

立法會
Legislative Council

LC Paper No. CB(2)2533/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of special meeting
held on Friday, 16 March 2012, at 9:00 am
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon KAM Nai-wai, MH
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man

Members attending : Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Tanya CHAN

Members absent : Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Dr Hon LEUNG Ka-lau

Public Officers attending : Item I

Ms Kitty CHOI Kit-yu, JP
Deputy Secretary for Food and Health (Food)1

Ms Ava CHIU
Deputy Director (Administrative and Development)
Food and Environmental Hygiene Department

Mr YEUNG Chun-hoi
Senior Superintendent (Cemeteries and Crematoria) SD
Food and Environmental Hygiene Department

Mr Tony LI Yeuk-yue
Principal Assistant Secretary for Development
(Planning and Lands) 2

Mr C T LING
Assistant Director of Planning/Board
Planning Department

Ms Rosanna TSE
Chief Estate Surveyor (Estate Management Section)
Lands Departments

Miss Mandy CHOW
Senior Estate Surveyor/SD2 (Estate Management Section)
Lands Departments

Mr AU Wing-hung
Chief Building Surveyor/D
Buildings Department

Attendance : Item I
by invitation

The Against Elderly Abuse of Hong Kong

Mr Calvin CHIU
President

The Democratic Party

Ms LEUNG Suk-ching
Spokesperson

Association for Geoconservation, Hong Kong

Miss Cindy CHOI Mo-ching
Convener: Publicity/Public Relationship

Memorial Park Hong Kong Limited

Ms NGAI Pui-chu
Representative

Civic Party

Ms Fanny LEUNG
District Developer, New Territories West

Ban Illegal Columbarium Action Group

Mr TSE Sai-kit
Member

Ban Chow Alliance

Mr YUM Kwok-tung
Member

Individual

Ms WU Oi-lin

The Incorporated Owners of Bulkeley Building

Mr TSE Shing-kong
Member

Bulkeley Building Environment Concern Group

Ms FUNG Kwai-lan
Member

Kick Away York Chow

Ms KAM Sau-fan
Member

San Wai Chuen Resident Concern Group

Mr YEUNG Yu-chung
Member

Action for Homeland Protection

Mr CHAU Chun-kan
Member

San Wai Environment Concern Group

Mr WONG Chi-ming
Member

Blog of Step Down Chow

Mr TSE Man-fu
Member

No Columbarium in MTW Action Group

Mr FAN Wai-kuen
Member

Protect MTW Blog

Mr FAN Wai-fok
Member

Protect MTW Action

Mr FAN Wai-kam
Member

League of Ban CHOW

Mr FAN Yuk-ming
Member

Conservation Group for MTW Ecology

Mr FAN Siu-ping
Member

Conservation Group for MTW Culture

Mr FAN Shu-loi
Member

Lo Wai Columbarium Concern Group

Ms CHUNG Yuk-ying
Member

Protect WLH Group

Mr LAU Yuk-yin
Member

Ficus Garden Owners' Committee

Mr SIU Kai-chung
Member

Lutheran Theological Seminary

Mr Paul LAU
Member

To Fung Shan Yau Oi Concern Group

Ms KO Mei-ying
Member

Protect To Fung Shan Blog

Mr SIN Sik-tao
Member

Individual

Mr LEUNG Chi-sing
Member of Kwai Tsing District Council

The Incorporated Owners' of Parkland Villas

Mr CHAN Chun-ming
Chairman

The Incorporated Owners of Parkland Villas
Environment Concern Group

Mr LEUNG Man-yiu
Member

Gik Lok Temple Columbarium Action Group

Mr HUI Chak-wai
Member

Gik Lok Temple Columbarium Concern Group

Mr CHEUNG Ting-fung
Member

Parkland Villas Environment Concern Group

Ms SIU Sau-ping
Member

Fire York Chow Network

Ms Elza WONG
Member

Illegal Columbarium Concern Group

Ms HO Pui-han
Spokesperson

Hong Kong Columbarium Merchants Association

Miss Veronica CHAN Ho-ting
Executive Officer

Richman Company

Mr WU Ka-wai
General Manager

Professional.Com

Ms SZETO Chau-ping
Manager

佳捷顧問公司

Mr Andrew YOUNG Kin-ki
Manager

Jesage International Limited

Miss LEUNG Suet-fong
Director

Beyond Life

Mr LAM Kuen-chung
Managing Director

Eight Fortune Line

Ms May NG Lai-har
General Manager

Yat Tung Community Network Association

Mr KWOK Chung-man
Representative

Hong Dao Tang (Funding) Management Limited

Mr Ben LEE
Person In-charge

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Michelle LEE
Legislative Assistant (2) 7

