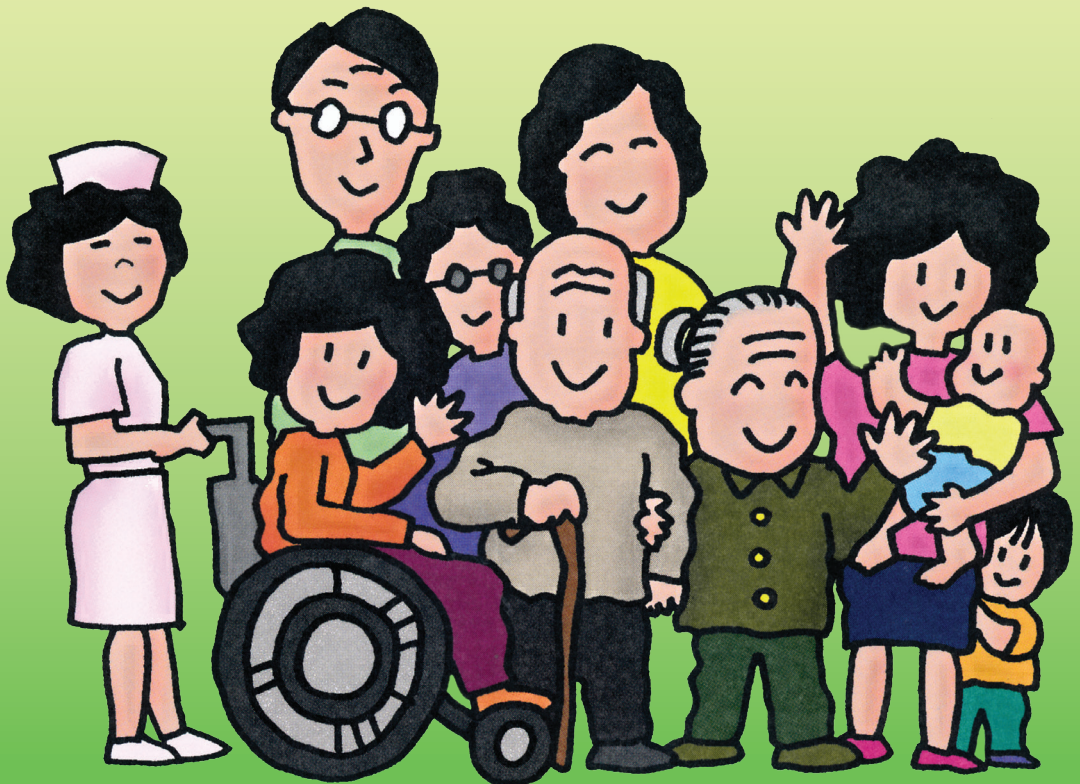


The Comprehensive Social Security Assistance Scheme
and the Social Security Allowance Scheme

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 comprises Old Age Allowance, Normal Disability Allowance, Higher Disability Allowance, Old Age Living Allowance, Guangdong Scheme and Fujian Scheme. Old Age Allowance and Disability Allowance are designed to provide a monthly allowance to Hong Kong residents who are 70 years of age or above or who are severely disabled to meet their special needs arising from old age or disability respectively. Old Age Living Allowance is to provide a special allowance per month to supplement the living expenses of Hong Kong residents aged 65 or above who are in need of financial support. Guangdong Scheme and Fujian Scheme comprise Old Age Allowance and Old Age Living Allowance respectively to provide monthly allowance for eligible Hong Kong residents who choose to reside in Guangdong (only applicable to Guangdong Scheme) or Fujian (only applicable to Fujian Scheme).

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. Recipients of Guangdong Scheme and Fujian Scheme must continue to reside in Guangdong (only applicable to Guangdong Scheme) or Fujian (only applicable to Fujian Scheme) during receipt of allowance.

