

**Extract from minutes of meeting of the Panel on Food Safety and
Environmental Hygiene held on 13 March 2007**

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Action

IV. Scattering of cremated human ashes at sea

Presentation by the Administration

6. Assistant Director (Operations)2 of Food and Environmental Hygiene Department (AD(Operations)2/FEHD) briefly presented the Administration's proposal for scattering cremated human ashes at sea, as detailed in the Administration's paper [LC Paper No. CB(2)1258/06-07(01)]. AD(Operations)2/FEHD advised that, under section 118(1) of the Public Health and Municipal Services Ordinance (Cap. 132) ("the Ordinance"), it was an offence for any person to, without the written permission of the Director of Food and Environmental Hygiene, scatter ashes of any human remains after cremation, other than in a cemetery. He said that scattering of cremated human ashes at sea had been practised in some parts of the world for some time. Apart from scattering in the Gardens of Remembrance (GOR), scattering of cremated human ashes at sea could be another way to address the persistent shortage of niches for cremated ashes. To facilitate the applicants for scattering of human ashes at sea, the Administration would streamline the application process and simplify the internal administrative procedures for approving such applications. A standard application form would be prepared by the Food and Environmental Hygiene Department (FEHD). AD(Operations)2/FEHD further said that the Administration proposed to designate four areas within Hong Kong waters for the purpose of scattering ashes, the details of which were set out in the Annex to the Administration's paper. The approval for application would be granted by FEHD within five working days if the proposed location for the scattering of human ashes was within one of the four designated areas and the conditions as set by the relevant departments were met.

7. AD(Operations)2/FEHD advised that, to prevent nuisance and/or pollution, the Administration proposed to impose certain conditions on the ceremony for the scattering of cremated ashes at sea, which were set out in the Administration's paper.

Promoting the wider use of the scattering of cremated human ashes at sea

8. Mr WONG Kwok-hing said that he welcomed the Administration's proposal to promote the scattering of human ashes at sea. However, he commented that the Administration's paper did not provide any information on the ways to encourage the public to dispose of cremated ashes of the deceased at sea instead of burials and niches. He was of the view that the Administration should not simply regard it as a measure to alleviate the shortage of burial grounds and niches and that a proactive

Action

approach should be taken to widely promoting it as an environmental way of ash disposal.

9. Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that the Administration was positive about promoting the scattering of human ashes at sea. As briefly presented by AD(Operations)2/FEHD, the Administration had drawn up proposals to facilitate the application and arrangement for the scattering of ashes at sea including streamlining the application for and processing of applications and designating four particular areas for the purpose of scattering ashes. DS(FEH) added that the nearest proposed area from a public pier was about 5 nautical miles and the farthest one about 7.5 nautical miles. The proposed designated areas were quite convenient for the public as it only took about 20 to 30 minutes from nearby piers to reach the areas.

10. DS(FEH) further said that suitable publicity would be made through various channels including posting of notices and distribution of pamphlets at the FEHD cremation booking offices and cemeteries and crematoria offices. The Administration would also consider other ways to step up its publicity efforts to promote the acceptance and wider use of the scattering of human ashes at sea.

11. Mr WONG Kwok-hing expressed disappointment with the Administration's response. He said that the Administration did not provide any concrete ways to promote the scattering of human ashes at sea. He opined that the Administration should consider putting up Announcements of Public Interest on TV as one of the ways to publicise and promote the scattering of cremated human ashes at sea.

12. The Chairman asked if the Administration would consider providing any incentives to the bereaved families to attract them to return unwanted or vacated niches and to dispose of cremated ashes at sea. He said that, given that there would be savings from the costs of constructing the columbarium facilities, recurrent management and maintenance, the Administration should consider providing refund to the bereaved families as an incentive to attract them to return vacated niches. Mr WONG Kwok-hing shared a similar view with the Chairman.

13. Dr KWOK Ka-ki said that, while he shared similar views with other members on providing incentives to attract the bereaved families to return vacated niches, he considered that promotion and education played a key role in encouraging the public to scatter human ashes at sea as an alternative way of ash disposal. He further said that the Administration should consider streamlining the current procedures and/or working out new administrative arrangements to facilitate the bereaved families who might wish to exhume the remains of the deceased from graves, cremate them and dispose of cremated ashes at sea.

14. On members' suggestion of providing incentive, DS(FEH) said that, as he had explained in previous meetings, refund to the bereaved families might not be the best and appropriate measure to encourage them to return empty or vacated niches for re-allocation. Given that the purchase price for niches was a one-off payment at around \$3,000 to \$4,000, a refund of even a high percentage of the purchase price of niches

Action

would not be very attractive. Moreover, the Administration should be prudent in considering any proposal which involved spending of public money. DS(FEH) further said that, in promoting and encouraging the wider use of the scattering of cremated ashes at sea, education and dissemination of relevant information would be more important than the provision of monetary incentive.

15. Mr WONG Kwok-hing asked if the Administration would consider the scattering of ashes at sea as a way of disposing the cremated ashes of unclaimed dead bodies. He said that the Administration could consider soliciting support from the celebrities, prominent personages and councillors to help promote scattering of cremated ashes at sea. The Deputy Chairman held a different view on Mr WONG's suggestion and considered that, unlike the organ donation campaign, promoting the scattering of cremated human ashes at sea by soliciting support from local celebrities might not be appropriate.