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I. Columbaria - licensing scheme and consultation document
(LC Paper Nos. CB(2)510/11-12(03) and (04))

Views of deputations/individuals

The Against Elderly Abuse of Hong Kong
(LC Paper No. CB(2)1412/11-12(01))

Mr Calvin CHIU presented the views of *The Against Elderly Abuse of Hong Kong* as detailed in its submission.

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The Democratic Party

(LC Paper No. CB(2)1376/11-12(01))

2. Ms LEUNG Suk-ching presented the views of The Democratic Party as detailed in its submission.

Association for Geoconservation, Hong Kong

3. Miss Cindy CHOI presented the views of the Association for Geoconservation, Hong Kong as detailed in its submission provided after the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1721/11-12(01) on 16 April 2012)

Memorial Park Hong Kong Limited

(LC Paper No. CB(2)1332/11-12(01))

4. Ms NGAI Pui-chu presented the views of the Memorial Park Hong Kong Limited as detailed in its submission.

Civic Party

5. Ms Fanny LEUNG presented the views of the Civic Party as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1418/11-12(01) on 16 March 2012.)

Ban Illegal Columbarium Action Group

6. Mr TSE Sai-kit presented the views of the Ban Illegal Columbarium Action Group. Mr TSE criticized that the proposals in the consultation document did not provide solution to non-compliant private columbaria and inadequate supply of niches at public columbaria. In his view, regularization of unauthorized private columbaria was against the rule of law and the Administration should ban all of them immediately.

Ban Chow Alliance

7. Mr YAM Kwok-tung presented the views of the Ban Chow Alliance as detailed in its submission.

(Post-meeting note: The submission was circulated to members vide

LC Paper No. CB(2)1418/11-12(02) on 16 March 2012.)

Ms WU Oi-lin

8. Ms WU Oi-lin presented her view on the Administration's columbarium policy. She said that -

- (a) the information on private columbaria ("the Information") published by the Development Bureau ("DevB") did not cover the temporary storage of cremains by the undertakers of burials; and
- (b) certain niches were offered under short-term leases which were not compliant with the proposed licensing criteria.

Ms WU hoped that DevB would immediately set out criteria which were in alignment with the consultation document. She commented that the agent for short-term niche leases should be regulated.

The Incorporated Owners of Bulkeley Building
(LC Paper No. CB(2)1332/11-12(02))

9. Mr TSE Shing-kong presented the views of The Incorporated Owners of Bulkeley Building as detailed in its submission.

Bulkeley Building Environment Concern Group

10. Ms FUNG Kwai-lan presented the views of the Bulkeley Building Environment Concern Group. Ms FUNG said that private columbaria located at urban residential areas had given rise to the deteriorated neighbouring environment and living standards, and there was no assessment in the consultation document of the psychological impact on neighbouring residents. Ms FUNG further said that there was no authoritative definition of cremains indicating whether or not they were organic. It was improper for the Administration to claim that cremains were inorganic and allow the operation of private columbaria in residential areas. In her view, only public columbaria should be allowed to operate.

Kick Away York Chow

11. Ms KAN Sau-fan presented the views of the Kick Away York Chow as detailed in its submission provided after the meeting.

(Post-meeting note: The submission was circulated to members vide

LC Paper No. CB(2)1418/11-12(03) on 16 March 2012.)

San Wai Chuen Resident Concern Group

12. Mr YEUNG Yu-chung presented the views of the San Wai Chuen Resident Concern Group. Mr YEUNG hoped that the Administration would take enforcement actions against the non-compliant private columbaria at San Wai Chuen as soon as possible.

