

**立法會**  
**Legislative Council**

LC Paper No. CB(2)995/15-16

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by the Administration)

Ref : CB2/PL/FE

**Panel on Food Safety and Environmental Hygiene**

**Minutes of meeting**

**held on Tuesday, 12 January 2016, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)  
Hon Steven HO Chun-yin, BBS (Deputy Chairman)  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Hon Cyd HO Sau-lan, JP  
Hon Starry LEE Wai-king, JP  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
Hon Claudia MO  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon SIN Chung-kai, SBS, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon CHIANG Lai-wan, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Hon CHEUNG Kwok-che  
Hon LEUNG Kwok-hung

**Members absent** : Hon CHAN Hak-kan, JP  
Hon WONG Yuk-man  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHAN Han-pan, JP

**Public Officers attending** : Item IV

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Kenneth CHAN Siu-yum  
Principal Assistant Secretary for Food and Health (Food) 1

Mr Ricky CHENG Wing-kei  
Assistant Secretary for Food and Health (Food) 2

Item V

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

Mrs Cherry TSE, JP  
Permanent Secretary for Food and Health (Food)

Miss Vivian LAU, JP  
Director of Food and Environmental Hygiene

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

Mrs Avia LAI, JP  
Deputy Director of Food and Environmental Hygiene  
(Administration and Development)

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

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

**Clerk in attendance** : Miss Josephine SO  
Chief Council Secretary (2) 2

**Staff in attendance** : Ms Wendy LO  
Senior Council Secretary (2) 2

Mr Roger CHUNG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Confirmation of minutes**  
(LC Paper No. CB(2)540/15-16)

The minutes of the meeting held on 10 November 2015 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)442/15-16(01) and CB(2)551/15-16(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) Letter dated 9 December 2015 from Dr Hon Helena WONG concerning the regulation of animal feed for livestock and cultured fish and the presence of veterinary drug residues in meat and aquatic products for human consumption; and
- (b) Referral from the Public Complaints Office of the Legislative Council ("LegCo") Secretariat on issues relating to animal welfare.

3. Regarding item (a) referred to in paragraph 2 above, the Chairman informed members that the Administration had advised that it prepared to brief the Panel on Food Safety and Environmental Hygiene ("the Panel") in the second quarter of 2016 on the latest position of the Administration's efforts in enforcing the relevant legislation to ensure compliance, thereby safeguarding the safety of meat and aquatic products for human consumption. The Panel's list of outstanding items for discussion (LC Paper No. CB(2)587/15-16(01)) had been updated to reflect the proposed timing for discussion on this subject.

### **III. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)587/15-16(01) and (02))

#### Policy briefing cum meeting on 2 February 2016

4. The Chairman informed members that the Panel would receive a briefing by the Secretary for Food and Health ("SFH") on the Chief Executive's 2016 Policy Address in respect of the policy initiatives on food safety, environmental hygiene and agriculture and fisheries at the regular meeting to be held on Tuesday, 2 February 2016, at 4:30 pm.

*(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, an additional item involving a staffing proposal on "Creation of a directorate post for implementation of the columbarium portfolio" was subsequently added to the agenda for the February meeting. The revised agenda was issued vide LC Paper No. CB(2)653/15-16 on 14 January 2016.)*

### **IV. Supply chain of powdered formula**

(LC Paper Nos. CB(2)587/15-16(03) and (04))

5. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed Members on the Administration's work in monitoring the supply and price levels of powdered formula as well as efforts of the trade in improving the powdered formula supply chain, details of which were set out in the Administration's paper (LC Paper No. CB(2)587/15-16(03)). Members noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)587/15-16(04)).

#### Monitoring the supply and price levels of powdered formula

6. Mr Vincent FANG enquired how the Administration would consider the supply of powdered formula sufficient and its price levels stable for the purpose of considering whether to discontinue the implementation of the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation"). Mr FANG, Ms Claudia MO and Ms Cyd HO asked under what situations the Administration would regard that there was a shortage of powdered formula at the retail level. Ms MO further asked about the reasons why all powdered formula for infants and young children under 36 months (0-36 months) were included in the surveys. It was her understanding that the problem of shortage existed in infant formula (0-12 months) rather than follow-up/growing-up formula (12-36 months). She was worried that the inclusion of follow-up/growing-up formula in the surveys might affect the accuracy of the survey results.

