

政府總部
民政事務局

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GOVERNMENT SECRETARIAT
HOME AFFAIRS BUREAU

12TH FLOOR, WEST WING,
CENTRAL GOVERNMENT OFFICES,
2 TIM MEI AVENUE,
TAMAR,
HONG KONG.

本局檔號 OUR REF. : HAB/CR 1/20/158
來函檔號 YOUR REF. : LS/B/19/14-15
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26 October 2015

Ms Vanessa Cheng
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
1 Legislative Council Road,
Central, Hong Kong

Dear Ms Cheng,

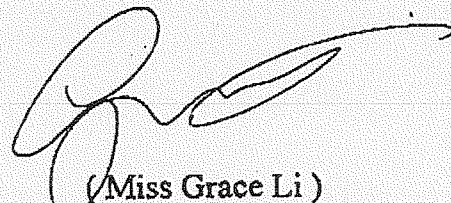
Chinese Permanent Cemeteries (Amendment) Bill 2015 (the Bill)

Your letter dated 16 October 2015 ref LS/B/19/14-15 refers.
Please find our reply as follows:

1. Child	
<i>Relevant Clause of the Bill</i>	<i>Relevant Provision of the Chinese Permanent Cemeteries Ordinance (Cap. 1112) (CPCO) / Chinese Permanent Cemeteries Rules (Cap. 1112A) (the Rules)</i>
<i>Clause 10(8) and 11</i>	<i>Rule 3 and 4</i>
<p>The current exercise does not seek to give an exhaustive definition of "child".</p> <p>Under the established practice, with provision of appropriate documentary proof, adopted child, half-blood child, step-child and child born out of wedlock would be treated as "child" of the relevant person by the BMCPC. Cases other than that will be considered on a case by case basis. Without an exhaustive definition of "child", the current construction of the CPCO and the Rules allows more flexibility in determining who would be eligible in using the cemeteries.</p>	

2. Disinterment and Removal of Human Remains and Ashes from Exhumable Lot on Expiry of the Term	
<i>Relevant Clause of the Bill</i>	<i>Relevant Provision of the Chinese Permanent Cemeteries Ordinance (Cap. 1112) (CPCO) / Chinese Permanent Cemeteries Rules (Cap. 1112A) (the Rules)</i>
<i>Clause 15 and 16</i>	<i>Rules 14(2) and 14A</i>
<p>The service of notice as set out in Rule 14(2) and 14A is to ensure that the permittee will have been reasonably notified of the BMCPCC's intention to disinter or cremate the unclaimed human remains. We consider that the current suggestion has already set out the standard of which normal people will consider a reasonable requirement of serving notice.</p> <p>That said, as explained in the previous letter, the BMCPCC, under the established practice, will endeavour to contact the permittee via other means.</p>	

Yours faithfully,



(Miss Grace Li)
for Secretary for Home Affairs