

**The Comprehensive Social Security Assistance Scheme and
the Social Security Allowance Scheme**

**Residence requirements for applicants and
permissible limits of absence from Hong Kong
during receipt of payment**

FOREWORD

The Comprehensive Social Security Assistance (CSSA) Scheme and the Social Security Allowance (SSA) Scheme are the mainstays of our social security system. The CSSA Scheme is designed to provide financial assistance to bring the income of needy individuals or families up to a prescribed level to meet their basic needs. The SSA Scheme, which comprises Old Age Allowance and Disability Allowance, is designed to provide a monthly allowance for those who are old or severely disabled to meet their special needs arising from old age or severe disability.

To qualify for CSSA or SSA, an applicant must satisfy the prescribed eligibility criteria, including the residence requirements. CSSA and SSA recipients have to continue to reside in Hong Kong while receiving assistance/allowance.

This pamphlet explains in detail the residence requirements for CSSA and SSA both before application and during receipt of payment. In addition to setting out these requirements, we have provided in this pamphlet a set of “Frequently Asked Questions” to help you have a better understanding of them. If you still have any question which is not covered in this pamphlet, please contact the social security field unit in your district.

We have separate pamphlets providing general information on the CSSA Scheme and the SSA Scheme. You can also visit the homepage of Social Welfare Department (SWD) (website: <http://www.swd.gov.hk>) or call a social security field unit for more information about these schemes.

Addresses and telephone numbers of social security field units are provided in the pamphlets on the CSSA Scheme and the SSA Scheme. You can also get such information through our Departmental Hotline (2343 2255).

RESIDENCE REQUIREMENTS FOR CSSA and SSA APPLICANTS

CSSA Scheme

To qualify for CSSA, an applicant must have been a Hong Kong resident for at least seven years.

Note

- (1) Persons whose presence in Hong Kong is unlawful or persons who are permitted to stay in Hong Kong for a purpose other than residence (for example, imported workers or visitors) are excluded from the CSSA Scheme.
- (2) Persons who have become Hong Kong residents before 1 January 2004 are exempted from the residence requirement.
- (3) Hong Kong residents aged below 18 are exempted from the residence requirement.
- (4) In exceptional circumstances, CSSA may be granted at the discretion of the Director of Social Welfare (DSW) to a person who does not satisfy the residence requirement.

SSA Scheme

To qualify for SSA, an applicant must:

- (a) have been a Hong Kong resident for at least seven years; and
- (b) have resided in Hong Kong continuously for at least one year immediately before the date of application (absence from Hong Kong up to a maximum of 56 days during the one-year period is treated as residence in Hong Kong).

Note

- (1) Persons whose presence in Hong Kong is unlawful or persons who are permitted to stay in Hong Kong for a purpose other than residence (for example, imported workers or visitors) are excluded from the SSA Scheme (including Old Age Allowance and Disability Allowance).
- (2) Persons who have become Hong Kong residents before 1 January 2004 are exempted from the requirement of having been a Hong Kong resident for at least seven years in (a) above.
- (3) Hong Kong residents aged below 18 are exempted from the requirement of having been a Hong Kong resident for at least seven years and the requirement

of having resided in Hong Kong continuously for at least one year immediately before the date of application in (a) and (b) above.

- (4) In determining whether an applicant has resided in Hong Kong continuously for at least one year immediately before the date of application, consideration can be given to disregarding absences arising from full-time study (for Disability Allowance applicants only) or paid work outside Hong Kong during the one-year period, subject to there being sufficient documentary proof. Where an applicant has been absent from Hong Kong for more than 56 days during the one-year period because of the need to receive medical treatment outside Hong Kong, DSW can consider exercising his discretion to disregard the absences exceeding the 56-day limit, subject to the reason for and evidence of receiving medical treatment outside Hong Kong being established.
- (5) Absence from Hong Kong means leaving Hong Kong for the Mainland, Macau or overseas countries/territories.

PERMISSIBLE LIMITS OF ABSENCE FROM HONG KONG DURING RECEIPT OF CSSA/SSA

CSSA Scheme

A CSSA recipient's temporary absences from Hong Kong will not affect the amount of assistance payable on condition that the total number of days of absence in a payment year (which is counted from 1 July to 30 June of the following year) does not exceed the permissible limit as follows:

- (a) Recipients aged 60 or above and recipients medically certified to be disabled: 180 days a year
- (b) Other recipients: 60 days a year (If there are special reasons why these recipients have to leave Hong Kong for more than 60 days in a year, the permissible limit of absence from Hong Kong can be extended up to a maximum of 90 days at the discretion of DSW.)

