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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 8 January 2013**

**Usage and promotion of Gardens of Remembrance, scattering cremains at
sea and Internet memorial service**

Purpose

This paper summarizes the concerns of the members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on issues relating to the scattering of cremains in Gardens of Remembrance ("GoRs") and at sea, and provides background information on the Internet memorial service provided by the Food and Environmental Hygiene Department ("FEHD").

Background

2. The usage and demand of public and private columbarium facilities are issues of wide public concern. Apart from building more new columbarium facilities, the Government also seeks to explore various sustainable methods of handling cremains. For instance, the Government has in recent years actively promoted the scattering of cremains in GoRs or designated Hong Kong waters. These two ways of handling cremains are free of charge or of low cost.

3. Currently, there are 10 GoRs under the management of FEHD. They are located in the eight public columbaria in Cape Collinson, Diamond Hill, Wo Hop Shek, Fu Shan, Kwai Chung, Cheung Chau, Peng Chau and Lamma Island. According to the Administration, the number of applications for

scattering cremains in GoRs has increased considerably from 383 in 2008 to 1 648 in 2011.

4. Apart from GoRs, members of the public can also choose to scatter cremains in designated Hong Kong waters, i.e. to the east of Tung Lung Chau, east of Tap Mun and south of West Lamma Channel. To encourage the public to adopt environmentally friendly burials, FEHD has since January 2010 launched a pilot scheme to provide weekly free ferry service to facilitate the scattering of cremains at sea. According to the Administration, the number of applications for scattering cremains at sea has increased substantially from 160 in 2007 to more than 600 in 2011. Since January 2012, FEHD has further enhanced its free ferry service by employing a bigger vessel, which could accommodate more than 200 passengers for a sea voyage, to provide a spacious venue for family members and friends to hold memorial ceremonies for the deceased.

5. FEHD has also introduced the Internet memorial service since June 2010. Members of the public can upload words, photographs and video clips to a "Memorial" webpage (www.memorial.gov.hk) in remembrance of the deceased who were buried or cremated at public cemeteries or crematoria, or whose cremains were kept in public columbaria or scattered in GORs or designated Hong Kong waters. The online memorial service provides convenience to the public to pay their tribute to their loved ones as it is free from time and location constraints. As at April 2011, over 3 400 web pages had been created in remembrance of the deceased on the "Memorial" website.

Deliberations of the Panel

6. The Panel discussed issues relating to the scattering of cremains at sea or GoRs at a number of meetings between 2007 and 2011. The deliberations and concerns of members are summarized below.

Scattering cremains at sea

7. Members generally welcomed the Administration's proposal to promote the scattering of cremains at sea. They urged the Administration to streamline the application process and shorten the processing time for applications.

According to the Administration, there were two separate application forms for the cremation service and the scattering of cremains at sea. Applicants could submit the two application forms concurrently to FEHD which had undertaken to approve an application for the scattering of cremains at sea within five working days if the proposed location for scattering cremains was in the designated areas. The processing time for an application for scattering cremains at non-designated areas would be longer as FEHD had to consult other relevant government departments before deciding on the application.

8. Some members expressed concern about the designated areas for scattering cremains. They considered that the designated areas should be far away from the marine fish culture zones, marine parks and populated areas so as to minimize obstruction to marine traffic, nuisance to the people on board other marine vessels or on land or other environmental pollution problems.

9. While agreeing that applicants should be required to comply with certain conditions for scattering cremains at sea, some members had expressed reservations on the proposed prohibition of throwing flower petals into the sea. In their view, such act was a common practice of the bereaved families to pay final tribute to the deceased and a ban on such act would not be conducive to the promotion of the scattering of cremains at sea. Given the designated areas were quite remote, members also considered it rather impossible for FEHD to enforce such a ban. The Administration subsequently relaxed the restriction by allowing a handful of natural flower petals to be thrown into the sea for symbolic purposes. Members were advised that, for general reference, the amount of flower petals that a 250 ml-container could hold would be regarded as acceptable. While some members agreed that there should be a limit on the amount of flower petals thrown into the sea, some other members considered it too stringent to set such a limit. According to the Administration, flower petals scattered at sea might fall within the meaning of "litter" under the Summary Offences Ordinance (Cap. 288). The purpose of imposing a limit on the amount of flower petals thrown into the sea was to minimize impacts on marine traffic, noise and water pollution arising from the scattering of cremains at sea.

