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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

譯本(二零一四年十月十七日)

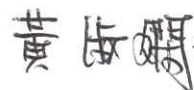
香港中區  
立法會道 1 號  
立法會綜合大樓  
助理法律顧問  
簡允儀女士

簡女士：

**《私營骨灰安置所條例草案》**

你在二零一四年九月四日來信，要求當局就你對《私營骨灰安置所條例草案》第 1 至 4 部提出的意見作出回應。現把我們的回應和其他建議載列於附件，請加細閱。

食物及衛生局局長

(黃淑嫻  代行)

二零一四年十月九日

**當局就助理法律顧問對《私營骨灰安置所條例草案》  
第 1 至 4 部提出的意見所作的回應**

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 1  | <p>有關條例草案第 2(1)條中“骨灰”定義的(c)段：</p> <ul style="list-style-type: none"> <li>• “不包括任何由人類骨灰轉化而成的人造鑽石、珠寶、裝飾品或其他物料”</li> <li>• “excludes synthetic diamonds, jewellery, ornaments or any other materials transformed from human ashes”</li> </ul> <p>我們會考慮把“任何”一詞放在“其他物料”之前(而非放在“由人類骨灰”之前)。</p>                                                                                                                                                                   |
| 2  | <p>有關條例草案第 2(1)條中“骨灰安置所”定義的(c)段：</p> <ul style="list-style-type: none"> <li>• “不包括用作或將用作在署長根據《公眾衛生及市政條例》(第 132 章)第 118(1)條給予的准許下撒骨灰的處所”</li> <li>• “excludes premises used or to be used for scattering ashes with the permission of the Director under section 118(1) of the Public Health and Municipal Services Ordinance (Cap. 132)”</li> </ul> <p>在《公眾衛生及市政條例》(第 132 章)附表 3 中，指明食物環境衛生署署長為施行該條例第 118(1)條的主管當局。我們認為在“骨灰安置所”定義的(c)段提述食物環境衛生署署長是恰當的。</p> |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 3  | <p>有關條例草案第 2(1)條中“受供奉者”定義的(b)段：</p> <ul style="list-style-type: none"> <li>“就安放權(不論是否關乎骨灰安置所的龕位或其他地方)而言一指符合以下說明的人：該人的骨灰，將會透過行使該權利而獲安放，不論該人是否在世，亦不論是否已分配某特定龕位或位置”</li> <li>“in relation to an interment right (whether in respect of a niche or otherwise in a columbarium)—a person whose ashes are to be interred by exercising the interment right, whether or not the person is living and whether or not a specific niche or location is allocated”</li> </ul> <p>我們會考慮把英文文本中 “or otherwise”修訂為“or any other place”，並把中文文本中“不論是否關乎骨灰安置所的龕位或其他地方”修訂為“不論是關乎骨灰安置所中的龕位或其他地方”。</p> |
| 4  | <p>有關條例草案第 2(1)條中“安放”定義的(a)(ii)段：</p> <ul style="list-style-type: none"> <li>“不論該等骨灰或裝載該等骨灰的容器，是否存放在龕位內；但”</li> <li>“whether or not the ashes or container of ashes are or is kept in a niche; but”</li> </ul> <p>“該等骨灰或裝載該等骨灰的容器”與“the ashes or container of ashes”意思相同。由於該定義的引入句已提述“就某人的骨灰而言”(“in relation to ashes of a person”)，當(a)段的中文文本重覆提述“骨灰”時，便採用“該等骨灰”一詞。</p>                                                                                                                                                                                                          |
