

# **Traffic Accident Victims Assistance Fund**

## **Annual Report**

**by the**

**Director of Social Welfare Incorporated**

**for the year**

**from 1 April 2022 to 31 March 2023**

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## HIGHLIGHTS OF THE YEAR

### Applications and Caseload

- The number of applications decreased by 2.5% from 10 500 in the previous year to 10 236.
- The number of traffic casualties reported to the Police decreased by 4.5% from 20 447 in the previous year to 19 528, while the rate of application for Traffic Accident Victims Assistance increased from 51.4% to 52.4%.

### Payments

- The total amount of assistance paid increased by 8.0% from \$413.3 million in the previous year to \$446.3 million.
- A total of 73 serious traffic accident cases were processed.
- The highest award of the year was \$199,260.

### Refunds

- The total amount of refunds received in the year under Section 10 of the Traffic Accident Victims (Assistance Fund) Ordinance, Cap. 229 of the Laws of Hong Kong increased by 32.5% from \$106.1 million in the previous year to \$140.6 million.

### Appeals

- One appeal was received during the year.

### Financial Position

- The accumulated surplus as at 31 March 2023 was \$1,568.5 million, compared with \$1,631.9 million as at 31 March 2022.
- It was noted that grant payments were on an increasing trend in recent years resulting in a deficit in 2022-23. While the present rates of levies on vehicles and driving licences (which were last revised in 1995) remain unchanged, there would be increasing pressure on the financial position of the Fund in the long run.

## INTRODUCTION

The Traffic Accident Victims (Assistance Fund) Ordinance, Cap. 229 of the Laws of Hong Kong, provides for the creation of a fund for assisting traffic accident victims and their dependants, the charging of levies and for purposes connected therewith.

2. In accordance with Section 4 of the Ordinance, the Traffic Accident Victims Assistance (TAVA) Scheme came into operation on 1 May 1979 under the administration of the Social Welfare Department (SWD). It aims at providing 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 covered. Beneficiaries under the Scheme still retain the right to make claims for damages or compensation from other sources in the usual way. Those who receive damages or compensation in respect of the same traffic accident are required to repay the amount of assistance they have already received from the Scheme, but in any case the amount to be repaid shall not exceed the amount of damages or compensation awarded, as specified under Section 10 of the Ordinance.

3. Section 11 of the Ordinance requires the Director of Social Welfare to prepare and the Director of Audit to audit a statement of accounts of the Fund for each period of 12 months ending on 31 March. It also specifies that a copy of the audited statement of accounts together with the Director of Audit's report, if any, and a report by the Director of Social Welfare on the administration of the Fund during the period covered by the audited accounts, shall be laid upon the table of the Legislative Council.

4. This report describes the administration of the TAVA Fund and the operation of the TAVA Scheme for the year ended 31 March 2023.

## THE FUND

5. The TAVA Fund is administered by the Director of Social Welfare Incorporated.
6. The income of the Fund consists of:
  - levies on the licensing fees of motor vehicles, trade licences, light rail vehicles, tramcars, trailers drawn by tramcars, government vehicles, and on driving licence fees including learner's driving licences, temporary driving licences and permits to drive government vehicles;
  - refunds from beneficiaries;
  - such sums as may from time to time be voted by the Legislative Council for the purpose; and
  - interest and other income derived from the money and investments comprising the Fund.
7. Payments made from the Fund include:
  - monies payable to traffic accident victims and their dependants under the TAVA Scheme;
  - any refund of levies in respect of motor vehicles, trade licences, light rail vehicles, tramcars or trailers; and
  - the administration cost of the Fund.

## **THE TRAFFIC ACCIDENT VICTIMS ASSISTANCE ADVISORY COMMITTEE**

### **Terms of Reference**

8. The terms of reference of the TAVA Advisory Committee are to advise the Director of Social Welfare on:

- all matters connected with the administration of the TAVA Scheme; and
- the administration of the TAVA Fund.

### **Membership**

9. The Committee consists of three ex-officio members and five non-official members, all appointed by the Chief Executive. The Chairperson is appointed from the non-official members. Tenure of office of the non-official members is two years.

10. Membership as at 31 March 2023 was as follows:

<b>Chairperson</b>	Miss Chan Mei-lan, Anna May, MH, JP
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<b>Vice-Chairperson</b>	Director of Social Welfare or representative
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<b>Members</b>	Ms Chak Tung-ching
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	Dr Chan Po-ling
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	Mr Chin Shing-hoi
--	-------------------

	Ms Fanny Fung
--	---------------

	Director of Legal Aid or representative
--	-----------------------------------------

	Commissioner of Police or representative
--	------------------------------------------

<b>Secretary</b>	Senior Social Security Officer (Social Security) 4
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### **Meetings**

11. During the year, two meetings were held on 28 July 2022 and 15 December 2022. Due to the outbreak of COVID-19, the meeting on 28 July 2022 was held in the form of zoom meeting.

## **ELIGIBILITY AND UNDERTAKING**

### **Eligibility Criteria**

12. Eligibility for assistance under the TAVA Scheme depends on the following criteria:
- the accident falls within the scope of the Traffic Accident Victims (Assistance Fund) Ordinance 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;
  - the application for assistance is made within six months after the date of the accident; and
  - 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, and he/she is not in contravention of a limit of stay (if any) in force against him/her at the time of the accident.

### **Undertaking**

13. As required by Section 9 of the Traffic Accident Victims (Assistance Fund) Ordinance, the applicant has to sign an undertaking, as a condition of payment of assistance under the Scheme, whereby he/she must:

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



## APPLICATIONS AND CASELOAD

### Application Procedures

14. Applications for assistance can be made by fax, by post, by e-mail/online form or in person. Application forms are available at the Accident Investigation Teams of the Hong Kong Police Force, District Offices of the Home Affairs Department, Police posts at the Accident and Emergency Departments of hospitals under the Hospital Authority, the TAVA Section and the SWD homepage at <http://www.swd.gov.hk>.

15. Under normal circumstances, the police officer who investigates a traffic accident will introduce the Scheme to the victim or his/her next-of-kin. In the case of serious traffic accidents, staff of the TAVA Section will take the initiative to contact the victims or their dependants to assist them to apply for assistance at an early date.