10. Members expressed divergent views on the time allowed for holding ceremonies of scattering cremains at sea. Some members took the view that the ceremonies should be held during daytime to reduce the possible noise nuisance to the people on land. Some other members were of the view that

holding the ceremonies at night should be allowed to cater for special circumstances of individual applicants. The Administration advised that FEHD would exercise discretion on approving applications with justifications for holding the ceremonies at night time on a case-by-case basis.

11. There were reports that urns with cremains were netted by fishermen in waters where the pilot scheme of the cremains scattering service took place. Many members expressed concern as to whether the service users of the pilot scheme had been advised not to dispose of urns into the sea and the actions taken by the Administration to monitor the conduct of the cremains scattering service.

12. According to the Administration, scattering cremains at sea could only take place at one of the three designated areas which were away from the fish culture zones and prior approval for performing the service should be obtained from FEHD. The pilot scheme run by FEHD forbade any disposal of urns into the sea. For people who rented private boats for the cremains scattering service, FEHD had reminded families of the deceased, licensed undertakers and vessel operators not to dispose of urns or other offerings into the sea.

Promotion of scattering cremains at sea and GoRs

13. Members called on the Administration to step up its effort in education and publicity to encourage the public to scatter cremains of their loved ones in designated areas or GoRs in order to promote environmentally friendly interment. Consideration should be given to broadcasting more related publicity messages such as Announcements in the Public Interest ("APIs") on television and radio. There was also a suggestion that the Administration should follow the practice of the Mainland authorities by subsidizing the cost of scattering cremains at sea.

14. The Administration advised that it had been promoting such alternative ways of burials through the non-governmental organizations operating elderly and end-of-life care services. FEHD also promoted its cremains scattering service in designated Hong Kong waters and GoRs through various channels, such as posting of notices and distribution of pamphlets at FEHD cremation booking offices and cemeteries, crematoria and FEHD website. FEHD had also launched a pilot scheme on the provision of weekly free ferry service since

January 2010 to facilitate the scattering of cremains in the waters to the east of Tung Lung Chau.

15. There was a suggestion of providing a refund of a certain percentage of the purchase price of public niches to provide bereaved families with an incentive to choose to scatter cremains at sea and return unwanted or vacated niches in public columbaria.

16. According to the Administration, given the purchase price for niches was a one-off payment at around \$3,000 to \$4,000, a refund of a certain percentage of the purchase price of niches would not be a very attractive and appropriate measure to encourage the adoption of the scattering of cremains at sea. The Administration considered education and dissemination of relevant information more important than the provision of monetary incentives. The Administration assured members that it would continue its efforts to promote the transformation of social customs and encourage the public to use sustainable means of handling cremains.

Relevant question raised by Member at Council meeting

17. At the Council meeting of 2 May 2012, Hon WONG Yung-kan raised an oral question concerning the scattering of cremains at sea. An extract from the Official Record of Proceedings of the Council on the question is in **Appendix I**.

Relevant papers

18. A list of the relevant papers on the Legislative Council website is in **Appendix II**.

public. Are you working with full dedication until the last minute of service to safeguard the rights of the public, or are you depriving them of their rights?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I think Ms Cyd HO does not have to jump to a premature conclusion in this respect. Over the years in the past, both before and after the reunification, the structure of the Government had undergone several times of restructuring. The objectives of the restructuring were to support the delivery of governance or to make adjustment to the structure in response to the priorities of certain policies. As I said earlier, the concept of restructuring is certainly proposed by the Chief Executive-elect and the Chief Executive-elect's Office, where the incumbent Chief Executive and his governing team will undertake to co-operate. I have stated earlier that if it is necessary to gauge the views of various sectors, I think the Chief Executive-elect's Office will hear the views expressed by Members today. When co-operation of the current-term Government is needed, we are willing to do so.

PRESIDENT (in Cantonese): This Council has spent 23 minutes on this question. Fifth question.