| 5  | <p>有關條例草案第 2(1)條中“安放”定義的(b)段：</p> <ul style="list-style-type: none"> <li>“不包括在署長根據《公眾衛生及市政條例》(第 132 章) 第 118(1)條給予的准許下，在任何處所撒骨灰”</li> <li>“excludes scatter ashes in, on or at any premises with the permission of the Director under section 118(1) of the Public Health and Municipal Services Ordinance (Cap. 132)”</li> </ul> <p>請參閱我們就上文第 2 項所作出的回應。我們認為在“安放”定義的(b)段提述署長是恰當的。</p>                                                                                                                                                                                            |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 6  | <p>有關條例草案第 2(8)條：</p> <ul style="list-style-type: none"> <li>“在本條例中，提述對營辦骨灰安置所屬必需(或與之配套)的違規構築物，指屬符合第(7)款所指的對營辦該骨灰安置所屬必需(或與之配套)的違規構築物。”</li> <li>“In this Ordinance, a reference to non-compliant structures necessary for, or ancillary to, the operation of a columbarium means <b>non-compliant structures that are structures necessary for, or ancillary to, the operation of the columbarium within the meaning of subsection (7).</b>”</li> </ul> <p>我們會考慮把“指屬符合第(7)款所指的對營辦該骨灰安置所屬必需(或與之配套)的違規構築物”修訂為“指屬符合第(7)款所指的對營辦該骨灰安置所屬必需(或與之配套)的構築物者”。</p> |
| 7  | <p>有關條例草案第 11(2)條：</p> <ul style="list-style-type: none"> <li>“發牌委員會可運用其酌情權，決定<b>文書</b>的發出年期、續期年期或延展年期(有效期)”</li> <li>“The Licensing Board may, in its discretion, determine the term for which <b>the instrument</b> is issued, renewed or extended (validity period)”</li> </ul> <p>該詞很清楚是指“指明文書”(“specified instrument”)。儘管如此，我們會考慮在“文書”(“instrument”)之前加入“指明”(“specified”)一詞。</p>                                                                                                                                                                  |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 8  | <p>有關條例草案第 11(3)(a)條：</p> <ul style="list-style-type: none"> <li>• “(如骨灰安置所處所，是根據租賃、租契或其他文書佔用的) 該租賃、租契或文書餘下的租期”</li> <li>• “if the columbarium premises are occupied under a tenancy, lease or other instrument, the remainder of the term of the tenancy, lease or other instrument”</li> </ul> <p>有關條例草案第 11(4)條：</p> <ul style="list-style-type: none"> <li>• “就屬關於根據租賃、租契或其他文書佔用的骨灰安置所處所的豁免書的有效期，不得超逾該租賃、租契或文書餘下的租期”</li> <li>• “The validity period of an exemption in respect of columbarium premises occupied under a tenancy, lease or other instrument must not exceed the remainder of the term of the tenancy, lease or other instrument”</li> </ul> <p>有關條例草案第 11(5)(a)條：</p> <ul style="list-style-type: none"> <li>• “(如骨灰安置所處所，是根據租賃、租契或其他文書佔用的) 該租賃、租契或文書餘下的租期”</li> <li>• “if the columbarium premises are occupied under a tenancy, lease or other instrument, the remainder of the term of the tenancy, lease or other instrument”</li> </ul> <p>“租賃、租契或其他文書”不限於由政府批出者，同時也包括私人之間簽訂的租賃、租契或其他文書。我們對於採用“租期”或“年期”並無特別意見。我們會考慮在第 11(3)(a)、11(4)及 11(5)(a)條中，以“年期”一詞取代“租期”。</p> |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 9  | <p>有關條例草案第 13(2)條：</p> <ul style="list-style-type: none"> <li>“儘管有第 11(1)條的規定，發牌委員會須先行批准一份管理方案(由申請人擬備並涵蓋第 85 條所規定的事宜者)，方可批准要求就該骨灰安置所發出牌照的申請”</li> <li>“Despite section 11(1), the Licensing Board may grant an application for the issue of a licence in respect of a columbarium only if a management plan, prepared by the applicant and covering matters required under section 85, has been approved by the Licensing Board”</li> </ul> <p>我們會考慮把第 13(2)條修訂如下：</p> <p>(a) 英文文本</p> <p>“Despite section 11(1), the Licensing Board may grant an application for the issue of a licence in respect of a columbarium only if a management plan, submitted by the applicant in respect of the columbarium and covering matters required under section 85, has been approved by the Licensing Board.”</p> <p>(b) 中文文本</p> <p>“儘管有第 11(1)條的規定，發牌委員會須先行批准一份管理方案(由申請人就某骨灰安置所呈交並涵蓋第 85 條所規定的事宜者)，方可批准要求就該骨灰安置所發出牌照的申請。”</p> |
