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Panel on Food Safety and Environmental Hygiene

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 6 July 2010**

Columbarium development

Purpose

This paper gives an account of the past discussions by the Panel on Food Safety and Environmental Hygiene (the Panel) on columbarium development.

Background

2. With a growing and aging population in Hong Kong, the number of deaths and the corresponding number of cremations have been rising gradually year on year. According to the Administration, it is projected that the annual number of deaths will increase steadily from 43 700 in 2010 to 52 800 in 2020. The annual number of cremations will also rise from 39 200 in 2010 to 49 600 in 2020 correspondingly. With an increasing demand for cremation service, there is also an increasing need for the supply of niches.

3. At present, in addition to the columbarium facilities run by non-government organisations (e.g. the Board of Management of Chinese Permanent Cemeteries), religious entities and the private sector, there are a total of eight public columbaria managed by the Food and Environmental Hygiene Department ("FEHD") providing some 167 900 public niches. About 41 000 public niches, which can accommodate some 80 000 cinerary urns, will also be provided at the new columbarium at Kiu Tau Road within the Wo Hop Shek Cemetery for use in 2012.

Deliberations of the Panel

4. At the special meeting of the Panel on 16 October 2009 to receive a briefing from the Secretary for Food and Health ("SFH") on the 2009-2010 Policy Agenda in relation to food safety and environmental hygiene, members were advised,

amongst others, that the Administration would review the provision of cemeteries, columbaria and crematoria facilities to meet future demand. The Administration would also continue its work on promoting the options of scattering cremated human ashes at sea and in gardens of remembrance ("GoRs"). Since the new GoRs commenced operation and the procedures for scattering of cremated human ashes at sea were streamlined in 2007, the Administration had handled 538 and 966 applications respectively.

5. Hon TAM Yiu-chung asked whether consideration would be given to allowing private columbaria to operate in industrial buildings. Mr TAM was also of the view that the Administration should adopt computerised columbarium operation as practised in Japan.

6. SFH advised that the Administration was looking at other innovative ideas, such as using industrial buildings, for providing columbarium facilities. SFH further advised that he would visit Japan in November 2009 to gain first-hand knowledge of the development and operation of columbarium facilities there.

7. Hon WONG Yung-kan urged the Administration to formulate clear guidelines on applications for development of private columbaria. SFH advised that the Food and Health Bureau ("FHB") would discuss with the Lands Department ("LandsD") on ways to ensure that development of private columbaria could meet demand on the one hand and acceptance of people in the vicinity of the proposed private columbaria on the other.

8. On the question of whether the Administration was exploring the option of limiting the interment of cinerary urns in newly allocated public niches to, say, seven years, to address the shortage of niches, SFH advised that the Administration had no plan to do so.

9. On 9 February 2010, the Administration briefed the Panel on the latest progress in the development of columbarium facilities in Hong Kong. Members were advised that FHB had set up a Working Group in coordination with the Development Bureau, the Home Affairs Bureau and various departments to study measures for increasing the supply of columbarium facilities and enhancing protection of the rights of consumers of private columbaria. The Government would adopt all feasible measures to increase the supply of public columbarium niches, including actively identifying suitable locations for the development of public columbarium facilities in different areas in Hong Kong (including urban areas), such as by construction of or conversion into multi-storey columbarium blocks. There had been successful experiences of overseas countries, such as Japan, in using high-rise buildings as columbarium blocks. To better protect the interests of purchasers of private niches, the Administration was calling on the trade to increase their transparency. The Administration would also look into ways to achieve this end by, say, setting up a voluntary registration system for operators of private columbaria.

10. Concern was raised about the growing number of private columbaria operating on lands/buildings not permitted for columbarium use.

11. The Administration advised that under the Town Planning Ordinance (Cap. 131) ("TPO"), the Planning Authority might take enforcement and regulatory actions against any "columbarium" not conforming to the requirements of the land use zoning as specified in the statutory Outline Zoning Plan for the site under concern. Such enforcement and regulatory actions could only be taken in respect of land use in areas covered by the Development Permission Area Plans (i.e. rural areas in the New Territories). There were views from the public that the enforcement and regulatory actions should be extended to areas not covered by the Development Permission Area Plans (i.e. urban areas and new towns). Given the large number of existing high-density development and mixed use buildings in these areas, there were technical difficulties to develop a comprehensive record of existing land use and use of individual floor in these areas for enforcement and regulatory purposes. It was also not the most cost-effective way of utilising the resources to regulate columbaria business.

12. The Administration further advised that upon receipt of a complaint about operation of columbarium niches in breach of land use requirements stated in land lease, LandsD would deploy its staff to carry out inspection on the site concerned regardless of whether the land was covered by the Development Permission Area Plans. Legal advice would be sought on the lease conditions which might be involved in the actual circumstances, and follow-up action taken as appropriate. If a site was found to be in breach of the lease conditions, LandsD would take lease enforcement action and request the parties concerned to purge the breach immediately. Where landowners applied for regularising a breach of land lease requirements, or intended to apply for modification of lease conditions for the provision of columbarium facilities, LandsD would consider and deal with the case. It would normally advise applicants to apply for and obtain the planning permission first, and would consider the views of the relevant departments in the process. If the application was approved, LandsD would include the appropriate conditions for lease modification, and this might entail the payment of a land premium.

13. Some Members, including Hon Fred LI and Hon WONG Sing-chi, urged the Administration to introduce a licensing regime to regulate the operation of private columbaria as soon as practicable to enhance consumer protection. The Administration advised that it would not rule out the possibility of doing so. In mapping out the way forward, the Administration would also need to take into account the undesirability of affecting buyers of niches provided by private columbaria which had operated for a long time but did not comply with the relevant legislation and land lease requirements.

14. On the suggestion of constructing columbaria on outlying islands with small population, the Administration advised that it might not be feasible to do so as ferry companies would have great difficulties in providing adequate ferry service to meet the demand generated by large number of grave sweepers during the Ching Ming and Chung Yeung Festivals.

15. Hon TAM Yiu-chung and Hon WONG Sing-chi urged the Administration to step up effort on encouraging the public to dispose cremains of their loved ones in designated Hong Kong waters or GoRs. The Administration advised that it had been promoting such alternative ways of burials through the non-governmental organisations operating elderly and end-of-life care services. A promotional video had recently been produced to promote the free ferry service launched by FEHD for scattering cremated human ashes at sea.

Recent development

16. FEHD launched a free internet-based ancestor worship service on 10 June 2010 to enable users to pay tribute and express condolences to their loved ones whose bodies/cremains are deposited in the public cemeteries and public columbaria, or scattered in GoRs or at designated local waters.

Relevant papers

17. Members are invited to access the Legislative Council website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meetings.

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