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7. In response, USFH made the following points -
  - (a) the Administration continued to commission consultancy firms to conduct regular surveys on the supply and price levels of major brands of powdered formula at the local retail level, and to conduct surveys to gauge the experience of local consumers in purchasing powdered formula and their attitude in using various pre-order services;
  - (b) based on a random sampling approach, test purchases were conducted at chain stores and pharmacies five days per week, on both weekdays and weekends, in different districts across the territory. To accurately record the degrees of out-of-stock situations for different brands in different districts, the same retail store might be visited more than once; and
  - (c) the definition of powdered formula was provided in the Import and Export (General) Regulations (Cap. 60A), which meant "a substance in powder form that is or appears to be for consumption by a person aged under 36 months; and is or appears to be milk or milk-like substance in powder form to satisfy wholly or partly the nutritional requirement of a person aged under 36 months". According to the Department of Health ("DH"), many parents still preferred to feed their infants and young children under 36 months by powdered formula. Hence, powdered formula continued to be a source of nutrition for infants and young children aged below 36 months.
  
8. Mr Vincent FANG noted from the survey results that products of Friso and Mead Johnson experienced relatively serious shortage. He enquired about the specific measures that the Administration would implement to address the problem of supply chain failure in relation to the powdered formula of these two brands. He and the Chairman both considered that the Administration should actively follow up with the suppliers concerned so that the latter would make better efforts in ensuring the stable supply of their powdered formula. Sharing a similar view, Mr WONG Kwok-hing enquired about the causes for the shortage problem in these two brands of powdered formula.
  
9. In response, USFH advised that generally speaking, the overall shortage rate in the five districts covered in the surveys from December 2014 to February 2015 and from May to October 2015 had continued to improve. Nevertheless, products of individual brands still revealed different degrees of shortage in certain districts. Regarding Friso Stage 1 to 3 products, the

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overall shortage was around 20% between May and October 2015, which had slightly dropped compared to that of above 20% in general between December 2014 and February 2015. This apart, products of individual stages also experienced a relatively serious shortage in individual districts, e.g. the overall shortage rate of Friso Stage 2 products in Yuen Long was 47% between 28 May and 1 June, whereas that of Friso Stage 3 products was 40% in Sham Shui Po between 25 and 29 July. The Administration would continue to follow up on and monitor the efforts of improving the supply chain through the Committee on Supply Chain of Powdered Formula ("the Committee").

10. USFH further advised that there were various reasons why shortage occurred, e.g. stock replenishment failing to catch up with demand, active parallel trading activities at certain districts, etc. In light of the above, the Administration had passed the survey outcomes to the relevant suppliers and urged them to actively follow up on the findings to ensure stable and sufficient supply of powdered formula for local infants and young children. The survey outcomes had also been reported to the Committee, which comprised representatives from major powdered formula suppliers, for discussion on ways to further improve the supply chain.

11. Mr Vincent FANG and Ms Claudia MO sought information on the expenditures for conducting the surveys and how many more surveys the Administration planned to conduct in future. USFH responded that the expenditures incurred so far on the 27 surveys on the supply and price levels of powdered formula at the retail level and the five surveys on gauging the experience of local consumers in purchasing powdered formula and their attitude in using various pre-order services were around \$2 million and \$0.56 million respectively. The Administration would continue to commission consultancy firms to conduct regular surveys. Consultancy fees would have to be paid for each future survey.

12. Mr WONG Kwok-hing and Ms Cyd HO asked whether the full implementation of the Competition Ordinance (Cap. 619) as well as the Amendment Regulation had in any way affected the retail prices of powdered formula. They were concerned whether there were signs of collaborative price fixing among powdered formula suppliers and retailers. Ms HO said that the supply and price of powdered formula were interrelated and equally important. As sufficient supply could help stabilize the price of powdered formula at a reasonable level, she urged the Administration to take measures to control the retail prices of powdered formula.

