

暴力及CLEIC



暴力及執法傷亡賠償計劃

Criminal and Law Enforcement Injuries
Compensation Scheme

為因暴力罪行或因執法人員
使用武器執行職務以致無辜受傷人士或
遺屬提供經濟援助

Provides financial assistance to innocent victims
(or to their dependants in cases of death) who are injured as
a result of crime of violence, or by a law enforcement officer
using weapon in the execution of his duties.

執法傷亡賠償

2007年11月 • NOVEMBER 2007



社會福利署

Social Welfare Department

引言 Introduction

本小冊子提供有關暴力及執法傷亡賠償計劃的資料，包括計劃的目的、申請資格及手續，賠償款項的計算方法等等。

This pamphlet provides information on the Criminal and Law Enforcement Injuries Compensation (CLEIC) Scheme, including its objective, eligibility criteria, application procedures, assessment of payment, 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，請致電社會福利署暴力及執法傷亡賠償組。

電話：2838 6079 / 2892 5220 / 2892 5222 / 2892 5223

This pamphlet is for general reference only. Should more information or application forms be required, please contact the Criminal and Law Enforcement Injuries Compensation Section of the Social Welfare Department (SWD).

Telephone no. : 2838 6079 / 2892 5220 / 2892 5222 / 2892 5223



目的 Objective

這項計劃的目的是提供經濟援助給因暴力罪行或因執法人員使用武器執行職務以致受傷的人士或這些人士的受養人(如受害人因傷死亡)。申請人無須供款、亦無須通過經濟審查，賠償款項由公帑支付。

這項計劃包括暴力傷亡賠償和執法傷亡賠償，分別由暴力傷亡賠償委員會及執法傷亡賠償委員會負責管理，委員會的主席及委員均由行政長官委任。委員會秘書處(即暴力及執法傷亡賠償組)職員由社會福利署派員擔任，為委員會工作，該署並負責評算和支付賠償款項的工作。

The aim of this scheme is to provide financial assistance to persons (or to their dependants in cases of death) who are injured as a result of a crime of violence, or by a law enforcement officer using weapon in the execution of his duty. The scheme is non-contributory and non-means tested. Payments under the scheme come from public funds.

This scheme comprises criminal injuries compensation and law enforcement injuries compensation and is administered by the Criminal Injuries Compensation Board and the Law Enforcement Injuries Compensation Board respectively. The Chairman and members of the Boards are appointed by the Chief Executive. SWD is responsible for providing staff for the Secretariat (i.e. the CLEIC Section), preparing assessments and arranging payment of compensation.

申請資格 Eligibility Criteria

暴力傷亡賠償 Criminal Injuries Compensation

任何人士如在本港因下列事件以致傷亡，受害人或其受養人可向本計劃申請賠償：

- 暴力罪行（包括縱火及下毒）；
- 逮捕或試圖逮捕罪犯或疑犯；
- 防止或試圖防止罪行發生；以及
- 協助警務人員或其他人士逮捕或試圖逮捕罪犯或疑犯，或防止或試圖防止罪行發生。

交通意外受害人除非被人蓄意用車撞倒，否則不在本計劃賠償範圍之內。

每宗暴力傷亡賠償申請必須符合下列條件，暴力傷亡賠償委員會才會考慮批准發放賠償：

- 如受害人因該事件死亡；或因該事件受傷，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；
- 引致受害人受傷或死亡的事件，已成為刑事訴訟案件，或已在合理時間內向警方報告；

- 申請人已盡力協助委員會，並向委員會提供有關資料，特別是提供可能需要的醫療報告；
- 申請人在事件發生日期後三年(見備註)內提出賠償申請。如首次賠償申請因申請人自行撤銷或失去聯絡而被結束，申請人第二次或以後的申請於事件發生日期後的三年內提出，或在自行撤銷或失去聯絡後一年(見備註)內提出，以較後日期為準；以及
- 受害人根據香港法例第115章《入境條例》的規定，有權在香港居留或獲准在香港逗留；對於逗留香港是有條件限制的受害人，在事件發生時，並無違反逗留期限。

如受害人與使受害人傷亡的罪犯為同一家庭的成員，並於罪案發生時居於同一地點，則在特別情況下委員會才會考慮發放賠償。

(備註：在計算三年或一年期限時，事件發生的當日或自行撤銷申請或失去聯絡的當日不計算在內。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。)

Compensation may be claimed for any injury or death sustained in Hong Kong arising from:

- a crime of violence (including arson and poisoning);
- an arrest or attempted arrest of an offender or suspected offender;
- the prevention or attempted prevention of an offence; and
- the giving of help to any police officer or other person who is engaged in arresting or attempting to arrest an offender or suspected offender or preventing or attempting to prevent an offence.