| 10 | <p>有關條例草案第 15 條的標題：</p> <ul style="list-style-type: none"> <li>“草案前骨灰安置所的豁免書——資格基於年代久遠、符合法規及持有從政府取得的處所或佔用權”</li> <li>“Exemption for pre-Bill columbarium — eligibility based on datedness, legal compliance and premises held from Government or right to occupation”</li> </ul> <p>第 15 條的標題反映該條文的內容，我們認為無須修訂。</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 11 | <p>有關條例草案第 15(1)條：</p> <ul style="list-style-type: none"> <li>“只要以下一項或多於一項事宜，未獲申請人證明致使發牌委員會信納，該委員會可拒絕要求就草案前骨灰安置所發出豁免書的申請”</li> <li>“The Licensing Board may refuse an application for the issue of an exemption in respect of a <b>pre-Bill columbarium</b> if the applicant fails to prove to the satisfaction of the Licensing Board one or more of the following”</li> </ul> <p>我們會考慮在“就”與“草案前骨灰安置所”之間加入“某”字。</p> |
| 12 | <p>有關條例草案第 15(1)(c)條：</p> <ul style="list-style-type: none"> <li>“對營辦骨灰安置所屬必需(或與之配套)的土地佔用範圍，限於以草案公布時間狀況為準的對其營辦屬必需(或與之配套)的範圍”</li> <li>“that the extent of occupation of land as is necessary for, or ancillary to, <b>the operation of the columbarium</b> is limited to that as was necessary for, or ancillary to, its operation as at the Bill announcement time”</li> </ul> <p>我們會考慮在“骨灰安置所”一詞之前加入“該”字。</p>      |
| 13 | <p>有關條例草案第 16(2)(a)條：</p> <ul style="list-style-type: none"> <li>“申請人未能證明致使發牌委員會信納以下一項或多於一項”</li> <li>“the applicant fails to prove to the satisfaction of the Licensing Board <b>one or more of the following</b>”</li> </ul> <p>我們會考慮在“一項或多於一項”之後加入“事宜”一詞。</p>                                                                                                                                                     |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 14 | <p>有關條例草案第 16(2)(a)(iv)條：</p> <ul style="list-style-type: none"> <li>“對營辦骨灰安置所屬必需(或與之配套)的土地佔用範圍，限於以草案公布時間狀況為準的對其營辦屬必需(或與之配套)的範圍；或”</li> <li>“that the extent of occupation of land as is necessary for, or ancillary to, the operation of the columbarium is limited to that as was necessary for, or ancillary to, its operation as at the Bill announcement time; or”</li> </ul> <p>我們會考慮在“骨灰安置所”一詞之前加入“該”字。</p>                                  |
| 15 | <p>有關條例草案第 16(2)(b)(ii)條：</p> <ul style="list-style-type: none"> <li>“沒有向地政總署署長提供書面聲明，述明申請人對該未批租土地沒有申索權(不論是基於在申請日期之前或之後管有該土地，或任何其他理由)”</li> <li>“does not provide a written declaration to the Director of Lands that the applicant has no claim to the unleased land, whether based on possession of the unleased land before, on or after the date of application or on any other ground”</li> </ul> <p>我們會考慮把“在申請日期之前或之後”修訂為“在申請日期之前、當日或之後”。</p> |
