

**For discussion  
on 13 March 2007**

**LegCo Panel on Food Safety and Environmental Hygiene**

**Scattering of Cremated Human Ashes at Sea**

**PURPOSE**

This paper sets out the proposed arrangements for processing applications for the scattering of cremated human ashes within Hong Kong waters.

**BACKGROUND**

2. Section 118(1) of the Public Health and Municipal Services Ordinance (Cap 132) stipulates that it is an offence for any person to, without the written permission of the Director of Food and Environmental Hygiene (DFEH), scatter ashes of any human remains after cremation, other than in a cemetery.

3. Hitherto, applications for the scattering of cremated human ashes at sea are few and far between. According to available records, only 17 applications for the scattering of cremated ashes at sea were received between 1952 and 1985. All applications were approved. In the past three years, three more applications were received by the Food and Environmental Hygiene Department (FEHD). They were, however, turned down after consultation with the relevant departments.

4. At the meeting of the LegCo Panel on Food Safety and Environmental Hygiene held on 9 January 2007, members enquired about the progress on promoting the scattering of cremated ashes at sea as an alternative means for disposing cremated ashes.

## **GOVERNMENT POSITION**

5. Scattering of human ashes at sea has been practised in some parts of the world for quite some time. From the perspective of public hygiene, scattering of human ashes at sea does not pose any threat to public health, as cremated ashes are innocuous after cremation at high temperature. In a similar vein, as a measure to address the persistent shortage of niches for cremated ashes, Government is encouraging the public to scatter cremated human ashes in Gardens of Remembrance. For the same reason, we are positive about promoting the greater use of scattering human ashes at sea, as one of the ways to meet the public's demand for ash disposal. To this end, we consider it necessary to promulgate a set of user-friendly scattering arrangement and application procedure.

## **POSSIBLE LOCATIONS FOR THE SCATTERING OF CREMATED ASHES**

6. To facilitate the application and arrangement for scattering ashes at sea, we propose to streamline the application for and processing of applications for scattering cremated human ashes. Moreover, considering that it would be inappropriate to scatter human ashes into certain waters (e.g. Victoria Harbour, beaches, typhoon shelters, along busy marine traffic routes, mariculture zones, waters in areas with ecological interest, coastlines of country parks and marine parks), we propose that four areas be designated within Hong Kong waters for the purpose of scattering ashes. The details of the four designated areas are at [Annex](#). DFEH will from time to time review the enforcement of the conditions for approval, and will amend the list of designated areas having regard to recommendations of the relevant departments.

## **PROCESSING OF APPLICATIONS**

7. Under Section 118(1) of Cap 132, applications for the scattering of human ashes at sea need to be processed on a case-by-case basis. To streamline the application process and simplify the internal procedure within the Government for approving such applications, FEHD would prepare a

standard application form for applicants to provide information including particulars of the deceased and the applicant; and the date, time and location (as indicated on a map), etc. proposed for the scattering of human ashes. Approval will be granted by FEHD within 5 working days if the proposed location for the scattering of human ashes are within one of the designated areas and meet the conditions as set by the relevant departments. The proposed procedure would provide convenience to applicants as the information required would be clearly set out in the standard application form and there will be certainty on the time required to obtain an approval.

## **PREVENTION OF NUISANCE**

8. We consider that any ceremony for the scattering of human ashes at sea should not cause obstruction to marine traffic, excessive noise or other nuisance to people on board other marine vessels or on land, or cause water pollution. In order to prevent nuisance or pollution, we propose that conditions such as the following may be imposed –

- (i) except with the written permission of DFEH, scattering of ashes should only take place at specified time, date and location;
- (ii) dumping of food, flowers, offerings or other objects into the sea is prohibited;
- (iii) licensee or his agent must abide by relevant laws of Hong Kong;
- (iv) licensee or his agent must participate in the ceremony of scattering of ashes; and
- (v) in case fishing vessels are present at approved locations, scattering of ashes should be conducted away from the fishing vessel.

In addition to enforcing the above conditions, the departments concerned would take enforcement action against littering, environmental nuisance and pollution in the normal manner.

## **IMPLEMENTATION**

9. Subject to the views of this Panel, we aim to announce the procedures for processing applications for the scattering of human ashes at sea by end April 2007.