Action for Homeland Protection

13. Mr CHAU Chun-kan presented the views of the Action for Homeland Protection. Mr CHAU said that although the court had issued order to ban an unauthorized columbarium at San Wai Chuen, the destruction of the environment and the illegal building works carried out by the operator of the unauthorized columbarium had not been recovered. He commented that the regularization of non-compliant private columbaria was against the rule of law.

San Wai Environment Concern Group

14. Mr WONG Chi-ming presented the views of the San Wai Environment Concern Group. He could not understand why the Administration could tolerate the operation of an unauthorized columbarium in San Wai Chuen given its application for judicial review failed in October 2011. Mr WONG also claimed that the residents were threatened to sell their lands at unreasonably low prices to the developer of unauthorized private columbarium. He hoped that the Administration would ban the unauthorized private columbaria immediately instead of regularizing their operations.

Blog of Step Down Chow

15. Mr TSE Man-fu presented the views of the Blog of Step Down Chow as follow -

- (a) the measures proposed in the consultation document would release the non-compliant columbaria;
- (b) certain unscrupulous businessmen forced the monks to give up their monasteries for them to run columbarium business; and
- (c) some people could neither obtain niches for their ancestors at public columbaria nor afford those at private columbaria, they were forced to leave their ancestors' cremains at temporary

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storages in Hung Hom and caused nuisances to the neighbouring residents.

No Columbarium in MTW Action Group

16. Mr FAN Wai-kuen presented the views of the No Columbarium in MTW Action Group. Mr FAN said that the profitable columbarium business was dominated by private operators as the Administration had provided only around 40 000 niches at public columbaria since 2003, while there were about 400 000 persons deceased in these years. He further said that Mong Tung Wan ("MTW") was zoned as green belt and should be well-protected. However, operator of a private columbarium repeatedly submitted applications to the Town Planning Board ("TPB") for the development of columbarium in MTW. The operator re-submitted the applications with minor amendments after the applications were declined by TPB and continued the operation simultaneously. He commented that TPB should put in place a mechanism to disallow this kind of repeated applications.

Protect MTW Blog

17. Mr FAN Wai-fuk presented the views of the Protect MTW Blog. Mr FAN said that the developer of the columbarium in MTW had removed trees in country park area for the construction works of the columbarium and the connecting pathway was without approval from the Administration. The operator also took the advantage of loophole of TPB procedures and maintained the non-compliant operation by re-submitting the applications to TPB with minor amendments. Mr FAN also raised concern about the operator's offer of 5 000 niches to Heung Yee Kuk free-of-charge, and the impact of the columbarium on the transport and ecological environment of Lantau South.

Protect MTW Action

18. Mr FAN Wai-kam presented the views of the Protect MTW Action. He hoped that the Administration would provide more niches at public columbaria.

League of Ban CHOW

19. Mr FAN Yuk-ming presented the views of the League of Ban CHOW. Mr FAN commented that the Administration did not have any pragmatic ways to deal with "amityville hegemony". He claimed that operators of unauthorized columbaria had unlawfully forced the residents to sell their lands. Mr FAN also expressed worry about the operators' repeated

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applications to TPB for the change of land use for columbarium development. He hoped that the Administration would review its columbarium policy.

Conservation Group for MTW Ecology

20. Mr FAN Siu-ping presented the views of the Conservation Group for MTW Ecology. Mr FAN commented that the Government did not have any long-term plan for the provision of columbarium facilities.

Conservation Group for MTW Culture

21. Mr FAN Shu-loi of the Conservation Group for MTW Culture said that he had no further view.

Lo Wai Columbarium Concern Group

22. Ms CHUNG Yuk-ying presented the views of the Lo Wai Columbarium Concern Group. She commented that the Administration should plan for the conglomerate development of columbaria so that they would not scatter in residential areas.

Protect WLH Group

23. Mr LAU Yuk-yin presented the views of the Protect WLH Group. Mr LAU pointed out the unlawful change of land use and destruction of environment by an authorized columbarium in Fo Tan. He claimed that some operators of authorized columbaria alleged themselves as charity groups but unlawfully forced the resident to sell the land. He criticized that the Administration's approach of regularizing the non-compliant columbaria was conniving the illegal operators.

