

交通意外傷亡援助計劃

Traffic Accident Victims
Assistance Scheme

為道路交通意外受害人士或
遺屬提供經濟援助

Provides financial assistance to
road traffic accident victims
or to their surviving dependants in cases of death

社會福利署

Social Welfare Department

引言 Introduction

「交通意外傷亡援助計劃」是根據香港法例第229章《交通意外傷亡者(援助基金)條例》實施，並由社會福利署負責執行。

The Traffic Accident Victims (Assistance Fund) Ordinance, Cap. 229 of the Laws of Hong Kong provides for the establishment of the Traffic Accident Victims Assistance (TAVA) Scheme, which is administered by the Social Welfare Department (SWD).

這項計劃的援助金由「交通意外傷亡援助基金」支付。該基金的主要收入來自向領牌車輛車主另徵的稅項、向駕駛執照持有人另徵的稅項、以及政府的撥款。

The Scheme is financed by the TAVA Fund. The major sources of income of the Fund are levies on licensed vehicles, levies on driving licences, and government contribution.

本小冊子提供有關這項計劃的資料，包括計劃的目的、申請資格及手續、援助金額的計算方法、申請人的法定義務等等。

This pamphlet provides information on the Scheme, including its objective, eligibility criteria, application procedures, assessment of payment, the applicant's statutory obligation, etc.

本小冊子只供一般參考。如需查詢更多有關資料或索取申請表格，請致電社會福利署交通意外傷亡援助組。

電話：28347472 / 28324615 / 28324616 / 28324603

This pamphlet is for general reference only. Should more information or application forms be required, please contact the TAVA Section of SWD at

2834 7472 / 2832 4615 / 2832 4616 / 2832 4603.

目的 Objective

這項計劃的目的是向道路交通意外受害人士，或這些人士的受養人(如受害人因傷死亡)迅速提供經濟援助，而無須通過經濟審查，或有關交通意外是因誰人的過失而造成。

援助金按意外受害人的傷亡情況支付；至於財物損失，則不在援助範圍內。

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.

申請資格 Eligibility Criteria

每宗申請必須符合下列條件：

- 有關意外屬於香港法例第 229 章《交通意外傷亡者(援助基金)條例》所指的交通意外，並已向警方報案；
- 受害人因該意外死亡；或因該意外受傷，而傷勢令受害人留醫不少於三天或由註冊醫生/註冊中醫證明需要病假不少於三天；
- 申請在意外發生日期後的六個月(見備註)內提出；
- 受害人根據香港法例第 115 章《入境條例》的規定，有權留在香港或獲准留在香港；對於逗留香港是有條件限制的受害人，在意外發生時，並無違反逗留期限。

(備註：在計算六個月期限時，意外發生的當日不計算在內。如該期限的最後一日是星期六、公眾假期、發出八號或以上颱風訊號或黑色暴雨警告，則該期限包括下一個正常工作日。)

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.)

申請手續 Application Procedures

申請人可向香港警務處各區交通意外調查組、民政事務總署各區民政事務處、醫院管理局轄下各醫院急症室警崗、或社會福利署交通意外傷亡援助組索取申請表格。

交通意外傷亡援助組地址：

香港灣仔軒尼詩道139號中國海外大廈8樓A-D室

申請表格亦可在社會福利署的網頁下載

網址：<http://www.swd.gov.hk>

填妥的申請表格可郵寄或送交交通意外傷亡援助組。亦可用傳真或經電子郵件方式傳送至該組。

傳真號碼：2893 8690

電郵地址：tavaenq@swd.gov.hk

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

處理申請的程序 How an Application is Processed

在一般情況下，交通意外發生後，負責調查的警務人員會盡快把這項計劃告知受害人或其近親。援助申請須於社會福利署收到申請書後，才視作已正式提出。

除因特別情況或行動不便外，申請人須親往交通意外傷亡援助組，提供有關資料及下列文件：

- 身份證明文件(如受害人死亡，須提供受害人及其家屬的身份證明文件)；
- 所持有有關在意外事件中受傷的證明文件正本，包括死亡證(如受害人死亡)、病假證明書、由註冊醫生/註冊中醫發出的醫療報告書、醫院費用收據、由醫院管理局或衛生署轄下醫療機構發出的醫院／診所診症咭等；
- 銀行存摺或提款咭(如選擇以銀行自動轉帳方法收取援助金)等。

交通意外傷亡援助組會審慎核實申請人所提供的資料，例如：

- 與警務處交通意外調查組核對有關資料；
- 把申請人提交而援助組認為有可疑的醫療證明書／報告轉交醫院管理局／衛生署重行評估；
- 與有關人士(如受害人的家人、僱主)聯絡。

申請結果將會以書面通知申請人。

(注意：騙取交通意外傷亡援助金乃屬刑事行為，除可導致申請人喪失領取援助的資格外，並可能根據香港法例第 210 章《盜竊罪條例》而被起訴。任何觸犯盜竊罪的人士，一經定罪，最高可被判入獄 14 年。)

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 autopay), etc.

