

立法會
Legislative Council

LC Paper No. CB(3) 473/16-17

Ref : CB(3)/B/FH/1 (16-17)

Tel : 3919 3306

Date : 10 April 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting on 12 and 13 April 2017

Private Columbaria Bill

Committee stage amendments

Members were informed vide LC Paper No. CB(3) 470/16-17 issued on 6 April 2017 that the President had given permission for the Secretary for Food and Health to move Committee stage amendments to the Bill.

2. Members are invited to note that the President has also given permission for the following Members, subject to the Bill receiving Second Reading, to move their proposed amendments:

Mover of amendment(s) (set out in the order of receipt)	Appendix
Hon CHAN Chi-chuen	1
Dr Hon Fernando CHEUNG	2
Hon Nathan LAW	3
Hon LEUNG Kwok-hung	4

2. As directed by the President, the proposed amendments are attached for Members' consideration.

(Boris LAM)
for Clerk to the Legislative Council

Encl.

Private Columbaria Bill

Committee Stage

Amendments to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 5, section 6(2)	<p>In the definition of <i>prescribed claimant</i>, by deleting everything after “means” and substituting—</p> <p>“—</p> <ul style="list-style-type: none">(a) an authorized representative;(b) a personal representative, relative or related person; or(c) the purchaser of the interment right;”.
Schedule 5, section 9(5)	<ul style="list-style-type: none">(a) In paragraph (b), by deleting “or relative” and substituting “, relative or related person”.(b) In paragraph (c), by deleting “or relative” and substituting “, relative or related person”.(c) In paragraph (d), by deleting “and a relative’s” and substituting “, a relative’s claim and a related person’s”.

Private Columbaria Bill

Committee Stage

Amendments to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 5, section 6(2)	<p>In the English text, in the definition of <i>relative</i>, in paragraph (p), by deleting the full stop and substituting a semicolon.</p>
Schedule 5, section 6(2)	<p>By adding in alphabetical order—</p> <p>“<i>court</i> (法院), except in section 13(2) of this Schedule, means the District Court;</p> <p><i>related item</i> (相關物品), in relation to ashes, means—</p> <ul style="list-style-type: none">(a) the container of the ashes; or(b) an item interred together with the ashes in the same container; <p><i>related person</i> (相關人士), in relation to a deceased person, means a person who—</p> <ul style="list-style-type: none">(a) was living with the deceased person in the same household immediately before the date of the death of the deceased person; and(b) had been living with the deceased person in the same household for at least 1 year before that date; <p><i>return order</i> (交還令) means an order for the return of ashes made under section 75 of this Ordinance.”.</p>

Private Columbaria Bill

Committee Stage

Amendment to be moved by Dr the Honourable Fernando CHEUNG Chiu-hung

Clause

Amendment Proposed

Schedule 5, In the definition of *relative*, by adding —
section 6(2)

- “(ab) the other party in a marriage, civil partnership or civil union with the deceased in which that other party and the deceased are of the same sex and which was celebrated or contracted outside Hong Kong in accordance with the law in force at the time and in the place where the marriage, civil partnership or civil union was performed;”.

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Committee Stage

Amendments to be moved by the Honourable Nathan LAW Kwun-chung

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 5, section 6(2)	<p>In the definition of <i>prescribed claimant</i>, by deleting everything after “means” and substituting—</p> <p>“—</p> <ul style="list-style-type: none"> (a) an authorized representative; (b) a personal representative, relative or related person; or (c) the purchaser of the interment right;”.
Schedule 5, section 6(2)	<p>In the English text, in the definition of <i>relative</i>, in paragraph (p), by deleting the full stop and substituting a semicolon.</p>
Schedule 5, section 6(2)	<p>By adding in alphabetical order—</p> <p>“<i>court</i> (法院), except in section 13(2) of this Schedule, means the District Court;</p> <p><i>related item</i> (相關物品), in relation to ashes, means—</p> <ul style="list-style-type: none"> (a) the container of the ashes; or (b) an item interred together with the ashes in the same container; <p><i>related person</i> (相關人士), in relation to a deceased person, means a person who—</p> <ul style="list-style-type: none"> (a) is the other party in a marriage, civil partnership or civil union with the deceased person in which that other party and the deceased person are of the same sex and which was celebrated or contracted outside Hong Kong in accordance with the law in force at the time and in the place where the marriage, civil partnership or civil union was performed; or (b) was living with the deceased person in the same household immediately before the date of the death of the deceased person, and had been living with

the deceased person in the same household for at least 2 years before that date;

return order (交還令) means an order for the return of ashes made under section 75 of this Ordinance.”.

Schedule 5,
section 9(5)

- (a) In paragraph (b), by deleting “or relative” and substituting “, relative or related person”.
- (b) In paragraph (c), by deleting “or relative” and substituting “, relative or related person”.
- (c) In paragraph (d), by deleting “and a relative’s claim” and substituting “, a relative’s claim and a related person’s claim”.

Private Columbaria Bill

Committee Stage

Amendments to be moved by the Honourable LEUNG Kwok-hung

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 5, section 9(5)	<p>(a) In paragraph (b), by deleting “or relative” and substituting “, relative or related person”.</p> <p>(b) In paragraph (c), by deleting “or relative” and substituting “, relative or related person”.</p> <p>(c) In paragraph (d), by deleting “and a relative’s claim” and substituting “, a relative’s claim and a related person’s claim”.</p>