SSA Scheme

Where an SSA recipient has resided in Hong Kong for not less than 60 days in a payment year, his/her temporary absences from Hong Kong will not affect the payment of allowance on condition that the total number of days of absence in the year does not exceed 305 days (or 306 days in a leap year). An SSA recipient will be entitled to a full year allowance if he/she satisfies the minimum

residence period of 60 days in a payment year.

If an SSA recipient has resided in Hong Kong for less than 60 days in a payment year, he/she is not entitled to any 'absence' allowance in that year. In other words, he/she is eligible to receive allowance only for the periods during which he/she has resided in Hong Kong.

Note

- (1) Under the SSA Scheme, the permissible limit of absence from Hong Kong in each payment year has been relaxed from 240 days to 305 days (or 306 days in a leap year), and the minimum residence requirement has been correspondingly reduced from 90 days to 60 days since 1 February 2011. The above arrangements are applicable to the recipients with payment years ending, or taking effect, on or after 1 February 2011.
- (2) Under the SSA Scheme, for the purpose of calculating a recipient's absence from Hong Kong, the first payment year refers to the 12-month period from the date when the recipient starts to receive SSA. For example, if a person started to receive SSA from 2 February 2011, the first payment year was from 2 February 2011 to 1 February 2012, the second payment year from 2 February 2012 to 1 February 2013 and so forth.
- (3) Subject to there being sufficient documentary proof, consideration can be given to disregarding a Disability Allowance recipient's absences from Hong Kong arising from full-time study and an SSA recipient's absences from Hong Kong arising from paid work outside Hong Kong.

FREQUENTLY ASKED QUESTIONS

A. General questions

Q(1). : How does SWD check the records of absence from Hong Kong declared by an SSA applicant at the time of application or reported by a CSSA/SSA recipient during receipt of assistance/allowance?

A(1). : SWD conducts data matching with the Immigration Department to check whether an SSA applicant could satisfy the requirement of having resided in Hong Kong continuously for at least one year immediately before the date of application and whether a CSSA/SSA recipient has been absent from Hong Kong beyond the permissible limit during receipt of assistance/allowance.

Q(2). : How is the number of days of absence calculated under the CSSA Scheme and the SSA Scheme?

A(2). : The number of days of absence is calculated as follows:

- The number of days of absence is calculated from the date of departure from Hong Kong, and the day of return to Hong Kong is not counted (for example, if an applicant left Hong Kong on 10 February 2011 and returned on 20 February 2011, the number of days of absence is 10 days).
- If an applicant leaves Hong Kong and returns on the same day (for example, the applicant left Hong Kong on 10 February 2011 and returned on the same day), the number of days of absence is zero.

B. CSSA Scheme

Pre-application residence requirement of having been a Hong Kong resident for at least seven years

Q(1). : If an applicant acquired Hong Kong resident status on 3 February 2004 and applied for CSSA on 25 June 2010, what are the residence requirement he/she has to satisfy?

A(1). : As the applicant has become a Hong Kong resident after 1 January 2004, he/she has to satisfy the requirement of having been a Hong Kong resident for at least seven years.

Q(2). : In exceptional circumstances, SWD may consider exercising discretion to waive the residence requirement under the CSSA Scheme. What are the factors to be considered to exercise discretion to waive the residence requirement?

A(2). : In determining whether discretion should be exercised to exempt a new arrival from the residence requirement under the CSSA Scheme, SWD will take into account all relevant factors to establish whether there is genuine hardship. Each case is to be considered on its own merits. The main factors to be considered include:

- the applicant's means of livelihood after arrival;
- the cause of the present hardship;
- resources available and other possible sources of assistance in Hong Kong;
- whether other forms of assistance are available; and
- the possibility of the applicant returning to his/her place of origin.

Q(3). : Will discretion be exercised to waive the residence requirement for an applicant with neither income nor other resources who has been forced to move away from his/her spouse with his/her young children because of domestic violence or other reasons?

A(3). : Under these circumstances, discretion will normally be exercised to waive the residence requirement for the applicant.

Q(4). : Will SWD reject an application for CSSA simply on grounds that the applicant can return to his/her place of origin?

A(4). : In deciding whether to exercise discretion to waive the residence requirement for a new arrival, SWD will consider many factors, including whether it is a better option for the applicant to return to his/her place of origin according to the applicant's personal and family circumstances. SWD will not reject a CSSA application by a new arrival simply on grounds that the applicant can return to his/her place of origin.