The TAVA Section will carefully verify the information provided by an applicant. For example, its staff may:

- confirm relevant information with the Accident Investigation Divisions of the Police;
- refer dubious medical certificates/reports produced by the applicant to the Hospital Authority/Department of Health for re-assessment;
- contact the concerned parties, such as the victim's family members and employer.

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.)

法定義務 Statutory Obligation

承諾書 Undertaking

根據香港法例第 229 章《交通意外傷亡者(援助基金)條例》第 9 條的規定，申請人須簽署一份承諾書，承諾履行下列事項：

- 如申請人就同一宗交通意外向其他方面索取損害賠償或其他賠償，則必須通知社會福利署署長(這項通知須於提出索償當日起計三十天內發出)；
- 如申請人就同一宗交通意外向任何人士索取損害賠償或其他賠償，則必須把其本人從交通意外傷亡援助基金所獲得的援助金額和領款日期，通知該名人士(這項通知須於提出索償當日起計七天內以書面發出)。

任何人士如被申請人追討賠償並已獲得通知有關這項計劃已支付援助金，該人士便有法定義務將付予申請人的任何款項數目通知社會福利署署長(這項通知須於付款日期前最少七十二小時發出)。

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).

從其他方面索取賠償 Claiming compensation from other sources

計劃受惠人仍有權循一般法律途徑索取賠償。根據香港法例第 229 章《交通意外傷亡者(援助基金)條例》第 10 條規定，計劃受惠人如就同一宗交通意外獲得損害賠償或其他賠償，則須退還從這個計劃所獲得的援助金，或所獲得的賠償，兩者中以金額較少者為準。

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.

援助金額的計算和支付方法 Assessment and Methods of Payment

援助金額計算方法 Basis of payment

交通意外傷亡援助是按照「緊急救援基金」的援助金額表釐定。援助金額的項目、幅度及付款條件詳列於本小冊子的附頁。

The levels of assistance are based on the Payment Schedule of the Emergency Relief Fund. The types of payment, levels and conditions of grants are given at the annex of this pamphlet.

援助金額的支付方法 How payment is made

社會福利署通常會把援助金存入申請人的銀行戶口，申請人亦可到社會福利署社會保障付款組領取劃線支票。在特殊情況下，社會福利署可安排以現金支付方式將援助金送達申請人。

Payment of assistance will normally be deposited into a successful applicant's designated bank account by SWD. Alternatively, the applicant may also collect a crossed cheque at SWD's Social Security Payment Control Section. Under special circumstances, SWD may arrange direct delivery of payment to the applicant.

服務承諾 Performance Pledge

首次提出而又合格的交通意外傷亡援助申請，會在完成調查及批核後七個工作天內獲發放援助金。

Payment will be made to successful new TAVA applications within 7 working days after completion of investigation and authorisation.

上訴 Appeals

申請人如不滿社會福利署所作出的決定，可向「社會保障上訴委員會」提出上訴。該委員會由非官方人士組成。上訴必須於規定時限內提出，詳情可向交通意外傷亡援助組查詢。

Where an applicant is dissatisfied with the decisions of SWD, he may lodge an appeal with the Social Security Appeal Board (comprising non-government officials) within a specified time limit. Enquiries about the appeal procedures can be directed to the TAVA Section.

其他社會保障援助 Other Social Security Assistance

由社會福利署推行的社會保障計劃，除了交通意外傷亡援助，還有綜合社會保障援助、公共福利金(包括高齡津貼、傷殘津貼及長者生活津貼)、暴力及執法傷亡賠償及緊急救援基金等計劃。欲知這些計劃的詳情，請向社會福利署各辦事處索閱有關小冊子或瀏覽社會福利署的網頁(<http://www.swd.gov.hk>)。

Apart from the TAVA Scheme, SWD administers other social security schemes which include the Comprehensive Social Security Assistance, Social Security Allowance (comprising Old Age Allowance, Disability Allowance and Old Age Living Allowance), Criminal and Law Enforcement Injuries Compensation and Emergency Relief Fund. Details of these Schemes can be found in separate pamphlets obtainable from SWD's offices or website at <http://www.swd.gov.hk>

舉報涉嫌欺詐的個案 Reporting Suspected Fraud Cases

交通意外傷亡援助組已印備特定表格，方便市民舉報懷疑的欺詐個案。這些表格可向派發申請表格的政府部門，及各公共屋邨辦事處索取，亦可在社會福利署的網頁下載。

Standard forms are available for the public to report suspected fraud cases. These forms can be obtained at the government offices which provide the application forms, and public housing estate offices. Alternatively, they can be downloaded from SWD's homepage.