16. An application for assistance is considered to have been formally made only when it is received by the SWD.

17. Unless prevented by special circumstances or immobility, the applicant will be required to attend an interview at the TAVA Section. He/she is responsible for producing evidence in support of his/her claim of temporary incapacity for work or any permanent disability resulting from his/her injuries sustained in the traffic accident. With the applicant's consent, medical examinations and reports may be arranged with the Hospital Authority/Department of Health for the purpose of assessing his/her eligibility for assistance.

18. To guard against fraudulent claims, doubtful medical certificates/reports provided by the applicant will be referred to the Hospital Authority/Department of Health for re-assessment. The TAVA Section will also refer doubtful cases to the Police for in-depth investigations.

19. As an additional measure to prevent fraud and abuse of the Scheme, standard forms for reporting suspected fraud cases by members of the public are obtainable at public housing estate offices and other government offices. Alternatively, these forms can be downloaded from the SWD homepage (see paragraph 14 above).

## Number of Applications

20. During the year, 10 236 applications were received. This represents a decrease of 2.5% over the previous year (10 500 in 2021-22). A chart showing the application trend of the Scheme since 1979 is at Appendix I.

## Application Rate

21. According to the figures provided by the Commissioner of Police, the number of reported traffic casualties decreased by 4.5% over the previous year. As for the rate of application for TAVA, it was increased from 51.4% to 52.4%. The table below shows the application rate:

Application rate 2022-23								
	<i>Fatality</i>		<i>Serious injury</i>		<i>Slight injury</i>		<i>Total</i>	
Traffic casualties reported to Police <sup>(2)</sup>	<b>99</b>	(94)	<b>992</b>	(1 616)	<b>18 437</b>	(18 737)	<b>19 528</b>	(20 447)
Applications for TAVA	<b>84</b>	(79)	<b>782</b>	(1 236)	<b>9 370</b>	(9 185)	<b>10 236</b>	(10 500)
<b>Application rate (%)</b>	<b>84.8</b>	(84.0)	<b>78.8</b>	(76.5)	<b>50.8</b>	(49.0)	<b>52.4</b>	(51.4)

### Note

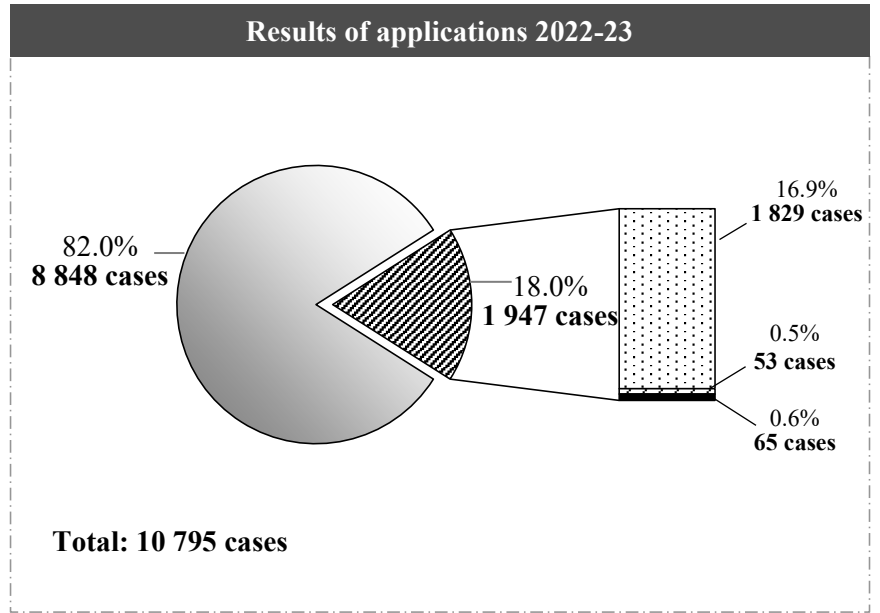
(1) Figures in brackets represent those for the previous year.

(2) Figures for 2023 are provisional.

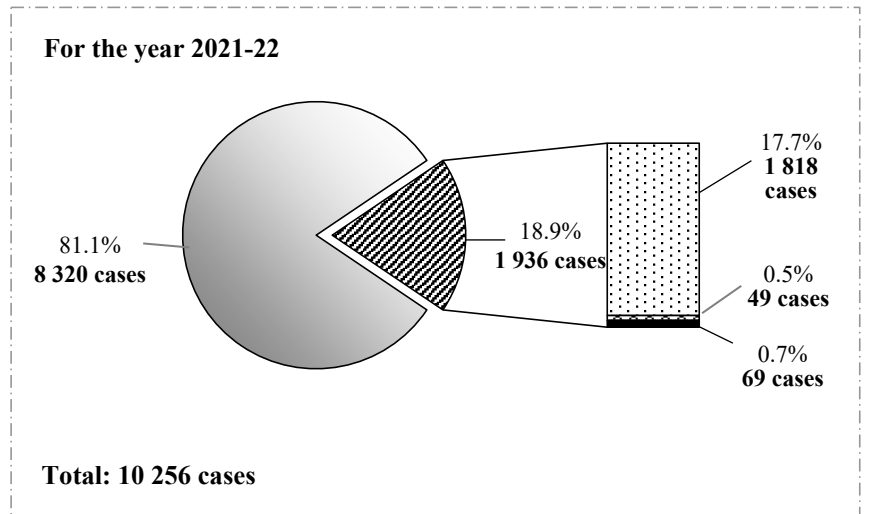
## Results of Applications

22. During the year, 10 795 applications were processed with the following results:

Results of applications 2022-23		
Results	Cases	%
<b>Payments authorized</b>	<b>8848</b>	<b>82.0</b>
<b>Payments not authorized</b>	<b>1947</b>	<b>18.0</b>
- applications withdrawn	1829	16.9
- employees' compensation exceeds TAVA entitlement	53	0.5
- applications rejected	65	0.6
<b>Total</b>	<b>10795</b>	