Ficus Garden Owners' Committee

24. Mr SIU Kai-chung presented the views of the Ficus Garden Owners' Committee as detailed in its submission provided after the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1418/11-12(04) on 16 March 2012.)

Lutheran Theological Seminary

25. Mr Paul LAU presented the views of the Lutheran Theological Seminary. Mr LAU said that the Administration should -

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- (a) ban all unauthorized columbaria prior to the introduction of the proposed legislation;
- (b) increase the penalties for the offences committed by unauthorized columbaria under the proposed licensing scheme;
- (c) consider implementing price control of niches offered at private columbaria;
- (d) decline the licence applications of non-compliant columbaria which had unlawfully changed the land use until they had recovered the use of land;
- (e) include the requirement for environmental hygiene facilities, e.g. public toilet, provided by private columbaria in the proposed legislation; and
- (f) impose a special private columbarium tax to operators of columbaria.

To Fung Shan Yau Oi Concern Group

26. Ms KO Mei-ying presented the views of the To Fung Shan Yau Oi Concern Group. Ms KO said that the construction works of the private columbarium in To Fung Shan and heavy traffic flow of its visitors had caused nuisances to the neighbouring residents. The columbarium had also destroyed the ecological environment and "Feng Shui" of To Fung Shan.

Protect To Fung Shan Blog

27. Mr SIN Sik-to presented the views of the Protect To Fung Shan Blog. Mr SIN said that the road in To Fung Shan was irregularly subsiding and expressed worry that the heavy traffic flow of the visitors to the columbarium in To Fung Shan might further worsen the situation.

Mr LEUNG Chi-sing, Member of Kwai Tsing District Council

28. Mr LEUNG Chi-sing presented his views on the consultation document. Mr LEUNG was disappointed at the Administration's approach of regularizing instead of banning the non-compliant columbaria. He was concerned that unscrupulous businessmen would take the advantage of this loophole to continue and expand their unauthorized operations. He said that it was unclear in the consultation document on whether the columbaria established before 1997 would be included in the proposed regularization.

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He also opposed the lengthy 18-month grace period and exemption arrangement for temporary storage of cremains by the undertakers of burials ("exemption arrangement").

The Incorporated Owners of Parkland Villas

29. Mr CHAN Chun-ming presented the views of the Incorporated Owners of Parkland Villas. Mr CHAN said that due to inadequate supply of niches at public columbaria, the public was forced to choose from private columbaria. The deputation suggested that the Administration should -

- (a) provide transitional niches for customers of the banned non-compliant columbaria;
- (b) allocate niches at public columbaria through a system of queuing instead of by lot drawing;
- (c) collect annual fee from columbarium operators to set up a compensation fund for the protection of affected customers of the non-compliant columbaria;
- (d) publicize the timetable and the number of niches provided at public columbaria;
- (e) ban all the non-compliant columbaria and disapprove any licence application submitted by non-compliant columbaria;
- (f) speed up the introduction of the relevant legislation and withdraw the proposal of the 18-month grace period;
- (g) request the columbarium operator to be the owner of the premises/land on which the columbarium operated;
- (h) regulate the temporary storages of cremains by a licensing scheme;
- (i) avoid abuse of exemption arrangement; and
- (j) plan the land use for columbarium facilities at locations which were remote from residential areas.

The Incorporated Owners of Parkland Villas Environment Concern Group

30. Mr LEUNG Man-yiu presented the views of The Incorporated Owners

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of Parkland Villas Environment Concern Group. Mr LEUNG said that certain non-compliant columbaria were applying to TPB for change of land use but they were procrastinating the process by deferring their applications. The Administration should impose heavy penalty on the existing non-compliant columbaria and disapprove their licence applications.

Gik Lok Temple Columbarium Action Group

31. Mr HUI Chak-wai presented the views of the Gik Lok Temple Columbarium Action Group. Mr HUI said that as reflected in the consultation document, the Administration took sides with non-compliant columbaria and ignored the nuisances faced by the affected residents. He criticized that the Administration had never consult the residents proactively during the consultation period. He hoped that the Administration would clarify the definition of pre-existing columbarium as some temples had existed for many years but they had provided columbarium facilities only in recent years.