Traffic offences are excluded from this scheme except where there has been deliberate attempt to run the victim down.

The Criminal Injuries Compensation Board will only consider applications which satisfy the following conditions:

- the victim died from the incident; or the injury inflicted gave rise to at least three days' hospitalization or sick leave as certified by a registered medical practitioner/ registered Chinese medicine practitioner;
- the circumstances of the injury or death were reported to the police without unreasonable delay, or had been the subject of criminal proceedings;
- the applicant has given the Board all related information and reasonable assistance, particularly in relation to any medical reports which it may require;
- the claim for compensation has been made within three years (see note) of the date of the incident. Where the case of the first claim for compensation was closed due to self-withdrawal or lost contact, the applicant has made the second or subsequent claim either within three years of the date of the incident or within a year (see note) of the date of self-withdrawal or lost contact, whichever is later; and

- the victim is a person having the right to stay in Hong Kong or being permitted to stay in Hong Kong under the Immigration Ordinance, Cap 115, and he is not in contravention of a limit of stay (if any) in force against him at the time of the incident.

Where the victim and the offender were living together as members of the same family at the time of the incident, compensation will only be payable under special circumstances.

(Note: In reckoning the three-year or the one-year period, the day on which the incident happens or the day of self-withdrawal or lost contact 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.)

執法傷亡賠償 Law Enforcement Injuries Compensation

任何人士如在本港因執法人員（即任何正在執勤的警務人員或公職人員）就下列事件使用武器執行職務以致傷亡，受害人或其受養人可向本計劃申請賠償：

- 逮捕或試圖逮捕疑犯或罪犯；
- 防止或試圖防止罪行發生；以及
- 協助警務人員或其他人士逮捕或試圖逮捕罪犯或疑犯，或防止或試圖防止罪行發生。

每宗執法傷亡賠償申請必須符合下列條件，執法傷亡賠償委員會才會考慮批准發放賠償：

- 如受害人因該事件死亡；或因該事件受傷，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；
- 引致受害人受傷或死亡的事件已在合理時間內向警方報告；
- 申請人已盡力協助委員會，並向委員會提供有關資料，特別是提供可能需要的醫療報告；
- 申請人在事件發生日期後三年（見備註）內提出賠償申請。如首次賠償申請因申請人自行撤銷或失去聯絡而被結束，申請人第二次或以後的申請於事件發生日期後的三年內提出，或在自行撤銷或失去聯絡後一年（見備註）內提出，以較後日期為準；
- 受害人根據香港法例第115章《入境條例》的規定，有權在香港居留或獲准在香港逗留；對於逗留香港是有條件限制的受害人，在事件發生時，並無違反逗留期限；以及
- 如受害人遭執法人員所殺，申請人為受害人供養的人士並符合香港法例第22章《致命意外條例》所定「受養人」一詞的定義。(如申請人按照該定義不能被視為受養人，其賠償申請則由暴力傷亡賠償委員會考慮。)

(備註：在計算三年或一年期限時，事件發生的當日或自行撤銷申請或失去聯絡的當日不計算在內。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。)

Compensation may be claimed for any injury or death sustained in Hong Kong resulting from the use of a weapon by a law enforcement officer (i.e. any police officer or other public officer on duty) in the execution of his duty in connection with:

- an arrest or attempted arrest of a suspected offender or offender;
- the prevention or attempted prevention of an offence; and
- the giving of help to any police officer or other person who is engaged in arresting or attempting to arrest an offender or suspected offender or preventing or attempting to prevent an offence.

