

立法會
Legislative Council

LC Paper No. CB(2)2088/14-15

(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/13

Bills Committee on Private Columbaria Bill

**Minutes of the eleventh meeting
held on Tuesday, 26 May 2015, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Dr Hon Kenneth CHAN Ka-lok (Deputy Chairman)
Hon LEE Cheuk-yan
Hon WONG Kwok-hing, BBS, MH
Hon Cyd HO Sau-lan, JP
Hon CHAN Hak-kan, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon CHEUNG Kwok-che
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Steven HO Chun-yin
Hon WU Chi-wai, MH
Hon CHAN Han-pan, JP
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS
- Members absent** : Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, SBS, JP
Dr Hon Helena WONG Pik-wan

**Public Officers : Item I
attending**

Mr Christopher WONG, JP
Deputy Secretary for Food and Health (Food)1
Food and Health Bureau

Miss Diane WONG
Principal Assistant Secretary for Food and Health
(Food)2
Food and Health Bureau

Ms Phyllis KO
Senior Assistant Law Draftsman (II)1
Department of Justice

Miss Cindy CHEUK
Government Counsel
Department of Justice

Mr CHIU Yu-chow
Assistant Director (Grade Management and
Development)
Food and Environmental Hygiene Department

Mr YEUNG Chun-hoi
Senior Superintendent (Cemeteries & Crematoria)
Special Duties
Food and Environmental Hygiene Department

Mr YU Tak-cheung
Assistant Director/New Buildings 1
Buildings Department

Ms Olga LAM, JP
Assistant Director (Estate Management) (Lands
Administration Office/Headquarters)
Lands Department

Ms Christine TSE
Assistant Director of Planning (Special Duties)
Planning Department

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Ms Catherina YU
Senior Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Meeting with the Administration

[File Ref.: FH CR 2/3751/07, LC Paper Nos. CB(3)740/13-14, CB(2)2141/13-14(01), CB(2)2338/13-14(07) to (08), CB(2)305/14-15(01), CB(2)431/14-15(01) to (02), CB(2)630/14-15(01), CB(2)1063/14-15(01), CB(2)1286/14-15(01) and CB(2)1535/14-15(01)]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to –

- (a) move Committee Stage amendments to clauses 97(1), 97(3), 97(4), 97(4)(b), 98(3) and 99(3);
- (b) review the Chinese text of clause 97(1) and (2); and
- (c) provide its responses, before resumption of second reading debate on the Bill, to members' concerns raised at meetings of the Bills Committee about the efforts to be made by relevant government departments to complement each other, upon enactment of the Private Columbaria Ordinance.

Action

II. Date of next meeting

3. Members noted that the next meeting would be held on Thursday, 11 June 2015 at 8:30 am.

III. Any other business

4. There being no other business, the meeting ended at 4:27 pm.

Council Business Division 2
Legislative Council Secretariat
9 September 2015

**Proceedings of the eleventh meeting of the
Bills Committee on Private Columbaria Bill
on Tuesday, 26 May 2015, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000620 - 000809	Chairman	Opening remarks	
Clause-by-clause examination			
000810 - 003948	Chairman Admin	The Administration's briefing on the overall concept and logic of the framework of Part 10 of the Bill (i.e. implications on Land (Miscellaneous Provisions) Ordinance (Cap. 28), Town Planning Ordinance (Cap. 131), Buildings Ordinance (Cap. 123) and other Ordinances) with the aid of a powerpoint presentation.	
003949 - 004341	Chairman Admin	Examination of Part 10 - clause 96 Powerpoint presentation on the relevant provisions of Cap. 28 by the Administration.	
004342 - 004648	Chairman ALA6 Admin	Examination of Part 10 - clause 97(1) – (6) The Administration's advice that it would move Committee Stage amendments ("CSAs") to clause 97(3) and (4) in response to ALA6's concern raised in her letter to the Administration dated 17 April 2015 (LC Paper No. CB(2)1286/14-15(01)). ALA6's enquiry and the Administration's response regarding whether clause 97(1) and 97(4)(b) was intended, by virtue of including section 6(3) of Cap. 28 therein, to cover such matters as provided for in section 6(2A)(iii) of Cap. 28. The Administration's advice that it would move CSAs to the effect that clause 97(1) and (4)(b) would not cover matters as provided for in section 6(2A)(iii) of Cap. 28.	Admin Admin
004649 - 005317	Chairman Mr WONG Yuk-man Dr Priscilla LEUNG Admin	Mr WONG Yuk-man's enquiry and the Administration's response regarding the period to which "該期間內" in clause 97(1)(b) and "該期間的" in clause 97(1) referred. Views of Mr WONG Yuk-man and Dr Priscilla LEUNG that the Chinese text of clause 97(1) was difficult to comprehend and should be improved.	

