

# 暴力及CLEIC

## 暴力及執法傷亡賠償計劃

### Criminal and Law Enforcement Injuries Compensation Scheme

提供經濟援助予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(如因傷死亡)的受養人

**Provides 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 a weapon in the execution of his/her duty.**

# 執法傷亡賠償

2024年8月 • August 2024

# 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、賠償金額的計算和支付方法等。

This pamphlet provides information on the Criminal and Law Enforcement Injuries Compensation (CLEIC) Scheme, including its objective, eligibility criteria, application procedures, assessment and method of payment, etc.

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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(社署)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 CLEIC Section of the Social Welfare Department (SWD).

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

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## 目的 Objective

本計劃的目的是提供經濟援助予因暴力罪行或因執法人員(指任何當值的警務人員或公職人員)使用武器執行職務以致受傷的人士，或這些人士(如因傷死亡)的受養人。本計劃無須供款，申請人也無須接受經濟狀況調查。

本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管理，兩個委員會的主席及委員均由行政長官委任政府以外的人士擔任。委員會秘書處(即社署暴力及執法傷亡賠償組)負責接收申請、調查個案、擬備個案摘要、計算賠償金額和安排發放賠償款項予合資格人士。

The aim of the 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 (which means any police officer or other public officer on duty) using a weapon in the execution of his/her duty. The Scheme is non-contributory and non means tested.

The 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 Chairperson and members of the two Boards are appointed by the Chief Executive from outside the civil service. The Secretariat to the Boards (i.e. the CLEIC Section of SWD) is responsible for receiving applications, conducting case investigations, and preparing case summaries and assessments, as well as arranging payment of awards to successful applicants.

## 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；
- 拘捕或試圖拘捕罪犯或疑犯；
- 防止或試圖防止罪行發生；或
- 協助警務人員或其他人士拘捕或試圖拘捕罪犯或疑犯，或協助上述人員防止或試圖防止罪行發生。

交通意外受害人除非是被人蓄意用車撞倒，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及時向警方報告，或有關當局已就該事件進行刑事訴訟；

- 申請人已向委員會提供一切相關資料(特別是可能需要的醫療報告)和適當協助；
- 申請人已在事發當日起計的三年(見備註)內提出賠償申請；
- 就重新提出的申請而言，如首次賠償申請於事發當日起計的三年內提出，而該申請個案因申請人自行撤銷或失去聯絡而結束，則申請人的第二次或其後的賠償申請須在事發當日起計的三年內提出，或在自行撤銷個案或失去聯絡後一年(見備註)內提出，以較後日期為準；以及
- 受害人根據《入境條例》(第115章)的規定，有權留在香港或獲准留在香港；如受害人在香港逗留是有條件限制，則必須在事發時並無違反逗留期限。

如受害人和罪犯為同一家庭的成員，並於事件發生時居於同一地點，則在特別情況下才會獲發賠償。

(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;
- an arrest or attempted arrest of an offender or suspected offender;
- the prevention or attempted prevention of an offence; or
- 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 will be excluded from the Scheme except in cases of a 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' hospitalisation 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 should have 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;
- for a re-application where the first claim for compensation had been made within three years of the date of the incident but the case was closed due to self-withdrawal or lost contact, the second or subsequent claim has been made either within three years of the date of the incident or within one 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 remain in Hong Kong or being permitted to remain in Hong Kong under the Immigration Ordinance, Cap 115, who is not in contravention of a limit of stay (if any) in force against him/her at the time of the incident.

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

(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：

- 拘捕或試圖拘捕罪犯或疑犯；
- 防止或試圖防止罪行發生；或
- 協助警務人員或其他人士拘捕或試圖拘捕罪犯或疑犯，或協助上述人員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及時向警方報告；
- 申請人已向委員會提供一切相關資料(特別是可能需要的醫療報告)和適當協助；
- 申請人已在事發當日起計的三年（見備註）內提出賠償申請；
- 就重新提出的申請而言，如首次賠償申請於事發當日起計的三年內提出，而該申請個案因申請人自行撤銷或失去聯絡而結束，則申請人的第二次或其後的賠償申請須在事發當日起計的三年內提出，或在自行撤銷個案或失去聯絡後一年（見備註）內提出，以較後日期為準；
- 受害人根據《入境條例》(第115章)的規定，有權留在香港或獲准留在香港；如受害人在香港逗留是有條件限制，則必須在事發時並無違反逗留期限；以及
- 如受害人因執法人員使用武器執行職務而死亡，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 in the execution of his/her duty in connection with:

- an arrest or attempted arrest of an offender or suspected offender;
- the prevention or attempted prevention of an offence; or
- 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' hospitalisation 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 should have 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;
- for a re-application where the first claim for compensation had been made within three years of the date of incident but the case was closed due to self-withdrawal or lost contact, the second or subsequent claim has been made either within three years of the date of the incident or within one year (see note) of the date of self-withdrawal or lost contact, whichever is later;
- 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, who is not in contravention of a limit of stay (if any) in force against him/her at the time of the incident; and
- if the victim is killed as a result of the use of a weapon by a law enforcement officer in the execution of duty, the applicant is regarded as a dependant within the definition of the Fatal Accidents Ordinance, Cap 22. (If he/she is not a dependant within this definition, his/her 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，又或用傳真或經電郵方式傳送至該組。申請人亦可透過網上表格提交申請。

### 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：cleicenq@swd.gov.hk

申請表格亦可在社署的網頁下載

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. Applicants can also make an application by online form.