The Law Enforcement Injuries Compensation Board will only consider applications which satisfy the following conditions:

- the victim died from the incident; or the injury inflicted gave rise to at least three days' hospitalization or sick leave as certified by a registered medical practitioner/ registered Chinese medicine practitioner;
- the circumstances of the injury or death were reported to the police without unreasonable delay;
- the applicant has given the Board all related information and reasonable assistance, particularly in relation to any medical reports which it may require;
- the claim for compensation has been made within three years (see note) of the date of the incident. Where the case of the first claim for compensation was closed due to self-withdrawal or lost contact, the applicant has made the second or subsequent claim either within three years of the date of the incident or within a year (see note) of the date of self-withdrawal or lost contact, whichever is later;
- the victim is a person having the right to stay in Hong Kong or being permitted to stay in Hong Kong under the Immigration Ordinance, Cap 115, and he is not in contravention of a limit of stay (if any) in force against him at the time of the incident; and
- if the victim is killed by a law enforcement officer, the applicant is regarded as a dependant within the definition of the Fatal Accidents Ordinance, Cap 22. (If he is not a dependant within this definition, his application will be considered by the Criminal Injuries Compensation Board.)

(Note: In reckoning the three-year or the one-year period, the day on which the incident happens or the day of self-withdrawal or lost contact 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

申請人可向各區警署、民政事務處、社會福利署轄下醫務社會服務部、社會保障辦事處或暴力及執法傷亡賠償組索取申請表格。填妥的申請表格可郵寄或送交暴力及執法傷亡賠償組，亦可用傳真或經電子郵件方式傳送至該組。

暴力及執法傷亡賠償組

地址：香港灣仔皇后大道東213號胡忠大廈7樓703室

傳真號碼：2575 7938

電郵地址：cleicnq@swd.gov.hk

申請表格亦可在社會福利署的網頁下載

網址：<http://www.swd.gov.hk>

Application forms are available at the police stations, District Offices of the Home Affairs Department, or Medical Social Services Units, Social Security Field Units, and the CLEIC Section of SWD. Completed forms can be posted or handed to the CLEIC Section. Alternatively, they can be sent to that Section by fax or email.

CLEIC Section

Address：Room 703, 7/F., Wu Chung House, 213 Queen's Road East,
Wan Chai, Hong Kong.

Fax no.：2575 7938

Email address：cleicnq@swd.gov.hk

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

處理申請的程序 How an application is processed

申請表格內所填報的事件，必須經警方證實已報案才會受理。每宗申請會先由委員會秘書處的職員搜集一切有關資料，包括事件的實情、醫療報告及受害人的生活及工作狀況，然後呈交委員會參考。委員會作出決定後，秘書處會將結果以書面通知申請人。

Where the criminal incident as stated by the victim or applicant has been confirmed by the police, the application will be processed. Before the appropriate Board considers an application, the Board's Secretariat will seek all relevant information about the case, including the facts of the incident and medical and social information on the victim for the consideration of the Board. The Secretariat will inform the applicant in writing of the Board's decision.

賠償金額的計算和支付方法 Assessment and Method of Payment

賠償金額計算方法 Basis of payment

暴力傷亡賠償是依照《緊急救援基金》的援助金額表釐定。賠償金額的項目、幅度及付款條件詳列於本小冊子的附頁。執法傷亡賠償則根據普通法賠償損失的方式來評定，或根據《緊急救援基金》的援助金額表來計算，兩者以金額較高者為準。

The levels of compensation for criminal injuries compensation are based on the Emergency Relief Fund scale. The types of payment as well as the levels of compensation and conditions of grants are given at the Annex of this pamphlet. The law enforcement injuries compensation is assessed on the basis of either common law damages or the Emergency Relief Fund scale, whichever is the greater.

委員會的酌情權 Discretionary power of the Boards

委員會會根據所得證據，決定是否接納申請。此外，委員會有權按個別情況，提高或削減賠償款額，甚至否決申請。

在下列情況下，委員會可按《緊急救援基金》的援助金額表，提高受害人的賠償總額，最高可增加一倍。

- 受害人曾逮捕或試圖逮捕罪犯或疑犯，或採取或試圖採取行動防止罪案發生，或協助警務人員或其他人士進行上述行動；或
- 受害人在引致賠償申請的事件發生後，不避個人為難或不便，甘冒危險，奮力協助警方拘捕或控告罪犯或疑犯；或
- 受害人在引致賠償申請的警匪槍戰中被非警務人員所槍傷或槍殺，而其情況值得以恩恤理由酌情考慮。如受害人同時曾逮捕或試圖逮捕罪犯或疑犯，或採取或試圖採取行動防止罪行發生，或協助警務人員或其他人士進行上述行動，則其可獲取的賠償總額，最高可增加至兩倍。

此外，委員會還可酌情將強姦案件受害人的傷殘補助、受傷補助及臨時生活補助提高，最高可增加一倍。

如受害人的品行、性格及生活方式是構成傷人事件的因素，則委員會可削減賠償金額，或拒絕給予賠償。

委員會亦有權作出特別安排，管理已批准發放的賠償款項。

The Boards will decide whether to accept an application on the basis of the available evidence. Also, they have the power to increase or reduce the amount of compensation, or to reject the application, depending on the circumstances of the case.