| 16 | <p>有關條例草案第 17(1)條：</p> <ul style="list-style-type: none"> <li>“本條適用於發牌委員會就要求就某骨灰安置所發出指明文書的申請作出定奪”</li> <li>“This section applies to the determination by the Licensing Board of an application for a specified instrument in respect of a columbarium”</li> </ul> <p>我們會考慮把“本條適用於發牌委員會就要求就某骨灰安置所發出指明文書的申請作出定奪”修訂為“本條適用於發牌委員會就某骨灰安置所的指明文書申請作出的定奪”。</p>                                                                                               |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 17 | <p>有關條例草案第 18(b)(iii)條：</p> <ul style="list-style-type: none"> <li>“申請表格所指明的資料、證明書及其他文件，或發牌委員會在其他情況下要求的資料、證明書及其他文件”</li> <li>“the information, certificates and other documents specified in the application form or otherwise required by the Licensing Board”</li> </ul> <p>在第 18(b)(iii)條所述的“申請表格”(“application form”)是指採用第 18(a)條所述“指明格式”(“specified form”)、用以提出指明文書申請的文件。</p>                                                                                                                                                                                                                                                                                                            |
| 18 | <p>有關條例草案第 19(4)條：</p> <ul style="list-style-type: none"> <li>“有關骨灰安置所場內實況，須由合資格專業人士證明為在所有方面，均與有關圖則相符”</li> <li>“A qualified professional must certify that the current site situation of the columbarium premises conforms to the plans in all respects”</li> </ul> <p>有關草案第 20(1)(a)條：</p> <ul style="list-style-type: none"> <li>“該委員會信納，該骨灰安置所以場內實況而論，在包括第(2)款指明的詳情的所有方面，均與該等圖則相符；及”</li> <li>“it is satisfied that the current site situation of the columbarium premises conforms to the plans in all respects including the particulars specified in subsection (2); and”</li> </ul> <p>我們會考慮在第 19(4)條中，把“有關骨灰安置所場內實況”修訂為“有關骨灰安置所處所的場內實況”，並在第 20(1)(a)條中，把“該骨灰安置所”一詞修訂為“該骨灰安置所處所”。</p> |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 19 | <p>有關條例草案第 21 條的標題：</p> <ul style="list-style-type: none"> <li>“關於草案前骨灰安置所的申請——時限及以草案公布時間狀況為準的骨灰安放布局及骨灰安放數量的證據，以及圖則”</li> <li>“Application concerning pre-Bill columbarium—time limit, evidence of ash interment layout and ash interment quantity as at Bill announcement time and plans”</li> </ul> <p>我們會考慮在英文文本中把“ash interment quantity as at Bill announcement time”修訂為“quantity, etc.”，並在中文文本中把“以草案公布時間狀況為準的骨灰安放布局及骨灰安放數量的證據”修訂為“骨灰安放布局及數量等證據”。</p>                                                                                                                                     |
| 20 | <p>有關條例草案第 21(2)(b)條：</p> <ul style="list-style-type: none"> <li>“發牌委員會認為，在有關個案的整體情況下，考慮該申請是公正和符合公義的”</li> <li>“in all the circumstances of the case, the Licensing Board considers that it is just and equitable to consider the application”</li> </ul> <p>我們會考慮把“公正和符合公義的”修訂為“公正和公平的”。</p>                                                                                                                                                                                                                                                                                                  |