13. In response, USFH advised that the surveys showed that the retail prices remained stable with no major fluctuation during the survey periods.

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The retail prices in major chain stores were more or less the same as the suppliers' recommended retail prices, while the average retail prices in pharmacies were in general lower than those in major chain stores by 8% to 10%. The Administration did not have information on the retail prices of powdered formula before the implementation of the Amendment Regulation, but it would continue to monitor the retail prices and urge the suppliers to stabilize the retail prices through the Committee.

14. Ms Claudia MO and Mr CHAN Chi-chuen enquired about the reasons why the latest surveys covered only five districts, i.e. North District, Yuen Long, Tuen Mun, Sai Kung and Sham Shui Po, and the rationale for selecting these five districts. Mr CHAN questioned whether it was due to resource constraints that prevented the surveys from covering all the districts. In the Chairman's opinion, the surveys should cover more districts instead of focusing on a few districts with serious shortage. Besides, shortage rate of supermarket and pharmacies should be separately recorded in future surveys.

15. In response, Principal Assistant Secretary for Food and Health (Food)1 explained that selection of districts to be surveyed was based on past records on actual out-of-stock situations, advice of and discussion with the consultancy firm and market information with a view to obtaining a more comprehensive picture and statistically sound data. The surveys not only covered districts with more serious shortage such as North District, Yuen Long and Tuen Mun, but also other districts with surveys conducted in specific periods. The consultancy firm would next conduct the surveys during and around Lunar New Year. USFH added that the Administration would review the scope and detailed arrangements of future surveys to explore if there was room for improvements.

Need for the continued implementation of the Amendment Regulation

16. Noting the continued increase in the volume of import, re-export and retained import of powdered formula in 2013 and 2014, Mr SIN Chung-kai said that while the local demand and non-local demand for powdered formula remained strong, suppliers should tackle the problem at root and strengthen their supply chain to ensure a sufficient and steady supply of powdered formula. In his view, to pursue the policy of free trade and to safeguard free market operations, the Amendment Regulation should not be taken as a long term measure. He enquired whether the Administration or the Committee had set any specific timeline for suppliers of powdered formula to improve and perfect their supply chain to cater for the demand for formula products.

17. Expressing similar concerns, the Chairman considered that the export restrictions under the Amendment Regulation should only apply to those

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brands and stages of powdered formula that had shortage at the retail level. As an alternative solution, the trade should continue to promote pre-order services and make greater efforts to enhance parents' awareness of and willingness to use these services. The Deputy Chairman asked whether the Administration had assessed the effectiveness of and reviewed the necessity to continue with the export control and exemption arrangements under the Amendment Regulation, and under what circumstances the Administration would consider repealing the Amendment Regulation.

18. Mr CHAN Chi-chuen said that shortage problem of powdered formula was also observed in some overseas countries like Australia. In his view, the Administration should not rush into repealing the provisions introduced by the Amendment Regulation unless stable and sufficient supply of powdered formula for local infants and young children was ensured.

19. In response, USFH reiterated that the shortage problem stemmed from parallel trading activities and supply chain failure. The Administration tried to tackle the problem by adopting a two-pronged approach, viz. implementing the Amendment Regulation and encouraging the trade to improve the supply chain under the coordination and supervision of the Committee. The Committee, comprising 14 non-official members including major powdered formula suppliers, retailers, parents, representatives from the logistics sector, relevant academia and those representing consumer interests, assisted the Administration in monitoring and improving the supply chain. Both the Administration and the Committee shared Members' view that the trade should encourage more local consumers to learn more about the operation of the pre-order services, thus enhancing their awareness of and confidence in using these services.