16. DS(FEH) responded that the Administration appreciated members' suggestions on promoting the scattering of human ashes at sea and would take into account members' views in considering ways to promote this relatively new way of ash disposal.

17. As regards the disposal of unclaimed dead bodies, AD(Operations)2/FEHD explained that, under the current arrangement, the cremated ashes of unclaimed dead bodies would be kept for about six months. If the cremated ashes were not claimed after six months, the Government would inter the ashes in the Communal Grave at Sandy Ridge Cemetery.

Application for scattering cremated human ashes at sea

18. The Deputy Chairman enquired if the applicants were required to pay any fees. DS(FEH) confirmed that no application fee was required for the application for the scattering of human ashes at sea.

19. Mr WONG Kwok-hing said that, to encourage the public to dispose the ashes of the deceased at sea, the Administration should make the application form more user-friendly with various options of disposal of cremated ashes, e.g. niches, GOR and the scattering of ashes at sea, etc. on the same application form for cremation service. He asked if the application for cremation service and the scattering of cremated ashes could be made at the same time and whether the processing time for the application could be shortened.

20. DS(FEH) said that there would be two separate forms for the application of cremation service and the scattering of cremated human ashes at sea. However, applicants could submit the two forms concurrently at the FEHD cremation booking offices. AD(Operations)2/FEHD explained that five working days were the longest processing time and approval might be granted earlier if the applicant had provided all necessary information and the application met all the approving conditions.

21. Dr KWOK Ka-ki said that there was a shortage of burial grounds for the dead

Action

bodies of pets and of the disposal of the cremated ashes of pets. He wondered if the current proposal for scattering ashes at sea would be applicable to cremated animal ashes.

22. DS(FEH) responded that the scope of application of the relevant provision of the Ordinance was confined to the disposal of cremated human ashes and the Administration had no plan to extend the current plan to cremated animal ashes at this stage.

23. Mr WONG Yung-kan asked if the applicant was required to re-submit the application form in case of inclement weather on the date approved for holding ash scattering ceremony.

24. DS(FEH) said that re-submission of application would not be required in such circumstances. However, the applicant should notify FEHD of the change of date as early as possible. AD(Operations)2/FEHD added that, upon receipt of the notification from applicants, FEHD would inform other departments concerned.

25. Mr WONG Yung-kan enquired if the owner of a licensed fishing vessel could use his fishing vessel for his family member's ash scattering ceremony, which would be attended by other family members on the vessel.

26. DS(FEH) said that, to his understanding, Marine Department would not raise objection in such cases. However, given that fishing vessels meant vessels employed in sea fishing by way of trade and that the operating licence of a fishing vessel did not permit the carriage of passengers, fishing vessels should not be used for providing ash scattering services commercially.

Proposed locations for scattering cremated ashes

27. Dr KWOK Ka-ki said that, while he welcomed the Administration's proposal, he was concerned about the distance between the proposed areas and land. Referring to designated area no. 2 and no. 4 as shown in the Annex to the Administration's paper, he said that there were many pleasure vessels in these areas, especially at weekends and public holidays and that the scattering of human ashes in the vicinity of these areas might cause inconvenience to sea travellers. He wondered if there would be a registration system in place to control the vessels providing ash scattering services.

28. DS(FEH) said that the Marine Department had been consulted on the Administration's proposal and considered that the current conditions or restrictions on different classes of local licensed vessels would be sufficient in respect of the control over the vessels for ash scattering services. He added that there was a maximum capacity of passengers and crew set under the conditions of the operating licence of licensed vessel and there would be a penalty for breaching the conditions and restrictions attached to the licence. On the distance between the proposed designated areas and land, DS(FEH) reiterated that the nearest designated area from a public pier was about 5 nautical miles and the farthest one about 7.5 nautical miles.

Action

29. Mr WONG Yung-kan said that, apart from the four designated areas, the Administration should consider granting approval for applicants to dispose cremated human ashes into waters which were far away from populated areas and mariculture zones and marine parks.

30. DS(FEH) explained that the proposal to designate four particular areas for scattering cremated ashes was to facilitate the public's application for scattering ashes at sea. If the proposed location for scattering human ashes was within one of the four designated areas and the approving conditions imposed were met, an approval for the application would be granted by FEHD within five working days. DS(FEH) said that the applications for the scattering of human ashes at other areas of waters would be processed on a case-by-case basis in accordance with section 118(1) of the Ordinance. Upon receipt of the application, FEHD would consult the relevant departments to decide whether it could be approved.

Proposed approving conditions to be imposed

31. Mr WONG Kwok-hing expressed reservations about the prohibition of dumping of flowers into sea to prevent pollution. He considered that the restriction on dumping of flowers was too stringent and should be relaxed. He wondered if the Administration had made reference to the Mainland's practices in this respect in considering the conditions to be imposed on the ash scattering ceremony at sea. He said that he noted from newspapers reports and TV news that petals were often tossed with the cremated ashes of the deceased in the Mainland.