Gik Lok Temple Columbarium Concern Group

32. Mr CHEUNG Ting-fung presented the views of the Gik Lok Temple Columbarium Concern Group. Mr CHEUNG criticized that the Administration did not provide the timetable and the number of niches available at public columbaria. He said that columbarium facility was one of the necessities of life and the provision of niches should be public-sector led to avoid speculation.

Parkland Villas Environment Concern Group

33. Ms SIU Sau-ping presented the views of the Parkland Villas Environment Concern Group. Ms SIU said that

- (a) the cessation of supply of new niches at public columbaria in 2009 had created business opportunity for unauthorized columbaria;
- (b) the proposed 18-month grace period was offering a green light to unauthorized columbaria;
- (c) the rental or price of niches at private columbaria was unreasonably high; and
- (d) the provision of niches should be public-sector led.

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Fire York Chow Network

34. Ms Elza WONG presented the views of the Fire York Chow Network. Ms WONG commented that -

- (a) the lapsed columbarium policy of the Administration provided room for unlawful activities of private columbarium operators, e.g. destruction of historical buildings and farmland, encroachment on monasteries and temples, and construction of underground columbaria, etc.;
- (b) the Secretary for Food and Health did not respond to and resolve the problem of non-compliant columbaria;
- (c) the proposed assistance provided for private columbaria should be cancelled;
- (d) the provision of columbarium facilities should be public-sector led; and
- (e) the high contract price for funeral service provision at Hung Home Public Funeral Parlour had caused substantial increase in the prices of funeral service at other licensed funeral parlours.

Illegal Columbarium Concern Group
(LC Paper No. CB(2)1412/11-12(02))

35. Ms HO Pui-han presented the views of the Illegal Columbarium Concern Group as detailed in its submission.

Hong Kong Columbarium Merchants Association
(LC Paper No. CB(2)1332/11-12(03))

36. Ms Veronica CHAN presented the views of the Hong Kong Columbarium Merchants Association as detailed in its submission

Richman Company

37. Mr WU Ka-wai presented the views of the Richman Company. Mr WU supported the proposed establishment of the Private Columbarium Licensing Board and the proposed licensing scheme which would regulate the private columbarium market and protect consumers' right. He hoped that the Administration would speed up the introduction of the proposed legislation into the Legislative Council ("LegCo").

Professional.Com

38. Ms SZETO Chau-ping presented the views of the Professional.Com. Ms SZETO urged the Administration to clarify the definition of human cremains and regulate temporary storage of cremains by the undertakers of burials which mainly located in residential areas.

佳捷顧問公司

39. Mr Andrew YOUNG presented the views of the 佳捷顧問公司. Mr YOUNG criticized that Administration had declined to maintain a register of private columbaria and instead, DevB provided incomplete information of private columbaria in Part A and Part B of the Information which confused customers and could not help them make the right choice. He urged the Administration to set up a register to record detailed information of all private columbaria.

Jesage International Limited

40. Ms LEUNG Suet-fong presented the views of the Jesage International Limited. Ms LEUNG said that the Administration should not relax the requirement for operators of private columbaria, including the pre-existing private columbaria, to own the premises/land on which they operated in order to protect consumers' interests.

Beyond Life

41. Mr LAM Kuen-chung presented the views of the Beyond Life. Mr LAM expressed concern about the protection of consumers' interest. He said that the Administration should consider collecting a sales-tied fee from columbarium operators to set up a compensation fund for the protection of affected customers when the columbaria ceased operation.

Eight Fortune Line

42. Ms May NG presented the views of the Eight Fortune Line. Ms NG said that Part A and Part B of the Information announced by DevB was incomplete and confusing. She hoped that the Administration would consider a transitional arrangement of providing detailed information of all pre-existing private columbaria in a register prior to introducing the proposed licensing scheme. Ms NG also said that the grace period for implementation of the licensing scheme should be shortened to 12 months. The Administration should further consult the trade and the public on the details of the licensing scheme.

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Yat Tung Community Network Association
(LC Paper No. CB(2)1376/11-12(02))

43. Mr KWOK Chung-man presented the views of the Yat Tung Community Network Association as detailed in its submission

Hong Dao Tang (Funding) Management Limited

44. Mr Ben LEE presented the views of the Hong Dao Tany (Funding) Management Limited as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1418/11-12(01) on 16 March 2012.)

