

LEGCO PANEL ON WELFARE SERVICES

Subcommittee on Review of the Comprehensive Social Security Assistance Scheme

Victims of domestic violence applying for Comprehensive Social Security Assistance

PURPOSE

This paper provides information on the procedures for victims of domestic violence applying for the Comprehensive Social Security Assistance (CSSA).

BACKGROUND

2. The CSSA Scheme provides a safety net of last resort to meet the basic needs of those who cannot support themselves financially. It is non-contributory but means-tested. An eligible applicant must satisfy the prescribed criteria, including the seven-year residence requirement.

APPLICATION OF CSSA BY THE VICTIMS OF DOMESTIC VIOLENCE

3. Any person, including the victim of domestic violence, who has to apply for CSSA can make an application directly to a social security field unit (SSFU) near to his/her place of residence by phone, by fax, by e-mail, by post or in person. An application can also be made through a referral to the Social Welfare Department (SWD) by another government department or a non-governmental organization. Upon receipt of an application, staff of the SWD will conduct investigation and verification of the applicant's circumstances and information provided through office interview and home visit.

4. CSSA has to be applied on a household basis. In processing a CSSA application, if it is found that the applicant has a poor relationship with her/his spouse but splitting of tenancy is not granted for various reasons, the SSFU staff will refer the case to a social worker of Integrated Family Services Centre (IFSC) for counselling service. Discretion may be exercised to allow the applicant to apply for assistance on her/his own where justified.

HANDLING OF APPLICATION FROM VICTIMS OF DOMESTIC VIOLENCE WHO DO NOT MEET THE SEVEN-YEAR RESIDENCE REQUIREMENT

5. The seven-year residence requirement under the CSSA Scheme was introduced on the basis of the recommendations in the Report of the Task Force on Population Policy. Prior to its implementation on 1 January 2004, we had consulted the LegCo Panel on Welfare Services, the Social Welfare Advisory Committee, Chairmen and Vice-chairmen of District Councils on the proposal to tighten the residence requirement for CSSA. Under the requirement, one has to meet the seven-year residence rule in order to enjoy non-contributory social benefits which are heavily subsidised by public funds. The rationale for the requirement is to ensure a rational basis on which the heavily subsidised social services are allocated. The seven-year residence requirement under the CSSA Scheme does not apply to persons who have acquired Hong Kong resident status before 1 January 2004. Besides, Hong Kong residents aged below 18 are not required to satisfy any prior residence requirement under the CSSA Scheme. The Director of Social Welfare (DSW) may, at his discretion, grant CSSA to those who do not satisfy the residence requirements but are in genuine hardship.

6. When a CSSA application involving any persons, including victims of domestic violence, not meeting the seven-year residence requirement is received by a SSFU, the caseworker will inform the applicant, among other things, of DSW's discretionary power to waive the seven-year residence requirement for genuine hardship case and conduct an interview to find out from the applicant all relevant information required to establish whether there is genuine hardship.

7. In view of the special difficulties faced by victims who are often empty-handed when being forced to move away from his/her spouse with his/her young children because of domestic violence, DSW can exercise discretion to waive their residence requirements, so that immediate financial assistance can be provided to them. Since the implementation of the residence requirement in 2004, SWD has exercised discretion to waive the residence requirement in a total of 606 cases of single parents, some of these recipients

may include victims of domestic violence. However, the SWD has not collated a breakdown of these cases by gender and detailed background.

8. To enhance the transparency of the mechanism of discretion to waive the residence requirements for CSSA, it has been the standard practice since October 2004 for SWD to give a copy of the pamphlet on residence requirements to each and every CSSA applicant who does not meet the seven-year residence requirement. The pamphlet spells out the details of the residence requirements for CSSA and the main factors that SWD will take into consideration in exercising discretion. The pamphlet is at Annex.

CSSA FOR VICTIMS OF DOMESTIC VIOLENCE

9. Victims of domestic violence with children are categorized as single parents. Apart from meeting their basic needs, the CSSA Scheme also takes care of their special needs through the provision of higher standard rates, single parent supplement and special grants.

- (a) The CSSA Scheme provides higher standard rates for single parents than able-bodied adults living in a family, ranging from \$1,415 to \$1,770 per month per person (\$250 to \$320 higher).
- (b) A monthly single parent supplement of \$230 is payable to single parent families to recognize the special difficulties which single parents face in bringing up a family.
- (c) Discretionary special grants can be provided to meet the expenses for rent deposit, removal and essential furniture items, etc. to help them rebuild a home.