Sea Burials

5. **MR WONG YUNG-KAN** (in Cantonese): *President, in recent years, some members of the public choose to handle the cremated ashes of their deceased relatives by scattering the ashes at sea (sea burial), and the Food and Environmental Hygiene Department (FEHD) has also designated a number of sea burial locations for members of the public to scatter ashes legally. However, as some of the designated locations are close to the Tung Lung Chau marine fish culture zone, the fishing community is concerned that the ashes and offerings may spread to their marine fish culture zones and fishing grounds, thereby polluting the marine produce and affecting the health of the public. In this connection, will the Government inform this Council:*

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

- (a) *whether the Government will conduct detailed research and assessment to find out if there are residual germs or other pollutants in the ashes scattered at sea, and assess the health risk members of the public are exposed to in consuming marine produce contaminated by ashes, so as to address public concern;*
- (b) *whether the Government will conduct a study to remove the waters east of Tung Lung Chau from the list of designated sea burial zones and identify other waters (for example, the waters east of the Ninepin Group) far away from fisheries activity zones for conducting sea burials; and*
- (c) *given that the Government does not comprehensively monitor the sea burial services provided by private operators at present, and only relies on the self-discipline of the industry, whether the Government will consider introducing measures to prevent such operators from scattering ashes at waters outside the designated zones, and dumping the offerings or ash containers at sea which will pollute the waters?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, the Government encourages the scattering of cremated ashes of the deceased at sea or in Gardens of Remembrance, as this helps promote the disposal of cremated ashes of the deceased in a more sustainable way and is in line with some people's choice for returning cremated human ashes to the embrace of nature. In 2011, the FEHD processed about 660 applications for scattering of cremated ashes of the deceased at sea, representing 1.7% of all cremation cases in the year. The scattering of ashes which have been cremated at high temperature at sea does not pose any threat to public health. Besides Hong Kong and the Mainland, scattering of cremated ashes at sea has been practised in other parts of the world like Korea and Taiwan. This approach is environmental-friendly and can facilitate sustainable development under limited resources. Furthermore, it offers an additional choice to the public.

Since January 2010, to further encourage the scattering of cremated human ashes at sea, the FEHD has been providing free ferry services. In mid-January 2012, the FEHD has enhanced its services by employing a bigger vessel to offer a

more stable and comfortable sea voyage. A funeral director will also be on board to assist family members in the memorial ceremonies.

The reply of the Food and Health Bureau to the three parts of the main question raised is as follows:

- (a) With the cremation at high temperature of 850 degree Celsius, the main contents left in the human ashes are inorganic phosphorus and calcium which do not carry any pathogens. They are therefore innocuous to the health of human and marine products. Hence, even marine products have been in contact with the ashes, consuming them will not pose any harmful effect to human and there should not be any public health concerns.
- (b) Currently, there are three designated areas for scattering of cremated human ashes at sea, namely east of Tap Mun, east of Tung Lung Chau and south of West Lamma Channel. The above areas were selected in consultation with relevant government departments, including Marine Department, Environmental Protection Department (EPD), Agriculture, Fisheries and Conservation Department (AFCD) and Leisure and Cultural Services Department (LCSD), and so on. In selection of the above areas, the Administration has considered and assessed various factors in detail with an aim to minimizing the impact on the surrounding environment (including fish culture zones). We have also consulted relevant District Councils. The FEHD, being the implementation agent, has been closely monitoring the operation of the scattering of cremated ashes at sea and will review the situation if necessary. Since end-January 2011, due to the rough sea condition during winter times, the FEHD will only visit the east of Tung Lung Chau for scattering of cremated ashes during summer times (that is, April to September). The FEHD will continue to closely monitor the situation and take appropriate actions. Relevant departments have not observed any significant impact on the surrounding environment after the implementation of scattering cremated ashes at sea.
- (c) At present, apart from taking the FEHD's free ferry services, the public can arrange their own vessels for scattering of cremated human ashes at sea with prior approval from the FEHD. The FEHD has imposed stringent requirements on the scattering of

cremated human ashes at sea and after consulting relevant departments, the FEHD has stipulated a set of conditions for approval which cover the specified time and location, as well as other requirements to be observed. The conditions clearly require that scattering of cremated human ashes shall only take place within the approved area and only the cremated ashes of the deceased and a handful of natural flower petals can be thrown into the sea. No food, ritual offerings or any other object shall be thrown into the sea. Furthermore, in case other fishing vessels, and so on, are present within the approved area, the scattering of cremated ashes should be conducted away from the vessels, or in case dolphins are present within the approved area, the scattering of cremated ashes should be conducted after all dolphins have left. After granting an approval, the FEHD will inform relevant government departments, including the Marine Department, EPD, AFCD and LCSD, and so on, so that they can carry out appropriate monitoring and enforcement actions in accordance with their mandates and having regard to the circumstances.