The Administration's response to the views expressed by deputations/individuals

45. Deputy Secretary for Food and Health (Food)1("DSFH(F)1") responded with the following points -

- (a) the proposed measures should be pragmatic, respect the Chinese traditional values, as well as have due regard to the impact on the neighbouring residents of any columbarium facilities;
- (b) the Administration would expedite the increase in the supply of niches at public columbaria to meet demand, set up a licensing scheme through legislation to regulate private columbaria, and enhance public and consumer education to help members of the public who choose to patronize private columbaria;
- (c) as the Administration did not manage to obtain district support in earlier years, the supply of new niches at public columbaria significantly fell short of the figures planned. Nevertheless, the Administration had recently identified 24 locations for columbarium development. The Planning Department would proceed with changing the zoning of these locations after obtaining support from the relevant District Councils;
- (d) except public columbaria, storage of a limited number of urns at home, columbaria situated within private cemeteries specified in schedule 5 to Cap. 132 and premises used by exempted burial undertakers for temporary storage of human cremains in the course of delivering burial service, all other facilities storing

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human cremains would be regarded as private columbaria and regulated by the proposed legislation;

- (e) the description of cremains as being inorganic was science-based. According to the interpretation of relevant provisions in the Public Health and Municipal Services Ordinance (Cap. 132), human cremains were not human remains. How the term "human remains" should be interpreted in the context of a land lease, which was a private agreement between a tenant and a landlord, was a different matter. The latter was currently the subject of litigation. Hence, it would not be appropriate to comment on this;
- (f) the Administration would draft the legislation as soon as possible. However, the Administration needed time to study how best to align provisions in the proposed legislation with those already prescribed in the existing laws. The Administration would also need to conduct a study on the business impact of the proposed legislation on the trade;
- (g) the Administration would consider the question of transparency when taking forward the licensing scheme;
- (h) the views on whether and if so how to regulate pre-existing private columbaria were divergent. Although there were views suggesting that all unauthorized private columbaria should be banned, any action to be taken by the Administration must be reasonable and proportional to the legitimate aims that it sought to achieve. Currently, the Planning Department, Lands Department and Buildings Department took enforcement actions in accordance with the relevant Ordinances. The interface between the proposed legislation and the existing ones needed to be addressed;
- (i) the Administration would further consider matters, including the number of urns allowed to be kept at home, the possibility of shortening the 18-month grace period etc.;
- (j) while the Administration would examine the feasibility of setting up a compensation fund, the Administration should be cautious as this might involve moral hazards in that law-abiding operators would be subsidizing illegal operators;
- (k) the registration mechanism for the pre-existing columbaria

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proposed by some deputations might further confuse consumers as there were already Part A and Part B of the Information issued by DevB; and

- (1) the Administration would enhance public education promoting the environmentally friendly and sustainable ways for handling human remains, e.g. scattering the cremains into Hong Kong waters and public gardens of remembrance.

Discussion

46. Mr WONG Kwok-hing criticized the late submission of the relevant bill to LegCo in the fourth quarter of 2013 as indicated in the consultation document. He urged the Administration to expedite the legislative process. Prof Patrick LAU shared a similar view. Mr WONG sought information on the forecast of annual provision of niches at public columbaria.

47. DSFH(F)1 responded that the proposed legislation was complex in nature. The Administration would commence the drafting of the bill soonest after the public consultation which would end on 30 March 2012. The Administration would consider further shortening the time for drafting the bill and hope to submit it to LegCo within 2013. DSFH(F)1 added that the supply of niches at public columbaria would depend on whether the support of relevant DCs could be obtained.

48. The Chairman said that the Administration should include the proposed legislation in its legislative programme for the 2012-2013 session if it genuinely hoped to expedite its legislative process.