| 21 | <p>有關條例草案第 21(3)條：</p> <ul style="list-style-type: none"> <li>“第 14、15 或 16 條或附表 2 第 4 條(以上條文稱為<b>資格相關條文</b>)所攸關的、就某草案前骨灰安置所的指明文書申請，須附有以下詳情(每項均稱為<b>資格相關詳情</b>)的證據”</li> <li>“An application for a specified instrument in respect of a pre-Bill columbarium, to which section 14, 15 or 16 or section 4 of Schedule 2 (each is called an <b>eligibility-related provision</b>) is relevant, must be accompanied by evidence of the following particulars (each is called an <b>eligibility-related particular</b>)”</li> </ul> <p>我們會考慮把“(以上條文稱為<b>資格相關條文</b>)”修訂為“(每項均稱為<b>資格相關條文</b>)”。</p> |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 22 | <p>有關條例草案第 22(3)條：</p> <ul style="list-style-type: none"> <li>“在進入骨灰安置所和核實由有關營辦人提供的關於有關須通報詳情的陳述及紀錄後，計劃人員如信納該等陳述及紀錄的準確性，可拍攝照片和製備任何其他紀錄”</li> <li>“On entering into the columbarium and verifying the statement of the notifiable particulars and records provided by the operator and being satisfied with their accuracy, the scheme officer might take photographs and make any other records”</li> </ul> <p>我們會考慮在“骨灰安置所”之前加入“有關”一詞。</p>                                                                                                              |
| 23 | <p>有關條例草案第 22(9)條：</p> <ul style="list-style-type: none"> <li>“凡有指明文書申請就某骨灰安置所提出，而該骨灰安置所被聲稱為草案前骨灰安置所，則為該申請的目的，發牌委員會可行使其獨有的絕對酌情權，考慮關於有關須通報詳情的證據(並非第(4)款所提述的證據者)，但該委員會如此行事的先決條件，是”</li> <li>“For the purposes of an application for a specified instrument in respect of a columbarium that is alleged to be a pre-Bill columbarium, the Licensing Board may, in its sole and absolute discretion, consider evidence of the notifiable particulars other than evidence referred to in subsection (4) if”</li> </ul> <p>我們會考慮把“獨有的絕對酌情權”修訂為“獨有和絕對酌情權”。</p> |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 24 | <p>有關條例草案第 25 條：</p> <ul style="list-style-type: none"> <li>“在不局限第 11(1)條的原則下，發牌委員會如認為合適，可對骨灰安置所的牌照，施加符合以下說明的條件”</li> <li>“Without limiting section 11(1), the Licensing Board may as it thinks fit impose conditions on a licence in respect of a columbarium”</li> </ul> <p>有關條例草案第 28 條：</p> <ul style="list-style-type: none"> <li>“在不局限第 11(1)條的原則下，發牌委員會如認為合適，可對草案前骨灰安置所的豁免書，施加符合以下說明的條件”</li> <li>“Without limiting section 11(1), the Licensing Board may as it thinks fit impose conditions on an exemption in respect of a columbarium”</li> </ul> <p>第 25 及 28 條中的“as it thinks fit”一詞前後並非必需要有逗號。</p> |
| 25 | <p>有關條例草案第 29(2)條：</p> <ul style="list-style-type: none"> <li>“暫免法律責任書須述明”</li> <li>“A temporary suspension of liability must state”</li> </ul> <p>我們會考慮把“A temporary suspension of liability”修訂為“The temporary suspension of liability”。</p>                                                                                                                                                                                                                                                                                                                                                                    |