32. The Chairman shared a similar view with Mr WONG. He considered that the imposition of such a ban would not be conducive to the promotion of the scattering of human ashes at sea.

33. DS(FEH) explained that the prohibition of dumping of flowers into sea was proposed as they might contain wire, clips, plastic wrappings and other items that could not degrade and cause pollution.

34. The Deputy Chairman said that the Administration should adopt a more lenient policy on setting the conditions to be imposed on the scattering of human ashes at sea. In view that it was quite common for the bereaved families to throw flowers into sea as a final tribute to the deceased and that flowers could degrade, dumping of flowers should not be prohibited. He considered that objects which were part of funeral rituals and would not pollute the environment should not be prohibited. The Administration should work out detailed and clear guidelines on the approving conditions for the scattering of ashes at sea. The guidelines should advise the bereaved families of the objects that could not be dumped into sea such as plastic wrappings, wire, metal and plastic ornaments attached to the flowers, etc. He hoped that the Administration would amend the proposed approving conditions to be imposed and implement the proposed application procedures as soon as possible.

35. DS(FEH) responded that the present proposals were put forward to gauge members' views. The Administration was open-minded on the approving conditions to be imposed on the ceremony for the scattering of human ashes at sea. The

Action

Administration would consider members' views and would study the feasibility of allowing petals to be scattered into sea. DS(FEH) stressed that the Administration would impose appropriate approving conditions with a view to minimising nuisance to marine traffic, noise or water pollution and psychological impact that might be caused by the scattering of human ashes at sea. He added that the target date for announcing the procedures was by end April 2007.

36. The Deputy Chairman said that, given that the four proposed areas were quite remote, it was rather impossible to enforce the approving conditions imposed. He considered that public education and self-discipline would be more important than enforcement by the government departments concerned. He further said that the imposition of stringent approving conditions would defeat the objective of the proposal to encourage the scattering of cremated human ashes at sea as an alternative to burials and niches.

37. DS(FEH) responded that the Administration would give thought to members' views and suggestions in its consideration of the conditions to be imposed on the scattering of ashes at sea. He added that a more relaxed approach would be adopted as appropriate.

38. Mr WONG Yung-kan said that he was supportive of the Administration's proposal. He advised members that the Administration had consulted the fishing trade and the fishing trade did not raise objection to the proposal. However, he shared similar views with other members that the ban on dumping of flowers was unreasonable and should be lifted. He pointed out that flowers were common offering in the funeral rituals of Buddhism and Christianity. Given that the currents in the four proposed areas were strong and fast flowing, he was of the view that the Administration should consider allowing the scattering of ashes of burned offerings and joss paper at sea.

39. DS(FEH) reiterated that the Administration would consider members' suggestion of allowing the dumping of petals. On the suggestion of relaxing the restriction on dumping of offerings and joss paper, DS(FEH) said that the principal concern was nuisance and pollution to the environment arising from the voluminous amount of ashes of offerings, joss paper and incense in the sea, particularly when several bereaved families holding ash scattering ceremonies at the same designated area. The Administration would take into account its possible environmental, visual as well as psychological impacts in deciding on the relaxation of the ban on dumping of ashes of offerings and joss paper.

40. On the Administration's responses, Mr WONG Yung-kan said that burning of offerings and joss paper was part of the Buddhist funeral rituals and the imposition of a ban on scattering of the ashes of these objects also departed from the Chinese tradition of memorial service to the deceased. He commented that the Administration should make reference to various religious funerals and rituals for memorial service for the deceased when considering the conditions to be imposed on the application for the scattering of human ashes at sea.

Action

41. The Deputy Chairman said that, in deciding the approving conditions, due consideration should be given to ensuring that no inconvenience would be caused to the bereaved families and that the objects prohibited for dumping should be based on the principle of protecting the environment. Objects which could degrade should be allowed if that were offerings commonly used in religious funeral rituals.

42. Dr KWOK Ka-ki said that he agreed that an appropriate amount of flowers should be allowed in the ash scattering ceremony. However, he held a different view on relaxing the ban on dumping of offerings, and joss paper into the sea. He considered that a certain extent of control in this regard was necessary to prevent pollution to the environment. He was worried that the growing popularity of ash scattering at sea would cause serious environmental problems.

43. DS(FEH) responded that the relevant departments concerned would take enforcement actions against littering, environmental nuisance and pollution. He stressed that the Administration would take into consideration members' views and the possible effects on the environment in deciding on the conditions to be imposed on the scattering of human ashes at sea.

44. In concluding the discussion, the Chairman said that members did not raise objection to the Administration's proposals to promote the wider use of the scattering of cremated human ashes at sea. However, members were of the view that the proposed ban on dumping of flowers should be relaxed and lifted. On the prohibition of dumping of offerings, joss paper and incense at sea, members expressed different concerns and views. The Chairman urged the Administration to make reference to common religious funeral rituals and take note of members' views. The Administration was requested to inform the Panel of the details of the approving conditions to be imposed before announcing the procedures for processing applications for the scattering of human ashes at sea in April 2007.

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