

**For Discussion  
on 12 April 2011**

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

**Review of Columbarium Policy**

**Purpose**

This paper briefs Members on the outcome of the public consultation on the review of columbarium policy and the updated measures taken by the Administration to increase supply of columbarium facilities, and enhance consumer protection. This paper also sets out some preliminary proposals for a licensing scheme to strengthen regulation of private columbaria.

**Background**

2. On 6 July 2010, the Food and Health Bureau published a consultation document on review of columbarium policy and launched a three-month public consultation. In the consultation document, it was suggested that columbarium development should be primarily taken forward in the following directions:

- (A) increasing the supply of columbarium facilities to meet the overall public demand;
- (B) encouraging public acceptance of more environmentally friendly and sustainable means of handling cremains;
- (C) enhancing consumer protection in the choice of private columbarium facilities; and
- (D) enhancing the regulation of private columbaria.

## **Outcome of Public Consultation and Updated Position**

3. The public welcomed the review of columbarium policy. They discussed the various proposed measures extensively. Apart from the over 500 submissions received by the Government, a lot of constructive feedback came through different channels, including the relevant Legislative Council Panel, the Town Planning Board and other advisory bodies (e.g. the Land and Development Advisory Committee and the Advisory Council on Food and Environmental Hygiene), all 18 District Councils, various concern groups and representatives of the trade.

4. Diversified views and suggestions on the review of columbarium policy have been collected. On the whole, the key concepts and directions of the proposals to increase the supply of columbarium facilities, promote their sustainable development, protect consumer rights and enhance regulation of private columbaria were broadly endorsed by the public and stakeholders across different sectors. The mainstream opinions are summarised at **Annex A**.

### **(A) Increasing the supply of columbarium facilities**

5. The public recognises that inadequate supply of public columbaria is a serious problem which in turn leads to other problems in the columbarium landscape. There is a broad consensus that supply of public columbaria should be increased since they are essential facilities for the community. The concept of district-based columbarium development projects is supported.

6. Following the release of the first batch of 12 potential sites in seven districts in the consultation document, the Government announced on 16 December 2010 the second batch of five new sites in five districts for building public columbaria. The Government has identified altogether a total of 17 sites in 12 districts so far (**Annex B**). We will continue with our efforts to identify suitable sites in the remaining six districts, with a view to making a further announcement soon.

7. The Government will forge ahead with the technical feasibility studies related to these sites to ascertain their suitability. The relevant District Councils will be consulted before sites are confirmed for development. Rezoning proposals would be submitted to the Town Planning Board for consideration where appropriate. The Government pledges to improve the outlook and layout of the columbarium facilities through flexible design, in order to ease possible concern of neighbouring

residents.

8. While the exact number of niches to be provided in each site depends on the results of the technical feasibility studies, it is our aim to make full use of each site to yield the optimal number of niches. The Government appeals to District Councils and local residents for their understanding and support to facilitate the Government to implement these columbarium projects expeditiously.

9. The sustainability of provision of columbarium niches is a matter of concern. We encourage the public to use alternative means of handling cremains, such as scattering of cremains in Gardens of Remembrance (GoRs) or in designated Hong Kong waters. Promotion work for this concept includes an Announcement in the Public Interest which started airing from late March this year. These two ways of handling cremains have been gradually gaining acceptance by the public. Since the new GoR in the Cape Collinson Columbarium commenced operation and the procedures for scattering of cremated human ashes at sea were streamlined in 2007, we have handled about 2 600 and 1 600 applications respectively. The trend is encouraging. Before that, there were only 339 and 44 applications respectively. The Food and Environmental Hygiene Department (FEHD) has launched a pilot scheme on the provision of ferry services every Saturday from January 2010 to facilitate the public to scatter cremains at sea. So far, over 800 families have applied for use of such services. In addition, the FEHD launched an internet memorial service in the second quarter of 2010. Since its operation, over 3 400 web pages have been created in remembrance of the deceased on the “Memorial” website. We will continue to promote these services to the public, and encourage more innovative and sustainable means of handling cremains and paying respect to the deceased.