20. On the question of whether and when to repeal the Amendment Regulation, USFH stressed that the Amendment Regulation was not intended to be a long term arrangement. While suppliers would continue to implement their improvement measures, the Amendment Regulation would continue to be in force to ensure the sufficient and stable supply of powdered formula for local parents and infants. The Administration would continue to commission consultancy firms to conduct the two surveys mentioned above, and to follow up on and monitor the work of improving the supply chain by suppliers through the Committee. It would take into account the progress on the improvement of the supply chain and the market situation, including the supply and price level of powdered formula, before considering the way forward.

21. The Deputy Chairman hoped that the Administration would provide the general public with information on districts with serious shortage problem



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and relevant market situations, such that local parents could plan ahead to procure adequate amount of powdered formula for their infants and young children in the run up to Lunar New Year.

22. Dr LEUNG Ka-lau said that there was no scientific evidence suggesting that powdered formula for infants and young children of 12 to 36 months had nutritional and health benefits. He queried the justification for subjecting follow-up/growing-up formula under the restrictions of the Amendment Regulation. Echoing Dr LEUNG's view, the Chairman and the Deputy Chairman suggested the Administration enhance public education on the nutritional need of infants and young children aged between 12 to 36 months in order to alleviate the reliance of local parents on powdered formula. The Deputy Chairman also suggested that the Administration should enhance its efforts to promote breastfeeding.

23. In response, USFH advised that -

- (a) parents of all new born babies were invited to bring their babies to the Maternal and Child Health Centres of DH for regular medical examination and nursing advice, the latter of which would cover information on nutritional needs of infants and young children as well as healthy choices of food and milk beverages with recommended amounts of intake;
- (b) the Administration had enhanced its efforts in promoting breastfeeding. The Committee on Promotion of Breastfeeding set up by the Food and Health Bureau ("FHB") in early April 2014 had undertaken a number of initiatives to promote breastfeeding; and
- (c) for young children above six months of age, some parents continued to use powdered formula as the major diet for their children under the age of 36 months. To protect the health of infants and young children under the age of 36 months in genuine need of powdered formula when breastfeeding was not feasible, it was necessary to ensure that follow-up/growing-up formula had sufficient and stable supply.

**V. Private Columbaria Bill: Anticipated issues that must be handled at the initial stage of the implementation of the regime under the Ordinance**

(LC Paper Nos. CB(2)587/15-16(05) and (06))

24. Members noted the Administration's paper on anticipated issues that must be handled at the initial stage of the implementation of the licensing regime on private columbaria (LC Paper No. CB(2)587/15-16(05)). Members also noted the information note prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)587/15-16(06)).

25. Referring to the application lodged by Kerry Logistics Network Limited with the Town Planning Board ("TPB") for redeveloping its 15-storey warehouse in Chai Wan into a columbarium with 120 000 private niches, Mr WONG Kwok-hing expressed concern that if the redevelopment application was approved by TPB in the end, many submissions of similar nature would be made to TPB before the enactment of the Private Columbarium Bill ("the Bill") in a bid to circumvent the regulatory requirements on private columbaria. He considered that to plug any potential loophole, FHB and the departments concerned should be cautious in considering the redevelopment application from Kerry Logistics Network Limited.

26. SFH said that the applicant was seeking compliance with the statutory planning requirements before the columbarium operations commenced. As the case was being considered by TPB, he would not comment on it. He advised that problems associated with private columbaria had been in existence for the past few decades. A substantial number of private columbaria already in operation were not fully compliant with the prevailing requirements, with some contravening statutory requirements on town planning and building and some breaching land leases and/or unlawfully occupying Government land. The Bill under LegCo's scrutiny sought to introduce a licensing regime for regulating private columbaria with a view to ensuring compliance with statutory and government requirements, enhancing protection of consumer interests and putting the further development of the trade on a sustainable path. The Administration hoped that the Bill could be passed by LegCo within the current legislative session, so as to provide a legal basis for the Government to bring the status quo progressively in line with the regulatory regime requirements. SFH further advised that the Administration envisaged that in the initial years of the implementation of the Bill, there would be a number of transitional issues that needed to be tackled. The Government was preparing itself for coping with the challenges ahead.

