) Ordinance, Cap. 229 of the Laws of Hong Kong, and has been reported to the Police.
- The victim died from the accident; or the injury sustained by the victim gave rise to at least three days' hospitalization or sick leave as certified by a registered medical practitioner/registered Chinese medicine practitioner.
- The application must be made within six months (see footnote below) after the date of the accident.
- The victim is a person having the right to remain in Hong Kong or being permitted to remain in Hong Kong under the Immigration Ordinance, Cap. 115 of the Laws of Hong Kong, and he is not in contravention of a limit of stay (if any) in force against him at the time of the accident.

(Note: In reckoning the six-month period, the day on which the accident happens is excluded. If the last day of the period is a Saturday, a public holiday or a day during which Typhoon Warning Signal No. 8 or above or Black Rainstorm Warning Signal is issued, the period shall include the next normal working day.)

How to Apply

Application forms are available at the Accident Investigation Divisions of Regional Traffic of the Hong Kong Police Force, District Offices of the Home Affairs Department, Police posts at the Accident and Emergency Departments of hospitals, or the TAVA Section of SWD located at Unit A-D, 8/F, China Overseas Building, 139 Hennessy Road, Wanchai, Hong Kong.

Application forms can also be downloaded from the homepage of SWD at http://www.swd.gov.hk

Completed forms can be posted or handed in to the TAVA Section. Alternatively, they can be sent to that Section by fax or email.

Fax no. : 2893 8690
Email address : tavaenq@swd.gov.hk

How an Application is Processed

Under normal circumstances, the police officer who investigates a traffic accident will introduce the Scheme to the victim or his next-of-kin at the first instant. An application for assistance is considered to have been formally made only when it is received by SWD.

Unless prevented by special circumstances or immobility, the applicant will be required to attend the TAVA Section in person to provide the relevant information and the following documents:

- identity documents (in fatal cases, identity documents of both the victim and his dependants are required);
- original copies of proof of injuries sustained in the accident including death certificate (in cases of death), sick leave certificates, medical reports issued by registered medical practitioners/registered Chinese medicine practitioners, hospital fee receipts, hospital/clinic consultation cards, etc. issued by medical institutions under the Hospital Authority or the Department of Health;
- bank passbook or electronic teller card (if the applicant chooses to receive the assistance through bank autopsy), etc.

The applicant will be informed of the result of his application in writing.

(Note: To obtain TAVA by deception is a criminal offence. In addition to the consequence of being ineligible for assistance, the person is liable on conviction to imprisonment for a maximum of 14 years under the Theft Ordinance, Cap. 210 of the Laws of Hong Kong.)

Statutory Obligation

Undertaking

Under Section 9 of the Traffic Accident Victims (Assistance Fund) Ordinance, Cap. 229 of the Laws of Hong Kong, an applicant has to sign an undertaking whereby he must:

- notify the Director of Social Welfare of the making of any claim by him for damages or compensation from other sources in respect of the same traffic accident (such notification should be given within 30 days from the date of making such claim);
- notify any person, against whom he has made a claim for damages or compensation in respect of the same traffic accident, of the date and amount of payment he has received from the TAVA Fund (such notification should be given in writing within seven days from the date of making such claim).

The person against whom a claim has been made by a TAVA applicant and who has been notified of the payment from the Scheme will have a statutory obligation to notify the Director of Social Welfare of the amount of payment he makes to the applicant (such notification should be made no less than 72 hours before the day on which the payment is to be made).

Claiming compensation from other sources

Beneficiaries under the Scheme still retain the right to make claims for damages or compensation from other sources in the usual way. Section 10 of the Traffic Accident Victims (Assistance Fund) Ordinance, Cap. 229 of the Laws of Hong Kong stipulates that where as a result of any traffic accident, damages or compensation are paid in respect of any person to whom or for whose benefit money from the TAVA Fund has been paid, the person receiving the damages or compensation shall repay to the Fund the amount of money paid from the Fund, or the amount of damages or compensation received, whichever is the less.)