10. During the public consultation, some respondents welcomed the proposal to convert or redevelop industrial buildings into columbarium facilities to increase provision of niches. Since most industrial buildings are privately owned, we are of the view that suitable ones among them can be considered for wholesale conversion or redevelopment into private columbaria facilities. This is a relatively new area for use of industrial buildings. To give developers potentially interested in such conversion or redevelopment some guidance on the factors they need to consider, we have formulated at **Annex C** a set of guidelines. The factors that the developers would need to consider include, among other things, the location of the industrial building, its structure and current utilisation as

well as ownership status. The factors listed in the guidelines are by no means exhaustive. The guidelines are for reference only and do not carry any legal status, nor would they bind the relevant authorities in respect of planning, lands, fire safety, buildings and any other issues in deciding on any proposals involving converting or redeveloping industrial buildings into private columbarium facilities. We plan to publish the guidelines at the website of the Food and Health Bureau soon.

(B) Enhancing consumer protection

11. In the public consultation, there is general feedback that the Government should release more information about the existing private columbaria so as to assist the public to make informed decisions about purchasing niches from such. For this purpose, on 16 December 2010, the Development Bureau published the Information on Private Columbaria (the Information) on those which the Government have reasons to believe are operating as private columbaria.

12. There are two parts to the Information. Part A sets out private columbaria which are compliant with the user restrictions in the land leases and town planning requirements and are not illegally occupying Government land. Part B includes other private columbaria made known to the Lands Department and Planning Department that do not fall under Part A. These may have been confirmed to be non-compliant with the user restrictions in the land leases and / or statutory town planning requirements and / or are illegally occupying Government land or are pending checking for compliance with the relevant conditions for inclusion in Part A. Private columbaria in Part B which have subsequently been confirmed to have met the relevant requirements for inclusion in Part A will be moved from Part B to Part A. The Information has been uploaded onto the website of the Development Bureau ([www.devb.gov.hk](http://www.devb.gov.hk)) and enquiry services are available. It will be updated quarterly. The information provided is not exhaustive. For new cases, they will be included in the Information in subsequent updates subject to confirmation.

13. Apart from releasing the Information, relevant Government departments would provide information where appropriate on individual cases in response to enquiries or complaints received. Members of the public who wish to purchase niche(s) at private columbaria are reminded of the importance to obtain from the operators of private columbaria concerned full and complete information in respect of the private columbaria in order to check whether the respective columbarium is

compliant with all statutory requirements and land lease and / or town planning requirements. Members of the public are also reminded to ascertain from the operators of private columbaria how such operators would address the interests of their customers, such as whether and how they would refund or otherwise compensate their customers should the respective private columbarium cease operation or fail to get a licence from the authorities. Members of the public should seek independent legal advice on their rights where necessary.

14. The relevant Government departments will continue to take enforcement actions against unauthorised aspects of private columbaria in accordance with their respective mandate having regard to the relevant legislation and / or administrative measures. Under the existing mechanism, there are established channels and procedures for private columbaria to apply to the departments concerned for regularisation of breaches of planning and / or lease terms (e.g. applying for the relevant planning permission and / or lease modification), as the case may be. There have been suggestions during the public consultation that in the event that storage of cremains is displaced due to enforcement actions by relevant Government departments, the Administration should undertake to provide niches in public columbarium facilities for those affected. We are of the view that acceding to this request may likely fuel unauthorised activities if the displaced cremains have priority over others in the allocation of niches in public columbaria. We urge the public to be careful in the choice of private columbarium and advise them to clarify their legal rights with the operator. We have also stepped up publicity in this regard. In the event that displacement of cremains happens as a result of enforcement actions against a private columbarium, it would be the responsibility of the operator of the private columbarium concerned to liaise with the descendents concerned on the proper handling of interred cremains, including exerting all reasonable effort to get in touch with the descendents, and sustaining such effort over a period of time while keeping the interred cremains intact. The operator's task should only be considered complete when satisfactory arrangements in respect of all the interred cremains have been made with the descendents. Under exceptional circumstances, the relevant authority may remove the cremains and deposit them at a public facility as a transitional measure. Paying tribute to the deceased in person will not be allowed for such temporary storage of cremains given the constraints of space and transport arrangements.