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27. Dr Helena WONG enquired whether sufficient manpower resources would be made available to support the Licensing Board (that would be set up upon the enactment of the Bill) in handling licence/exemption applications and related work. SFH responded that the Administration would, in accordance with the established resources allocation mechanism, bid for resources to support the Licensing Board in delivering its work.

Provision of temporary storage facilities for displaced ashes

28. Noting from the Administration's paper that the number of sets of ashes displaced could run up to 80 000 if about 20% of the 385 000 occupied niches in private columbaria currently in operation were assumed to be affected by the Government's enforcement actions after the enactment of the Bill, the Deputy Chairman, Dr Kenneth CHAN and Dr Helena WONG asked how the Administration arrived at the above estimated figure. Ms Cyd HO enquired whether and when the Administration would provide a more accurate number of sets of displaced ashes that needed to be handled.

29. The Deputy Chairman sought clarification on whether the niches provided by private columbaria not covered by Part A or Part B of the "Information on Private Columbaria" published by the Development Bureau ("DEVB's List") were reflected in the aggregate figure of 385 000 niches as quoted above. Dr Kenneth CHAN held the view that the estimation process should be made transparent to facilitate the public's discussion on the issue.

30. SFH responded with the following points -

- (a) upon introduction of the Bill into LegCo, a Notification Scheme was launched administratively to allow the Administration to obtain a fuller picture of the overall landscape of private columbaria in operation, and to provide the Licensing Board with some reference in assessing the pre-Bill status of an applicant in future. The information collected under the Notification Scheme included the number of sold and occupied niches in a private columbarium, the number of sold but not yet occupied niches and the number of niches available for sale. The information published in DEVB's website, on the other hand, named existing private columbaria that were made known to the Lands Department and/or the Planning Department, and the status of their compliance or otherwise with the relevant statutory and government requirements;
- (b) in the absence of a better alternative, the Administration had used the information collected under the Notification Scheme as

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a basis for assessing the temporary storage service required for holding displaced ashes. However, as the circumstances of each private columbarium varied in terms of operation scale and compliance status, etc., and since the Administration was not in a position to tell whether and if so, how many operators would choose to seek regularization and/or be prepared to rectify the breaches in order to obtain a licence or exemption, it was difficult for the Administration to arrive at an exact estimation at the present stage. It was also possible that there remained a number of private columbaria which had not joined the Notification Scheme and/or were not known to the Lands Department and the Planning Department. In brief, the information provided in Part A and Part B of DEVB's List might not be exhaustive; and

- (c) a clearer picture would unlikely be available until such time as private columbaria operators started to make applications to the Licensing Board for a licence, an exemption or a temporary suspension of liability after the enactment of the Bill.

31. Noting that the capacity of the temporary storage spaces provided by the Food and Environmental Hygiene Department ("FEHD") could only be increased to around 50 000 urns in the coming two years, some members, including the Deputy Chairman, Mr WONG Kwok-hing, Mr CHAN Chi-chuen, Mr SIN Chung-kai, Miss Alice MAK, Dr KWOK Ka-ki and Dr Helena WONG expressed grave concern about the measures to be taken by the Administration to cope with the shortfall of supply of temporary storage spaces (around 30 000 spaces) for the displaced ashes. Mr CHAN and Miss MAK asked whether the Administration would assist the public in handling the displaced ashes arising from the cessation of operation of private columbaria. In Miss MAK's view, FEHD should help the public arrange temporary deposit of displaced ashes in cases where the operators had absconded or fled by night.

32. Noting that paying of tribute would not be allowed for displaced ashes stored in FEHD's temporary storage facilities, Mr CHAN chi-chuen asked whether this would give the Administration more flexibility in identifying sites for developing temporary storage as traffic impact or additional traffic flow would not be a consideration when determining the suitability of sites. The Deputy Chairman expressed concern that residents living close to those sites identified for the purpose might oppose to the presence of such facilities, having regard to the traffic impact and environmental nuisances caused by them.