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		The Administration undertook to review the Chinese text of clause 97(1).	Admin
005318 - 010015	Mr WONG Yuk-man Dr Priscilla LEUNG Chairman Admin	Mr WONG Yuk-man's view that the Chinese text of clause 97(2) was written in legalistic terms. He preferred conveying the meaning in Chinese in layman terms. Dr Priscilla LEUNG's remarks that the standard of the Chinese text of legislation had been criticized for many years. Her suggestion that a third party be engaged to go through the Chinese text of the Bill again.	Admin
010016 - 010501	Chairman Admin	Examination of Part 10 - clause 97(7) – (8)	
010502 - 010921	Chairman Deputy Chairman Admin	The Chairman's enquiry and the Administration's response that operators of private columbaria who were unsuccessful in seeking regularization or rectification would be subject to enforcement action in respect of the unlawful occupation of unleased land. The Deputy Chairman's concern and the Administration's response regarding whether the arrangements for pre-Bill columbaria would be too lenient to these columbaria. The Administration's explanation of the objectives of the arrangements for pre-Bill columbaria. The Administration's response to the Deputy Chairman's enquiry that the future Private Columbaria Licensing Board ("the Licensing Board"), having taken into account all relevant factors, would determine whether the unlawful occupation of unleased land was necessary for, or ancillary to, the operation of a pre-Bill columbarium. The Deputy Chairman's enquiry and the Administration's response regarding the validity period of a temporary suspension of liability ("TSOL").	
010922 - 011504	Chairman Admin	Powerpoint presentation on the relevant provisions of Cap. 131 by the Administration. Examination of Part 10 - clause 98(1)	
011505 - 012010	Chairman Mr Albert CHAN Admin	Mr Albert CHAN's concern and the Administration's response regarding whether the relevant government departments had drawn up suitable measures and were ready administratively to complement each other's	

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		<p>efforts, upon enactment of the Private Columbaria Ordinance ("the Ordinance"). The Administration's advice that it would strive to secure additional resources for the relevant government departments to implement the Ordinance and that the relevant government departments were discussing the necessary collaboration.</p> <p>The Administration was requested to provide its responses, before resumption of second reading debate on the Bill, to members' concerns raised at meetings of the Bills Committee about how the relevant government departments would complement each other's efforts, upon enactment of the Ordinance.</p>	Admin
012011 - 012321	Chairman Admin	<p>Examination of Part 10 - clause 98(2) – (5)</p> <p>The Administration's advice that it would move CSAs to clause 98(3) in response to ALA6's question raised in her letter to the Administration dated 17 April 2015 (LC Paper No. CB(2)1286/14-15(01)).</p>	Admin
012322 - 012802	Chairman Admin	<p>Powerpoint presentation on the relevant provisions of Cap. 123 by the Administration.</p> <p>Examination of Part 10 - clause 99(1) – (2)</p>	
012803 - 013512	Chairman Mr Albert CHAN Admin	<p>Mr Albert CHAN's enquiry and the Administration's response regarding the arrangements applicable to non-compliant structures of pre-Bill columbaria. The Administration's explanation of sections 14(1), 24(1) and 24C(1) of Cap. 123.</p> <p>The Administration's response to Mr CHAN's enquiry on building and fire safety requirements. The Administration's advice that the Licensing Board might refuse an application for TSOL, if the columbarium posed any obvious or imminent danger in terms of building safety and fire safety. The relevant structures of columbaria were required to fulfil the building-related requirements as provided for under the Bill, including certifying structural safety by a qualified professional and carrying out works required by the Licensing Board in accordance with the requirements imposed by it. Enforcement actions would be taken against private columbaria which failed to meet fire safety requirements, under the existing legislation or for breach of conditions imposed on the specified instruments (i.e. a licence, an</p>	

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		<p>exemption or a TSOL) (relating to building safety, fire safety and other safety matters etc.).</p> <p>In response to Mr CHAN's concern about issues relating to fire and building safety arising from columbarium operation, the Administration advised that safety would not be compromised in considering applications for specified instruments.</p>	
013513 - 013754	Mr Albert CHAN Chairman Admin	Mr Albert CHAN's concern and the Administration's response that a private columbarium which had been granted a TSOL was required to meet the instrument-related conditions throughout the validity period of the TSOL.	
013755 - 013829	Chairman Admin ALA6	ALA6's enquiry and the Administration's response that the period during which sections 24(1) and 24C(1) of Cap. 123 did not apply would depend on the validity period of the specified instrument.	
013830 - 014103	Chairman Admin	<p>Examination of Part 10 - clause 99(3)</p> <p>The Administration's advice that it would move CSAs to clause 99(3) in response to ALA6's question raised in her letter to the Administration dated 17 April 2015 (LC Paper No. CB(2)1286/14-15(01)).</p>	Admin
014104 - 014454	Chairman Admin ALA6	<p>Examination of Part 10 - clause 99(4)</p> <p>ALA6's enquiry and the Administration's response regarding the reasons for not making reference to a notice served under section 24C(1) of Cap. 123 in clause 12(3)(b) of the Bill whilst clause 99(4) did contain such a reference.</p>	
014455 - 014657	Chairman Admin	Examination of Part 10 - clause 100	
014658 - 015635	Chairman Deputy Chairman Admin	<p>The Deputy Chairman's enquiry and the Administration's response regarding the availability of information on the compliance status of private columbaria known to the Administration, in relation to land-related, planning-related and building-related requirements.</p> <p>The Deputy Chairman's enquiry and the Administration's response regarding how the relevant government departments would handle applications for specified instruments which involved new non-compliant structures in</p>	

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		columbarium premises that emerged after the Bill announcement time. The Administration's advice that structures that emerged after the Bill announcement time must fulfil the building-related requirements as provided for under section 3 to Schedule 2, before these could be included in the plans in relation to the applications for specified instruments for consideration by the Licensing Board.	
015636 - 015745	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
9 September 2015