49. Mr Alan LEONG said that the Civic Party was concerned about whether the deceased could rest in peace and whether consumers' interests were protected. He considered that Part A and Part B of the Information could not provide a clear picture of whether or not the private columbaria listed therein were authorized. He also criticized that in the second public consultation, the Administration retracted the proposed requirement for operators of pre-existing columbaria to be the property owner of the premises/land on which they operated. Mr LEONG further said that according to the Administration's prolonged process, the proposed licensing scheme would probably be launched in 2016 or 2017. The problems of unauthorized columbaria would accumulate before the relevant legislation was enacted. He asked about the difficulties for the Food and Health Bureau ("FHB") in issuing the drafting instructions of the bill to the Department of Justice ("DoJ").

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50. DSFH(F)1 said that FHB would issue the drafting instructions to DoJ soonest after the public consultation. Since there were divergent views on the exemption arrangement and the storage of cremains at home, FHB had to study its policy carefully to avoid creating loopholes or contradicting other existing laws before giving such instructions. She expected that FHB would need about five months to prepare the drafting instructions.

51. Prof Patrick LAU pointed out that certain deputations had raised the issue of planning in columbarium development. He suggested that the Administration should consult the Panel on Development when locations were identified for the development of public columbaria. Prof LAU was of the view that the Administration should develop public columbaria of higher density to increase its supply of niches.

52. Assistant Director of Planning/Board/Planning Department ("ADP/B/PD") explained that operators of new or pre-existing private columbaria should apply to TPB for the development of private columbaria. The Administration would consult the public and relevant departments on the application and provide feedback to TPB for consideration. DSFH(F)1 said that FHB and the Food and Environmental Hygiene Department would take the lead in the development of public columbaria. The 24 locations identified had already been announced since the first public consultation. The Administration was obtaining support from districts, conducting assessments on the traffic impact and planning for the construction works. She added that the Administration could provide an information paper to the Panel on Development, if necessary.

53. The Chairman enquired about the time span for the planning of public columbarium development. DSFH(F)1 responded that it would depend on the response during the consultation at the district level and the scale of the construction works. She said that the development of public columbaria providing 110 000 niches in Tsang Tsui, Tuen Mun would be completed in 2017, while the addition of niches in Diamond Hill would be completed within 12 months.

54. Mr Fred LI requested the Administration to provide an information paper on the development of public columbaria at the 24 locations identified. He pointed out that the ineffective regulatory measures on temporary storage of cremains by undertakers of burials had caused nuisances to the neighbouring residents. He was worried that the situation might be worse off as it was proposed in the consultation document that such undertakers could be exempted from the licensing scheme. Mr LI further said that some deputations had pointed out that many unauthorized private columbaria had destroyed the environment or illegally occupied Government land; however,

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the Administration failed to take any enforcement actions. He expressed worry that the proposed regulatory measures and exemption arrangement for pre-existing private columbaria from the licensing scheme might further relax the regulation on unauthorized private columbaria.

55. Mr Fred LI urged the Administration to shorten the proposed 18-month transitional period. He also raised concern that the supply of niches at public columbaria could not meet the annual demand for nearly 40 000 niches, as according to the Administration, large-scale supply of public columbarium facilities would be available soonest in 2017. He enquired about the immediate measures to be undertaken by the Administration to alleviate the nuisances caused to residents in Hung Hom and whether it would reconsider the exemption arrangement.

56. DSFH(F)1 responded that -

- (a) the Administration would consider shortening the 18-month transitional period;
- (b) the undertakers of burials to be exempted were those licensed before December 2008, as thereafter licensed undertakers were not allowed to store cremains under their licensing conditions. The Administration would review the licensing conditions and enhance the current regulatory measures as appropriate;
- (c) the Planning Department and the Lands Department had been taking enforcement actions against any breaches under their respective mandate; and
- (d) the Administration would provide an information paper on the progress of the public columbaria development at the 24 identified locations.

Admin

57. Referring to the deputations' view, Mr TAM Yiu-chung urged the Administration to speed up the legislative process of the proposed legislation and enhance its enforcement actions. DSFH(F)1 responded that currently the Administration had to take enforcement actions based on Ordinances in respect of planning, lands and buildings. The proposed legislation targeted at the operation of columbaria and the Administration would try its best to complete the legislative process soonest.

Action

II. Any other business

58. The Chairman invited the deputations to provide written submission to the Panel if they wished to express further views or raise further enquiries.

59. There being no other business, the meeting ended at 12:03 pm.

Council Business Division 2
Legislative Council Secretariat
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