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33. In response, SFH made the following points -

- (a) in cases of cessation of columbarium operation, the Bill required operators to properly dispose of any ashes interred in the columbaria. In such cases, FEHD would monitor closely whether the operators of private columbaria had duly discharged their responsibilities under the prescribed ash disposal procedures, including, for instance, making conscious efforts to contact the deceased's authorized representative for claiming back the ashes. In cases where operators were derelict in discharging their obligations, FEHD would, following investigations, take enforcement actions including initiating prosecutions as and where appropriate;
- (b) on the assumption that about 20% of the 385 000 occupied niches provided by private columbaria would be affected, the number of sets of ashes displaced could run up to 80 000. In the coming two years, the capacity of FEHD's temporary storage spaces would be increased to around 50 000 urns. As the temporary storage service for ashes in government facilities was a transient arrangement, no paying of tribute would be allowed during the storage period but proper records would be made to facilitate the retrieval of ashes for claiming back by descendants in the future. For descendants affected by the cessation of private columbarium operations, the options open to them would include the following: applying for niches in columbaria at private cemeteries; co-locating the ashes with the ashes of family members kept in niches managed by FEHD or the Board of Management of the Chinese Permanent Cemeteries; scattering the ashes at sea or in the 11 Gardens of Remembrance ("GoRs"); and keeping the ashes at home; and
- (c) mindful of the challenges inherent in gaining local acceptance, FEHD would endeavour to identify room for providing added capacity in government facilities/existing columbaria in the coming few years for meeting the needs for temporary storage of ashes.

Existing temporary storage service for cremains in government facilities

34. The Deputy Chairman, Mr SIN Chung-kai and Ms Cyd HO sought information on the existing temporary storage service for ashes at FEHD's facilities, including the maximum storage period, the charge for use of such service, whether the ashes would be handled in a decent manner and how

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FEHD would handle the unclaimed ashes if descendants concerned could not be contacted/did not turn up to claim back the ashes. Mr KWOK Wai-keung asked whether the Administration would take out insurance for FEHD's temporary storage facilities to afford better protection for displaced ashes arising from cessation of columbarium operation.

35. SFH advised that at present, ashes could be stored temporarily in public crematoria free of charge in the first two months after cremation. If necessary, ashes might continue to be stored temporarily at a monthly fee of \$80. The detailed arrangements were made known to all applicants/service users. In future, the maximum storage period of displaced ashes arising from cessation of columbarium operation would depend on the supply of storage facilities and the demand for such service. Permanent Secretary for Food and Health (Food) stressed that private columbaria were required under the Bill to properly dispose of any ashes interred in the columbaria upon cessation of columbarium operation. If descendants concerned could not be contacted to claim back the ashes, the displaced ashes would be temporarily stored at FEHD's temporary storage facilities in a decent manner. Where the ashes remained unclaimed for a long period of time, and depending on the demand for and availability of temporary storage spaces then prevailing, the Administration might have to consider other alternatives such as scattering the unclaimed ashes in public GoRs or at sea. Descendants concerned would be given reasonable opportunity to claim back the ashes before any such action was to be taken.

36. In response to the enquiries of the Deputy Chairman and Dr Helena WONG about the existing number of temporary storage spaces available for storage of displaced ashes, SFH and DFEH advised that there were currently about 23 000 vacant storage spaces available in government cemeteries, columbaria and crematoria for temporary storage of ashes. At the request of the Deputy Chairman, the Administration undertook to provide details of the existing temporary storage facilities in government cemeteries, columbaria and crematoria for ashes, including the number of temporary storage spaces yet to be occupied, the application procedures and charge for use of such service, the maximum storage period as well as the procedures for descendants concerned to retrieve/claim back the ashes stored in government temporary storage facilities.

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#### Enforcement actions against unauthorized private columbaria

37. Noting that 65 private columbaria were not compliant with the user restrictions in the relevant lease/licence/tenancy (i.e. 51% of the 126 private columbaria which fell under Part B of DEVB's List), Dr Kenneth CHAN and Mr KWOK Wai-keung expressed concern about the enforcement actions

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taken/to be taken by the relevant departments against these unauthorized private columbaria prior to the enactment of the Bill. Mr KWOK Ka-ki considered that FEHD should conduct joint operations with the departments concerned to step up enforcement actions against these columbaria, after the enactment of the Bill.