For the year 2021-22		
Results	Cases	%
<b>Payments authorized</b>	<b>8320</b>	<b>81.1</b>
<b>Payments not authorized</b>	<b>1936</b>	<b>18.9</b>
- applications withdrawn	1818	17.7
- employees' compensation exceeds TAVA entitlement	49	0.5
- applications rejected	69	0.7
<b>Total</b>	<b>10256</b>	



Payments authorized
  Payments not authorized

Reasons:

applications withdrawn

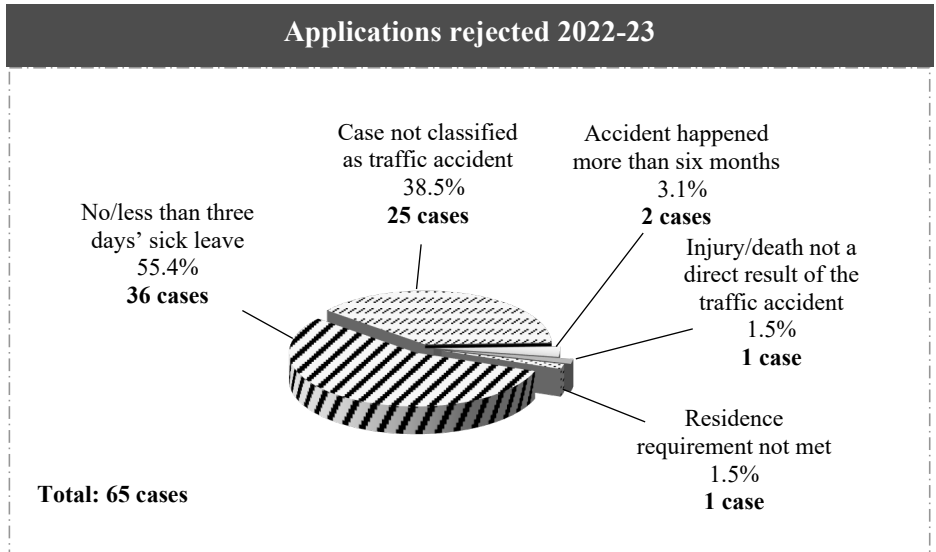
employees' compensation exceeds TAVA entitlement

applications rejected

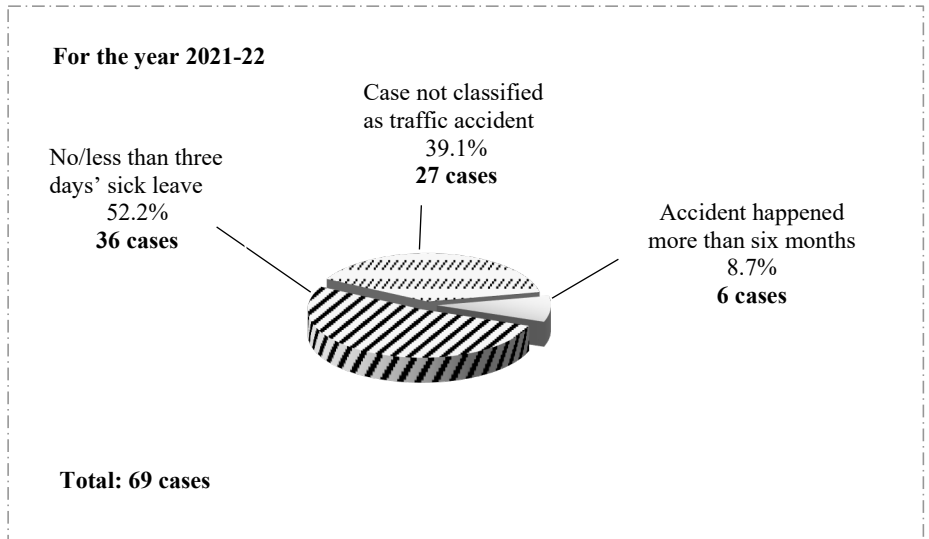
### Applications Rejected

23. The reasons for rejecting 65 applications are analyzed below:

Applications rejected 2022-23		
Reasons	Cases	%
No/less than three days' sick leave	36	55.4
Case not classified as traffic accident	25	38.5
Accident happened more than six months	2	3.1
Injury/death not a direct result of the traffic accident	1	1.5
Residence requirement not met	1	1.5
<b>Total</b>	<b>65</b>	



For the year 2021-22		
Reasons	Cases	%
No/less than three days' sick leave	36	52.2
Case not classified as traffic accident	27	39.1
Accident happened more than six months	6	8.7
<b>Total</b>	<b>69</b>	



## Applications Withdrawn

24. 1 829 applicants subsequently withdrew their applications for the following reasons:

Applications withdrawn 2022-23				
	Applications		%	
Seeking indemnity/compensation from other sources	250	(420)	13.7	(23.1)
Unwilling to comply with procedures	64	(61)	3.5	(3.4)
Lost contact	358	(288)	19.6	(15.8)
Not requiring financial assistance	1006	(861)	55.0	(47.4)
Claim for compensation settled by other means	104	(149)	5.7	(8.2)
Burial grant paid by other sources	6	(6)	0.3	(0.3)
Case not classified as traffic accident	31	(27)	1.7	(1.5)
Accident happened more than 6 months	6	(6)	0.3	(0.3)
Dissatisfied with amount of TAVA payment	4	(0)	0.2	(0)
<b>Total</b>	<b>1 829</b>	<b>(1 818)</b>	<b>100</b>	<b>(100)</b>

### Note

Figures in brackets represent those for the previous year.

## Caseload

25. Statistics below show the flow of cases handled during the year:

Caseload flow 2022-23								
<i>Cases brought forward</i>	+	<i>Enquiries / referrals / cases newly received</i> <sup>(Note)</sup>	=	<i>Total caseload</i>	-	<i>Cases closed</i>	=	<i>Active caseload as at 31 March 2023</i>
7 949		12 103		20 052		12 814		7 238

### Note

Including 1 827 cases re-opened for recovery or other actions.

