

**For discussion
on 12 June 2007**

LegCo Panel on Food Safety and Environmental Hygiene

Issues relating to Scattering of Human Ashes at Sea

PURPOSE

This paper updates Members on issues relating to the Administration's proposed streamlined procedures for scattering of cremated human ashes at sea.

BACKGROUND

2. The Government encourages the scattering of cremated human ashes at sea and in Gardens of Remembrance as they help address persistent shortage of niches for cremated ashes, and are environmentally friendly. On 13 March 2007, the Administration briefed the Legislative Council (LegCo) Panel on Food Safety and Environmental Hygiene (FSEH Panel) on the streamlined application procedures for the scattering of human ashes at sea. The Panel supported the Administration's proposals to promote the scattering of human ashes at sea as an option for ash disposal. Members also suggested relaxation in the conditions upon approval so as to allow the scattering of various types of offerings such as flowers, joss paper and incense.

VIEWS FROM THE PUBLIC

3. Since the announcement of the proposed streamlined procedures, there have been concerns over the designation of particular areas for the purpose of scattering human ashes as well as the conditions to be imposed on the applicants. We have attended meetings of the concerned District Councils (DCs) or their committees (see list at **Annex A**) to explain our proposed streamlined procedures. The main issues of concern raised by district councillors and our responses are as follows.

- (a) **Possible adverse impact on the environment.** There were concerns that cremated human ashes would pollute Hong Kong waters, thereby affecting

the environment and Chinese White Dolphins that frequented Hong Kong's waters. We have explained that cremated human ashes undergo immense heating (at approximately 850°C) during cremation and are thus innocuous. The scattering of cremated human ashes at sea would not have any adverse impact on the environment. Moreover, all designated areas have been carefully chosen to minimize impact to the environment and people. According to the Agriculture, Fisheries and Conservation Department (AFCD) and Environmental Protection Department (EPD), if the approval conditions are complied with, the impact on water quality and the associated impact on Chinese White Dolphin should be within acceptable limits.

- (b) **Enforcement of conditions upon approval.** There were concerns that the conditions would be very difficult to enforce. As a result, environmental pollution and nuisance would result from the proceedings of scattering human ashes at sea. Consulted parties have been assured that the relevant enforcement departments would be informed of applications for the scattering of human ashes in advance, and enforcement actions against littering, environmental nuisance and pollution will be taken in the normal manner.
- (c) **Possible adverse impact on fishing industry.** There were concerns that human ashes may pollute sea water and adversely affect the livelihood of local fishermen. We assured them that representatives of the aquaculture and capture fisheries industries were consulted in early March 2007 and had expressed no objection to the proposal
- (d) **Designation of areas near shores of relevant districts.** There were concerns that the scattering of human ashes in areas visible to people on shore may cause uneasiness amongst local residents. We have explained that cremated human ashes are innocuous and have no adverse impact on environmental hygiene. Promoting the scattering of human ashes on sea also offers an environmentally friendly option that help alleviate persistent shortage of niches for cremated ashes.

DESIGNATED AREAS

4. The designation of specific areas within Hong Kong waters for the purpose of scattering cremated human ashes is an important part of the proposed streamlined procedures. These areas have been carefully chosen in consultation with relevant

departments to minimize the impact of scattering of human ashes at sea on the environment and on people, and refined in light of views received from the relevant DCs. The current list of designated areas is at **Annex B**. One of the selected sites has been withheld in view of strong objections raised by the relevant DCs. The Food and Environmental Hygiene Department (FEHD) will continue to liaise with the relevant parties to identify a possible replacement site, and review the list from time to time.

CONDITIONS UPON APPROVAL

5. The proposed conditions upon approval of applications are developed to prevent nuisance or pollution. On this ground, we remain of the view that the scattering of offerings such as joss paper and incense should not be allowed. However, we have no objection to the scattering of flower petals as they are unlikely to give rise to any environmental hygiene concerns. We have therefore consulted relevant departments, namely, the AFCD, EPD, Drainage Services Department (DSD), Leisure and Cultural Services Department (LCSD), Marine Department (MD) and the Water Supplies Department (WSD), with specific emphasis on the scattering of flower petals.

