

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

**Draft Committee Stage Amendments to the Chinese Permanent
Cemeteries (Amendment) Bill 2015 Proposed by the Government**

Purpose

This paper sets out the draft Committee Stage Amendments (CSAs) to the Chinese Permanent Cemeteries (Amendment) Bill 2015 (the Bill) proposed by the Government for Members' reference.

2. Brief descriptions of the draft CSAs are set out in the table below. The draft CSAs are in the **Annex**.

Brief Descriptions of the Draft CSAs

	Provisions of the Bill to be Amended	Brief Description of the Proposed Amendments
1	5(3), 10	<p>In response to Members' suggestion, to stipulate clearly in Rule 3 of the Chinese Permanent Cemeteries Rules (the Rules) (Cap. 1112A) that in determining a relationship between two persons for the purposes of these rules that:</p> <p style="margin-left: 40px;">(a) a child of a person includes:</p> <p style="margin-left: 80px;">(i) a child of the person born out of wedlock;</p> <p style="margin-left: 80px;">(ii) an adopted child of the person; and</p> <p style="margin-left: 80px;">(iii) a step-child of the person; and</p> <p style="margin-left: 40px;">(b) a half-blood brother or sister of a person is to be treated as a brother or sister of the person.</p>
2	7	<p><i>Textual amendment</i></p> <p>In response to Members' suggestion, to amend the text of section 7 of the Chinese Permanent Cemeteries Ordinance (Cap. 1112) to stipulate more clearly that the Board of Management of the Chinese Permanent Cemeteries (the Board)</p>

		may donate to any charity operating for the benefit of the community of Hong Kong or any sector of that community.
3	15	In response to Members' suggestion, to stipulate in Rule 14 of the Rules that the Board shall publish a notice in the Gazette and in at least two local Chinese newspapers and at least one local English newspaper stating the relevant intention; and may disinter and remove unclaimed human remains and ashes only if the permittee has not contacted the Board six months after the publication of the notice.
4	16	In response to Members' suggestion, to stipulate in Rule 14A of the Rules that the Board shall publish a notice in the Gazette and in at least two local Chinese newspapers and at least one local English newspaper stating the relevant intention; and may cremate unclaimed human remains only if the permittee has not contacted the Board six months after the publication of the notice.
5	33	<i>Textual Amendment</i> In response to Members' suggestion, to amend the text of item 5 of Schedule 3 of the Rules to stipulate clearly the fee arrangements for multiple interments or burials in the same grave space or urn lot.

Chinese Permanent Cemeteries (Amendment) Bill 2015

Committee StageAmendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
5(3)	By deleting “rule 3” and substituting “rule 3(1)”.
7	By deleting “a particular” and substituting “any”.
10	By adding before subclause (1)— “(1A) Rule 3— Renumber the rule as rule 3(1). ”.
10(1)	By deleting “Rule 3,” and substituting “Rule 3(1),”.
10(2) to (11)	By deleting “Rule 3” and substituting “Rule 3(1)”.
10	By adding— “(12) After rule 3(1)— Add “(2) In determining a relationship between 2 persons for the purposes of these rules— (a) a child of a person includes— (i) a child of the person born out of wedlock; (ii) an adopted child of the person; and (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.”.”.

15 In the proposed rule 14(2)(b), by adding “and at least 1 local English newspaper” after “newspapers”.

16 In the proposed rule 14A(b), by adding “and at least 1 local English newspaper” after “newspapers”.

33 By deleting subclause (1) and substituting—

“(1) Third Schedule, item 5—

Repeal

“burial (rules 16 and 17)—for the second and any subsequent burial”

Substitute

“interments or burials (rules 7A and 18A)—for the second and each of the subsequent interments or burials”.

(1A) Third Schedule, item 5(a)—

Repeal

“each coffin burial”

Substitute

“(for an interment of encoffined human remains) each set of human remains”.”.

33 By deleting subclause (2) and substituting—

“(2) Third Schedule, item 5(b)—

Repeal

“each burial or reburial in urn”

Substitute

“(for a burial or reburial of skeletal remains or ashes in containers) each set of skeletal remains or ashes”.”.