10. A wide range of special grants including rent allowance, water/sewage charge allowance, grant to cover schooling expenses for children, grant to cover child care centre fees, etc are also provided. As at end of December 2006, there were 38 449 CSSA single parent cases.

11. Members are invited to note the contents of the paper.

Health, Welfare and Food Bureau
Social Welfare Department
February 2007

**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

To qualify for CSSA or 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 CSSA Scheme and the SSA Scheme.
- (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 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 of having been a Hong Kong resident for at least seven years and/or 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.
- (5) In determining whether an SSA 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 SSA 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.

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 90 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 240 days (applicable to payment years commencing on or after 1 October 2005).

If an SSA recipient has resided in Hong Kong for less than 90 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, 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 3 October 2005, the first payment year is from 3 October 2005 to 2 October 2006, the second payment year from 3 October 2006 to 2 October 2007 and so forth.
- (2) Under the SSA Scheme, the permissible limit of absence from Hong Kong in each payment year has been relaxed from 180 days to 240 days since 1 October 2005. An SSA recipient is entitled to the 240-day permissible limit of absence from Hong Kong in any payment year commencing on or after 1 October 2005.

- (3) If the start day of a payment year falls on any date from 2 October 2004 to 30 September 2005 (all these payment years involving 1 October 2005), the permissible limit of absence from Hong Kong for the SSA recipient in that payment year is calculated according to the following formula:

$$\begin{array}{l} \text{Total number of} \\ \text{days from the} \\ \text{start date of the} \\ \text{payment year to} \\ \text{30 September} \\ \text{2005} \end{array} \times \frac{180 \text{ days}}{365 \text{ days}} + \begin{array}{l} \text{Total number of} \\ \text{days from} \\ \text{1 October 2005} \\ \text{to the end date} \\ \text{of the payment} \\ \text{year} \end{array} \times \frac{240 \text{ days}}{365 \text{ days}} = \begin{array}{l} \text{Permissible limit of} \\ \text{absence from Hong} \\ \text{Kong in the payment} \\ \text{year (rounded up)} \end{array}$$

- (4) 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.
- (5) Where an SSA recipient's total number of days of absence from Hong Kong in a payment year has exceeded the permissible limit because of the need to receive medical treatment outside Hong Kong, DSW can consider exercising discretion to disregard absences exceeding the permissible limit on condition that the recipient has resided in Hong Kong for not less than 90 days in that payment year and that he/she can provide sufficient reason for and evidence of receiving medical treatment outside Hong Kong.

FREQUENTLY ASKED QUESTIONS

A. General questions

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

A. : SWD conducts data matching with the Immigration Department to check whether a CSSA/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. : How is the number of days of absence calculated under the CSSA Scheme and the SSA Scheme?

A. : 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 2005 and returned on 20 February 2005, 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 2005 and returned on the same day), the number of days of absence is zero.

B. CSSA Scheme

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

Q. : If an applicant acquired Hong Kong resident status on 3 February 2004 and applied for CSSA on 4 December 2005, what are the residence requirements he/she has to satisfy?

A. : As the applicant has become a Hong Kong resident after 31 December 2003, he/she has to satisfy:

- the requirement of having been a Hong Kong resident for at least seven years (hereunder ‘the seven-year residence requirement’); 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. : In exceptional circumstances, SWD may consider exercising discretion to waive the seven-year residence requirement under the CSSA Scheme. What are the factors to be considered to exercise discretion to waive the seven-year residence requirement?

A. : In determining whether discretion should be exercised to exempt a new arrival from the seven-year 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. : Will discretion be exercised to waive the seven-year 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. : Under these circumstances, discretion will normally be exercised to waive the seven-year residence requirement for the applicant.

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

A. : Under the CSSA Scheme, loans or debts that have to be repaid are disregarded.

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

A. : 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 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. : Will discretion be exercised to waive the seven-year 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. : Where a new arrival works to support his/her family members, discretion will normally be exercised to waive the seven-year 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. : What should a CSSA applicant do if staff of SWD turn down his/her application once they know that he/she cannot satisfy the seven-year residence requirement?

A. : Staff of SWD will not automatically turn down an application for CSSA when they know that the applicant does not satisfy the seven-year 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. : If CSSA is not approved to an applicant due to his/her failure to meet the seven-year 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. : 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. : If SWD decides not to waive the seven-year residence requirement for a new arrival applying for CSSA, what other forms of assistance are available to him/her?**

- A. : 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.