This pamphlet explains in detail the residence requirements for CSSA and SSA applicants and the permissible limits of absence from Hong Kong during receipt of CSSA and SSA (absence from Hong Kong means leaving Hong Kong for the Mainland, Macao or overseas countries/territories). For the permissible limits of absence from Guangdong (only applicable to Guangdong Scheme) or Fujian (only applicable to Fujian Scheme) during receipt of allowance under Guangdong Scheme and Fujian Scheme, please refer to the pamphlets of SSA Scheme, Guangdong Scheme and Fujian Scheme for details. 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 a social security field unit of the Social Welfare Department (SWD) near to your place of residence (please refer to the leaflet of Addresses and Telephone Numbers of Social Security Field Units for details).

We have separate pamphlets providing general information on the CSSA Scheme and the SSA Scheme. You can also visit the homepage of SWD (website: <http://www.swd.gov.hk>) or contact the social security field unit in proximity or our Departmental Hotline (2343 2255) for more information about these schemes.

RESIDENCE REQUIREMENTS FOR CSSA and SSA APPLICANTS

CSSA Scheme

To qualify for CSSA, an applicant must:

- (a) be a Hong Kong resident;
- (b) have held the Hong Kong resident status for not less than one year; and
- (c) have resided in Hong Kong for at least one year (since acquiring the Hong Kong resident status to the date prior to the date of application). The one-year residence need not be continuous or immediately before the date of application. Absence(s) from Hong Kong up to a maximum of 56 days (whether continuous or intermittent) before the date of application is/are treated as residence in Hong Kong.



Notes:

1. Persons whose presence in Hong Kong are unlawful and persons admitted to Hong Kong for a purpose other than residence (i.e. those who are subject to conditions of stay prescribed in Regulation 2 of the Immigration Regulation Cap. 115A, such as imported workers and visitors) are excluded from the CSSA Scheme.
2. Hong Kong residents aged below 18 applying for CSSA are exempted from the requirements at (b) and (c) above.
3. 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 90 days during the one-year period is treated as residence in Hong Kong).

Notes:

1. With effect from 1 September 2023, the absence allowance before application has been relaxed from 56 days to 90 days under the one-year-continuous-residence requirement of SSA Scheme.
2. Persons whose presence in Hong Kong are unlawful and persons admitted to Hong Kong for a purpose other than residence (i.e. those who are subject to conditions of stay prescribed in Regulation 2 of the Immigration Regulation Cap. 115A, such as imported workers and visitors) are excluded from the SSA Scheme.
3. Hong Kong residents aged below 18 applying for Disability Allowance are exempted from the requirements at (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 90 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 90-day limit, subject to the reason for and evidence of receiving medical treatment outside Hong Kong being established.

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

CSSA Scheme – Permissible limits of absence from Hong Kong

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 who are old or 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 the DSW.)



(Note: Consideration can be given to disregarding a recipient's absence from Hong Kong arising from paid employment outside Hong Kong on condition that there is documentary evidence to prove that working hours per month and earnings per month are no less than the prescribed levels as defined by the SWD.)

SSA Scheme – Permissible limits of absence from Hong Kong (only applicable to recipients of Old Age Allowance/Disability Allowance/Old Age Living Allowance)

Where a recipient of Old Age Allowance/Disability Allowance/Old Age Living Allowance under the SSA Scheme 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). In other words, a recipient will be entitled to a full year allowance if he/she satisfies the minimum residence period of 60 days in Hong Kong in a payment year.

If a 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. He/She is eligible to receive allowance only for the periods during which he/she has resided in Hong Kong. If any overpayment involved, the recipient must refund the overpaid allowance to the SWD.

Notes:

1. The payment year under the SSA Scheme refers to the 12-month period from the date when the recipient meets the eligibility criteria for receiving SSA (for example, if a person was eligible for receiving SSA from 2 February 2023, the first payment year was from 2 February 2023 to 1 February 2024, the second payment year from 2 February 2024 to 1 February 2025 and so forth).
2. Subject to there being sufficient documentary proof, consideration can be given to disregarding a recipient's absences from Hong Kong arising from paid work outside Hong Kong.
3. Consideration can also be given to disregarding a Disability Allowance recipient's absences from Hong Kong arising from full-time study on condition that there is sufficient documentary proof.

