



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

28 February 2019

Mr Alvin CHUI
Assistant Legal Adviser
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr CHUI,

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

Thank you for your letter of 26 February 2019. Our response to your enquiries is set out below.

In accordance with section 13(3), (4) and (5) of the Cremation and Gardens of Remembrance Regulation (Cap. 132M) (“the Regulation”), ashes may be deposited at a Government columbarium or crematorium upon payment of the prescribed fee for a period stipulated by the Director of Food and Environmental Hygiene (“DFEH”). Under the proposed extendable arrangement, the applicants will be notified in the application form that the initial deposit period will be 20 years, followed by an extension for 10 years recurrently on application and payment of the prevailing prescribed fees. If no extension of deposit period is sought (either the related persons do not seek extension or they cannot be contacted after repeated attempts by various means) and thus the prescribed fee for extension is not paid, the fixed deposit period of ashes at the Government columbarium or crematorium will come to an end upon the expiry of the period stipulated by DFEH. The ashes can then be removed from such niches.

Our intention is that, under the extendable arrangement, consent will be obtained upon application from a public niche applicant on the handling of unclaimed ashes displaced from public niches after the expiry of the deposit period, including the green burial arrangement stated in paragraph 6 of the Legislative Council Brief. The consent obtained, together with the powers under section 118 of the Public Health and Municipal Services Ordinance (Cap. 132) and section 20 of the Regulation, will enable DFEH to implement the arrangement.

In view of the above, no other legislative amendment is necessary to give effect to the implementation of the extendable arrangement.

Thank you for your kind attention.

Yours sincerely,



(Mr Gilford LAW)

for Secretary for Food and Health

c.c. DoJ (Attn: Miss Cindy CHEUK)
Legal Adviser
Senior Assistant Legal Adviser 1