(C) Enhancing regulation of private columbaria

15. In the public consultation, the public expressed strong support for a licensing scheme to enhance regulation of private columbaria. The public opine that a licensing scheme should be introduced to -

- (a) ensure compliance with the statutory and other requirements of the Government. These include the land lease, and the statutory land, town planning, fire safety and buildings as well as environmental and traffic requirements;
- (b) ensure a sustainable mode of operation supporting a reasonable standard of service, management and maintenance; and
- (c) enhance the protection of consumer interests. This covers both the rights of the deceased who had paid for the niches before death and purchasers of niches earmarked for the future use by themselves or their relatives.

16. Meanwhile, the public has also expressed divergent views over the scope and intensity of regulation under the licensing scheme and the arrangements for pre-existing private columbaria. Issues ranging from the definition of a private columbarium to licensing requirements, formulation of codes of practice as well as how the trade should be regulated continuously for consumer protection all involve very complex policy as well as legal problems. Divergent and often conflicting interests are involved, such as the expectations of those columbarium operators who are subjects of future regulation will be very different from those who have made purchases with suspected unauthorised columbaria. Moreover, while residents of a certain neighbourhood where unauthorised private columbaria are situated may feel negatively about the continued existence of such developments, those who have their relatives' cremains deposited there may feel otherwise on grounds of not upsetting the resting place of the deceased. We will need very strong community consensus to carry through this important piece of legislation to give effect to the licensing scheme. We plan to initiate a second public consultation on a more detailed framework of the licensing scheme in due course. Some issues to be covered in the second public consultation are highlighted below.

(I) *Definition of private columbaria*

17. We propose to define the scope of private columbaria to be regulated by the licensing scheme as any premises which provide facilities for the temporary or permanent storage of human cremains and

which are not built and / or operated / maintained by the Government, subject to certain exemptions (paragraph 18 below). These private columbaria include those in existence before the enactment date of the new legislation, columbaria run by charitable organisations as well as funeral parlours, undertakers of burials, religious institutions (e.g. temples and monasteries) which store human cremains.

*(II) Exemption from the licensing scheme*

18. During the public consultation, views have been expressed that private columbaria –

- (a) with niches less than a designated number; or
- (b) which have existed for a long time

should be exempted from the licensing scheme. The policy and legal implications as well as the feasibility of these proposals have to be examined in detail. We also need to gauge the mainstream public opinion on this.

19. It should be noted however that, even if private columbaria are to be exempted from the licensing scheme, they would still need to comply with certain requirements to be imposed by the Licensing Authority such as those on measures to mitigate the fire risk and to minimise the impact of incense burning and people flow during grave sweeping seasons on the neighbouring environment. Moreover, they will still need to adhere to requirements of other legislation such as those on lands, planning, fire safety and building structure.

20. Overseas experience (e.g. California) shows that, depending on the level of cultural acceptance, cremains can be kept at home and this could help ease the demand for centralised columbarium services and / or facilities. Keeping cremains at home also reduces the human and vehicular traffic problems that may arise at the grave sweeping seasons. We would need to tap public views on this idea. Needless to say, if this is to be taken forward, the maximum number of sets of cremains that can be kept in a residential unit would need to be set at a very low level to prevent abuse.