Pre-application one-year-continuous-residence requirement

- Q. : If an applicant acquired Hong Kong resident status on 6 February 2003 and applied for CSSA on 8 June 2005, what are the residence requirements he/she has to satisfy?**

- A. : As the applicant has become a Hong Kong resident before 1 January 2004, he/she is only required to satisfy the one-year-continuous-residence requirement. In other words, the applicant must have resided in Hong Kong continuously for at least one year immediately before the date of application, and absence from Hong Kong not exceeding 56 days during the one-year period will not affect eligibility.
- Q. : If a CSSA applicant has been absent from Hong Kong for 80 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?**
- A. : 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, he/she cannot satisfy the one-year-continuous-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 during the one-year period, i.e. 24 days (80 days – 56 days).

Where an applicant is in genuine hardship, SWD may consider exercising discretion to grant assistance to the applicant before he/she satisfies the one-year-continuous-residence requirement. In determining whether the applicant is in genuine hardship, SWD will take into account all the resources available to the applicant and his/her family members, such as savings and assistance from friends and relatives. If the applicant is a wage earner supporting his/her family members, discretion will normally be exercised to exempt him/her from the one-year-continuous-residence requirement.

Permissible limits of absence from Hong Kong during receipt of assistance

- Q. : 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 2005, what is the permissible limit of absence for him/her for the period from 2 April 2005 to 30 June 2005?

- A. : 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 2005, the permissible limit of absence for him/her is 15 days (see 'Note' below) for the period from 2 April 2005 to 30 June 2005. If he/she continues to be eligible for CSSA after 30 June 2005, the permissible limit of absence for him/her in the payment year from 1 July 2005 to 30 June 2006 will 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 2005 to 30 June 2005 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 2005 to 30 June 2005.
(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. : A 65-year-old man acquired Hong Kong resident status on 6 February 2005 and applied for Old Age Allowance on 8 June 2005. What are the residence requirements he has to satisfy?

A. : As the applicant acquired Hong Kong resident status after 31 December 2003, he has to satisfy both the seven-year residence requirement and the one-year-continuous-residence

requirement.

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

A. : As Hong Kong residents under 18 years of age are not required to satisfy the seven-year residence requirement 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.

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

A. : 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

2004. He re-applied for Old Age Allowance when he returned to Hong Kong on 15 April 2005. 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. : An elderly person was eligible to receive Old Age Allowance from 1 November 2005. In the first payment year, he/she stayed in Hong Kong for not less than 90 days but was absent from Hong Kong for a total of 250 days. In what way would his/her absence from Hong Kong affect the payment of Old Age Allowance?

A. : As the payment year commenced after 30 September 2005 and the recipient has resided in Hong Kong for not less than 90 days in that payment year, he/she is entitled to the 240-day permissible limit of absence from Hong Kong. Since the recipient was absent from Hong Kong for 250 days in the payment year, the number of days of absence exceeding the permissible limit was 10 (250 days – 240 days). He/She was not entitled to receive Old Age Allowance during this 10-day absence from Hong Kong.

Q. : If an elderly person started receiving Old Age Allowance from 1 December 2004, how should his/her permissible limit of absence from Hong Kong in the first payment year (i.e. from 1 December 2004 to 30 November 2005) be calculated?

A. : As the start date of the payment year fell between 2 October 2004 and 30 September 2005, subject to the recipient having resided in Hong Kong for not less than 90 days in that payment year, the permissible limit of absence from Hong Kong for him/her in the payment year will be 191 days (see 'Note' below).

Note

Under the SSA Scheme, the permissible limit of absence from Hong Kong in each payment year has been relaxed from 180 days to 240 days since 1 October 2005. The recipient's permissible limit of absence in the payment year from 1 December 2004 to 30 November 2005 is calculated as follows:

$$304 \text{ days}^{(1)} \times \frac{180 \text{ days}^{(2)}}{365 \text{ days}^{(3)}} + 61 \text{ days}^{(4)} \times \frac{240 \text{ days}^{(5)}}{365 \text{ days}^{(3)}} = 191 \text{ days}^{(6)} \text{ (rounded up)}$$

- (1) A total of 304 days from 1 December 2004 to 30 September 2005.
- (2) Permissible limit of absence from Hong Kong in a payment year before 1 October 2005.
- (3) Total number of days in the payment year.
- (4) A total of 61 days from 1 October 2005 to 30 November 2005.
- (5) Permissible limit of absence from Hong Kong in a payment year commencing on or after 1 October 2005.
- (6) Permissible limit of absence from Hong Kong for the recipient in the payment year.

Q. : An Old Age Allowance recipient was absent from Hong Kong 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. : As the recipient had resided in Hong Kong for less than 90 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.

October 2005