FREQUENTLY ASKED QUESTIONS

A. General questions

Q1 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/an SSA recipient during receipt of assistance/allowance?

A1 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/an SSA recipient has been absent from Hong Kong beyond the permissible limit during receipt of assistance/allowance.

Q2 How is the number of days of absence calculated under the CSSA Scheme and the SSA Scheme?

A2 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 2023 and returned on 20 February 2023, the number of days of absence is 10 days; also for example, if an applicant left Hong Kong at 11:30 p.m. on 10 February 2023 and returned at 00:30 a.m. on 11 February 2023, even though he/she left Hong Kong before midnight and returned to Hong Kong after midnight, the number of days of absence is one day).
- If an applicant leaves Hong Kong and returns on the same day (for example, the applicant left Hong Kong on 10 February 2023 and returned on the same day), the number of days of absence is zero.

B. CSSA Scheme

Pre-application residence requirement

Q1 An applicant acquired Hong Kong resident status on 6 October 2022 and applied for CSSA on 9 September 2024. What is the residence requirement he/she has to satisfy?

A1 The applicant has to satisfy the requirements of being a Hong Kong resident, having held the Hong Kong resident status for not less than one year; and having resided in Hong Kong for at least one year since acquiring the Hong Kong resident status to the date prior to the date of application (hereunder the 'one-year residence requirement'). Absence(s) from Hong Kong up to a maximum of 56 days (whether continuous or intermittent) before the date of application is/are treated as residence in Hong Kong.

Q2 A CSSA applicant acquired Hong Kong resident status on 1 January 2024. He/She has resided in Hong Kong for 309 days without any absence and applied for CSSA on 5 November 2024. Whether he/she can satisfy the one-year residence requirement?

A2 Since the applicant has not held the Hong Kong resident status for not less than one year prior to the date of application, he/she cannot satisfy the one-year residence requirement. The applicant will satisfy the one-year residence requirement on 1 January 2025.

Q3 A CSSA applicant acquired Hong Kong resident status on 4 February 2024. He/She applied for CSSA on 4 February 2025 and has been absent from Hong Kong for 70 days since acquiring the Hong Kong resident status to the date prior to the date of application, when will he/she be able to satisfy the one-year residence requirement?

A3 As the applicant has been absent from Hong Kong for more than 56 days since acquiring the Hong Kong resident status to the date prior to the date of application, i.e. from 4 February 2024 to 3 February 2025, he/she cannot satisfy the one-year residence requirement. To satisfy this requirement, he/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, i.e. 14 days (70 days – 56 days) in this case.

Q4 A CSSA applicant acquired the Hong Kong resident status on 1 October 2023. He/She applied for CSSA on 9 June 2025 and has been absent from Hong Kong for 300 days since acquiring the Hong Kong resident status to the date prior to the date of application, when will he/she be able to satisfy the one-year residence requirement?

A4 The applicant has satisfied the one-year residence requirement on the date of application. The applicant's total number of days of residence in Hong

Kong since acquiring the Hong Kong resident status to the date prior to the date of application, i.e. from 1 October 2023 to 8 June 2025 is calculated as follows:

$$617 \text{ days}^{(1)} - 300 \text{ days}^{(2)} + 56 \text{ days}^{(3)} = 373 \text{ days}^{(4)}$$

- (1) A total of 617 days from 1 October 2023 to 8 June 2025.
- (2) Total number of days of absence from Hong Kong before the date of application.
- (3) Permissible limit of absence from Hong Kong before the date of application.
- (4) Applicant's total number of days of residence in Hong Kong before the date of application.

Q5 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?

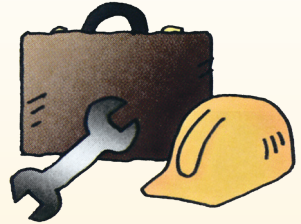
A5 In determining whether discretion should be exercised to exempt an applicant from the residence requirement under the CSSA Scheme, SWD will take into account all relevant factors to establish whether there is genuine hardship. Each case is to be considered on its own merits. The main factors to be considered include:

- having no relatives and friends to whom the applicant/his family can turn to;
- not able to work because there is a need to look after dependent member(s) of the household; or having been medically certified to be unfit for work because of ill health/disability; and
- having assets below two months' CSSA entitlement.