6. EPD is concerned that while natural flower petals are generally biodegradable, the impact of scattering them in the sea will depend on the scale and frequency of the scattering. EPD will not object to the scattering of natural flower petals if the quantity is limited to a handful of petals in each ceremony. But, it should be noted that should excessive quantities be scattered or public complaints be received about the aesthetic impacts caused by the scattering of flower petals, the department in charge will have to conduct clean-up exercise to remove debris from the sea.

7. Mindful of the feelings of the bereaved families, and in consideration of EPD's position towards the scattering of natural flower petals, MD does not object to the offering of a limited quantity of natural flower petals along with the scattering of cremated human ashes provided that the quantity to be allowed for each application will be spelt out by government to prevent excessive scattering. MD also pointed out that flower petals scattered at sea may fall within the meaning of litter under Summary Offences Ordinance (CAP.228), and that the Administration is obliged to act on complaints about littering. In this connection, they will in the meantime adopt a flexible approach towards ceremonies connected with human ash scattering and keep

in view the situation to see if imposition of additional conditions for approval, or the making of legislative amendments to CAP 228 would be necessary.

8. AFCD, DSD, LCSD and WSD have either no comment or no strong view on lifting the restriction on scattering flower petals.

9. In view of the expressed concerns of some of the DCs (paragraphs 3(b)) and departments (paragraphs 6 and 7), we will impose the conditions set out at Annex C. FEHD may make revision to the conditions from time to time in the light of practical experience and in consultation with concerned parties.

PROMOTION IN PARTNERSHIP WITH NON-GOVERNMENT ORGANISATIONS (NGOs)

10. To promote the scattering of cremated human ashes at sea and Gardens of Remembrance as options for handling human remains, FEHD will forge a closer partnership with NGOs which provide services targeting elderly persons. At a recent discussion forum arranged by FEHD, the NGOs advised that many of their service clients were receptive to these options and would like to receive more information on them. We would work closely with the NGOs by providing publicity and information materials for distribution through them to interested parties. We will also distribute information leaflets to the public at public mortuaries, hospitals and elderly homes, and put up notices at FEHD cremation booking offices, cemeteries and crematoria permit offices, and FEHD website.

ADVICE SOUGHT

11. Members are invited to note the updates outlined in this paper. Subject to Members' views, we plan to implement the streamlined procedures in July 2007, so that approval will be granted within 5 working days from the date of application for scattering human ashes within one of the designated areas.

