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民政事務局

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15 December 2015

Miss Josephine So  
Clerk to Bills Committee  
Council Business Division 2  
Legislative Council Secretariat  
1 Legislative Council Road,  
Central, Hong Kong

Dear Ms So,

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

Thank you for your letter dated 1 December 2015. I set out below our response to your questions and suggestions.

**Definition of “relative”**

2. We are considering to make a committee-stage-amendment (CSA) so as to spell out clearly in Rule 3 of the Chinese Permanent Cemeteries Rules (Cap. 1112A) (the Rules) that the following relationship between two persons will be covered for the purposes of the Rules –

- (a) the following is to be treated as a child of a person –
  - (i) a child of the person born out of wedlock;
  - (ii) adopted child of the person;
  - (iii) a step-child of the person; and

- (b) a half-blood brother or sister of a person is to be treated as a brother or sister of the person.

The exact wording of the relationships as described above may be subject to further changes for the purpose of the CSA.

3. As for Members' request for empowering the Board of Management of the Chinese Permanent Cemeteries (the Board) to determine whether the subsequent deceased was in close relationship with the first deceased, we consider that the suggestion is generally in line with the intention of the Bill, which aims to widen the scope of person being eligible for the use of facilities in the Chinese Permanent Cemeteries (CPC). We are considering it further with regard to legal advice.

#### **Definition of "permanently resident in Hong Kong"**

4. "*Permanently resident in Hong Kong*" in relation to any person, according to Rule 3 of the Rules, means "*continuous residence in Hong Kong for a total period of not less than 7 years or the right to land in Hong Kong and to remain free of conditions of stay for the purposes of the Immigration Ordinance (Cap.115) (IO)*". Apart from Hong Kong permanent residents, it also includes other persons who have the right to land in Hong Kong and to remain free of conditions of stay, e.g. "former Hong Kong permanent residents".

5. It is the intention of the Bill to widen the eligibility for the use of CPC facilities and the current definition of "*Permanently resident in Hong Kong*" provides a wider definition than "permanent resident in Hong Kong". Hence, we consider it not necessary to amend the definition with reference to section 2A(1) of IO.

#### **Ambit of donation**

6. We are preparing relevant CSA, so as to spell out clearly in section 7(2) of the Chinese Permanent Cemeteries Ordinance (Cap. 1112) (the Ordinance) that the Board may donate to any charity operating for the benefit of the community of Hong Kong or "any sector" of the community.

**Dimension of grave spaces**

7. The amendment proposed to rule 7(2) of the Rules has no implications on the usable spaces of a grave (pictograms at Annex). The suggested amendment is to follow the presentation as adopted in the Private Cemeteries Regulation (Chapter 132BF).

8. To ensure compliance with the requirement for the use of the grave space, various administrative measures have been put in place by the Board –

- (a) The Board would demarcate on site the size of the grave spaces according to the specified dimension.
- (b) All documents mentioning the size of the grave space would clearly state the dimension.
- (c) Grave digging works are normally conducted by the appointed grave digging contractors of the Board and these contractors are required to dig the grave according to the Board's instruction and in compliance with the requirement as stated in the Rules.
- (d) All burials are conducted under the supervision of cemetery staff.
- (e) As for construction above the grave, permittees are informed of the allowable size of tombstones etc. and are required to engage the Board's registered stonemasons to carry out the works. These registered stonemasons have to follow the requirement of the Board strictly.

There has been no reported case of non-compliance with the requirement concerning the dimension of grave spaces.

Yours faithfully,



( Miss Gloria Lo )

for Secretary for Home Affairs

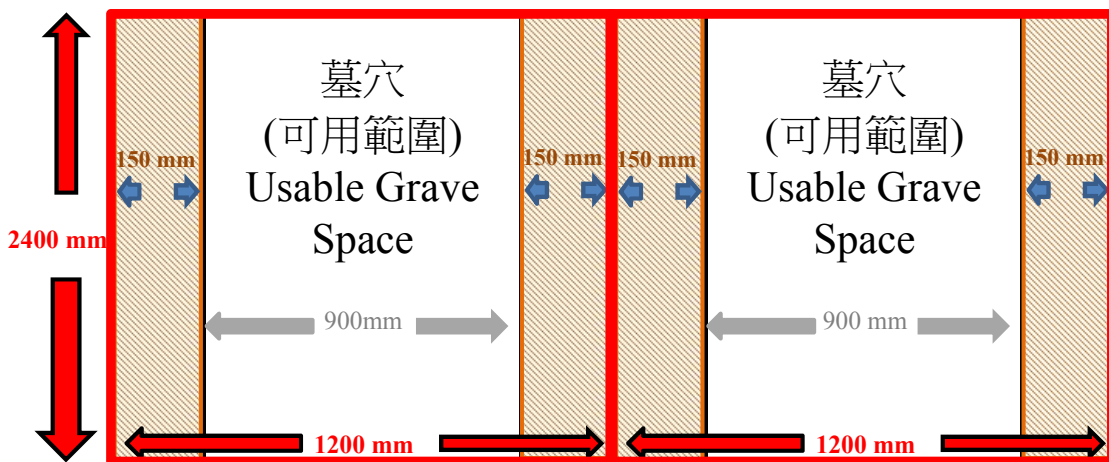
## 現行法例 Existing Provisions

《華人永遠墳場規則》(第1112章，附屬法例A) 第7條(2)：

「墳墓用地的面積不得超逾1200毫米乘2400毫米，且不得在毗鄰墳墓用地之間留有空間：但為任何埋葬而進行挖掘時，不得干擾離任何毗鄰墳墓用地150毫米範圍內的泥土。」

Section 7(2), Chinese Permanent Cemeteries Ordinance (Cap.1112A):

A grave space shall not exceed an area of 1 200 mm by 2 400 mm and there shall not be provision for interspace between adjacent grave spaces: **Provided that in the digging for any burial no soil within 150 mm of any adjacent space shall be disturbed.**"



## 建議修訂 Suggested Amendments

《華人永遠墳場規則》(第1112章，附屬法例A) 第7條(2) (修訂後)：

「墳墓用地的面積不得超逾900毫米乘2400毫米，而在毗鄰墳墓用地之間，須有至少300毫米的空間：但為任何埋葬而進行挖掘時，不得干擾離任何毗鄰墳墓用地150毫米範圍內的泥土。」

Section 7(2), Chinese Permanent Cemeteries Ordinance (Cap.1112A) (After Amendment):

A grave space must not exceed an area of 900 mm by 2 400 mm and **there must be at least 300 mm interspace between adjacent grave spaces: Provided that in the digging for any burial no soil within 150 mm of any adjacent space may be disturbed.**"