Q6 Will discretion be exercised to waive the residence requirement and to treat a new arrival who works to support his/her family member(s) 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?

A6 Where a new arrival works to support his/her family member(s), 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/she will have to actively seek for work and participate in the Support for Self-reliance Scheme as a condition of receiving CSSA.



Q7 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?

A7 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.

Q8 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?

A8 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. Appellant can also lodge an appeal by using online form. 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.

Q9 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?

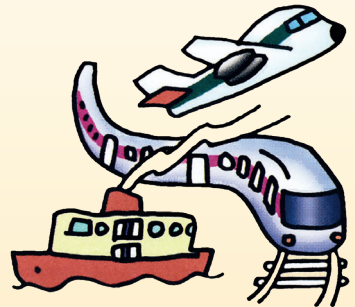
A9 Other forms of assistance and support are available to new arrivals in need irrespective of their length of residence in Hong Kong. These include employment support services, emergency relief, grants from charitable trust funds, medical waivers, assistance in kind, referrals to singleton hostels for 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

Q10 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 2024, what is the permissible limit of absence for him/her for the period from 2 April 2024 to 30 June 2024?

A10 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 2024, the permissible limit of absence for him/her was 15 days (see 'Note' below) for the period from 2 April 2024 to 30 June 2024. If he/she continued to be eligible for CSSA after 30 June 2024, the permissible limit of absence for him/her in the payment year from 1 July 2024 to 30 June 2025 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.

$$90 \text{ days}^{(1)} \times \frac{60 \text{ days}^{(2)}}{366 \text{ days}^{(3)}} = 15 \text{ days (rounded up)}$$

- (1) A total of 90 days from 2 April 2024 to 30 June 2024.
- (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

Q1 A 70-year-old applicant applying for Old Age Allowance on 2 September 2024 and has been absent from Hong Kong for 100 days during the one-year period immediately before the date of application. When will he/she be able to satisfy the one-year-continuous-residence requirement?

A1 As the applicant has been absent from Hong Kong for more than 90 days during the one-year period immediately before the date of application, he/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 90-day limit during the one-year period, i.e. 10 days (100 days – 90 days) in this case. In other words, he/she is required to reside in Hong Kong for 10 days since the date of application (i.e. 2 September 2024) and will satisfy the one-year-continuous-residence requirement on 12 September 2024.

Q2 A 6-year-old disabled applicant acquired Hong Kong resident status on 18 September 2023 and applied for Disability Allowance on 6 October 2023. What are the residence requirements he/she has to satisfy?

A2 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 requirements.

Q3 Is an ex-recipient of SSA required to satisfy the one-year-continuous-residence requirement when he/she re-applies for SSA?

A3 If the re-application for SSA 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/her departure from Hong Kong, and his/her Old Age Allowance case was subsequently closed on 14 February 2020. He/She re-applied for Old Age Allowance when he/she returned to Hong Kong on 15 January 2024. As the Old Age Allowance case has been closed for more than 12 months, he/she has to satisfy the one-year-continuous-residence requirement again.

Q4 If a CSSA recipient opts to switch over to SSA, what are the residence requirements he/she has to satisfy?

A4 A CSSA recipient who opts to switch over to SSA is required to satisfy afresh the pre-application residence requirements under the SSA Scheme, i.e. the requirement of having been a Hong Kong resident for at least seven years and the one-year-continuous-residence requirement.

Permissible limits of absence from Hong Kong during receipt of allowance (only applicable to recipients of Old Age Allowance/Disability Allowance/Old Age Living Allowance)

Q5 An elderly person was eligible to receive Old Age Allowance from 4 September 2023. 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?

A5 As the recipient had resided in Hong Kong for not less than 60 days in the 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.

Q6 A recipient was eligible for Old Age Allowance on 1 September 2023, 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?

A6 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.