### 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：cleicenq@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、醫療報告以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，秘書處會書面通知申請人有關結果。

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

## 賠償基準 Basis of compensation

暴力傷亡賠償的金額是根據緊急救援基金有關傷亡補助的《發放細則》的基準來評定和定期調整。執法傷亡賠償的金額則根據緊急救援基金的《發放細則》或普通法損害賠償的基準來評定，兩者以金額較高者為準。

The level of compensation for criminal injuries is assessed on the basis of the payment schedule for death or personal injury under the Emergency Relief Fund (ERF), which is subject to periodic revision. The level of compensation for law enforcement injuries is assessed on the basis of the payment schedule of the ERF or common law damages, 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，委員會有酌情權按個別情況，提高或削減賠償款額，甚至否決申請。

在下列情況下，賠償金額可按緊急救援基金補助金額的基準相應提高，最多可增加一倍：

- i. 在引致賠償申請的事件中，受害人因積極設法防止罪案發生，或協助拘捕罪犯或疑犯而受傷或死亡；或
- ii. 在引致賠償申請的事件發生後，受害人不避個人為難或不便，或甘冒危險，奮力協助警方拘捕或檢控罪犯或疑犯；或
- iii. 在引致賠償申請的警匪槍戰中，受害人遭非警務人員槍傷或槍殺，而其情況值得以恩恤理由酌情考慮(如受害人同時符合上述第(i)項的情況，則其領取的賠償總額最多可增加至兩倍)。

此外，委員會還可酌情將發給強姦案受害人的傷殘補助、受傷補助和臨時生活補助金額提高，最多可增加一倍。

如委員會認為受害人的品行、性格及生活方式是構成傷人事件的因素，可削減賠償金額，甚或否決其申請。

委員會亦有酌情權作出特別安排，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 evidence available. Also, they have the discretion 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 ERF scale may be increased by up to 100% in the following situations:

- i. in the event giving rise to the claim, the victim suffered injury or death in taking positive steps to prevent crime or help in the arrest of an offender or a suspect; or
- ii. subsequent to the event 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 suspect; or
- iii. in the event of a police-criminal shoot-out giving rise to the claim, the victim was injured or killed by bullets fired by a person other than the police and his/her conditions warrant compassionate consideration (If the victim's condition also falls under the provisions stipulated in (i) above, the total compensation payable 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.

The Boards may reduce the compensation payable, or reject an application altogether, 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**

根據不可享有雙重賠償的原則，申請人/受害人如就同一宗事件已獲得損害賠償或其他補償(包括僱員補償)，委員會會從本計劃所評定的賠償金額中扣除相等於已獲發損害賠償/其他補償金額的款項。如該款項相等於或超逾本計劃所評定的賠償金額，申請人/受害人將不會從本計劃獲發賠償。此外，計劃受惠人日後如就同一宗事件從其他方面獲得損害賠償或其他補償，也須退還在本計劃下獲發的賠償，但在任何情況下，退還的款額不會超逾在計劃以外所得的損害賠償或其他補償的金額。因受害人的「英勇行為」而獲委員會酌情增發的款項則無須退還。

Under the "no-double-compensation" principle, where an applicant/victim has received damages or other compensation (including Employees' Compensation) in respect of the same incident, the compensation payable under the Scheme will be reduced by an amount equivalent to such damages/compensation. No payment will be made if the amount of such damages/compensation is equal to or exceeds the assessed award payable under the Scheme. In addition, beneficiaries who subsequently receive damages or other compensation outside the Scheme in respect of 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. Any increased award granted to "civic-minded" victims will not, however, be required to be repaid.

## 賠償金的支付方法 How payment is made

社署通常會把賠償金存入申請人指定的銀行帳戶。在特殊情況下，社署也會以劃線支票發放賠償金或特別安排把現金送交申請人。

SWD will normally credit the payment of compensation to an applicant's designated bank account. Under special circumstances, SWD may make payment of compensation by crossed cheque or arrange special delivery of cash to the applicant.

## 上訴 Appeals

申請人如不滿意委員會所作出的決定，可於申請結果通知書發出日期起計一個月內以書面提出上訴。在上訴聆訊時，上訴人可親自解釋其個案，如獲上訴委員會批准，上訴人可帶同一名親友出席，協助其陳述案情。如個案情況特殊，並獲上訴委員會批准，上訴人可自費延聘律師代表出席。上訴委員會的決定是最終決定。

Where an applicant is dissatisfied with the decision of the Criminal Injuries Compensation Board or the Law Enforcement Injuries Compensation Board, he/she may lodge an appeal in writing within one month after the date of notification of the decision. At the appeal hearing, the appellant may put forward his/her case in person. Subject to the approval of the Appeal Board, an appellant may bring along a friend or relative to assist him/her in the presentation of his/her case. In exceptional cases and with the approval of the Appeal Board, an appellant may be legally represented at his/her own expense. The Appeal Board's decision 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、傷殘津貼和長者生活津貼等)、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, Disability Allowance and Old Age Living Allowance, etc.), Traffic Accident Victims Assistance and Emergency Relief Fund, etc. Details of these schemes can be found in separate pamphlets obtainable from SWD's offices or website at <http://www.swd.gov.hk>.