

**Bills Committee on Private Columbaria Bill**

**The Funeral Trade's Submission (on 28 November 2014)  
and the Administration's Response**

**Purpose**

This paper sets out the Administration's response to the funeral trade's submission on 28 November 2014.

**Background**

2. The Government announced the Private Columbaria Bill ("the Bill") on 18 June 2014 to regulate the operation of private columbaria through the establishment of a licensing scheme. Any premises used or intended to be used for keeping human ashes are defined as a columbarium and will be regulated under the legislation. Any person who operates a columbarium without a specified instrument (i.e. a licence, an exemption or a temporary suspension of liability) commits an offence.

3. Undertakers of burials are already regulated under the Public Health and Municipal Services Ordinance (Cap. 132) and the Undertakers of Burials Regulation (Cap. 132CB). For applications for undertaker's licences that are submitted in or after December 2008, the Food and Environmental Hygiene Department (FEHD) has imposed a licensing condition to prohibit the temporary storage of ashes by undertakers. At present, there remains 81 undertakers whose licences do not debar temporary storage of ashes within their premises. Such storage of ashes is temporary in nature. Part 7 of and Schedule 5 to the Bill which deal with the ash disposal procedures apply to undertakers. Other parts of the Bill are not applicable to them.

**Recent Situation**

4. With a view to strengthening the regulation of temporary storage of ashes by undertakers so as to minimise the nuisance to the local community, FEHD will impose stringent renewal requirements and licensing conditions on undertakers' licences issued under the regulatory system implemented pursuant to Cap. 132, including

setting a cap on the capacity for temporary storage of ashes, restricting the provision of temporary storage service only to those for whom undertakers have provided burial service within the scope of their licences, requiring that rental fee (if any) for temporary storage service should only be charged on a daily or monthly basis, prohibiting salvation rituals during their operation, and strengthening the arrangements for keeping registers of ashes deposited for inspection by FEHD.

5. To facilitate better understanding of the proposed regulatory measures, FEHD held meetings with undertakers on 17 September and 21 October 2014 respectively, exchanging views with the trade on the implementation details. After considering the views of the trade, FEHD will finalise the additional renewal requirements and licensing conditions.

6. In accordance with section 125 of Cap. 132, FEHD will issue letters to the above mentioned 81 undertakers not less than 90 days before their licences are due for renewal, notifying them that they must comply with the additional renewal requirements before the expiry of their existing licences, or else FEHD may refuse to renew their licences. After licence renewal, undertakers must comply with the additional requirements and conditions at all times, failing which their licences may be revoked. We will review, at a suitable juncture, the provision of service by undertakers for temporary storage of ashes.

## **Conclusion**

7. Members are invited to note the content of this paper.

**Food and Health Bureau  
Food and Environmental Hygiene Department  
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