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6 January 2016

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

Dear Miss So,

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

Thank you for your letter dated 29 December 2015. Regarding the questions raised and the recommendations made in the letter, please find our reply below:

Definition of “*encoffined*”

Based on consideration of the management of the cemeteries, only human remains or ashes contained in a coffin (or other containers) shall be buried in Chinese Permanent Cemeteries.

According to the Xiandai Hanyu Cidian (《現代漢語詞典》), the Chinese word “殮” refers to “putting a deceased person in a coffin”, which corresponds to the definition of the English term “encoffined”. When making reference to other legislations, such as the Private Cemeteries Regulation (Cap. 132BF), the Chinese equivalent for the English term “encoffined” is also “入

殮”。 Therefore, the term of “人殮” will continue to be adopted in relevant provisions of Chinese Permanent Cemeteries Rules (Cap. 1112A) (the Rules).

Disinterment and removal of human remains and ashes from exhumable lot on expiry of the term/Cremation of human remains removed from exhumable lot

To ensure that permittees of the lot or their descendants who are illiterate in Chinese will have an opportunity to learn from the newspapers that the Board of Management of the Chinese Permanent Cemeteries (BMCCPC) will soon disinter and remove human remains and ashes from an exhumable lot, or cremate human remains removed from an exhumable lot, we will put forward amendments and specify in the Rules that BMCCPC shall publish a notice in the Gazette and in at least two local Chinese newspapers and at least one local English newspapers stating the above intention. Moreover, BMCCPC may disinter and remove the human remains and ashes or cremate unclaimed human remains and ashes if the permittee has not contacted BMCCPC six months after the publication of the notice.

As mentioned in the papers submitted to the LegCo and at the meeting, BMCCPC will try to make every effort to contact the permittee through other means in addition to those as specified in the relevant provisions of the Rules. According to the established practice, BMCCPC will try to contact and notify the permittee as far as possible that BMCCPC intends to disinter and remove human remains and ashes from an exhumable lot held by the permittee. The above arrangements will be communicated to the permittees when they subscribe for the burial lot, and will be clearly illustrated in relevant documents (“Burial Lot Subscription: Conditions and Guide”), which are detailed as follows:

- i. The permittee is required to disinter and remove the human remains and ashes on the expiry of the term.
- ii. About six months prior to the expiry of the term, BMCCPC will issue a letter to the permittee individually via his or her last known mailing address and remind him or her to disinter and remove the human remains and ashes from the lot on the expiry of the term.

- iii. In accordance with the Rules, the permittee shall inform in writing BMCCPC within one month of any changes in his or her address.
- iv. If the permittee has not disinterred or removed the human remains and ashes on the expiry of the term, BMCCPC shall put up a notice at the lot and publish, as required in the Rules, a notice in the Gazette and in the newspapers, stating its intention of disinterring and removing the same.
- v. BMCCPC will arrange to disinter and remove the human remains and ashes from the lot only if the permittee has not contacted BMCCPC six months after the publication of the notice.

In actual practice, BMCCPC will also request the permittee to provide other contact methods, e.g., telephone number, email address, through which BMCCPC will contact the permittee about six months prior to the expiry of the term. BMCCPC will set out more clearly such arrangement and contact method in “Burial Lot Subscription: Conditions and Guide” in future. As the contact methods mentioned above may change with changing social practices, advancement in science and technology, or under special circumstances of individual permittees, we do not intend to detail all the methods available in the Rules so as to allow more flexibility in actual operation.

Respect for the deceased

Established as early as in 1913, BMCCPC exactly aims to provide persons of Chinese race with places where they can be buried with dignity. BMCCPC has so far followed the principle of respecting the deceased and is committed to providing solemn cemetery facilities in Hong Kong.

Whether the deceased are given due respect may be a subjective judgment in different circumstance; and that the powers of BMCCPC and management requirements of cemeteries have also been set out clearly in the Chinese Permanent Cemeteries Ordinance (Cap. 1112) (the Ordinance) and the Rules. As such, we consider it not necessary to specify in the Ordinance and the Rules requirements of how services should be delivered by BMCCPC. This is to avoid unnecessary disputes that may arise from the performance of duty as set out in the Ordinance and the Rules by BMCCPC.

Fees for multiple interments or burials

We are preparing an amendment to clearly set out the fees for multiple interments or burials in the same grave space or urn lot in item 5 of Schedule 3 in the Rules. The arrangements are as follows:

- i. For an interment of encoffined human remains, the fee for each set of human remains is HK\$3,600; and
- ii. For a burial or reburial of skeletal remains or ashes in containers, the fee for each set of skeletal remains or ashes is HK\$1,800.

Yours faithfully,



(Gloria LO)

for Secretary for Home Affairs