

立法會
Legislative Council

LC Paper No. CB(2)2274/13-14
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/13

Bills Committee on Private Columbaria Bill

Minutes of the first meeting
held on Tuesday, 29 July 2014, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon CHAN Hak-kan, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WU Chi-wai, MH
Hon CHAN Han-pan, JP
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, JP
- Members absent** : Dr Hon Kenneth CHAN Ka-lok (Deputy Chairman)
Hon Cyd HO Sau-lan, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon CHEUNG Kwok-che
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Steven HO Chun-yin
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Member attending : Dr Hon KWOK Ka-ki

Public Officers attending : Item II

Dr KO Wing-man, BBS, JP
Secretary for Food and Health
Food and Health Bureau

Mr Christopher WONG, JP
Deputy Secretary for Food and Health (Food)1
Food and Health Bureau

Miss Diane WONG
Principal Assistant Secretary for Food and Health
(Food)2
Food and Health Bureau

Ms Phyllis KO
Senior Assistant Law Draftsman (II)1
Department of Justice

Miss Cindy CHEUK
Government Counsel
Department of Justice

Mr Thomas LEUNG
Assistant Director/Existing Buildings 2
Buildings Department

Ms CHU Lan-ying, JP
Assistant Director (Grade Management &
Development)
Food and Environmental Hygiene Department

Ms Olga LAM, JP
Assistant Director (Estate Management) (Lands
Administration Office/Headquarters)
Lands Department

Ms Christine TSE
Assistant Director of Planning/Special Duties
Planning Department

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Miss Flora TAI
Assistant Secretary General 2

Ms Wendy KAN
Assistant Legal Adviser 6

Ms Catherina YU
Senior Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Election of Chairman and Deputy Chairman

Election of Chairman

Mr Tommy CHEUNG, member who had the highest precedence in Council among members of the Bills Committee present, presided over the election of the Chairman. He invited nominations for the chairmanship of the Bills Committee.

2. Mr IP Kwok-him was nominated by Mr CHAN Hak-kan and the nomination was seconded by Mr WONG Kwok-hing and Miss Alice MAK.

3. Mr IP Kwok-him accepted the nomination and declared that he was the consultant of the board of governors of Tung Sin Tan which had started to operate a columbarium since 1976. He added that Tung Sin Tan would apply for exemption for its columbarium after the enactment of the Bill, and the columbarium would not sell niches any more.

4. Having regard to the interest declared by Mr IP Kwok-him, Mr WU Chi-wai wondered whether the public would cast doubt on the deliberations

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of the Bills Committee if Mr IP was elected Chairman of the Bills Committee. At the invitation of Mr Tommy CHEUNG, the Clerk said that the Rules of Procedure set out requirements for disclosure of pecuniary interest by Members and not voting or withdrawal in case of direct pecuniary interest. These requirements were applicable to Bills Committees.

5. Sharing a similar concern, Mr Alan LEONG asked whether Mr IP Kwok-him had any direct or indirect pecuniary interest in Tung Sin Tan and whether Mr IP, if elected Chairman of the Bills Committee, would worry about the Bills Committee being criticized by the public in the course of its deliberations of the Bill.

6. Mr IP Kwok-him responded that he was not remunerated by Tung Sin Tan and had not participated in any of the meetings of its board of governors. He had no direct or indirect pecuniary interest in Tung Sin Tan. He also had no knowledge about the operation of Tung Sin Tan. He would participate in the deliberations of the Bill with the interest of the public in mind.

7. In response to Miss CHAN Yuen-han's enquiry about the status of the niches of the columbarium operated by Tung Sin Tan, Mr IP Kwok-him said that all the 1 933 niches there had been sold.

8. Mr Alan LEONG nominated Mr CHAN Ka-lok. Mr Alan LEONG said that although Mr CHAN Ka-lok was not present at the meeting, Mr CHAN had indicated his acceptance of the nomination. Pointing out that Mr CHAN Ka-lok had requested his support for the deputy chairmanship, Mr Paul TSE sought clarification from Mr LEONG. Mr Alan LEONG confirmed that Mr CHAN Ka-lok wished to run for the election of Chairman of the Bills Committee. The nomination of Mr CHAN Ka-lok for chairmanship was seconded by Mr WU Chi-wai. There was no other nomination.

