

**Bills Committee on
Chinese Permanent Cemeteries (Amendment) Bill 2015**

**List of follow-up actions arising from the discussion
at the meeting on 22 December 2015**

1. Clause 14 of the Chinese Permanent Cemeteries (Amendment) Bill 2015 ("the Bill") would add a new rule 7A to the Chinese Permanent Cemeteries Rules (Cap. 1112A) ("the Rules") to regulate the use of grave spaces in Chinese Permanent Cemeteries ("CPCs"). Under the proposed rule 7A(1), the first interment in a grave space must only be that of the encoffined human remains of an eligible deceased. Pointing out that there might be possibility that the human remains of a deceased person of Chinese race permanently resident in Hong Kong would not be put into a coffin for burial on grounds of culture or religion, members expressed concern as to whether the term "encoffined ("入殮")" in the proposed rule 7A(1) would render any deceased persons enjoying their own culture, professing and practising their own religion ineligible for burial in CPCs operated by the Board of Management of the Chinese Permanent Cemeteries ("the Board"). The Administration was requested to clarify the meaning of the term "encoffined" and to consider refining the clause to address the above concern raised by members.

2. Clauses 15 and 16 of the Bill respectively provided for the Board's power to disinter and remove human remains and ashes from exhumable lot on expiry of the term and to cremate human remains removed from exhumable lot. Members were informed that before publishing notice in the Gazette and in at least two local Chinese newspapers stating its intention to disinter and remove the human remains and ashes from an exhumable lot (the amended rule 14(2)(b) of the Rules) or to cremate the unclaimed human remains removed from the lot (the new rule 14A(b) of the Rules), the Board would endeavor to contact the permittee via other means including his/her last known mailing address, telephone number, email address, etc. The Administration was requested to revert to the Bills Committee on its consideration of the following suggestions of members/the Legal Adviser to the Bills Committee -

- (a) to spell out clearly in the Bill (i) such other modes of service of notice and (ii) that such other means of contacting the permittee would have to be exhausted or in cases if it was not practicable to serve the notice on the permittee via such means before notice was published in the Gazette and in two local Chinese newspapers; and

- (b) to make it a requirement that the Board would publish the notice also in English newspaper(s), having regard to the possibility that some of the descendants of the deceased persons buried in CPCs might not be able to read Chinese and hence aware of the Board's announcement in Chinese newspapers of its intention of disinterment, removal and cremation.

3. Pointing out that clause 57 of the Private Columbaria Bill required that "a person disposing of ashes interred in a columbarium must do so having regard to the respect for, and the dignity of, the deceased persons concerned" and sections 118(4), 119 and 119A of the Public Health and Municipal Services Ordinance (Cap. 132) also provided for the disposal of human remains "in such a decent manner as the relevant authority might think fit", a member suggested that the Administration should consider making reference to these provisions and moving Committee stage amendments ("CSAs") to include similar provisions in the Bill setting out the guiding principles for the Board's disinterment and removal of human remains and ashes from exhumable lot on expiry of the term. The Administration was requested to consider this suggestion and revert to the Bills Committee on whether CSAs would be introduced.

4. Noting that Schedule 3 to the Rules specified the fees for, among others, multiple burial (for the second and any subsequent burial) and under which the phrases "each coffin burial" and "each burial or reburial in urn" ("每次棺材埋葬" and "每次金塔埋葬或再埋葬" in the Chinese text) were used, a concern was raised that the existing wordings might cause ambiguity in interpretation as the number of set of human remains/skeletal remains/ashes involved in each burial/reburial was not clearly defined. The Administration was invited to consider improving the drafting of the phrases in order to enhance clarity and avoid future disputes between the Board and permittees.