## PAYMENTS

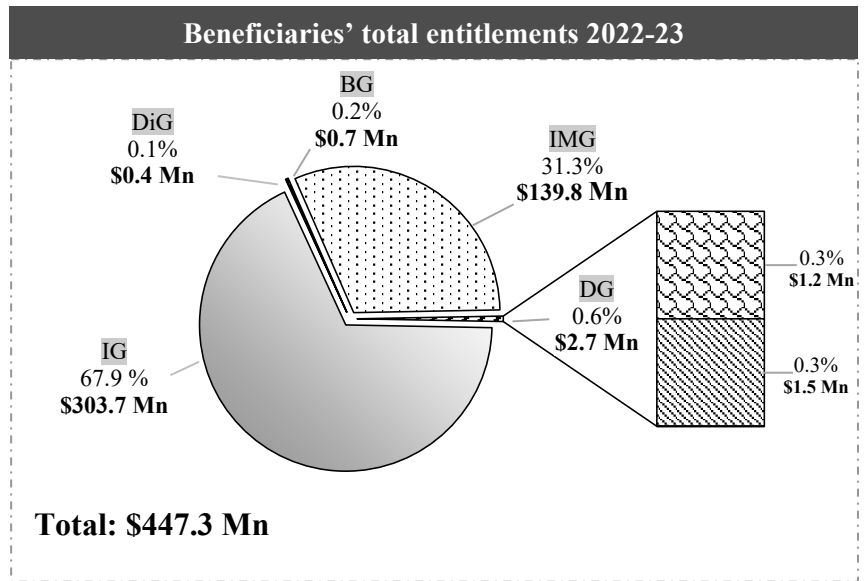
### Basis of Payments

26. The levels of assistance are assessed on the basis of the payment schedule for death or personal injury under the Emergency Relief Fund, which is subject to periodic revision. The payment rates were last revised on 1 April 2022 (see Appendix II).

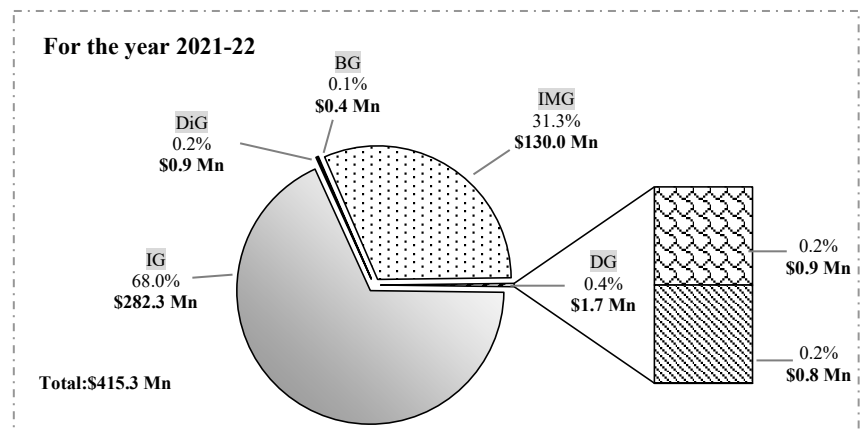
### Payment of Assistance

27. Five types of grants are payable under the Scheme. A breakdown by type of grant of the beneficiaries' total entitlements during the year is provided below:

Beneficiaries' total entitlements 2022-23		
Types of grants	\$Mn	%
Burial grant	0.7	0.2
Death grant	2.7	0.6
- loss of sole wage earner	1.2	0.3
- loss of one of the wage earners	1.5	0.3
Injury grant	303.7	67.9
Disability grant	0.4	0.1
Interim maintenance grant	139.8	31.3
<b>Total</b>	<b>447.3</b>	



For the year 2021-22		
Types of grants	\$Mn	%
Burial grant	0.4	0.1
Death grant	1.7	0.4
- loss of sole wage earner	0.9	0.2
- loss of one of the wage earners	0.8	0.2
Injury grant	282.3	68.0
Disability grant	0.9	0.2
Interim maintenance grant	130.0	31.3
<b>Total</b>	<b>415.3</b>	



#### Note

Figures may not add up to total due to rounding.

- BG** Burial grant
- DG** Death grant
  - loss of sole wage earner
  - loss of one of the wage earners
- IG** Injury grant
- DiG** Disability grant
- IMG** Interim maintenance grant

28. As shown in paragraph 27 above, the total amount of the beneficiaries' entitlements during the year amounted to \$447.3 million. By virtue of the statutory refund provision, a total amount of \$4.8 million received by a number of victims as periodical payments under the Employees' Compensation Ordinance and compensation from other sources was deducted from their entitlements. The net amount of assistance authorized for payment was \$442.5 million. The actual amount of assistance paid increased by 8.0% from \$413.3 million in 2021-22 to \$446.3 million. The difference between the amount authorized and the actual amount paid was due to the time gap between authorization and payment of assistance.

### **Serious Traffic Accidents**

29. The TAVA Section processed 73 serious traffic accident cases during the year. The accident resulting in the largest number of victims occurred on 16 December 2022 where a bus travelling along Tung Chung Eastern Interchange towards Tung Chung collided with a medium goods vehicle. It then skidded forward and hit a light goods vehicle parked ahead and rammed into six workers who were performing cleansing works. The two vehicle drivers were dead and 10 passengers and cleansing workers were injured. Four applications were received and they were processed as at 31 March 2023.

### **The Highest Award**

30. The highest award of the year was \$199,260 for a victim of a serious injury case.

### **Methods of Payment**

31. Payment is normally credited to an applicant's designated bank account. Under special circumstances, payment can be made by crossed cheque or by special delivery of cash to the applicant.

### **Speed of Payment**

32. The time span for processing a case depends very much on the caseload during the year, the complexity of the cases, and such other factors as the availability of evidence, the time needed for medical authorities to assess the victims' degree of injury and disability, and the readiness of related parties (e.g. the employer concerned) to respond to enquiries.

33. The TAVA Section pledges to issue payment to successful new applications within seven working days after completion of investigation and authorization. This year's achievement rate was 100%, against the performance target of 95%.


## REFUNDS

### Statutory Refund Requirement

34. Section 10 of the Traffic Accident Victims (Assistance Fund) Ordinance stipulates that where as a result of any traffic accident, damages or compensation are paid to any person who has received money from the Fund, the person receiving the damages or compensation shall repay to the Fund the amount of money paid from the Fund. However, in any case the amount to be repaid shall not exceed the amount of damages or compensation received.

