

民政事務總署
香港灣仔軒尼詩道一百三十號
修頓中心二十九及三十樓



HOME AFFAIRS DEPARTMENT

29th and 30th Floors,
Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong.

本署檔號 Our Ref. HAD HQ CR/17/2/1/0(C) pt. 3
來函檔號 Your Ref. CB2/PL/HA
電話 Tel.: 2835 1530
傳真 Fax: 2834 5605

30 November 2011

Clerk to Panel on Home Affairs
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Mr Thomas Wong)

Dear Mr Wong,

Hillside Burials for Indigenous Inhabitants of the New Territories

Thank you for your letter dated 9 November 2011, requesting the Home Affairs Bureau to provide information on the policy for hillside burials for indigenous inhabitants of the NT. We are authorized to follow up, and our reply is set out below.

Hillside Burials

The problem of unauthorised hillside burials of both indigenous and non-indigenous inhabitants in the NT was very rampant in the early years. In 1977, it was estimated that there were as many as 100 000 unauthorised graves in the NT, and that the number would continue to rise. In this connection, at that time the then Governor in Council endorsed a policy to regularize hillside burials.

Implemented in 1983, the policy stipulated that all graves that have existed before 1983, irrespective of whether they belong to the indigenous or non-indigenous inhabitants of the NT, are tolerated in-situ unless the land thereon has to be resumed, or the graves present hazards to public health.

Hillside Burials for Indigenous Inhabitants of the NT

Since 1983, applications for burial certificates for burials of deceased indigenous inhabitants of the NT inside Permitted Burial Grounds as designated by the Government may be made to the NT District Offices concerned. Family members of the deceased need to obtain certification of the indigenous status of the deceased from the Indigenous Inhabitant Representative or rural committee concerned, and make a statutory declaration in order to be eligible to apply for a burial certificate.

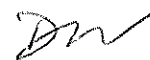
There are a number of conditions set out in the burial certificates. In the event of breach, Government departments will take follow up actions within their purview and in accordance with laws. For instance, the Lands Department requires that holders of the burial certificates shall not fell trees without prior consent of the District Lands Officers. In case of unauthorised hillside burials, the Food and Environmental Hygiene Department may remove the graves in question under section 118(4) of the Public Health and Municipal Services Ordinance (Cap. 132), if the consent of the Secretary for Home Affairs is given.

Complaint received by the Complaints Division of the Legislative Council

In mid-2010, the Complaints Division of the Legislative Council received a complaint lodged by a resident in the NT on unauthorised hillside burials in Pang Ka Tsuen, Yuen Long. In its replies to the Complaints Division on 23 June, 31 August and 29 October 2010, the Government elaborated the policy for hillside burials, and stated that the graves in question, in existence since the 1960s, were among those being tolerated under the policy. The complaint is not related to hillside burials of indigenous inhabitants of the NT as mentioned above.

Should you need further information, please feel free to contact the undersigned at 2835 1530.

Yours sincerely,



(Desmond WU)
for Director of Home Affairs