

**List of Follow-up to meeting on 26 April 2001
Policy on Earth Burial at Gallant Garden**

The Administration notes the views expressed by the staff but considers, as explained at the session, that there are constraints in acceding to their requests. Specifically, -

- (a) On the granting of permanent earth burial of civil servants died on duty at Gallant Garden, the Gallant Garden is part of Wo Hop Shek Public Cemetery and the current policy on public cemeteries is that earth burial term should be limited to six years for land conservation purpose. According to the legal advice, the proposal to extend the exhumation cycle to more than 6 years for the remains of civil servants died on duty only but not to non-civil servants may constitute discrimination within the meaning of Article 22 of the Hong Kong Bill of Rights and Article 26 of the International Covenant on Civil and Political Rights as we would be giving different treatment to the remains of a deceased on the basis of their employment whilst alive.
- (b) As regard the proposal to provide a clear definition on “exceptional bravery act”, the ExCo had decided that an exceptional bravery act should be recognizable by the award of a bravery award granted by the Chief Executive on the recommendation of the Honours Committee. This provides an objective yardstick to determine the granting of permanent earth burial to a person (civil servants or otherwise) died on duty.
- (c) On the idea of using “job risk” as a key criterion for determining permanent earth burial at Gallant Garden, we consider that it would be difficult to assess the risks of different duties. The risk element would be different in the same grade if they were deployed to different duties. There are also risks in many private sector jobs.

2. We would like to add that the Administration is aware of the concern of the Staff Side, and will continue to communicate closely with them on the subject through the established consultative machinery.