

# 立法會

## *Legislative Council*

LC Paper No. CB(2)587/15-16(06)

Ref : CB2/PL/FE

### **Panel on Food Safety and Environmental Hygiene**

#### **Information note prepared by the Legislative Council Secretariat for the meeting on 12 January 2016**

#### **Private Columbaria Bill: Anticipated issues that must be handled at the initial stage of implementing the regime under the Ordinance**

The Government introduced the Private Columbaria Bill ("the Bill") into the Legislative Council ("LegCo") on 25 June 2014, proposing a licensing regime for regulating private columbaria with a view to ensuring compliance with statutory and government requirements, enhancing protection of consumer interests and putting the further development of the trade on a sustainable path. At the House Committee meeting on 27 June 2014, a Bills Committee was formed to study the Bill.

2. The Bills Committee on Private Columbaria Bill ("Bills Committee") has completed clause-by-clause examination of the Bill. According to the proposed work plan provided by the Administration to the Bills Committee in December 2014 (LC Paper No. CB(2)431/14-15(03)), the Administration will draw up Committee stage amendments for discussion with the Bills Committee. If all go well, the Bills Committee will complete its scrutiny work thereafter and the resumption of the Second Reading debate on the Bill may take place in early 2016. It is anticipated that the Private Columbaria Ordinance ("the Ordinance") will commence operation in July 2016.

3. According to the LegCo Brief on the Bill (File Ref.: FH CR 2/3751/07), the Private Columbaria Licensing Board<sup>1</sup> ("the Licensing Board") to be set up under section 6 of the Ordinance will undertake preparatory work within the first three months following the enactment of the Ordinance. Applications from

---

<sup>1</sup> The constitutional and administrative provisions relating to the Licensing Board are provided in Schedule 1 to the Ordinance. The proposed section 7 of the Ordinance empowers the Licensing Board to determine applications for a licence, exemption or temporary suspension of liability in respect of a columbarium, to issue guidelines and codes of practice about the operation and management of columbaria, to conduct investigation into irregularities and discipline operators, and to exercise powers that are ancillary to its functions.

pre-Bill columbaria for a licence, exemption or temporary suspension of liability will have to be submitted within the following three months. In addition, before the commencement of the licensing scheme under the Ordinance, the Licensing Board will, through promulgating a code of practice, provide contract templates covering the information and essential terms that need to be set out in a contract for sale of interment rights in a private columbarium.

4. According to the Administration's latest advice, it anticipates a number of issues of concern to the community that must be handled at the initial stage of implementing the licensing regime under the Ordinance. For example, a number of private columbaria might cease operation after the passage of the Bill. As a transitional arrangement, the Administration would need to provide temporary storage facilities for ashes in urns to cater for interred ashes displaced from closed-down private columbaria. When the issue relating to the Administration's provision of temporary storage facilities for displaced ashes was raised at the meeting of the Bills Committee on 16 February 2015, some members expressed concern that storage of ashes in undertakers' premises might become long term and thus cause nuisance to local community if clear guidelines for temporary storage were not drawn up. The Administration informed the Bills Committee that it would impose stringent renewal requirements and licensing conditions on an undertaker licence, including setting a cap on the capacity for temporary storage of ashes at premises of licensed undertakers of burials. Besides, the Administration would review, at a suitable juncture, the provision of service by undertakers for temporary storage of ashes and further tighten the renewal requirements and licensing conditions on an undertaker licence, if necessary. The Administration will brief members in greater detail on the subject matter at the Panel meeting on 12 January 2016.

Council Business Division 2  
Legislative Council Secretariat  
6 January 2016