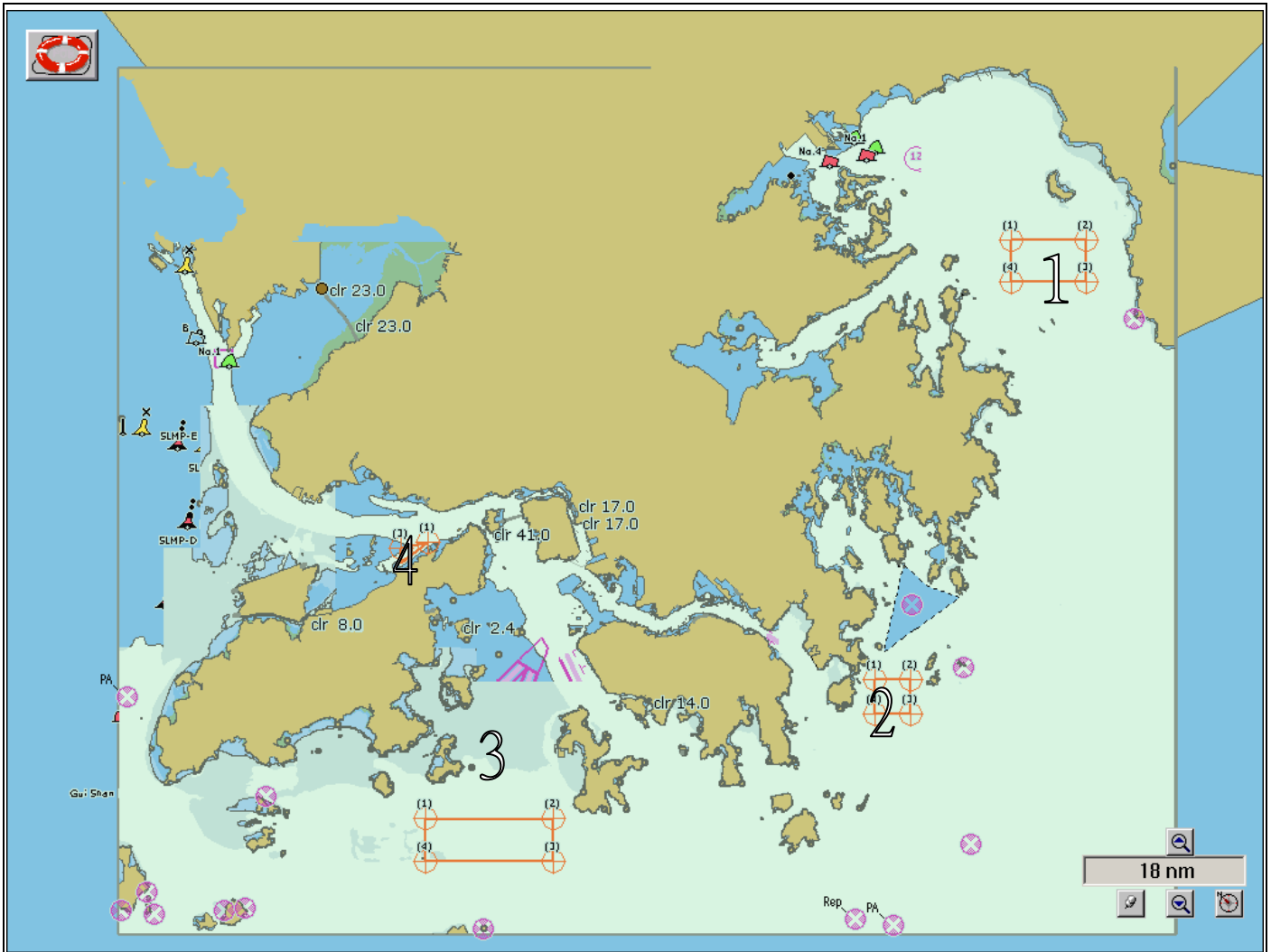
## **ADVICE SOUGHT**

10. Members are invited to note and comment on the proposal as outlined in paragraphs 6 to 9 above.

**Health, welfare and Food Bureau  
Food and Environmental Hygiene Department  
March 2007**

**Annex**

**Designated Areas for the  
Scattering of Human Ashes at Sea**



	<b>Designated Area No. 1</b>	<b>Designated Area No. 2</b>	<b>Designated Area No. 3</b>	<b>Designated Area No. 4</b>
	<b>East of Tap Mun</b>	<b>East of Tung Lung Chau</b>	<b>Southwest of Lamma Channel</b>	<b>East of the Brothers Islands</b>
(1)	22-30.83N 114-24.1E	22-15.38N 114-18.7E	22-10.50N 114-01.0E	22-20.20N 114-01.1E
(2)	22-30.83N 114-27.0E	22-15.38N 114-20.1E	22-10.50N 114-06.0E	22-19.50N 114-00.0E
(3)	22-29.36N 114-27.0E	22-14.18N 114-20.1E	22-09.00N 114-06.0E	22-20.00N 114-00.0E
(4)	22-29.36N 114-24.1E	22-14.18N 114-18.7E	22-09.00N 114-01.0E	-

**Note:** Latitude and longitude of designated areas and map above are subject to confirmation.