*(III) Criteria for licence application*

21. It is for consideration whether the following should be required

of applicants for a licence for private columbarium –

- (a) Right to use the premises – it is the general customary practice of the public to prefer a permanent or very long-term deposit of their relatives' remains in niches to short-term storage. Given the uniqueness of this service, it is proposed that the premises for operation as a private columbarium should preferably be self-owned by the operator or at least, covered by a sufficiently long lease / tenancy signed by the operator. This is to ensure that the operator has a long-term commitment in providing columbarium services.
- (b) Statutory requirements - premises for operation as a private columbarium shall comply with all statutory requirements such as those relating to planning, building structure, fire safety and prevention, environmental hygiene and environmental protection.
- (c) Lease Conditions - the use and development of premises / site as a columbarium and / or other aspects of the land use are permitted under the lease conditions. If not, the lease should have been modified first to allow for such columbarium use.
- (d) Management Plan - as part of the licence application, the operator should submit to the Licensing Authority a management plan for the columbarium covering, among other things, holding capacity for visitors, admission control, crowd management, security management and manpower deployment on both peak and normal grave sweeping days.

(IV) *Licensing Condition*

22. Throughout the licensing period, the licensee has to continue meeting the proposed criteria set out in paragraph 21 above. In addition, the licensee has to comply with a list of conditions attached to the licence, some of which, as proposed, are set out below –

- (a) Number of Niches - the operator should adhere to the number of niches as approved by the Licensing Authority. Any variation in the number should be subject to prior approval by the Licensing Authority.
- (b) Transfer of the premises / licence - except with the approval of

the Licensing Authority, the licensee must not sublet or transfer the ownership of premises or part thereof to which the licence relates. Nor can he transfer his licence to any other person.

- (c) Contract with consumers - operators will be required to enter into a contract with consumers over the ownership / terms of use of a niche. The contract should also cover clearly –
- (i) the end date (if any) of ownership or use (e.g. due to lease expiry, if applicable) and what the consumers need to do to secure continued ownership or use;
  - (ii) the arrangements in case of cessation and winding up of business, communication with purchasers / related persons under normal circumstances and in circumstances where the operator would cease its business etc;
  - (iii) the precise purpose for which the various charges are imposed and paid by consumer;
  - (iv) the operator's duty to fulfil all statutory requirements in respect of the columbarium to maintain it in a safe and decent state and to provide satisfactory service in its day-to-day management as well as in relation to items for which charges have been paid under (iii) above; and
  - (v) the arrangements in case of termination of contract and transfer of niches. It is recommended that the private columbarium operator should sell niches to patrons with dedicated nominees specified for each niche so as to minimise as far as possible speculation in niche transaction. The operator should be involved in any transaction related to the niches covered by his licence.

The Licensing Authority will promulgate some templates and standard clauses to be included in contracts as best practices for reference by operators and consumers. Disputes between the operator and the consumer on contents of the contract and the putting into effect of its terms should be a matter for private law and civil remedy, as is the case for contractual disputes in other areas of service or business.

- (d) Management Plan - adherence to the plan submitted to the Licensing Authority (as mentioned in paragraph 21(d)) as approved by the Licensing Authority should be part of the licensing conditions. Approval of the Licensing Authority would be required for variation to the plan.
- (e) Maintenance Fund - during the public consultation, some respondents expressed concern about sustainable operation of private columbaria pertaining to their safety and on-going up-keep of the physical structure, particularly in respect to those where all niches have been sold and hence may no longer have a steady revenue source. One possible proposal to address this issue is to require the private columbarium operator to set up a maintenance fund on separate accounts which should be used only for the major repairs and long term maintenance of the columbarium concerned. More detailed proposals on the fund will be covered and discussed in the second public consultation.