### Refund Cases

35. During the year, there were 2 562 cases in which claims for damages or compensation were successful. The claimants were required to reimburse part or all of the payments from the Fund. The position as at the end of the year was as follows:

<b>Refunds 2022-23</b>			
	<b>Common law damages</b>	<b>Employees' compensation</b>	<b>Total</b>
(a) No. of cases involved	<b>2 543</b>	<b>19</b>	<b>2 562</b> (1 926)
(b) No. of cases having refunded as at the end of the year	<b>2 399</b>	<b>14</b>	<b>2 413</b> (1 813)
(c) No. of outstanding cases [(a) – (b)]	<b>144</b>	<b>5</b>	<b>149</b> (113)
			
(d) Amount to be refunded	<b>\$148.1 Mn</b>	<b>\$0.7 Mn</b>	<b>\$148.8 Mn</b> (\$109.5 Mn)
(e) Amount already refunded as at the end of the year	<b>\$140.0 Mn</b>	<b>\$0.6 Mn</b>	<b>\$140.6 Mn<sup>(2)</sup></b> (\$106.1 Mn)
(f) Amount of outstanding refunds [(d) – (e)]	<b>\$8.1 Mn</b>	<b>\$0.1 Mn</b>	<b>\$8.2 Mn</b> (\$3.4 Mn)

#### Note

<sup>(1)</sup> Figures in brackets represent those for the previous year.

<sup>(2)</sup> The total amount of refunds represented 31.8% of the amount of assistance authorized for payment during the year, compared with 25.8% in 2021-22.



## Reimbursement Rate

36. The following table shows the amount of reimbursement in relation to the total amount of beneficiaries' entitlements under the Scheme:

Reimbursement rate 2022-23		
		\$ Mn
Beneficiaries' total entitlements under the Scheme	<b>447.3</b>	(415.3)
Total reimbursement		
● Deductions of periodical payments of employees' compensation	4.8	(3.5)
● Refunds from successful claims for damages or compensation	140.6	(106.1)
Total	<b>145.4</b>	(109.6)
<b>Reimbursement rate (%)</b>	<b>32.5</b>	(26.4)

### Note

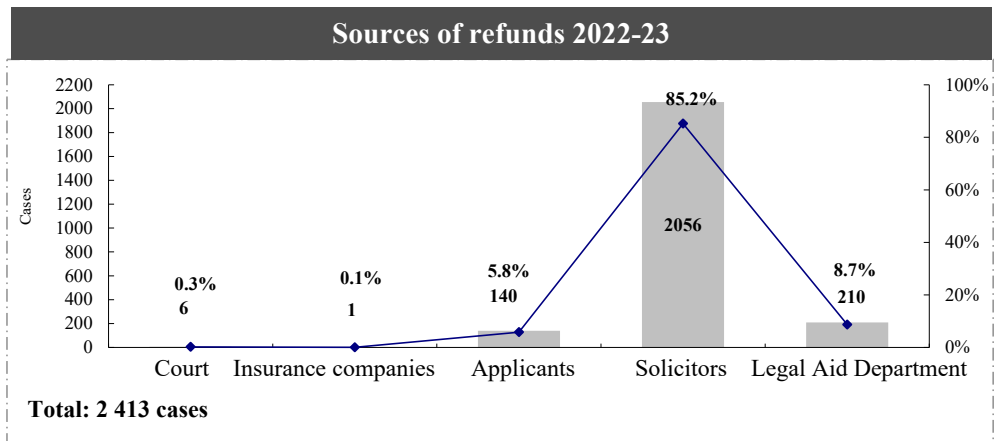
Figures in brackets represent those for the previous year.

## Sources of Refunds

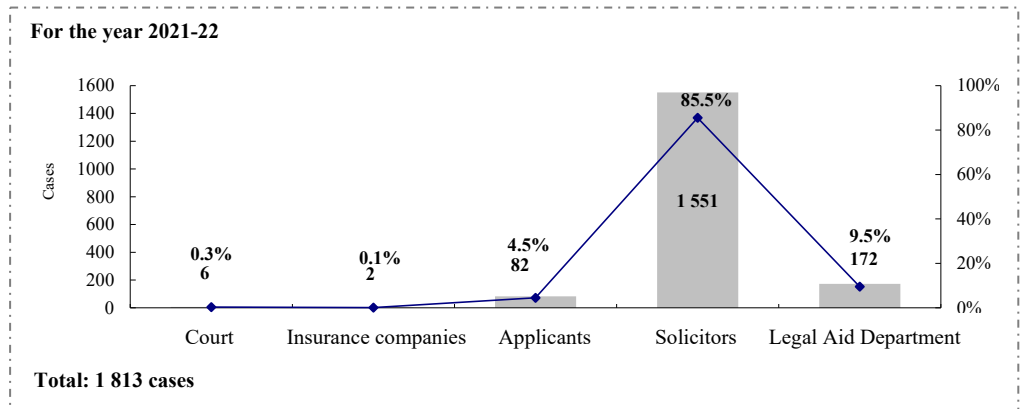
37. Refunds to the Fund are made either by the applicants or through other parties (including the Legal Aid Department, the Judiciary, private solicitors and insurance companies) with the consent of the applicants.

38. The following charts give a comparison of the sources of refunds between 2022-23 and 2021-22:

Sources of refunds 2022-23		
Sources	Cases	%
Court	6	0.3
Insurance companies	1	0.1
Applicants	140	5.8
Solicitors	2056	85.2
Legal Aid Department	210	8.7
<b>Total</b>	<b>2413</b>	



For the year 2021-22		
Sources	Cases	%
Court	6	0.3
Insurance companies	2	0.1
Applicants	82	4.5
Solicitors	1551	85.5
Legal Aid Department	172	9.5
<b>Total</b>	<b>1813</b>	



### Note

Figures may not add up to total due to rounding.

