

立法會
Legislative Council

LC Paper No. CB(2)1289/18-19
(These minutes have been seen
by the Administration)

Ref : CB2/SS/8/18

**Subcommittee on Public Health and Municipal Services (Fees)
(Amendment) Regulation 2019**

**Minutes of meeting
held on Friday, 8 March 2019, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon CHAN Hak-kan, BBS, JP (Chairman)
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Helena WONG Pik-wan
Hon Andrew WAN Siu-kin
Hon HO Kai-ming

Members absent : Hon Steven HO Chun-yin, BBS
Dr Hon Elizabeth QUAT, BBS, JP

Public Officers attending : Item II

Mr Daniel CHENG Chung-wai, JP
Deputy Secretary for Food and Health (Food) 1

Miss Agnes HO Tsz-ting
Assistant Secretary for Food and Health (Food) 3

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

Miss Annet LAI Chau-mei
Government Counsel
Department of Justice

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

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Mr Clement HAU
Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

Action

I. Election of Chairman

Election of Chairman

Mr CHAN Hak-kan, the member who had the highest precedence in Council among members of the Subcommittee present, presided over the election of Chairman. Mr CHAN invited nominations for the chairmanship of the Subcommittee.

2. Mr CHAN Hak-kan was nominated by Mr HO Kai-ming and the nomination was seconded by Ms Alice MAK. Mr CHAN Hak-kan accepted the nomination. As there was no other nomination, Mr CHAN Hak-kan was elected as the Chairman of the Subcommittee.

II. Meeting with the Administration

(L.N. 14 of 2019, File Ref: FHB/F 7/28/20, LC Paper Nos. CB(2)933/18-19(02)-(07) and LS46/18-19)

3. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

Follow-up actions required of the Administration

4. The Administration was requested to provide a written response to issues raised by members and the Legal Adviser to the Subcommittee as set out in **Annex B**.

(Post-meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper

Nos. CB(2)1024/18-19 and CB(2)1047/18-19 respectively on 19 and 20 March 2019.)

III. Any other business

Suggestion of holding a public hearing

5. Dr Helena WONG suggested that a public hearing be held to receive views from deputations on the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019 ("the Amendment Regulation"). The Chairman noted that the Panel on Food Safety and Environmental Hygiene had invited members of the public, including the 18 District Councils ("DCs"), to submit written views on the extendable arrangement for public niches in April 2018, and the Administration had also separately consulted all 18 DCs or their relevant committees on the proposed implementation of the extendable arrangement.

6. The Chairman instructed that to facilitate his consideration of Dr Helena WONG's suggestion of holding a public hearing, members' views be sought on the matter by circulation of paper. If considered necessary, the public hearing would be scheduled for Monday, 25 March 2019, at 4:30 pm.

(Post-meeting note: Members were consulted on the need to hold a public hearing to receive views from deputations on the Amendment Regulation and informed of the outcome of the consultation vide LC Paper Nos. CB(2)951/18-19 and CB(2)978/18-19 issued respectively on 8 and 13 March 2019.)

Legislative timetable

7. The Chairman concluded that the Subcommittee had completed consideration of the policy aspect and examination of the provisions of the Amendment Regulation.

8. Members noted that the scrutiny period of the Amendment Regulation would expire at the Council meeting of 20 March 2019. Members agreed that to allow more time for the Subcommittee to complete the scrutiny work, the Chairman would move at the Council meeting of 20 March 2019 a proposed resolution to extend the scrutiny period of the Amendment Regulation to the Council meeting of 17 April 2019. Members noted that, if the scrutiny period was extended, the deadline for giving notice of amendments to the Amendment Regulation would be 10 April 2019 and the Chairman would report the

Action

Subcommittee's deliberations to the House Committee on 29 March 2019.