(V) *Grant of Licence*

23. We propose that the Licensing Authority shall be empowered to grant or renew a licence subject to payment of the prescribed fees and such requirements and conditions as he considers fit, refuse an application for licence or revoke a licence. A licence for private columbarium shall be valid for five years, subject to renewal; or any shorter period as the Licensing Authority considers appropriate. In considering a licence application, the Licensing Authority would have to be satisfied, among other things, that granting the licence would not be contrary to public interest. Relevant public interest considerations may include the overall supply of columbarium niches in the territory, views from residents or district bodies, as well as interest of patrons of columbaria which came into existence before enactment of the licensing scheme.

24. The Licensing Authority will promulgate a Code of Practice to provide guidance to the licensees on different aspects of the operation of the columbarium, such as no nuisance to be caused to nearby residents arising from joss paper burning, religious services to pay respect to the deceased, lighting of the columbarium, transparency in respect of displaying in public the original copy of the licence or temporary exemption (paragraph 26 below), position and number of niches, table of charges, etc.

(VI) *Temporary exemption for operating a private columbarium*

25. For new columbarium developments which come into being after the licensing scheme has come into effect, they have to obtain a licence from the Licensing Authority before they can start to operate. For all pre-existing private columbaria, operators would need to apply to the Licensing Authority for either a licence or a temporary exemption if they wish to continue operation. It would be an offence to operate a private columbarium without a licence or a temporary exemption.

26. We propose to stipulate in the legislation that upon commencement of the legislation, all private columbaria, except certain exempted ones, should freeze the number of niches therein and be prohibited from selling niches until and unless they obtain a licence from the licensing authority. They can however continue with their committed services to niches already sold. All private columbaria who have applied for or have been granted temporary exemption would be treated in the same way. These arrangements are intended to prevent operators from making use of the processing window prior to the issue of a licence or temporary exemption to mislead or deceive consumers through quick sale of potentially unauthorised niches.

27. The Licensing Authority may grant or renew temporary exemption for private columbaria subject to payment of the prescribed fees and such requirements and conditions as he considers fit, or refuse an application for temporary exemption. Before the Licensing Authority will consider any applications on renewal of a temporary exemption, applicants would need to demonstrate to the Licensing Authority that he has a reasonable chance of regularising his operation within a reasonable period of time. Temporary exemption shall be valid for two and a half years or any shorter period as the Licensing Authority considers appropriate.

28. The Licensing Authority may renew a temporary exemption if he is satisfied that good progress of the regularisation has been made.

### **Way forward**

29. We will continue our efforts to increase the supply of public columbarium facilities and to enhance consumer protection. Subject to the views of Members, we will develop more detailed proposals to further consult the public on the licensing scheme and will launch the second

public consultation in the second half of 2011.

**Food and Health Bureau**  
**April 2011**

**Review of Columbarium Policy  
Summary of Opinions**

On 6 July 2010, the Food and Health Bureau published a consultation document on review of columbarium policy and launched a public consultation for about three months until 30 September 2010.

2. The purpose of the consultation is to gauge the public's views and engage them in discussion of this subject which pertains to traditional customs and the provision of district facilities. We aim to foster a consensus in the community to provide a basis for policy formulation by the Government.

3. In the consultation document, it is suggested that columbarium development should be primarily taken forward in the following directions:

- (A) increasing the supply of columbarium facilities to meet the overall public demand;
- (B) encouraging public acceptance of more environmentally friendly and sustainable means of handling cremains;
- (C) enhancing consumer protection in the choice of private columbarium facilities; and
- (D) enhancing the regulation of private columbaria.

4. The public in general welcomed the Administration to review the columbarium policy. During the consultation, various proposed measures have been widely publicised and discussed, raising broad awareness in the community about the policy review. The Government has received over 500 submissions from individuals and organisations. Besides, officials of the Food and Health Bureau have also widely consulted different sectors of the community and received many constructive views through various channels, including the relevant Legislative Council Panel, the Town Planning Board and other advisory bodies (e.g. the Land and Development Advisory Committee and the Advisory Council on Food and Environmental Hygiene), all 18 District Councils, various concern groups, representatives of the trade and a number of relevant stakeholders.