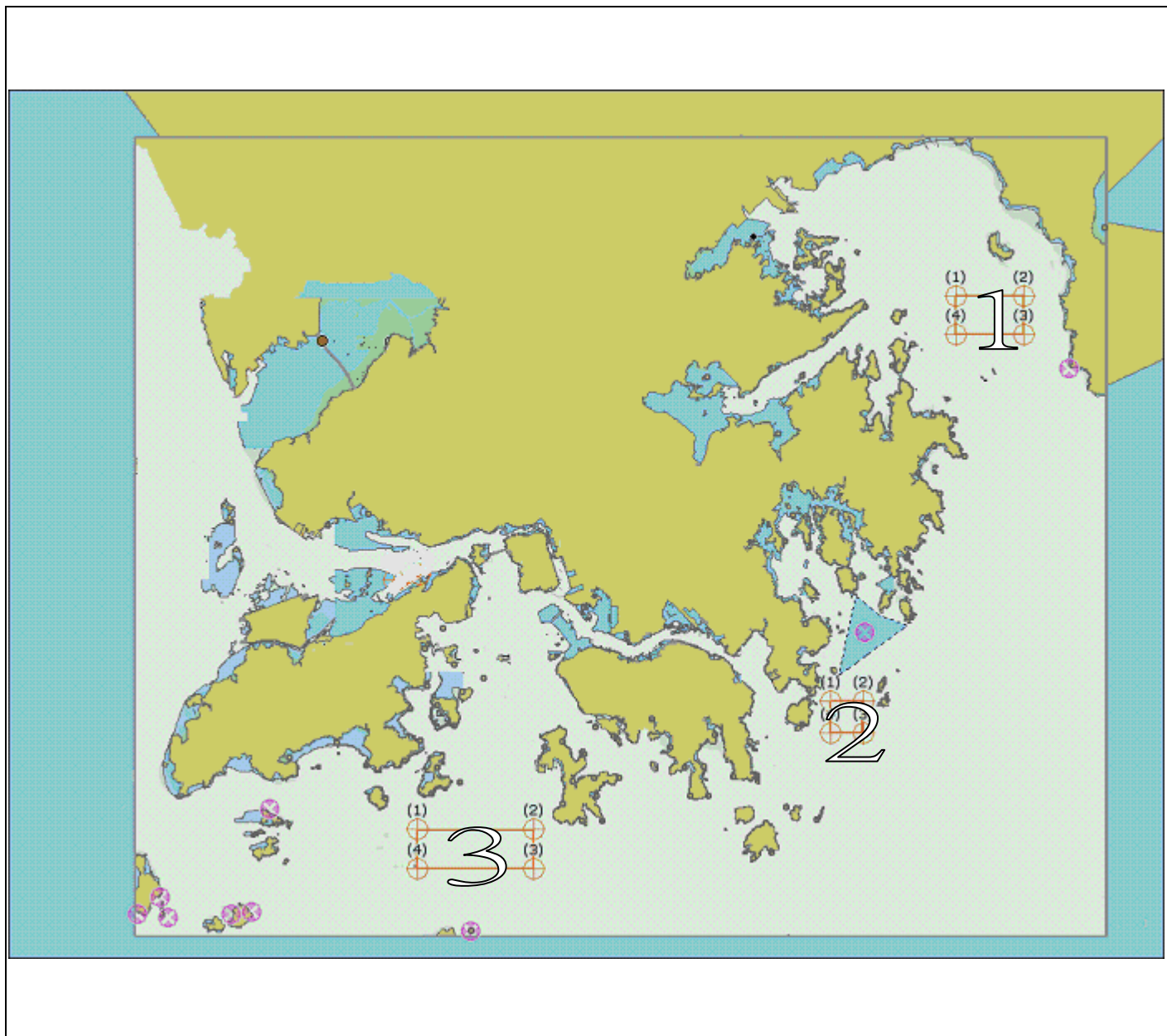
**Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
June 2007**

List of District Councils and Committees Briefed

8 May 2007	Tuen Mun District Council
18 May 2007	Tai Po District Council – Environment, Housing and Works Committee
25 May 2007	Southern District Council – Environment and Hygiene Committee
28 May 2007	Islands District Council – Environment Improvement and Food Hygiene Committee
29 May 2007	Tsuen Wan District Council
Early June 2007	Sai Kung District Council (Information paper on the subject issued on 7 June 2007.)

Annex B

**List of Designated Areas for the
Scattering of Human Ashes at Sea**



	Designated Area No. 1	Designated Area No. 2	Designated Area No. 3
	East of Tap Mun	East of Tung Lung Chau	South of West Lamma Channel
(1)	22-30.83N 114-24.1E	22-15.38N 114-18.7E	22-10.50N 114-01.0E
(2)	22-30.83N 114-27.0E	22-15.38N 114-20.1E	22-10.50N 114-06.0E
(3)	22-29.36N 114-27.0E	22-14.18N 114-20.1E	22-09.00N 114-06.0E
(4)	22-29.36N 114-24.1E	22-14.18N 114-18.7E	22-09.00N 114-01.0E

Conditions for Scattering of Human Ashes at Sea

1. Except with the written approval of the Director of Food and Environmental Hygiene, scattering of ashes shall only take place at the specified time, date and location.
2. No food, ritual offerings or any other objects shall be thrown into the sea except the ashes of the deceased and a handful of natural flower petals for symbolic purposes, which approval has been secured.
3. The permitted person or his/her authorized person shall observe all other pertinent ordinances or regulations of Hong Kong when scattering the cremated ashes into the sea.
4. The ceremony for the scattering of cremated ashes shall be held on board of the vessel by the permitted person or his/her authorized person.
5. In case other vessels, for example fishing vessels, are present at approved locations, scattering of ashes should be conducted away from the vessels.
6. In case dolphins are present at approved locations, scattering of ashes should be conducted after all dolphins have left the area.