

Views from the Police Force Council Staff Associations on Policy on Earth Burial at Gallant Garden

- The Police Force Council Staff Side (PFC SS) would like to express their gratitude for the commissioning of Gallant Garden for civil servants killed on duty. The presence of such a burial plot fulfills the wishes of all civil servants and society in general to commend and pay their last respects to officers killed on duty.
- Nevertheless, PFC SS opine that the arrangement of providing earth burial space under a term of six years to officers killed on duty, and the granting of permanent earth burial to only those officers performing exceptional acts of bravery in the course of discharging their duties, should be reviewed. They hope that the Administration would consider granting permanent earth burial to police officers buried in Gallant Garden on the following grounds:
 1. The noble purpose of setting up the designated burial plot for civil servants reflecting their ultimate sacrifice for Hong Kong will be defeated if the earth burials have to follow the same six-year burial rule which applies to general public cemeteries under the purview of the Food and Environmental Hygiene Department.
 2. CSB has not provided a clear definition of 'bravery act' and implementation guidelines for both departmental management and relatives of the deceased officer to follow in making a decision on the burial plot within a very short period of time following a tragic incident. This will cause unnecessary embarrassment to departmental management and put additional stress on grieving relatives at a time when the opposite should occur. For instance, in both recent deaths of young police officers, namely on the Tuen Mun Highway and in Tsuen Wan, both families were totally confused as to the burial arrangements of their boys at Gallant Garden. Misunderstandings were only cleared up after detailed discussions between the families, Staff Associations, Civil Service Bureau and Force Management. To make matters worse, the officer killed on duty on the Tuen Mun Highway was not granted permanent burial. This was in contradiction to the fact he had volunteered to do the duty that caused his death and in direct conflict with his total devotion to duty causing his death.
 3. In view of the above, the PFC SS opine that 'an exceptional act of bravery' is not a reasonable or appropriate criteria for granting earth burial as it is very difficult to define. The PFC SS feel that the key criteria is RISK. As such it

will be easier for CSB to derive clear definitions on the nature of high risk job, for example, being a police officer carries with it certain risks as can be borne out by recent tragic events.

4. According to CSB, Gallant Garden was within a public cemetery and subject to the policy of the six-year time-limited earth burials. It has been advised by the Department of Justice that allocation of different treatments to the remains of deceased persons on the basis of the deceased's employment status would constitute discrimination within the meaning of the Hong Kong Bill of Rights Ordinance (BOR) and the International Covenant on Civil and Political Rights (ICCPR). Following the Chief Executive-in-Council's decision to grant permanent earth burial in Gallant Garden to civil servants who died whilst performing an act of bravery in their final duties was a significant breakthrough making provision of permanent burial without contravening BOR and the ICCPR. The PFC SS see no major difficulties in seeking the Chief Executive-in-Council's approval once again in the re-designation of Gallant Garden to becoming a private cemetery.