



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : FHB/F 7/28/20  
本函檔號 OUR REF : LS/S/19/18-19  
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**URGENT**

**By Fax (2136 3282)**

26 February 2019

Mr Gilford LAW  
Principal Assistant Secretary for Food and Health (Food)2  
Food and Health Bureau  
17/F, East Wing  
Central Government Offices  
2 Tim Mei Avenue, Tamar  
Hong Kong

Dear Mr LAW,

**Public Health and Municipal Services (Fees)  
(Amendment) Regulation 2019 (L.N. 14 of 2019)**

We are scrutinizing the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019 (L.N. 14 of 2019) ("Regulation") with a view to advising Members on its legal and drafting aspects.

It is noted that the Regulation is made to implement a new arrangement in the future allocation of public niches. Under the new arrangement, public niches will be allocated for an initial deposit period of 20 years, followed by an extension for 10 years recurrently on application and payment of the prevailing prescribed fees ("extendable arrangement").

It is further noted that, according to paragraph 6 of the Legislative Council Brief issued by the Food and Health Bureau and the

Food and Environmental Hygiene Department ("FEHD") in February 2019 (File Ref.: FHB/F 7/28/20), if the related persons (i.e. the niche allocatee or nominated representative(s)) have not sought extension of deposit and removed the ashes of human remains ("ashes") from the niches within two years after the expiry date of the deposit period, or if they cannot be contacted after repeated attempts during the time by various means, FEHD will remove the ashes from the niches and dispose of the ashes by means of green burial. To facilitate Members' consideration of the Regulation, we should be grateful if you could clarify the following matters:

- (a) the legal basis for FEHD's power to remove the ashes from the niches and dispose of the ashes by means of green burial if the related persons have not sought extension of deposit within two years after the expiry date of the deposit period, or if they cannot be contacted after repeated attempts; and
- (b) whether there will be any other legislative amendment(s) to give effect to the implementation of the extendable arrangement.

We look forward to receiving your reply in both English and Chinese as soon as possible, preferably by 1 March 2019.

Yours sincerely,



(CHUI Ho-yin, Alvin)  
Assistant Legal Adviser

c.c. DoJ  
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