9. The Bills Committee proceeded with the election. Seven members voted for Mr IP Kwok-him and three members voted for Mr CHAN Ka-lok. Mr Tommy CHEUNG declared Mr IP Kwok-him elected the Chairman of the Bills Committee. Mr IP Kwok-him then took the chair.

Election of Deputy Chairman

10. The Chairman called for nominations for the deputy chairmanship of the Bills Committee. Mr CHAN Ka-lok was nominated by Mr Alan

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LEONG who informed members of Mr CHAN's acceptance of the nomination. The nomination was seconded by Mr WU Chi-wai. There being no other nomination, Mr CHAN Ka-lok was elected the Deputy Chairman of the Bills Committee.

II. Meeting with the Administration

[LC Paper Nos. CB(3)740/13-14, LS66/13-14, CB(2)2022/13-14(01), CB(2)2121/13-14(01), CB(2)2156/13-14(01) and File Ref.: FH CR 2/3751/07]

11. The Bills Committee deliberated (index of proceedings attached at **Annex**).

Admin

12. The Bills Committee requested the Administration to provide information on the locations and the number of public columbaria, and the number of unoccupied public niches.

III. Date of next meeting

13. The Bills Committee agreed to receive public views on the Bill in early October 2014. The Chairman said that members would be informed of the meeting dates in due course.

IV. Any other business

14. There being no other business, the meeting ended at 5:50 pm.

Council Business Division 2
Legislative Council Secretariat
10 September 2014

**Proceedings of the first meeting of the
Bills Committee on Private Columbaria Bill
on Tuesday, 29 July 2014, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Election of Chairman and Deputy Chairman</i>			
000132 - 001540	Mr Tommy CHEUNG Mr CHAN Hak-kan Mr IP Kwok-him Mr WU Chi-wai Clerk Mr Alan LEONG Miss CHAN Yuen-han Mr Paul TSE	Nominations for the chairmanship of the Bills Committee. Declaration of interest by Mr IP Kwok-him who was nominated for the chairmanship. Mr IP Kwok-him's response to members' questions regarding his interest declared. Election of Chairman.	
001541 - 001636	Chairman Mr Alan LEONG	Election of Deputy Chairman	
<i>Agenda item II – Meeting with the Administration</i>			
001637 - 003458	Chairman Administration	Briefing by the Administration on the Private Columbaria Bill ("the Bill") [LC Paper No. CB(2)2156/13-14(01)]	
003459 - 004342	Chairman Administration Mr James TO	Opening remarks by the Chairman The Chairman's views on the discussion schedule and topics to be deliberated by the Bills Committee. Mr James TO's views that the deliberations of the Bills Committee should also cover major concerns of the public about the Bill. His suggestion that the Bills Committee should receive public views on the Bill before deciding the scope of deliberations.	
004343 - 005319	Chairman Mr CHAN Hak-kan Administration	Mr CHAN Hak-kan's request for the Administration to provide information on the locations and the number of public and private columbaria, the number of unoccupied niches in these columbaria and the capacity of the temporary storage for ashes to be provided by the Administration. Mr CHAN's expression of support for the introduction of a licensing scheme for private	Admin