Q(5). : Will discretion be exercised to waive the residence requirement and to treat a new arrival who works to support his/her family members as an eligible member for CSSA in recognition of the new arrival's efforts to become self-supporting? If so, would he/she still be considered as an eligible member for CSSA if he/she subsequently became unemployed?

A(5). : Where a new arrival works to support his/her family members, discretion will normally be exercised to waive the residence requirement and to treat him/her as an eligible member for CSSA in recognition of the new arrival's efforts to become self-supporting.

If the new arrival subsequently becomes unemployed through no fault of his/her own, he/she will still be treated as an eligible member for CSSA. Nevertheless, if he/she is an able-bodied adult available for full-time work, he will have to actively seek work and participate in the Support for

Self-reliance Scheme as a condition of receiving CSSA.

Q(6). : What should a CSSA applicant do if staff of SWD turn down his/her application once they know that he/she cannot satisfy the residence requirement?

A(6). : Staff of SWD will not automatically turn down an application for CSSA when they know that the applicant does not satisfy the residence requirement.

On receipt of a CSSA application, the officer to whom the application is assigned will obtain all relevant information and submit a report to his/her senior officers for a decision on the application. The applicant will be informed of the result of his/her application in writing whether it is approved or rejected.

If a CSSA applicant is not satisfied with the decision made by SWD, he/she can lodge an appeal with the Social Security Appeal Board (please see answer to the following question).

If the applicant is not satisfied with the attitude of the officer handling his/her case or the way the case is being handled, he/she can ask to see the supervisor of the social security field unit. Alternatively, the applicant can lodge a complaint with the District Social Welfare Officer, whose name and contact telephone number are displayed at the reception area of the social security field unit. All complaints, whether written or oral, will be dealt with expeditiously and impartially.

Q(7). : If CSSA is not approved to an applicant due to his/her failure to meet the residence requirement, can the applicant lodge an appeal against the decision made by SWD? If there is such a mechanism, how can an applicant lodge an appeal and how long will it take to process an appeal?

A(7). : A CSSA applicant who is not satisfied with the decision made by SWD can lodge an appeal with the Social Security Appeal Board within four weeks immediately following the date of notification of the decision from SWD. The Social Security Appeal Board is an independent body whose members are appointed by the Chief Executive from outside the civil

service.

To lodge an appeal, the appellant should complete an appeal form and forward it to the social security field unit concerned or SWD headquarters or the office of the Social Security Appeal Board. Appeal forms are obtainable at any of these offices. The form can also be downloaded from SWD's homepage. The Board will normally hear the case within one month from the receipt of the appeal, and the appellant will be informed of the Board's decision in writing within three weeks of the hearing.

Q(8). : If SWD decides not to waive the residence requirement for a new arrival applying for CSSA, what other forms of assistance are available to him/her?

A(8). : Other forms of assistance and support are available to new arrivals in need irrespective of their length of residence in Hong Kong. These include employment support services, emergency relief, grants from charitable trust funds, medical waivers, assistance in kind, referrals to singleton hostels for accommodation and day relief centres for meals. Where necessary, the social security field unit will refer a CSSA applicant to other service units or government departments for appropriate services.

Permissible limits of absence from Hong Kong during receipt of assistance

Q(9). : Under the CSSA Scheme, a payment year for the purpose of calculating a recipient's permissible limit of absence from Hong Kong commences on 1 July and ends on 30 June in the following year. If a 50-year-old applicant who was medically certified to be in ill-health became eligible for CSSA from 2 April 2010, what is the permissible limit of absence for him/her for the period from 2 April 2010 to 30 June 2010?

A(9). : The permissible limit of absence from Hong Kong for recipients who are neither old nor disabled is 60 days in each payment year. In this case, as the applicant became eligible for CSSA on 2 April 2010, the permissible limit of

absence for him/her was 15 days (see 'Note' below) for the period from 2 April 2010 to 30 June 2010. If he/she continued to be eligible for CSSA after 30 June 2010, the permissible limit of absence for him/her in the payment year from 1 July 2010 to 30 June 2011 would be 60 days.

Note

The permissible limit of absence from Hong Kong is calculated on a pro-rata basis, having regard to the recipient's total number of days of eligibility in a payment year. In this case, the permissible limit of absence from Hong Kong from 2 April 2010 to 30 June 2010 is calculated as follows:

$$90 \text{ days}^{(1)} \times \frac{60 \text{ days}^{(2)}}{365 \text{ days}^{(3)}} = 15 \text{ days (rounded up)}$$

- (1) A total of 90 days from 2 April 2010 to 30 June 2010.
- (2) Permissible limit of absence from Hong Kong in a full payment year.
- (3) Total number of days in the payment year.