9. There being no other business, the meeting ended at 12:28 pm.

Council Business Division 2
Legislative Council Secretariat
24 April 2019

**Proceedings of the meeting of the Subcommittee on Public Health and
Municipal Services (Fees) (Amendment) Regulation 2019
on Friday, 8 March 2019, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000344 - 000502	Mr CHAN Hak-kan Mr HO Kai-ming Ms Alice MAK	Election of Chairman	
000503 - 000644	Chairman Ms Alice MAK Admin	The Administration's briefing on the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019 ("the Amendment Regulation") and the extendable arrangement for the use of public niches.	
000645 - 001235	Chairman ALA3 Admin	<p>Issues raised in ALA3's letters dated 26 February and 4 March 2019 [LC Paper Nos. CB(2)933/18-19(03) and (05)] and the Administration's response to those issues [LC Paper Nos. CB(2)933/18-19(04) and (06)]:</p> <p>(a) the legal basis for the power of the Food and Environmental Hygiene Department ("FEHD") to remove ashes from public niches and to dispose of unclaimed ashes by means of green burial, if the related persons (i.e. the niche allocatee or his/her nominated representative(s)) had not sought extension of interment and removed the ashes from the niches within two years after the expiry of the deposit period or if they could not be contacted after FEHD's repeated attempts during the time by various means;</p> <p>(b) whether it was necessary to have express provisions on the powers of FEHD to implement the removal and disposal of unclaimed ashes under the extendable arrangement in the light of similar provisions in the Public Health and Municipal Services Ordinance (Cap. 132) relating to human remains; and</p> <p>(c) whether other legislative amendments were required to give effect to the implementation of the extendable arrangement.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
001236 - 002008	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's views that the extendable arrangement meant a complete overhaul of the policies and system for allocation of public niche. The requirement on the related persons to recurrently apply for extension of interment and pay the prevailing prescribed fees was a very disturbing arrangement to the descendants, let alone imposing a financial burden on them.</p> <p>Dr Helena WONG's enquiries about and the Administration's responses on public consultation on the proposed extendable arrangement.</p>	
002009 - 002422	Chairman Ms Alice MAK Admin	<p>Ms Alice MAK's expression of appreciation for the rationale behind the Administration's proposal to implement the extendable arrangement for more sustainable use of public niches.</p> <p>Ms MAK's enquiries and the Administration's responses on measures adopted to facilitate the related persons to update FEHD of the contact list or their contact details.</p>	
002423 - 003043	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's expression of dissatisfaction that the Administration had not conducted extensive public consultation on the proposed extendable arrangement which, in her view, was controversial and had far-reaching implications.</p> <p>The Administration was requested to provide supplementary information about the progress of public columbarium development projects under the district-based columbarium development scheme.</p>	Admin (item (a) of Annex B refers)
003044 - 003948	Chairman Mr Andrew WAN Ms Alice MAK Admin	<p>The Administration's responses to the enquiries of Mr Andrew WAN and Ms Alice MAK on whether and how the Administration would adopt facilitating measures for singleton elderly without close relatives to register their wish as to how they liked their ashes to be handled after death.</p> <p>Ms MAK's views that it was pivotal for the Administration to ensure the related persons' awareness of the need to seek niche extension after the 20-year initial interment period or each</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		10-year extension period and to update FEHD of their contact details.	
003949 - 004458	Chairman Dr Helena WONG Admin	Dr Helena WONG's enquiries and the Administration's responses on whether the related persons could update the contact list or their contact details through online system.	
004459 - 004924	Chairman Admin	The Chairman's enquiries and the Administration's responses on measures that would be put in place to facilitate the related persons to apply for niche extension and to update FEHD of their contact details.	
004925 - 005438	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's view that FEHD should allow the related persons to update their contact details through online platforms.</p> <p>The Administration's advice that FEHD would create a dedicated webpage for the deceased in the Internet Memorial Service ("IMS") website. The IMS webpage of the deceased would provide a dedicated link to facilitate the related persons to update the contact list or their contact information.</p>	
005439 - 005928	Chairman Ms Alice MAK Admin	<p>Ms Alice MAK's view that with continued advancement in technology, the Administration should explore the use of online platforms for submission of applications for niche extension.</p> <p>The Administration was requested to provide supplementary information on whether it had any plan to adopt a computerized system which would facilitate the related persons to apply for extension of the deposit period and to update FEHD of their contact details through online platforms and if yes, the details of concrete measures to be adopted.</p>	Admin (item (d) of Annex B refers)
005929 - 011616	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG requested the Administration to provide information on:</p> <p>(a) once the Amendment Regulation came into operation on 26 April 2019, when the first exercise of allocating public niches (to which the extendable arrangement and the revised fees schedule applied) would take place, the target allocation date and the number of public niches to be involved; and</p>	Admin (items (b) and (c) of Annex B refer)

Time marker	Speaker	Subject(s)/Discussion	Action Required
		(b) whether the proposed extendable arrangement for public niches would have an impact on non-government bodies providing columbarium facilities and services in respect of their interment period and arrangement, e.g. the Board of Management of the Chinese Permanent Cemeteries, the Catholic Diocese of Hong Kong and the Hong Kong Chinese Christian Churches Union.	
011617 - 012446	Chairman Dr Helena WONG Ms Alice MAK	Discussion on Dr Helena WONG's suggestion of holding a public hearing on the Amendment Regulation.	
012447 - 014533	Chairman Admin Dr Helena WONG ALA3	Examination of the provisions of the Amendment Regulation (LC Paper No. CB(2)933/18-19(02)). Dr Helena WONG's enquiry and the Administration's response on the fee for temporary deposit of ashes at a Government crematorium. ALA3's advice that no discrepancy was detected between the Chinese and English versions of the Amendment Regulation.	
014534 - 014715	Chairman	Completion of consideration of the policy aspect and examination of the provisions of the Amendment Regulation. Members' agreement to extending the scrutiny period. Legislative timetable in relation to the Amendment Regulation.	

**Subcommittee on Public Health and Municipal Services
(Fees) (Amendment) Regulation 2019**

**List of follow-up actions arising from the discussion
at the meeting on 8 March 2019**

The Administration was requested to provide the following supplementary information:

- (a) in relation to the 24 sites identified for public columbaria under the district-based columbarium development scheme, the progress of respective public columbarium development projects, detailing (i) the current status of the projects; (ii) the results of consultation with relevant District Councils ("DCs") regarding each project; (iii) controversies aroused and/or difficulties encountered in taking forward the projects, if any; (iv) the Administration's next course of action and progress in following up/resolving those controversies; and (v) the target implementation or completion date of projects that had not been met with opposition from DCs;
- (b) an assessment on whether the proposed extendable arrangement for public niches would have an impact on non-government bodies providing columbarium facilities and services in respect of their interment period and arrangement, e.g. the Board of Management of the Chinese Permanent Cemeteries, the Catholic Diocese of Hong Kong and the Hong Kong Chinese Christian Churches Union;
- (c) as the Amendment Regulation would come into operation on 26 April 2019, when the first exercise(s) of allocating public niches (to which the extendable arrangement and the revised fees proposal would apply) would take place, the target allocation date and the number of public niches to be involved in the exercise(s); and
- (d) whether the Administration had any plan to adopt computerized system which would facilitate the related persons (i.e. the niche allocatee or nominated representative(s)) to apply for extension of the deposit period and to update the Food and Environmental Hygiene Department of their contact details through online platforms and if yes, the details of concrete measures to be adopted.