| 項目            | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 26            | <p>有關條例草案第 30 條的標題：</p> <ul style="list-style-type: none"> <li>“暫免法律責任書——關於未批租土地及違規構築物”</li> <li>“Temporary suspension of liability—conditions about unleased land and non-compliant structures”</li> </ul> <p>我們會考慮：</p> <p>(a) 在“構築物”一詞之後加入“的條件”；以及</p> <p>(b) 在“關於”(“about”)一詞之後加入“須採取的步驟、”(“steps to be taken,”)。</p>                                                                                                                            |
| 27            | <p>有關條例草案第 30(3)條：</p> <ul style="list-style-type: none"> <li>“暫免法律責任書受以下所有條件規限”</li> <li>“A temporary suspension of liability is subject to all of the following conditions”</li> </ul> <p>我們會考慮把“暫免法律責任書”(“A temporary suspension of liability”)修訂為“有關暫免法律責任書”(“The temporary suspension of liability”) (而非加入“就某草案前骨灰安置所的”)。</p>                                                                                                                   |
| 28<br>及<br>29 | <p>有關條例草案第 31 條：</p> <ul style="list-style-type: none"> <li>“在不局限第 11(1) 條的原則下，發牌委員會如認為合適，可對骨灰安置所的暫免法律責任書，施加符合以下說明的條件”</li> <li>“Without limiting section 11(1), the Licensing Board may as it thinks fit impose conditions on a temporary suspension of liability in respect of a columbarium”</li> </ul> <p>請參閱我們就上文第 24 項所作的回應。在“as it thinks fit”一詞前後並非必要有逗號。</p> <p>我們會考慮把“骨灰安置所”(“a columbarium”)修訂為“某草案前骨灰安置所”(“a pre-Bill columbarium”)。</p> |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 30 | <p>有關條例草案第 31(a)條：</p> <ul style="list-style-type: none"> <li>“關乎樓宇安全、<b>消防安全</b>、其他安全事宜、排水及污水的措施，包括規定須定期向發牌委員會提交由合資格專業人士作出的證書或報告；及”</li> <li>“on measures relating to building safety, <b>fire safety</b> and other safety matters, drainage and sewage, including requiring certificates or reports, by a qualified professional, to be submitted to the Licensing Board at regular intervals; and”</li> </ul> <p>我們會考慮把“fire safety and”修訂為“fire safety,”。</p> |
| 31 | <p>有關條例草案第 32(1)(b)條：</p> <ul style="list-style-type: none"> <li>“<b>豁免書</b>”</li> <li>“<b>exemption</b>”</li> </ul> <p>我們會考慮在“exemption”之前加入“an”一字。</p>                                                                                                                                                                                                                                                                                                          |
| 32 | <p>有關條例草案第 32(3)(a)條：</p> <ul style="list-style-type: none"> <li>“須符合指明格式，並以書面向<b>該委員會</b>提出；及”</li> <li>“must be made, in writing, to <b>the Licensing Board</b> in the specified form; and”</li> </ul> <p>我們會考慮把“該委員會”一詞修訂為“發牌委員會”。</p>                                                                                                                                                                                                                         |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 33 | <p>有關條例草案第 32(3)(b)(i)條：</p> <ul style="list-style-type: none"> <li>• “須附有——</li> <li style="padding-left: 20px;">(i) 申請表格所指明的資料、證明書及其他文件；或”</li> <li>• “must be accompanied by the information, certificates and other documents—</li> <li style="padding-left: 20px;">(i) specified in the application form; or”</li> </ul> <p>在第 32(3)(b)(i)條所述的“申請表格”(“application form”)是指採用第 32(3)(a)條所述“指明格式”(“specified form”)、用以提出文書轉讓申請的文件。</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 34 | <p>有關條例草案第 34(1)及 34(2)(a)條：</p> <ul style="list-style-type: none"> <li>• “(1) 如指明文書持有人提出書面申請，而該申請提出充分並令發牌委員會信納的因由，該委員會可應申請，藉在該文書上作出批註，更改規限該文書的條件。</li> <li style="padding-left: 40px;">(2) 上述申請——</li> <li style="padding-left: 60px;">(a) 須符合指明格式，並以書面向發牌委員會提出；及”</li> <li>• “(1) The Licensing Board may, on application by the holder of a specified instrument in writing to it showing sufficient cause to its satisfaction, vary any conditions to which the instrument is subject, by an endorsement on the instrument.</li> <li style="padding-left: 40px;">(2) The application—</li> <li style="padding-left: 60px;">(a) must be made, in writing, to the Licensing Board in the specified form; and”</li> </ul> <p>我們會考慮修訂第 34(1)條(而非修訂第 34(2)(a)條)，刪除其中的“書面”(“in writing to it”)，訂明發牌委員會可應指明文書持有人的申請而更改文書的條件。第 34(2)(a)條中有關申請須符合指明格式，並須以書面向發牌委員會提出的規定，會予以保留。</p> |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 35 | <p>有關條例草案第 34(2)(b)(ii)(A)條：</p> <ul style="list-style-type: none"> <li>“以下資料、證明書及其他文件——</li> <li>(A) 申請表格所指明的資料、證明書及其他文件；或</li> <li>(B) 發牌委員會在其他情況下要求的資料、證明書及其他文件。”</li> <li>“the information, certificates and other documents—</li> <li>(A) specified in the application form; or</li> <li>(B) otherwise required by the Licensing Board.”</li> </ul> <p>在第 34(2)(b)(ii)(A)條所述的“申請表格”(“application form”)是指採用第 34(2)(a)條所述“指明格式”(“specified form”)、用以提出更改條件申請的文件。</p> |
| 36 | <p>有關條例草案第 35(2)(a)條：</p> <ul style="list-style-type: none"> <li>“須在該人提交上訴通知後 7 日內，以書面向發牌委員會提出；及”</li> <li>“must be made, in writing, to the Licensing Board within 7 days of the lodging of the notice of appeal by that person; and”</li> </ul> <p>我們會考慮把“上訴通知”一詞修訂為“上訴通知書”。</p>                                                                                                                                                                                       |
| 37 | <p>有關條例草案第 36(1)(a)條：</p> <ul style="list-style-type: none"> <li>“某人提出申請，要求發出指明文書；而”</li> <li>“a person has made an application for a specified instrument; and”</li> </ul> <p>我們會考慮把“申請，要求發出指明文書”修訂為“指明文書申請”。</p>                                                                                                                                                                                                                                                       |

