

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2070/15-16  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/9/13

**Bills Committee on Private Columbaria Bill**

**Minutes of the thirty-first meeting  
held on Tuesday, 17 May 2016, at 4:30 pm  
in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Dr Hon Kenneth CHAN Ka-lok (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Hon CHAN Hak-kan, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon CHEUNG Kwok-che  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Steven HO Chun-yin, BBS  
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

**Members absent** : Hon LEE Cheuk-yan  
Hon Cyd HO Sau-lan, JP  
Hon Paul TSE Wai-chun, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Yuk-man  
Hon WU Chi-wai, MH  
Hon CHAN Han-pan, JP  
Hon CHAN Yuen-han, SBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP

**Public Officers : Item I  
attending**

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  
Department of Justice

Miss Cindy CHEUK  
Government Counsel  
Department of Justice

Mr CHIU Yu-chow  
Assistant Director (Grade Management and  
Development)  
Food and Environmental Hygiene Department

Mr HUI Fai-wing  
Senior Superintendent (Cemeteries & Crematoria)  
Special Duties  
Food and Environmental Hygiene Department

Mr Thomas LEUNG  
Assistant Director/New Buildings 1  
Buildings Department

Ms Doris CHOW  
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** : Ms Wendy KAN  
Assistant Legal Adviser 6

Ms Catherina YU  
Senior Council Secretary (2) 4

Miss Maggie CHIU  
Legislative Assistant (2) 4

---

Action

**I. Meeting with the Administration**

[File Ref.: FH CR 2/3751/07, LC Paper Nos. CB(3)740/13-14, CB(2)2141/13-14(01), CB(2)2338/13-14(08), CB(2)431/14-15(01), CB(2)630/14-15(01), CB(2)367/15-16(01) to (04), CB(2)486/15-16(02)(Revised), CB(2)548/15-16(02)(Revised), CB(2)548/15-16(03) to (05), CB(2)721/15-16(02) and CB(2)1399/15-16(01)]

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

2. The Bills Committee requested the Administration to:

- (a) consider amending the proposed clause 64(4B) to the effect that a person who had acted in accordance with the proposed clause 64(4A) but did not give a commencement of ash disposal notice in accordance with section 8 of Schedule 5 within 30 days after the date of the notification under clause 64(1) would not be regarded as having committed an offence;
- (b) consider providing in the proposed clause 64(5A) that the time of acquisition of an interest in the premises by persons other than owners or mortgagees of the premises would be determined in accordance with relevant provisions in other legislation; and
- (c) consider including the reference to the proposed clause 64(4C) and (4D) in clause 65(4)(b).

Action

**II. Date of next meeting**

3. Members noted that the next meeting would be held on Tuesday, 24 May 2016 at 2:30 pm.

**III. Any other business**

4. There being no other business, the meeting ended at 5:41 pm.

Council Business Division 2  
Legislative Council Secretariat  
22 September 2016

**Proceedings of the thirty-first meeting of the  
Bills Committee on Private Columbaria Bill  
on Tuesday, 17 May 2016, at 4:30 pm  
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000545 - 000654	Chairman	Opening remarks	
000655 - 001027	Chairman ALA6 Admin	<p>Discussion of the full set of draft Committee stage amendments ("CSAs") to the Bill proposed by the Administration (updated version) (LC Paper No. CB(2)1399/15-16(01)).</p> <p><u>Clause 58 (Annex 2 to LC Paper No. CB(2)1399/15-16(01))</u></p> <p>At ALA6's request, the Administration explained the amendments it intended to propose to clause 58(2)(a)(iii) in relation to the particulars of disposal of ashes to be entered into the record on interment and disinterment of ashes. ALA6's view that the Administration should spell out the particulars of disposal in that clause, given that a person contravening clause 58 was liable, on summary conviction, to a fine of \$2,000,000 and to imprisonment for three years, and on conviction on indictment, to a fine of \$5,000,000 and to imprisonment for seven years.</p>	
001028 - 001533	Chairman ALA6 Admin	<p><u>Clause 59 (Annex 2 to LC Paper No. CB(2)1399/15-16(01))</u></p> <p>ALA6's advice that the CSAs proposed by the Administration to clause 59(3)(b) reflected a policy change. The Administration's explanation of the justifications of its proposed CSAs to clause 59(3)(b).</p>	
001534 - 002156	Chairman Admin	<p><u>Clauses 60 to 63 (Annex 2 to LC Paper No. CB(2)1399/15-16(01))</u></p> <p>The Administration's briefing on its proposed CSAs.</p>	
002157 - 004935	Chairman ALA6 Deputy Chairman Admin	<p><u>Clause 64 (Annex 2 to LC Paper No. CB(2)1399/15-16(01))</u></p> <p>ALA6's view that the proposed clause 64(4B) should be amended to the effect that a person who had acted in accordance with the proposed clause 64(4A) but did not give a commencement of ash disposal notice in accordance with</p>	



Time marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration's response to the concerns of the Chairman and ALA6 regarding whether the proposed clause 64(5B) would enable a person in possession to obtain sufficient information for carrying out the prescribed ash disposal procedures.</p> <p>The Deputy Chairman's view that a person who had operated, kept, managed or in any other way had control of a columbarium should have the obligation to provide the required information to the person in possession. The Administration's explanation of the policy intent of the proposed clause 64(5B) and its advice that the clause served the purposes of providing a reminder to a person in possession to request for the necessary information for carrying out the prescribed ash disposal procedures. Members raised no objection to the Administration's proposal.</p>	
004936 - 010199	Chairman ALA6 Deputy Chairman Admin	<p><u>Clause 65 (Annex 2 to LC Paper No. CB(2)1399/15-16(01))</u></p> <p>In response to ALA6's view, the Administration undertook to consider including the reference to the proposed clause 64(4C) and (4D) in clause 65(4)(b).</p> <p>Referring to the proposed clause 65(5A), ALA6 invited members to consider whether it was acceptable from the policy perspective that no obligation was imposed on a person to produce information for facilitating disposal of ashes by a specified officer. The Administration's explanation of the policy intent of the proposed clause 65(5A).</p> <p>The Administration's response to the Chairman's enquiry that it was difficult to ascertain that a person actually had the information which a specified officer reasonably believed that he/she should have. The proposed clause 65(5A) provided a channel for a specified officer to obtain information which might facilitate disposal of ashes.</p> <p>The Deputy Chairman's view that a specified officer should require a person to provide the information which would facilitate disposal of ashes regardless of whether the specified officer reasonably believed that the person had such information.</p> <p>The Administration's response to the concerns of the Chairman and ALA6 regarding whether the</p>	Admin (paragraph 2(c) of the minutes)

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
		proposed clause 65(5A) would enable a specified officer to obtain sufficient information for disposal of ashes. The Chairman's view that members might discuss the matter again, if necessary, in considering the final CSAs to be included in the proposed clause 65(5A).	
010200 - 010433	Chairman Admin	<u>Clauses 67 to 69 (Annex 2 to LC Paper No. CB(2)1399/15-16(01))</u>  The Administration's briefing on its proposed CSAs.	
010434 - 010857	Chairman Mr WONG Kwok-hing Admin	Members agreed that the Bills Committee should continue to examine the remaining CSAs after ALA6 and the Administration had discussed those CSAs.	
010858 - 010932	Chairman	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
22 September 2016