

To: Food Division, Food and Hygiene Bureau
(20/F, Murray Building, Garden Road, Hong Kong)

(Email address) : ccc@fhb.gov.hk (Fax no) : (852)2136 3281

With regard to the consultation document on the review of columbarium policy, I have the following views:

I) The problem of enforcement against unauthorised columbarium

We strongly request the relevant departments take enforcement action to order those (a) columbarium currently under development to immediately cease work; (b) columbarium which are operating illegally must be ban immediately.

All legal columbarium development should be in compliance with Town Planning Ordinance, Building Ordinance, Fire Services requirement and publicly consulted before any construction could be started. We should not allow any illegal columbarium of operate against the existing ordinance.

The authorities must immediately take legal action against unauthorised and illegal columbarium developments now. There should be no regularization and concession given to those illegal columbarium. There is no reason to give them the right to operate illegally until the new legislation put in force. What happen if these columbarium are not legal and will not comply with new legislation in the future? General public will suffer at the end.

We understand Food and Hygiene Bureau is going to prepare List A and List B columbarium operators in Hong Kong. For List B category, it is still very misleading and no clear indication to those columbarium that will not be accepted and approved by your Department to operate as columbarium. The Government is giving wrong hope and expectation to the general public and also the columbarium operators that List B columbarium will be upgraded to List A eventually. This will create a lot of court cases and arguments later on. All the built columbarium will be in a dead lock position and takes years to resolve or not able to resolve.

If the Government is not acting now, there will be no control and giving more opportunities to those operators to open more and more columbarium in different area and location before the legislation take place. This would only create a much bigger problem in the future. As you would aware, more and more illegal private columbarium are now under construction in the last couple of months since the Government is now undergoes the consultation process. These operators are going to make it a fact that they are operating before the new legislation is come in force. This is totally wrong and irresponsible act.

The government should set up a special enforcement taskforce specifically look into reports by citizens of cases of suspected unauthorised building of columbarium.

The police and ICAC must get involved and investigate unauthorised development projects especially in villages, in order to see if any persons have abused their position to receive favours and so indiscriminately sign documents of proof and raise prosecutions. It is very obviously that some decision making personnel have been given favours to let go with columbarium projects inside villages.

Myself is one of the resident suffering by the disturbance, the building right next to my apartment is now operating as columbarium named (To Fu Shan Temple in Sheung Wo Che Village in Shatin). I have put forward a complaint to Lands Department in 2009, ever since I suspect the area is going to build a private public columbarium that is against the terms of conditions of Sales from Lands Department. 2 years has gone and now they have completed the columbarium and open for business.

Even though I have received the written letter reply from Lands Department confirming that no columbarium are allowed to be build in the area. To Fu Shan Temple has taken no notice and are still opened for business and selling illegal columbarium niches to the public

The Government has taken no action against these illegal premises. Should they be listed in List B? Will the Government to accept them and upgraded to List A? What happen to those people who have brought the private niches from To Fu Shan Temple? Does Government give enough warning to these people? In case of lawsuit, it will drag on years. Will it be fair to the all local resident in Sheung Wo Village?

No serious action has been taken by the Government to stop the business, situation is getting deteriorating. More and more citizens are cheated by this illegal columbarium. They are operating without really taking any concern on Fire Service requirement, escape route, road traffic and environmental aspects. No approval has been giving by the Town Planning Department at all.

All illegal columbarium or construction must be stopped.

II) On supply of columbarium niches, government-led is an important principle.

Government should provide at least 85-90 percent of columbarium niches for the general public. Remaining can be operated by private sector as some local citizen may prefer to use the facilities from private operator.

It is the responsibility of the Government to provide columbarium niches for the people of Hong Kong. Why should the private section take the major role in the columbarium business? Private columbarium niches are charged from an average of HK\$ 30,000 to HK\$ 300,000.0 for an average construction cost of HK\$ 7,000.

Speculation on private niches price should be controlled. The authorities must put forward a timetable for supply of public columbarium and supply in stages to let the general public know the available of columbarium.

Hong Kong Government should control and provide and steady supply of columbarium niches. Different forms columbarium niches inside buildings, like the one in Japan is a good alternative to solve the solution. The columbarium in Chai Wan run by CMCP is also in the forms of building.

III) Problem of clarification on legislating on columbarium

Taking three years for legislation is too long, we strongly suggest the Government should complete the legislative process within this current administration. A large of suspected unauthorized buildings of columbarium are now being under construction before Government enforce the new columbarium policy. These developments should be stopped immediately. It would be difficult and not possible to control and regulate these illegal columbarium after the new columbarium legislation, probably a few years' time from now.

The Government should establish whether cremated ashes are human remains or not so that no grey area will be allowed. At the present moment Government departments have great difficulties to take strong action against illegal niches. At present over 95 % of illegal columbarium in operation now are not allowed to store any human remains.

IV) Include private land near country parks within "Development Permission Areas" plans °


Private development is looking every opportunity for areas at country parks within "Development Permission Areas" plans. It is a big loop holes that quite a no of private developers are now planning to build columbarium in these private land. There is no legislation controlling this type of development and all country parks will be destroyed. New legislation should enforce immediately to review & stop these kinds of developments. One it is allowed, it is not possible to reinstate the scene and our country will be diminishing very soon.

V) Regarding the problem of regulation of columbarium operators:

I agree with Government proposals for licensing for the regulation of columbarium in List A. However there should be an independent department or taskforce for investigation and enforcement. These should be set up a top priority as for assessing whether to issue a license to columbarium operators.

For legal columbarium niches, buy and sales of niches and sales personnel should be monitored by proper buy and sell contracts and but not in the form of service contract. All sales personnel should be registered with licenses. This issue has been brought to attention of Consumer Counsel and people must be well educated what type of columbarium are legal and also the legal rights.

A close monitoring and punishment scheme should be employed. All legal columbarium operators should abide the conditions set by the Planning Department, Town Planning Board, Lands Department, Fire Services Department, Environmental Protection Department and other departments which will be involved. There should be a proper communication channel with the public in dealing with the complaints for any Illegal conducts before and after construction work and also affection to local residents. It is important that project should be accepted and approved by residents next door, development of columbarium should not damage the ecology and environment during the construction.

Signature :  Name : Mr. Kwan Sai Chi and Family

Date : 15-9-2010



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來函檔號 Your Ref:

覆函請註明本署檔號
Please quote our reference in response to this letter.

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22 June 2009

(Attn: Mr. KWAN Sai-chi)

Dear Sir,

Lot 540 s.A and R.P. in DD 185

Thank you for your letter of 25 May 2009 which was received by this office on 27 May 2009.

I wish to advise that this office has not given any approval for construction of columbarium at the above lot or for amendment to the terms and conditions of the lease of the above lot.

Thank you for your kind attention. Please feel free to contact the undersigned if you have further question.

Yours faithfully,

(Miss Fanny NG)
for District Lands Officer, Sha Tin