

Financial Assistance Scheme for Family Members of those who Sacrifice their Lives to Save Others

Part I : Assessment Principles

The following assessment principles serve as guidelines for the determination of applications –

- (a) the death-causing act of the deceased should be a proactive action and demonstrate the spirit of selflessness of the deceased;
- (b) the deceased should have voluntarily taken substantive risk in performing the act;
- (c) the intention behind the death-causing act should be to save or protect the life of another person;
- (d) the act to save or protect the life of another can be established if the deceased believed that he/she was acting to save or protect another life regardless of whether that person actually existed (e.g. a fireman entering a blazing building believing people might be trapped inside);
- (e) the cause of death should be attributable to the act of saving the life of another person;
- (f) an act with the intention of preventing an incident which could endanger the life of another, should be considered as an act to save or protect the life of another;
- (g) whether the attempt to save or protect the life of another person is successful (i.e. whether the person being saved survives) is irrelevant;
- (h) whether the deceased is under a professional duty to save or protect the life of another is irrelevant;
- (i) the time lag between the incident and the date of death should be disregarded; and
- (j) the occurrence of the act should be witnessed or supported by evidence.

It is clearly not possible to draw up an exhaustive list of principles to cover every situation. However, the above principles can form the basis for the Committee to make an assessment, and may be reviewed from time to time.

Part II : Eligibility Criteria

Assistance will be considered upon application. In some cases, members of the deceased's family may not need or wish to claim. Subject to the Committee's deliberation that the death resulted from the deceased proactively rendering assistance to save or protect the life of another person, and meeting all the assessment principles set out in Part I, the eligibility criteria for an application under the Scheme are –

- (a) the deceased was lawfully residing in Hong Kong at the time of death. This would include Hong Kong residents, visitors, imported workers but exclude illegal immigrants;
- (b) the deceased should have identifiable surviving family member(s) as defined in Section 3 of the Employees' Compensation Ordinance; and
- (c) the award should be made regardless of whether the death was caused by the deceased's serious or wilful misconduct. A number of Ordinances, compensation and assistance schemes contain specifications relating to death attributable to serious or wilful misconduct. While some specify that this factor may have a bearing on the decision to make an award or the amount of payment, others do not take this factor into account. We intend to adopt a more generous approach and to disregard the deceased's conduct when considering such cases.

Individuals who die in the course of performing their 'normal' duties (such as disciplined service officers) and who demonstrate bravery or perform acts of exceptional sacrifice, over and above that normally required in the conduct of their duties, will also be eligible for benefits under the Scheme.

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Secretariat

Committee on Financial Assistance for Family Members of those who Sacrifice their Lives to Save Others