5. A wide range of views and suggestions on the review of columbarium policy have been collected. By and large, the key concepts and directions of the proposals to increase the supply of columbarium facilities, promote their sustainable development, protect consumer rights and enhance regulation of private columbaria were broadly endorsed by the public and stakeholders across different sectors. The mainstream opinions are summarised in the ensuing paragraphs:

### **Increasing the supply of columbarium facilities**

6. The public and various stakeholders recognised that the problems besetting the columbarium landscape in Hong Kong are the result of inadequate supply, and therefore were generally supportive of measures to increase the supply of columbarium facilities. To expedite the provision of niches, a broad spectrum of the community agreed that different districts should collectively share the responsibility of developing columbarium facilities so as to meet the overall public demand, while the site selection would have to depend on its feasibility as well as the local circumstances.

7. The public and stakeholders in general supported the proposal to expand existing columbarium facilities and build additional facilities in existing cemeteries and areas nearby. They also expressed general support for the Board of Management of the Chinese Permanent Cemeteries and non-profit making religious bodies to expand their scale of operation.

8. Many respondents hoped that the Government could improve on the outlook, layout and management of columbarium facilities in order to minimise the nuisance (e.g. air and noise pollution) to neighbouring residents and ease their concern and anxiety, thus enhancing public acceptance of these facilities. Many were also supportive of the proposal to build multi-storey columbarium facilities.

9. For the 12 potential sites in seven districts shortlisted in the consultation document, most of the District Councils have given in-principle support to the sites in the respective districts for columbarium development. There were, however, also local residents expressing reservation on individual sites.

10. Some respondents welcomed the proposal to convert industrial buildings into columbarium facilities. Among them, some opined that

wholesale conversion of industrial buildings located away from residential areas would be more acceptable.

11. Some respondents considered that the Administration could explore the option of developing relevant facilities on outlying islands or at remote sites far away from residential areas. At the same time, the community at large were concerned about the relevant technical issues (e.g. infrastructural support and transport capacity in the district especially during the Ching Ming and Chung Yeung Festivals). A small number of respondents suggested that the Administration could consider building columbarium facilities on the Mainland.

12. Divergent views were expressed in various districts on the proposal to reserve a certain portion of niches for priority allocation to local residents in need with a view to fostering local acceptance of columbarium development in their districts.

### **Sustainable development of columbarium facilities**

13. On sustainable development of columbarium facilities, the public and stakeholders generally considered that the Government should continue its efforts in promoting the transformation of social customs and encouraging the public to use sustainable means of handling cremains (such as scattering of cremains at Gardens of Remembrance or at designated Hong Kong waters) and paying tribute to the deceased.

14. Given that there is a growing shortage of niches, for the purpose of relieving the shortage and increasing the turnover of niches, it was suggested in the consultation document that we needed to consider whether the existing arrangement of providing permanent niches should be changed, with reference made to overseas and Mainland experience of introducing time-limited lease or annual management fee for new niches. Many respondents expressed reservation on the above proposals on the ground of traditional Chinese customs.

### **Enhancing consumer protection**

15. Some respondents expected the Government to take the lead in the supply of columbarium facilities, while many felt that private columbaria also played an important role in the market in terms of choice of niches. On enhancing consumer protection, there was broad consensus in the community that the Government should release more information on private columbaria for public reference as soon as

possible, so as to help those who are considering purchasing / going to purchase private columbarium niches to make informed choices as well as to remind them to exercise caution when purchasing these niches.

16. There were suggestions that the Government should provide assistance to consumers who had suffered losses from purchasing niches of unauthorised private columbaria. Some respondents, however, expressed concern that such practice might in a way encourage the development of unauthorised columbaria since relevant operators might not be held responsible for their misconduct. Besides, there were also suggestions that the Government could consider protecting consumer rights through requiring the establishment of a trust fund by the private columbarium operators.

