

**Frequently asked questions on the exercise of discretion to
waive the seven-year residence requirement
under the Comprehensive Social Security Assistance (CSSA) Scheme**

Q1 What are the factors to be considered for waiving the seven-year residence requirement under the CSSA Scheme?

A1 To determine whether discretion should be exercised to exempt a new arrival from the seven-year residence requirement under the CSSA Scheme, the Social Welfare Department (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 consider include:

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

Q2 Will discretion be exercised to waive the seven-year residence rule for someone 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?

A2 Under these circumstances, discretion will normally be exercised to waive the seven-year residence requirement for that applicant.

Q3 Will money borrowed from friends, relatives or finance companies be treated as a CSSA applicant's income/resources?

A3 Under the CSSA Scheme, any loans or debts that have to be repaid can be disregarded.

Q4 Will SWD reject an application for CSSA made by a new arrival simply on grounds that the applicant can return to his/her place of origin?

A4 In deciding whether to exercise discretion to waive the seven-year 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, having regard to the applicant's personal and family circumstances.

SWD will not reject an application for CSSA made by a new arrival applicant simply on grounds that the applicant can return to his/her place of origin.

Q5 Will discretion be exercised to treat a new arrival who works to support himself/herself and his/her family members as an eligible member for the purpose of CSSA in recognition of the new arrival's efforts to become self-supporting? If so, would he/she still be recognized as an eligible member for the purpose of CSSA if he/she subsequently became unemployed?

A5 Where a new arrival works to support himself/herself and his/her family members, discretion will normally be exercised to treat him/her as an eligible member for the purpose of CSSA in recognition of the new arrival's efforts to become self-supporting.

If the new arrival subsequently became unemployed through no fault of his/her own, he/she would still be treated as an eligible member for the purpose of CSSA. Nevertheless, if he/she is an able-bodied adult available for full-time work, he should actively seek work and participate in the Support for Self-reliance Scheme as a condition of receiving assistance.

Q6. What should I do if staff of SWD turn down my application for CSSA once they know that I cannot satisfy the seven-year residence requirement?

A6 Staff of SWD do not automatically turn down your application for CSSA when they know that you do not satisfy the seven-year residence requirement.

On receipt of your application, the officer to whom your application is assigned will obtain all relevant information and submit a report to his senior officers for a decision on your application. You will be informed of the result of your application in writing whether it is approved or rejected. If you are not satisfied with the decision made by SWD, you can lodge an appeal with the Social Security Appeal Board (see A7 below).

You can ask to see the supervisor of the Social Security Field Unit (SSFU) if you are not satisfied with the attitude of the officer handling your case or the way your case is being handled. Alternatively, you can lodge a complaint with the District Social Welfare Officer, whose name and contact telephone number are displayed at the reception area of the SSFU. All complaints, whether written or oral, will be dealt with expeditiously and impartially.

Q7 Is there an appeal mechanism against decisions made by SWD on the CSSA applications? If there is such a mechanism, how can an applicant lodge an appeal and how long will it take to process an appeal?

A7 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 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 SSFU concerned or SWD headquarters or the office of the Social Security Appeal Board. Appeal forms are obtainable

from 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 an appeal, and the appellant will be informed of the Board's decision in writing within three weeks after the hearing.

Q8 If waiver of the residence requirement is not granted to a new arrival, what other forms of assistance are available?

A8 Other forms of assistance and support are available to new arrivals 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 SSFU will refer a CSSA applicant to other service units or government departments for appropriate services.