MR WONG YUNG-KAN (in Cantonese): *Deputy President, given that a bigger vessel has been employed by the Government since 2011 for providing sea burial services, why sea burials still have to be carried out in waters near Tung Lung Chau but not in more distant waters? Despite that sea burials will only be carried out in the aforesaid waters during April to September according to the Government's reply, many fishing vessels actually fish in the aforesaid waters in those months. Will the Government seriously consider changing to other locations for sea burials?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, as I have just said, we have to consider several factors. To begin with, if our ferry service is engaged for carrying out sea burials at a certain Saturday, we will have to consider how long the sea voyage will take. As Members may be aware, families opted for scattering cremated ashes at sea generally do not wish to have a long ferry voyage. The ferry can now accommodate up to 25 families. If these families have to travel to distant waters to scatter cremated ashes or the condition of the designated waters is very rough, the families may have a very hard time. We wish to make the ferry voyage as comfortable for them as possible.

The existing ferry is already larger than the previous one, but its body still rocks a lot if it sails to distant Hong Kong waters, particularly when the sea condition is rough. If Members have ever gone to places such as Ninepin Group, they should know that the waters there are very rough and people can get seasick or even vomit. Hence, under such circumstances, we will have to strike a balance. At present, cremated ashes will only be scattered into the sea if the ferry is away from other vessels or away from locations where fishing activities are in progress. We hold that the present arrangement is appropriate.

Certainly, we will take into consideration the upcoming development as we plan to increase the ferry schedule in the latter half of this year, so that more people can use this service. If the number of service users increases, we will certainly consider whether we should locate more designated sea burial zones.

MR FRED LI (in Cantonese): *Deputy President, not long ago I went to the Mainland and I note that the same problem exists there. Burial places can be very expensive and each burial place may easily cost several tens of thousands of Renminbi. Local governments, such as those of Dalian, Beijing and Shanghai, provide subsidies for people to arrange their own vessel to scatter cremated ashes at sea.*

The Hong Kong Government now only provides this service in two calendar days each month and the number of application processed is only 660, which is far too low; and the number of application is getting lower, rather than higher. Will the Government increase the number of calendar days for the sea burial service? If the authorities wish to encourage this policy, they should draw reference from the practice in the Mainland and provide cash subsidies for the people. Given that the Government allows people to arrange their own vessel for scattering cremated ashes at sea, whether it will consider providing cash subsidies as an incentive for people to duly follow the requirements on sea burials laid down by the authorities? Besides, the authorities should find a few more locations for sea burials.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, in the past two or three years, the number of people using this service has increased. The service is free. As I have just said, we are considering stepping up the service in the latter half of the year. The service is now provided on two

Saturdays each month, and we plan to increase the service frequency to three Saturdays each month, so that more ferry trips can be provided for families to choose from. Depending on the number of applications received, the Government will then make adjustments on the service frequency. If this arrangement can secure increasing support, we will further step up the service.

In respect of providing cash subsidies for families as an incentive, we must consider it prudently. I believe the main concern of these families is not money, but rather, they wish to respect the wish of the deceased or they wish to handle the ashes of the deceased in a respectful way.

MR IP KWOK-HIM (in Cantonese): *Deputy President, the Secretary has highlighted just now in his reply that a number of factors would be taken into consideration in selecting a location, including the distance, sea conditions, as well as whether it will have a negative impact on the fisheries industry.*

Given that at present, sea burial service is not provided by the private sector, if such private services are to be launched, may I ask whether there will be a specific licensing system? Moreover, apart from the existing sea burial locations, whether the scope of locations can be expanded to provide more options?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, as I have just said, the public can now arrange their own vessel to scatter cremated ashes not conducting sea burial of a deceased body but scattering of ashes because the body has already been cremated At present, the public are required to scatter cremated ashes at the three designated locations. In formulating this policy, we have consulted different stakeholders, including the relevant District Councils. They are of the view that if families are allowed to scatter cremated ashes anywhere they wish, monitoring would be difficult and the scattering of ashes may also have adverse environmental impact or even psychological impacts to residents in the area. Hence, we consider that the present arrangement of scattering cremated ashes at the three designated waters is appropriate.