## **APPEALS**

### **Right of Appeal**

39. Where a person is not satisfied with the decisions of the SWD in respect of his/her application for TAVA, he/she may lodge an appeal with the Social Security Appeal Board in writing within the respective time limits (details at Appendix III). The Social Security Appeal Board is an independent body comprising non-officials appointed by the Chief Executive to handle social security appeals. Applicants/beneficiaries are informed of their rights of appeal in the information pamphlets issued by the TAVA Section and in the letters of notification of decision sent to them.

### **Appeal Cases**

40. As at 31 March 2023, one appeal was received, which was carried forward to the year 2023-24 pending medical assessment and decision of the Social Security Appeal Board.

## **PUBLICITY AND LIAISON**

### **Publicity**

41. Both information pamphlets and leaflets of the Scheme are available at the Accident Investigation Teams of the Hong Kong Police Force, District Offices of the Home Affairs Department, Police posts at the Accident and Emergency Departments of hospitals under the Hospital Authority and the TAVA Section where application forms can be obtained. Members of the public can also obtain information about the Scheme from the SWD homepage (see paragraph 14 above).

### **Liaison**

42. Regular contact and close co-ordination were maintained with the Hong Kong Police Force, Department of Health, Department of Justice, Legal Aid Department, Labour Department, Judiciary, Hospital Authority, and other related bodies to ensure the smooth operation of the Scheme.

### **Welfare Referrals**

43. Where an applicant is found to be in need of other welfare services (for example, family and marriage counselling, psychiatric assistance), subject to the applicant's consent, the TAVA Section will make referrals to other service units or other departments/organizations for appropriate assistance.

## **FINANCIAL POSITION**

### **Audited Statement of Accounts**

44. The audited statement of accounts of the Fund for the year, including the Balance Sheet and the Receipts and Payments Account, is shown at Appendix IV.

45. There was an outstanding liability of \$7.3 million on the Fund, representing the total amount involved in cases where assistance had been authorized but payment was still outstanding as at 31 March 2023.

46. The interest receivable amounted to \$13.6 million as at the end of the year.

### **Contribution from Government**

47. At the time of preparing the annual estimates, the “contribution from government” was estimated on the basis of 25% of the total levies expected to be collected for the year.

### **Accumulated Surplus of the Fund**

48. The accumulated surplus brought forward from 2021-22 was \$1,631.9 million. For 2022-23, the deficit was \$63.4 million. The accumulated surplus as at 31 March 2023 was \$1,568.5 million.

### **Long Term Financial Position**

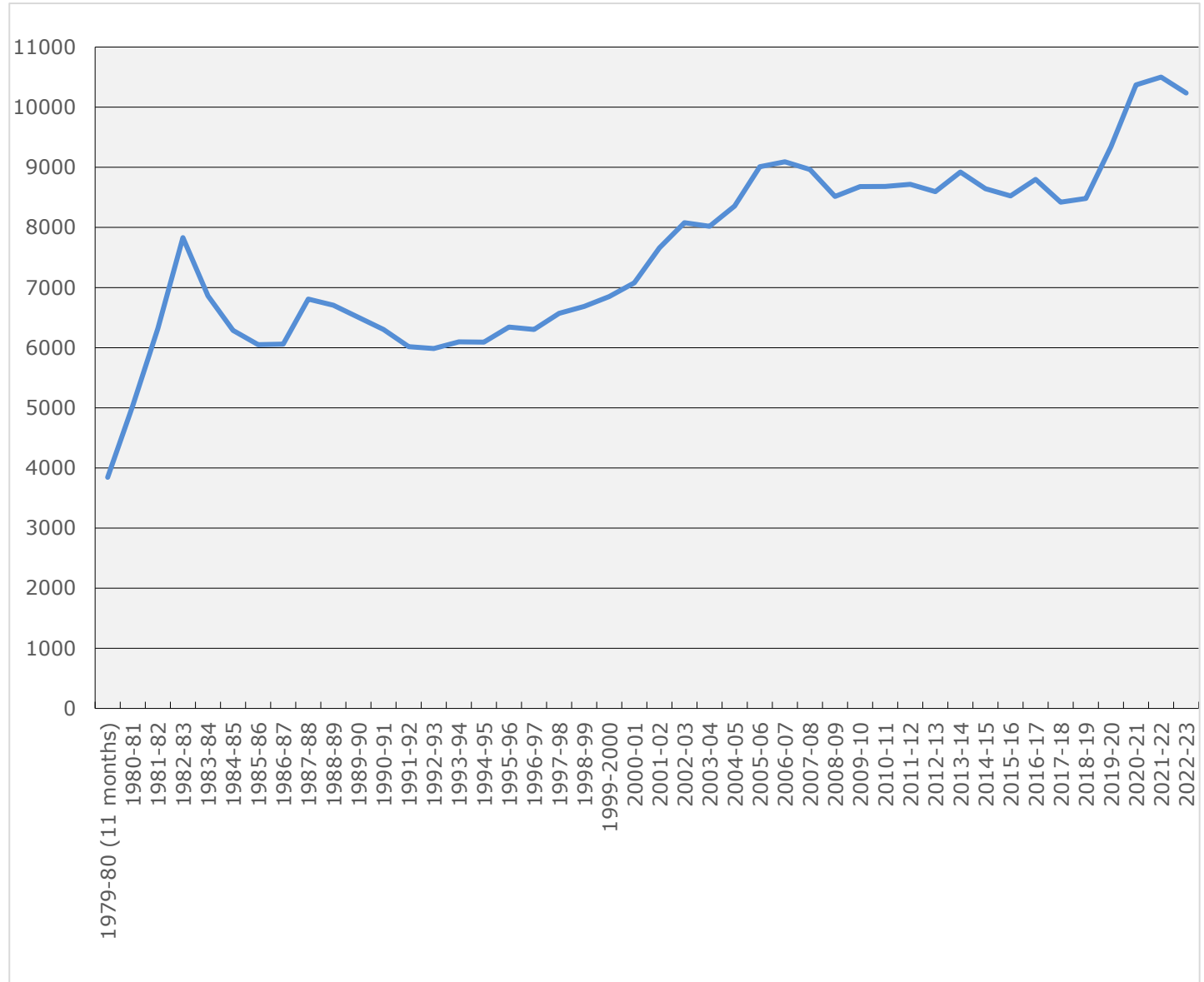
49. It was noted that grant payments were on an increasing trend in recent years resulting in a deficit in 2022-23. While the present rates of levies on vehicles and driving licences (which were last revised in 1995) remain unchanged (Note), there would be increasing pressure on the financial position of the Fund in the long run. The TAVA Advisory Committee keeps a close watch on the financial position of the Fund.