### **Enhancing regulation of private columbaria**

17. Most submissions supported a licensing scheme to enhance regulation of private columbaria. However, the public expressed divergent views over the scope and level of regulation under the licensing scheme and the arrangements for pre-existing private columbaria.

18. Some respondents (mainly the neighbouring residents of private columbaria) opposed to the continued operation of certain private columbarium facilities. Meanwhile, other respondents were concerned about the possible relocation of cremains, which was in contravention of the traditional Chinese notion of “letting the deceased rest in eternal peace”. They hoped that the Government could allow unauthorised private columbaria a reasonable period of time to rectify the irregularities and even exercise discretion towards certain types of private columbaria. Some representatives of the trade considered that a “registration scheme for private columbaria” should be implemented.

### **Conclusion**

19. Based on the consultation outcome summarised above, the Government, in working out the details of the licensing scheme for private columbaria and drafting the relevant legislation, will exercise prudence in balancing the views of various stakeholders in order to ensure that the scope and level of regulation under the licensing scheme would be appropriate.

## Annex B

### Potential Sites for Columbarium Development

District		Potential Site
<b>First Batch</b>		
1	Eastern	A site on Cape Collinson Road, opposite Chai Wan Chinese Permanent Cemetery Columbarium and, next to Wan Tsui Estate Park
2	Wong Tai Sin	Diamond Hill columbarium extension
3	Sha Tin	A site on On Hing Lane, Shek Mun, next to Shatin Refuse Transfer Station
4	Sha Tin	Fu Shan columbarium extension
5	North	Surplus coffin burial grounds and other land within the Wo Hop Shek Cemetery
6	North	Undeveloped areas within the Sandy Ridge Cemetery
7	Tuen Mun	Part of the Tsang Tsui ash lagoon next to Black Point Power Station
8	Kwai Tsing	Ex-Kwai Chung Incineration Plant on Kwai Yu Street
9	Kwai Tsing	A site on Kwai Tai Road, southeast of ex-Kwai Chung Incineration Plant
10	Kwai Tsing	A site on Tsing Tsuen Road near Tsuen Wan Chinese Permanent Cemetery
11	Islands	Cheung Chau Cemetery extension
12	Islands	Mui Wo Lai Chi Yuen extension
<b>Second Batch</b>		
13	Central and Western	A site at Mount Davis Road, east of Chiu Yuen Cemetery
14	Wan Chai	The Hong Kong Cemeteries and Crematoria Office (part) of the Food and Environmental Hygiene Department at Wong Nai Chung Road
15	Shum Shui Po	A site north of Ching Cheung Road near Roman Catholic Cemetery
16	Kwun Tong	A site next to the Ex-Ma Yau Tong Central Landfill Site
17	Yau Tsim Mong	Former school within Tin Hau Temple on Temple Street

Note: Development at these sites is subject to the topographical conditions and infrastructural support of the relevant sites, as well as their technical feasibility (such as traffic impact assessment). If a site is currently being used for other purpose, relocation of existing use will be studied, too. The relevant District Council will be consulted before sites are confirmed for development.

**Guidelines for Provision of Columbarium Facilities  
in Industrial Buildings**

**Preamble**

This set of guidelines sets out some of the key factors which potential developers interested in wholesale conversion / redevelopment of industrial buildings into columbarium facilities would need to consider. The factors listed are by no means exhaustive. The guidelines are of an indicative nature and do not carry any legal status. Potential developers would need to undertake their own studies on the detailed procedures required for the conversion / redevelopment. The guidelines do not bind the relevant authorities, such as those in respect of planning, lands, fire safety and buildings, in deciding on any case involving conversion / redevelopment of industrial buildings into columbarium facilities (the conversion / redevelopment).