Certainly, if there is increasing public support for handling cremated ashes by sea burials, we will consider providing more locations. We may consult the

District Councils on providing more suitable sea burial zones for people to choose from. However, I hope Members would understand that the three locations are already very distant from human habitation. Let me briefly say that the ferry trip to the waters east of Tung Lung Chau takes two to three hours; the ferry trip to West Lamma Channel takes almost four hours and the ferry trip to the waters east of Tap Mun takes even longer. In this regard, we also need to take into consideration the feelings of the families and how they would feel on the day of sea burial. If the sea is very rough, it may also have an impact on the families because elderly people taking a ferry ride may feel unwell. I do not wish to see this happen.

MR WONG YUNG-KAN (in Cantonese): *Deputy President, as the authorities now permit people to conduct sea burials by their own vessel, some fishermen found ash containers in their trawl nets. Hence, the fishing community is very concerned that people who have rented a private vessel to scatter cremated ashes at sea may recklessly discard ash containers into the sea without reaching the designated waters when the sea condition is rough. In this connection, may I ask the Government whether there is any regulatory measure to monitor sea burials conducted by private vessels and what the defining criteria are? While large vessels, such as the ferry used by the Government, are equipped with a global position system which enables the authorities to know the location of the vessels, other vessels may not have such a system, how do the authorities monitor these vessels? Moreover, it is impossible for the authorities to know at which part of the sea these vessels have discarded the ash containers, not until these containers are dredged up by fishermen. Hence, should the Government formulate some mechanism to put private sea burials under its scope of monitoring?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, as I have mentioned in the main reply, the public can arrange their own vessels for scattering of cremated ashes at sea with prior approval from the FEHD. The approval will provide the specified location and time. We will inform the Marine Department when necessary of the time and location of sea burial carried out by private vessels. We have also laid down certain conditions, for instance, only cremated ashes of the deceased and a handful of natural flower petals can be thrown into the sea and other objects are forbidden to be thrown into the sea.

Generally speaking, very few people will throw the ash container into the sea. It is hard to know whether this would really happen as the general practice now is that only the cremated human ashes are scattered into the sea. There are two ways of ashes scattering. First, the ashes are orderly slid into the sea through a chute like a slide; or second, the ashes are thrown into the sea in a water-soluble bag which will dissolve in about half an hour without leaving any residue in the sea and the ashes will be dissipated by the water. I believe it is disrespectful to the deceased if the ash container is also thrown into the sea. I hope Member can understand this. If fishermen or anyone encounters such incidents, I hope they can inform us so that follow-up work can be done.

MR WONG YUNG-KAN (in Cantonese): *Deputy President, this is exactly what we have encountered*

DEPUTY PRESIDENT (in Cantonese): Which part of your supplementary question has not been answered?

MR WONG YUNG-KAN (in Cantonese): *I ask the Secretary how regulatory actions will be taken because we notice that some problems are beyond the monitoring of the authorities, including the fact that it is impossible for the authorities to confirm whether these vessels have scattered the ashes at the designated locations.*

DEPUTY PRESIDENT (in Cantonese): Mr WONG, please sit down. Secretary, Member's question focuses on how the authorities will take regulatory actions.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): The incident mentioned by Mr WONG may be encountered by them. If they have any specific witness or evidence, I hope he can provide us with detailed information so that the relevant departments can follow up.

~~**DEPUTY PRESIDENT** (in Cantonese): Last question seeking an oral reply.~~

**Relevant papers on usage and promotion of Gardens of Remembrance,
scattering cremains at sea and Internet memorial service**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	9.1.2007 (Item IV)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	13.3.2007 (Item IV)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	12.6.2007 (Item IV)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	12.5.2009 (Item IV)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	9.2.2010 (Item VI)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	6.7.2010 (Item III)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	12.4.2011 (Item IV)	Agenda Minutes
Legislative Council	2.5.2012	Official Record of Proceeding (Question 5)