C. SSA Scheme

Pre-application residence requirements

Q(1). : A 65-year-old man acquired Hong Kong resident status on 6 February 2005 and applied for Old Age Allowance on 8 January 2011. What are the residence requirements he has to satisfy?

A(1). : As the applicant acquired Hong Kong resident status after 1 January 2004, he has to satisfy both the requirement of having been a Hong Kong resident for at least seven years; and the requirement of having resided in Hong Kong continuously for at least one year immediately before the date of application (hereunder 'the one-year-continuous-residence requirement').

Q(2). : A 70-year-old woman applying for Old Age Allowance has been absent from Hong Kong for 80 days during the one-year period immediately before the date of application. When will she be able to satisfy the one-year-continuous-residence requirement?

A(2). : As the applicant has been absent from Hong Kong for more than 56 days during the one-year period immediately before the date of application, to satisfy the one-year-continuous-residence requirement, she will have to reside in Hong Kong until the total number of days of residence in Hong Kong from the date of application is no less than the number of days of absence exceeding the 56-day limit during the one-year period, i.e. 24 days (80 days – 56 days).

Q(3). : A 6-year-old disabled boy acquired Hong Kong resident status on 18 January 2005 and applied for Disability Allowance on 7 February 2011. What are the residence requirements he has to satisfy?

A(3). : As Hong Kong residents under 18 years of age are not required to satisfy the requirement of having been a Hong Kong resident for at least seven years or the one-year-continuous-residence requirement for Disability Allowance, this 6-year-old Disability Allowance applicant need not satisfy any pre-application residence requirement.

Q(4). : Is an ex-recipient of SSA required to meet the one-year-continuous-residence requirement when he/she re-applies for SSA?

A(4). : If the re-application is made more than 12 months after his/her case has been closed by SWD, he/she is required to satisfy the one-year-continuous-residence requirement again.

Example: An applicant ceased receiving Old Age Allowance after his departure from Hong Kong, and his Old Age Allowance case was subsequently closed on 15 February 2009. He re-applied for Old Age Allowance when he returned to Hong Kong on 15 November 2010. As the Old Age Allowance case has been closed for more than 12 months, he has to satisfy the one-year-continuous-residence requirement again.

Permissible limits of absence from Hong Kong during receipt of allowance

Q(5). : An elderly person was eligible to receive Old Age Allowance from 5 February 2010. In the first payment year, he/she stayed in Hong Kong for not less than 60 days and was absent from Hong Kong for a total of 300 days. In what way would his/her absence from Hong Kong affect the payment of Old Age Allowance?

A(5). : As the payment year ended on 4 February 2011 and the recipient had resided in Hong Kong for not less than 60 days in that payment year, he/she was entitled to the 305-day permissible limit of absence from Hong Kong. Since the recipient was absent from Hong Kong for 300 days in the payment year, the number of days of absence was less than the permissible limit. He/She was entitled to receive a full-year allowance in that payment year.

Q(6). : If an elderly person started receiving Old Age Allowance from 1 February 2010, what is the permissible limit of absence from Hong Kong for him/her in the first and the second payment years (i.e. from 1 February 2010 to 31 January 2011 and 1 February 2011 to 31 January 2012)?

A(6). : As the first payment year ended before 1 February 2011, the recipient was entitled to the 240-day permissible limit of absence from Hong Kong subject to he/she having resided in Hong Kong for not less than 90 days in that payment year. For the second payment year, as the start date fell on 1 February 2011 (i.e. the implementation date of new 'absence' allowance), the recipient will be entitled to the 305-day permissible limit of absence from Hong Kong provided that he/she has resided in Hong Kong for not less than 60 days in that payment year.

Q(7). : A recipient was eligible for Old Age Allowance on 10 February 2011, he/she then returned to live in the Mainland for most of the time. He/She only stayed in Hong Kong for a total of 34 days in a payment year. In what way would his/her absence from Hong Kong affect the payment of Old Age Allowance to him/her?

A(7). : As the recipient had resided in Hong Kong for less than 60 days in the payment year, he/she should not have been entitled to any 'absence' allowance in that payment year. He/She was only entitled to receive Old Age Allowance during his/her 34-day residence in Hong Kong.

If the total amount of Old Age Allowance already paid to him/her exceeds the amount to which he/she should have been entitled, he/she has to repay the overpayment to SWD.

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