**(a) Business Case**

Developers will have to assess the business case of the wholesale conversion / redevelopment. Should they decide to proceed with the conversion / redevelopment, they need to complete the necessary planning and, if required, lease modification procedures, including undertaking the relevant technical assessments such as traffic impact assessment and technical feasibility studies, where required, applying to the Town Planning Board for planning permission and paying for the full market premium for lease modification or full market waiver fee for waiver (as the case may be). All future Alteration and Addition Works pertinent to columbarium development in industrial buildings should comply with the land lease and other relevant statutory requirements and that an Authorised Person should be engaged for advice on the feasibility of any proposed conversion and to submit building plans to the Buildings Department for the proposed change in use / alteration works to demonstrate full compliance with the current provisions of the Buildings Ordinance.

**(b) Location**

Industrial buildings located in the following categories stand a higher chance of successful conversion / redevelopment –

- adjacent to existing cemeteries or existing columbarium developments;
- avoid industrial buildings located in the heart of an active existing industrial / business area, preferably located at the fringe of the industrial area;
- avoid industrial buildings located in close proximity to existing residential developments / areas set aside for country parks and areas with high conservation value;
- avoid extensive clearance of existing vegetation or cause adverse visual impact to its environs;
- far away from any potentially hazardous installation, such as major dangerous goods store, fuel oil installation; and
- with no major accessibility constraints, i.e. would not create traffic or crowd control problems during grave-sweeping seasons.

(c) Building Structure Consideration

Industrial buildings with no building constraints in terms of factors like structural safety, means of escape, fire resisting construction, unauthorised building works affecting public safety, vertical accessibility (capable of expanding lift capacity), ventilation (capable of alteration to cater for incense burning activities without causing nuisance and safety concerns), etc. would stand a higher chance of successful conversion. The development intensity and building height of the proposed columbarium should be compatible with the general character of the surrounding area.

(d) Building Utilisation

Mixed use involving columbarium and other uses would likely cause concern from the fire safety angle. Industrial buildings where the utilisation is high with active industrial activities are considered less suitable than under-utilised or vacant ones. Converting under-utilised or vacant industrial buildings at suitable locations into columbaria has the incidental advantage of putting them to gainful use.

(e) Design Features

The design and layout of the proposed columbarium should be compatible with its surroundings. Developers are encouraged to

adopt design features, such as concealed entrance, to help gain acceptability from the neighbouring community to the columbarium use. Fully enclosed buildings such as godowns, which are not visible from outside and are capable of providing vertical greening and aesthetic artistic design for their facades, would be more suitable than non-enclosed industrial buildings, subject to fire safety and building regulations being met.

(f) Columbarium Operation and Management

- In overcoming traffic constraints and crowd control, developers are encouraged to devise innovative mechanisms<sup>3</sup> with a view to submitting acceptable proposals which are feasible, manageable and practicable for implementation. Adoption of advanced technologies in operating and managing the columbarium would also be welcome.
- Developers are encouraged to map out a management scheme to ensure the sustainable operation and maintenance of the columbarium. It would be desirable to set up a maintenance fund to be kept separately from the day-to-day accounts.
- Any columbarium proposal should avoid causing environmental nuisance and safety concerns to the neighbouring community, such as noise, light, air pollution as well as fire hazard and crowd management. The applicant should provide information on the proposed mitigation measures to address and minimise the impacts of these areas of concern.
- In considering the suitability of any columbarium development, local views should be taken into account.

(g) Ownership Consideration

Depending on the lease conditions, lease modification/waiver may not be required. If lease modification / waiver is required, such land transaction can only be concluded with the consent of all owners involved.

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<sup>3</sup> Innovative mechanisms such as appointment system by booking for paying respect and incentive scheme for paying of respect on non-holidays may be considered with due respect to the feasibility and practicability during implementation. Developers should be required to seek advice from the Transport Department and the Police in advance on measures having a bearing on traffic and/or crowd management.

**Food and Health Bureau  
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