| 項目            | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 38<br>及<br>39 | <p>有關條例草案第 37 條：</p> <ul style="list-style-type: none"> <li>“<b>關乎指明文書申請的進一步條文</b></li> </ul> <p>載有關乎本部所指的指明文書申請的進一步條文的附表 3，具有效力”</p> <ul style="list-style-type: none"> <li>“<b>Further provisions on applications relating to specified instruments</b></li> </ul> <p>Schedule 3 (which contains further provisions on applications relating to specified instruments under this Part) has effect”</p> <p>有關條例草案附件 3 的標題：</p> <ul style="list-style-type: none"> <li>“<b>關乎指明文書的申請的進一步規定</b>”</li> <li>“<b>Further Provisions on Applications Relating to Specified Instruments</b>”</li> </ul> <p>我們會考慮把附表 3 標題中“指明文書的申請的進一步規定”修訂為“指明文書申請的進一步條文”，使它與第 37 條一致。</p> |
| 40            | <p>有關條例草案第 38(2)(a)(iii)條：</p> <ul style="list-style-type: none"> <li>“該文書的持有人的姓名或名稱；及”</li> <li>“the name of the <b>instrument holder</b>; and”</li> </ul> <p>我們會考慮把“文書的持有人”一詞修訂為“文書持有人”。</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| 項目 | 當局的回應                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 41 | <p>有關條例草案第 38(2)(b)條：</p> <ul style="list-style-type: none"> <li>“須述明第 7 部及附表 5 條文中關於進行訂明骨灰處置程序及指明人員(第 65(1) 條所界定者)根據第 65 條申請佔用令的權力的條文，適用於有關處所”</li> <li>“must state that the provisions of Part 7 and Schedule 5 on obligations to carry out the prescribed ash disposal procedures and the power of a specified officer, as defined by section 65(1), to apply for an occupation order under section 65 apply to the premises”</li> </ul> <p>我們會考慮在“關於進行訂明骨灰處置程序”之後加入“的責任”一詞。我們認為宜把“附表 5”後面的“條文”一詞刪除，而保留“佔用令的權力”後面的“的條文”一詞。</p> |
| 42 | <p>有關草案第 38(3)條：</p> <ul style="list-style-type: none"> <li>“在發出上述證明書後，發牌委員會須在切實可行的範圍內，盡快將該證明書於土地註冊處針對有關處所註冊”</li> <li>“As soon as reasonably practicable after the certificate is issued, the Licensing Board must register the certificate against the premises in the Land Registry”</li> </ul> <p>我們會考慮在“切實可行”之前加入“合理地”一詞。</p>                                                                                                                                                                                                |

## 當局對《私營骨灰安置所條例草案》的其他建議

| 項目 | 當局的建議                                                           |
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| 1  | 有關條例草案第 7(1)(a)條：<br>在“規管骨灰安置所的 <u>的</u> 營辦和管理”一句中第二個“的”字應予以刪除。 |