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		<p>columbaria and enquiries about –</p> <ul style="list-style-type: none"> (a) whether the temporary storage for ashes provided by Administration would be able to cater for the demand if a large number of private columbaria closed down after the passage of the Bill; (b) how the Administration would protect consumers who had bought niches from non-compliant columbaria; (c) how the Administration would combat sale of niches by operators of unauthorized columbaria; and (d) whether the Administration would extend the temporary suspension of liability ("TSOL") more than once if the public columbaria could not meet the demand for niches. <p>The Administration's response that –</p> <ul style="list-style-type: none"> (a) it would provide the requisite information on public columbaria. As regards the information on private columbaria, the Administration was compiling information provided by operators of private columbaria who had responded to notice served by the Food and Environmental Hygiene Department ("FEHD") under the administrative notification scheme. Members were requested to refer to the Development Bureau ("DEVB")'s List, i.e. Information on Private Columbaria known to the Government for the time being; (b) special arrangements were proposed for pre-Bill columbaria, and the granting of TSOL would allow time for such operators to seek regularization/rectification in order to obtain a licence or exemption. If the provisions in the Bill were largely supported by the Bills Committee, there should not be a large number of columbaria closing down within a short period of time after the Bill came into operation; (c) 8 000 spaces were available at this stage for temporary storage for ashes (in urns) to cope with interred ashes displaced from private columbaria. The Administration would 	

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		<p>increase the number of spaces for temporary storage after the commencement of the Bill to around 40 000 niches, and would keep in view development;</p> <p>(d) the Bill set out prescribed ash disposal procedures for application to FEHD, operators and innocent third parties in the event of cessation of a columbarium operation; and</p> <p>(e) a high degree of transparency of the deliberations of the Bills Committee would provide members of the public with useful information and would facilitate them to make informed decisions about interring ashes at private columbaria. Coupled with the public education efforts, these would help counter unscrupulous sales tactics of operators of unauthorized columbaria.</p>	
005320 - 010253	Chairman Mr LEE Cheuk-yan Administration	<p>Mr LEE Cheuk-yan's expression of Labour Party's support for the introduction of a licensing scheme for private columbaria.</p> <p>Explanation by the Administration on the requirements to be fulfilled for pre-Bill columbaria seeking exemption status at Mr LEE's request.</p> <p>Mr LEE's views that exemption should not be granted to the private columbaria which commenced operation before 1 January 1990, expanded its operation for profit afterwards and had many records of irregularities.</p> <p>The Administration's response that, apart from the commencement date of operation, i.e. before 1 January 1990, exemption for pre-Bill columbaria would be subject to fulfilment of other requirements and compliance with exemption conditions as set out in the Bill.</p>	
010254 - 010603	Chairman Mr Tommy CHEUNG Administration	<p>Mr Tommy CHEUNG's views that –</p> <p>(a) notwithstanding the wish for an early commencement of the Bill, the Bills Committee should not scrutinize the Bill hastily. The Bills Committee should strive to balance the concerns of all stakeholders; and</p> <p>(b) the Bills Committee should receive public</p>	

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		views on the Bill as early as practicable. The Bills Committee could then structure its deliberations according to the major concerns of the public.	
010604 - 011556	Chairman Mr Alan LEONG Administration	<p>Mr Alan LEONG's enquiry about –</p> <ul style="list-style-type: none"> (a) the number of applications for TSOL and exemption received by the Administration; and (b) the steps the Administration would take to ease the worries of some members of the public about the handling of ashes of their deceased family members interred in unauthorized private columbaria. <p>The Administration's response that –</p> <ul style="list-style-type: none"> (a) receipt of applications for TSOL, exemption or licence would not commence until the Bill was enacted. The administrative notification scheme would assist the future Licensing Board to determine the pre-Bill columbaria status of the relevant columbaria and consider applications for regulatory instruments; (b) since the launch of the administrative notification scheme, around 130 operators of columbaria had responded to the notice served by FEHD, around 118 of which were on the DEVB's List and the remaining were private columbaria outside DEVB's List; (c) apart from seeking legal advice, members of the public were advised to protect their interest by signing contracts with the operators of columbaria for purchase of niches. The contract should set out the details of the niche concerned, the buyer's rights and the safeguards for the buyer in the event of cessation of operation of the columbarium concerned; and (d) the Administration would provide temporary storage for ashes as a transitional arrangement. No paying of respect to the deceased could be allowed for temporary storage of ashes. 	
011557 - 012039	Chairman Mr LEE Cheuk-yan Mr Paul TSE	<p>Invitation for public views on the Bill.</p> <p>Scheduling of next meeting(s).</p>	

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	Mr Alan LEONG Administration		

Council Business Division 2
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