38. SFH advised that various authorities and departments had been and would continue to take enforcement actions and prosecutions against unauthorized private columbaria according to the respective Ordinances and enforcement policies, with a view to inducing the latter to seek early regularization and rectification of the relevant breaches of statutory and government requirements. While FEHD was not empowered under existing laws to take enforcement actions against unauthorized private columbaria, it would continue to strengthen the efforts in promoting green burial and construction of new public columbaria.

39. Mr KWOK Wai-keung enquired about the enforcement actions taken to combat the sale of niches by private columbaria before the enactment of the Bill and the penalties imposed, if any, for curbing such cases. SFH advised that while the sale of niches on the part of non-compliant private columbaria before the commencement of the Bill did not constitute an offence, the Administration had made it clear that the sale of niches after the Bill announcement time might affect the eligibility of individual private columbaria for seeking exemption in the future.

40. In response to the further enquiry of Mr KWOK Wai-keung about the Administration's efforts to protect consumers' interest before the enactment of the Bill, SFH advised that the Administration had been advising consumers not to make decisions on the purchase of private niches rashly prior to the enactment of the Bill through various means including broadcasting Announcements of Public Interest on television and radio, as well as a leaflet giving advice for consumers.

Implementation progress of the district-based columbarium development projects

41. Dr Kenneth CHAN, Ms Cyd HO and Dr Helena WONG enquired about the progress of and the targeted timetable for implementing the public columbarium development projects in those sites identified under the district-based columbarium development scheme, particularly where support from the respective District Councils ("DCs") had yet to be obtained. Ms HO also asked whether the Administration had worked out other measures to increase the supply of niches to meet the strong public demand.

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42. SFH advised that the Administration had consulted the relevant DCs on eight projects involving around 450 000 new niches. These new niches accounted for more than half of the total number of new niches to be made available under all the 24 projects. Some of them would come on stream starting from 2018, after which the next batch of major supply would be sometime between 2020 and 2022. SFH added that the Administration would keep the Panel updated on the latest progress in this respect. As regards the columbarium developments at the remaining 16 sites, it was the Administration's target to consult the relevant DCs on five to six of the projects in 2016 after the commencement of the 5th term of DCs. In the interim period between 2016 and 2018, the public might apply for use of niches provided by private cemetery operators or consider green burial as an alternative.

43. Miss Alice MAK said that to allay the concerns of residents living in the vicinity of the proposed sites, the Administration should minimize the traffic and visual impact of the columbarium facilities when designing such facilities. SFH assured Members that new columbarium facilities would be designed to minimize the traffic, environmental and visual impact caused to the residents living near such facilities. Traffic impact assessments and other technical assessments as applicable would be conducted to evaluate the traffic and other impact of the proposed projects as required. Other new measures, such as limiting access to new columbaria during the grave sweeping seasons to alleviate traffic congestion, would also be explored.

44. Dr KWOK Ka-ki opined that the Administration should consider increasing temporary storage facilities for ashes before the provision of new public niches in 2018 and the ashes temporarily stored in government facilities should be re-located to public niches afterwards. He suggested that the Administration should make efforts to facilitate the provision of new niches by religious bodies and NGOs and consider developing columbarium facilities in newly developed districts and outlying islands.

45. SFH responded that the Administration would make its best efforts to identify sites for provision of temporary storage service for ashes. He advised that FEHD had been conducting feasibility studies, in collaboration with the departments concerned, on the construction of columbarium facilities in outlying islands. FEHD had also provided support to private cemetery operators, such as the Board of Management of the Chinese Permanent Cemeteries, in the provision of new niches. He undertook to provide after the meeting information on the efforts made by the Government in facilitating the provision of new niches, and the respective numbers of existing niches and new niches to be provided by these private cemetery operators in the coming few years.



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**VI. Any other business**

46. There being no other business, the meeting ended at 4:29 pm.

Council Business Division 2  
Legislative Council Secretariat  
2 March 2016