Compensation payable on the basis of the Emergency Relief Fund scale may be increased by up to 100% in the following situations:

- where the victim was effecting or attempting an arrest of an offender or a suspected offender, preventing or attempting to prevent a crime, or giving help to any police officer or other person engaged in such activities; or
- where, subsequent to the events giving rise to the claim, the victim made exemplary efforts, in the face of personal embarrassment, inconvenience or danger, to assist the police in the arrest or prosecution of an offender or suspected offender; or
- where the victim was injured or killed by bullets fired by a person other than the police in the event of a police-criminal shoot-out giving rise to the claim and his conditions warrant a compassionate consideration. If the victim has also arrested or attempted to arrest an offender or suspected offender, prevented or attempted to prevent a crime, or given help to any police officer or other person engaged in such activities, the total compensation payable to him may be increased by up to a maximum of 200%.

In addition, the Boards may, on compassionate ground, increase the Disability Grant, the Injury Grant and the Interim Maintenance Grant payable by up to 100% to a victim of rape.

Compensation may be reduced or refused if the conduct, character and way of life of the victim were considered to be contributory factors to the incident.

The Boards may also have discretion to make special arrangements for the administration of any money awarded as compensation.

計劃以外的其他賠償 **Compensation received outside the scheme**

根據不能領取雙重賠償的原則，申請人如就同一事件，獲得損害賠償或其他賠償(包括僱員補償)，委員會便會從這項計劃的賠償金額扣除該筆款項。此外，計劃受惠人如日後就同一事件從其他方面獲得損害賠償或其他賠償，則必須退還在這項計劃下所得的賠償，但在任何情況下，退還的款額不會超過在計劃以外所得的損害賠償或其他賠償的金額。此外，因“英勇行為”而獲委員會酌情增發的款項則毋須退還。

Under the "no double compensation" principle, if an applicant receives damages or other compensation (including the employees' compensation) in respect of the same incident, the Boards will deduct such damages or compensation from the compensation payable under this scheme. In addition, beneficiaries who subsequently receive damages or other compensation outside the scheme for the same incident will be required to refund the payments they have received from the scheme, but in any case, the amount to be repaid shall not exceed the amount of damages or compensation received outside the scheme. Moreover, any increased award granted at the discretion of the Boards to "civic minded" applicants will not be repayable.

賠償金的支付方法 **How payment is made**

社會福利署通常會把賠償金存入申請人的銀行戶口內，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法將賠償金送達申請人。

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

上訴 **Appeals**

申請人如不滿意委員會所作出的決定，可於通知書發出日期起計一個月內以書面經秘書處向暴力及執法傷亡賠償委員會提出上訴，要求上訴委員會重新考慮其申請。在上訴聆訊時，申請人可親自講述事件經過，並可帶同其他人士或親友出席，以便從旁協助。如屬特別個案並獲上訴委員會批准，申請人亦可自費延聘律師代表出席。上訴委員會的裁決是最終的決定。

An applicant may appeal against the decisions of the Criminal Injuries Compensation Board or the Law Enforcement Injuries Compensation Board within one month after the date of notification and ask for his case to be reviewed by an Appeal Board. At the appeal hearing, the applicant may put his case forward himself, and may bring along another person, friend or relative to assist him. In exceptional cases and subject to the approval of the Appeal Board, the appellant may be legally represented at his own expense. The decision of the Appeal Board is final.

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，除了暴力及執法傷亡賠償計劃，還有綜合社會保障援助、公共福利金(包括高齡津貼和傷殘津貼)、交通意外傷亡援助計劃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 CLEIC Scheme, SWD administers other social security schemes which include the Comprehensive Social Security Assistance, Social Security Allowance (comprising Old Age Allowance and Disability Allowance), Traffic Accident Victims Assistance 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>.