#### Note

The annual levies on vehicle licences and driving licences have remained at \$114 and \$38 respectively, since the last revision on 1 January 1995.

## The Traffic Accident Victims Assistance Scheme Application Trend since 1979

Year	Applications	Year	Applications
1979-80 (11mths)	3844	2007-08	8964
1980-81	5036	2008-09	8515
1981-82	6319	2009-10	8679
1982-83	7830	2010-11	8681
1983-84	6861	2011-12	8718
1984-85	6288	2012-13	8594
1985-86	6051	2013-14	8920
1986-87	6058	2014-15	8644
1987-88	6809	2015-16	8524
1988-89	6706	2016-17	8799
1989-90	6504	2017-18	8419
1990-91	6303	2018-19	8483
1991-92	6016	2019-20	9342
1992-93	5985	2020-21	10371
1993-94	6097	2021-22	10500
1994-95	6093	2022-23	10236
1995-96	6343		
1996-97	6302		
1997-98	6572		
1998-99	6687		
1999-2000	6850		
2000-01	7079		
2001-02	7660		
2002-03	8079		
2003-04	8018		
2004-05	8356		
2005-06	9010		
2006-07	9092		



## Payment Schedule of the Traffic Accident Victims Assistance

Type of Payment	Level of Grant (for accidents occurring on or after 1.4.2022)	Condition of Grant
<b>Burial grant</b>	\$16,430 per person	If the burial expenses were paid in full or in part by Government (such as under the Comprehensive Social Security Assistance Scheme) or by one of the charitable funds, then the amount of grant shall be reduced by the amount of such payment.
<b>Death grant</b>		
a) Loss of sole wage earner where there are dependants	\$168,770 for one surviving dependant family member plus \$14,060 for each additional surviving dependant family member, up to a maximum of \$239,070.	If the beneficiary is an adult who is mentally unsound or found unconscious or is a minor without surviving parent or legal guardian, payments will be made on the advice of the Social Welfare Department.
b) Loss of wage earner where there are dependants and another wage earner remaining in the family	\$84,390 for one surviving dependant family member plus \$14,060 for each additional surviving dependant family member, up to a maximum of \$154,690.	
c) Loss of a parent who was not a wage earner but there are children under 15 years of age	\$84,390 for one surviving child under 15 plus \$14,060 for each additional surviving child under 15, up to a maximum of \$154,690.	
<b>Disability grant</b>	Up to a maximum of \$202,520, abated to 2/3 for persons aged 60 and over, discounted on account of degree of disability as provided for under the Employees' Compensation Ordinance.	
<b>Injury grant</b>	Up to a maximum of \$65,460 depending on gravity of injury.	For cases where the injury period is 7 days or more before death - a) injury grant is payable; b) it is payable to the victim or to his family after his death as appropriate.  Injury grant should cease from the date on which the victim becomes eligible for the disability grant, or upon the death of the victim.
<b>Interim maintenance grant</b>	Up to \$14,060 per month for a maximum of 6 months (one month is regarded as 30 days).	In case of incapacity of a wage earner or a non-wage-earning parent with a child under 15 years of age.  Payment of this grant should cease upon the death of the victim.

**Time Limits for Lodging Appeals**

Categories of appellant	Time limit
<p>An applicant or a beneficiary who may delegate his/her next-of-kin through the issue of a power of attorney</p> <p>An appointed applicant or an authorized agent or an attorney acting on behalf of a minor or a mentally handicapped victim/beneficiary</p>	<p><i>Within four weeks of the date of notification of decision on application.</i></p>
<p>A lawfully appointed personal representative of the deceased applicant/beneficiary</p>	<p><i>Within four weeks of the date of a grant of probate/the letter of administration by Court.</i></p>
<p>The Official Administrator (the Registrar of the Court) administering the estate of the deceased applicant/beneficiary in a summary manner</p>	<p><i>Within four weeks of the date of the getting in of the estate.</i></p>

Note

The Chairman of the Social Security Appeal Board may allow late appeals if he/she considers the reasons for the delay acceptable.

**Traffic Accident Victims Assistance Fund**

**Financial Statements for the year ended 31 March 2023**



# Report of the Director of Audit



**Audit Commission**

The Government of the Hong Kong Special Administrative Region

## **Independent Auditor's Report To the Legislative Council**

### ***Opinion***

I certify that I have audited the financial statements of the Traffic Accident Victims Assistance Fund set out on pages 4 to 8, which comprise the balance sheet as at 31 March 2023, and the receipts and payments account for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In my opinion, the financial statements of the Traffic Accident Victims Assistance Fund are prepared, in all material respects, in accordance with section 11(1) of the Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229) and the cash basis of accounting as described in note 2 to the financial statements.

### ***Basis for opinion***

I conducted my audit in accordance with section 11(3) of the Traffic Accident Victims (Assistance Fund) Ordinance and the Audit Commission auditing standards. My responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of my report. I am independent of the Traffic Accident Victims Assistance Fund in accordance with those standards, and I have fulfilled my other ethical responsibilities in accordance with those standards. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### ***Responsibilities of the Director of Social Welfare Incorporated for the financial statements***

The Director of Social Welfare Incorporated is responsible for the preparation of the financial statements in accordance with section 11(1) of the Traffic Accident Victims (Assistance Fund) Ordinance, and the cash basis of accounting as described in note 2 to the financial statements, and for such internal control as the Director of Social Welfare Incorporated determines is necessary to enable the preparation of financial statements that are free from material

misstatement, whether due to fraud or error.

In preparing the financial statements, the Director of Social Welfare Incorporated is responsible for assessing the Traffic Accident Victims Assistance Fund's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

### ***Auditor's responsibilities for the audit of the financial statements***

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Audit Commission auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the Audit Commission auditing standards, I exercise professional judgment and maintain professional skepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Traffic Accident Victims Assistance Fund's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director of Social Welfare Incorporated; and
- conclude on the appropriateness of the Director of Social Welfare Incorporated's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Traffic Accident Victims Assistance Fund's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion.

My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Traffic Accident Victims Assistance Fund to cease to continue as a going concern.

I communicate with the Director of Social Welfare Incorporated regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

S. M. CHOI  
Principal Auditor  
for Director of Audit

20 July 2023

Audit Commission  
6th Floor, High Block  
Queensway Government Offices  
66 Queensway  
Hong Kong

## Traffic Accident Victims Assistance Fund

## Balance Sheet as at 31 March 2023

	Note	2023 HK\$	2022 HK\$
<b>Assets</b>			
Investments	3	991,046,847	1,005,345,387
Time deposits		545,452,398	590,363,710
Cash with other government departments		11,920,365	8,155,380
Cash and bank balances		20,068,071	28,029,042
Total assets		<u>1,568,487,681</u>	<u>1,631,893,519</u>
<b>Accumulated fund</b>			
Balance at beginning of year		1,631,893,519	1,682,632,211
Deficit for the year		(63,405,838)	(50,738,692)
Balance at end of year		<u>1,568,487,681</u>	<u>1,631,893,519</u>

The accompanying notes 1 to 7 form part of these financial statements.

( Miss Charmaine LEE )  
 Director of Social Welfare Incorporated  
 20 July 2023

**Traffic Accident Victims Assistance Fund**  
**Receipts and Payments Account for the year ended 31 March 2023**

	Note	2023 HK\$	2022 HK\$
Cash and bank balances at beginning of year		28,029,042	20,300,148
Receipts	4	409,519,795	390,796,346
Payments	5	(472,925,633)	(441,535,038)
<b>Deficit for the year</b>		(63,405,838)	(50,738,692)
Other cash movements	6	55,444,867	58,467,586
Cash and bank balances at end of year		20,068,071	28,029,042

The accompanying notes 1 to 7 form part of these financial statements.

**Traffic Accident Victims Assistance Fund****Notes to the Financial Statements****1. General**

The financial statements of the Traffic Accident Victims Assistance Fund are prepared pursuant to section 11(1) of the Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229). The Fund was established for the purpose of assisting traffic accident victims and their dependants in accordance with section 3(1) of the Traffic Accident Victims (Assistance Fund) Ordinance.

**2. Significant accounting policies****(a) Basis of accounting**

The financial statements are prepared on a cash basis. Transactions are recorded when moneys are received or paid during the financial year.

**(b) Investments**

- i. Placement with the Exchange Fund is stated at cost.
- ii. Debt securities and listed equity securities are acquired with an intention to hold to maturity and hold on a continuing basis respectively and are stated at cost in the balance sheet. The cost of investments includes all expenses relating to the purchase of investments such as commission, brokerage, stamp duty and transaction levy. Gains or losses on disposal of investments are accounted for in the Receipts and Payments Account.

**(c) Foreign currency transactions**

Foreign currency transactions during the year are translated into Hong Kong dollars using the spot exchange rates at the transaction dates. Monetary assets denominated in currencies other than Hong Kong dollars are translated into Hong Kong dollars using the closing exchange rate at the reporting date. Exchange gains and losses are accounted for in the Receipts and Payments Account.

	<b>2023</b> <b>HK\$</b>	<b>2022</b> <b>HK\$</b>
<b>3. Investments</b>		
Placement with the Exchange Fund	757,302,272	722,082,112
Debt securities, at cost		
- maturing within 1 year	-	49,518,700
Listed equity securities, at cost	233,744,575	233,744,575
	<u>991,046,847</u>	<u>1,005,345,387</u>
Market value at end of year		
- Debt securities	-	49,589,100
- Listed equity securities	<u>185,183,922</u>	<u>199,774,435</u>

In March 2016 and March 2019, HK\$700 million and HK\$200 million were placed with the Exchange Fund respectively. Upon maturity of the first placement of HK\$700 million in March 2022, a principal sum of HK\$500 million was re-invested and placed with the Exchange Fund. The terms of the placements are six years from the date of placements, during which the amount of the original placements cannot be withdrawn. Interest on the placements is at a rate determined annually in January and payable annually in arrears on 31 December. The rate is the average annual rate of return of the Exchange Fund's Investment Portfolio for the past six years or the average annual yield of three-year government bond in the previous year subject to a minimum of zero percent, whichever is the higher. The interest rate has been fixed at 3.7% per annum for January to December 2023 and 5.6% per annum for January to December 2022.

As at 31 March 2023, the total balance of the placement with the Exchange Fund amounted to HK\$757.3 million (2022: HK\$722.1 million), being the principal sum of HK\$700 million (2022: HK\$700 million) plus interest paid but not yet withdrawn at the reporting date of HK\$57.3 million (2022: HK\$22.1 million).

#### 4. Receipts

Levies collected by the Transport Department	183,201,143	167,347,048
Levies on government vehicles and driving permits	1,071,220	1,015,246
Contribution from the Government	37,616,000	44,512,000
Refunds of assistance payments	140,568,113	106,058,866
Interest on investments	36,418,060	57,687,317
Interest on time deposits and bank balances	7,465,171	3,744,232
Dividend income	7,537,839	7,316,341
Net exchange (losses)/gains	(4,357,751)	3,115,296
	<u>409,519,795</u>	<u>390,796,346</u>

	<b>2023</b> <b>HK\$</b>	<b>2022</b> <b>HK\$</b>
<b>5. Payments</b>		
Assistance payments	446,251,274	413,298,606
Administration cost	26,655,599	28,236,187
Net realised premium on redemption of debt securities	18,700	-
Bank charges	60	245
	<u>472,925,633</u>	<u>441,535,038</u>
<b>6. Other cash movements</b>		
Reduction / (Increase) in Assets:		
Investments	14,298,540	293,221,462
Time deposits	44,911,312	(237,818,984)
Cash with other government departments	(3,764,985)	3,065,108
	<u>55,444,867</u>	<u>58,467,586</u>

**7. Commitments**

The approved assistance payments that were unpaid as at 31 March 2023 amounted to HK\$7.3 million (2022: HK\$11.1 million).