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Panel on Food Safety and Environmental Hygiene

Background brief prepared by the Legislative Council Secretariat for the meeting on 9 May 2017

Issues relating to supply of niches

Purpose

This paper provides background information on issues relating to the supply of niches and summarizes the main views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the subject.

Background

Supply of niches

2. According to the Administration's reply to a written question raised at the Council meeting of 12 April 2017, as at 31 December 2016, there were a total of about 214 300 niches provided in the eight columbaria managed by the Food and Environmental Hygiene Department ("FEHD"), while about 365 200 niches were provided by columbaria in non-governmental private cemeteries, including non-profit-making cemeteries managed by the Board of Management of the Chinese Permanent Cemeteries ("BMCPC") and religious or ethnic bodies. The number of niches currently available for allocation in public columbaria and columbaria in non-governmental private cemeteries are 900 and 25 650 respectively.

3. To cater for the growing demand for niches in Hong Kong, the Government has adopted a three-pronged approach, i.e. increasing the supply of public niches, regulating private columbaria and promoting green burial. To increase the supply of public niches, the Administration has been promoting the

district-based columbarium development scheme under which 24 potential sites in 18 districts have been identified for columbarium development ("the 24 potential sites"). The list of those 24 potential sites is in **Appendix I**.

4. During the briefing by the Secretary for Food and Health on the Chief Executive's 2017 Policy Address on 24 January 2017, the Administration advised that it had largely completed the initial studies and had been consulting, since the second quarter of 2011, the respective District Councils ("DCs") on the proposed development of columbarium on the 24 potential sites. In its written response provided to the Panel on 6 February 2017 on the progress of the district-based columbarium development scheme, the Administration advised that it had so far obtained support from the relevant DCs for 14 projects¹, and these 14 projects would provide around 589 000 new niches in total, representing about two thirds of the total planned number of new niches to be made available by all the 24 projects. Details of the progress of the 24 projects under the district-based columbarium development scheme are set out in paragraphs 4 to 6 of LC Paper No. CB(2)761/16-17(01).

Measures to optimize the use of existing niches

5. In order to optimize the use of existing niches in public columbaria, FEHD has, since January 2014, relaxed the arrangement of placing additional sets of ashes into public niches, including (a) relaxing the definition of "close relative"; and (b) allowing the public to place more than two sets of ashes in a standard niche and more than four sets in a large niche. According to the Administration's estimation, if members of the public could make the best use of this option, as many as 181 000 more urns could be placed in public columbaria.

6. With the passage of the Chinese Permanent Cemeteries (Amendment) Bill 2015, BMCPC has adopted similar measures including broadening the definition of "relatives" for placing additional sets of ashes in its facilities, allowing subsequent interment of ashes into exhumable lots and ossuary niches, and removing the cap on the number of sets of ashes that can be placed in a niche. According to the Administration, there are about 300 000 urn spaces in the standard niches and family niches at BMCPC's columbaria.

Regulating private columbaria

7. In November 2016, the Administration re-introduced the Private

¹ The 14 projects are respectively located in Cheung Chau, Diamond Hill, Wo Hop Shek, Tsang Tsui, Tsing Tsuen Road, Sandy Ridge, Cape Collinson, Wong Nai Chung Road, Shek Mun, Kwai Chung (two sites), Lai Chi Yuen and Siu Ho Wan (two sites).

Columbaria Bill² ("the Bill") into the Sixth Legislative Council ("LegCo"), proposing a licensing regime for regulating private columbaria in Hong Kong, 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. The relevant Bills Committee has completed its scrutiny of the Bill, and the Committee Stage and Third Reading on the Bill is scheduled to take place at the Council meeting of 10 May 2017. If the Bill is passed, all private columbaria will have to obtain a licence in order to sell interment rights after the enactment date of the Private Columbaria Ordinance.

8. According to the information provided by the Administration in January 2016, it anticipated that a number of issues of concern to the community would have to 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.

Members' concerns

9. Members' major views and concerns on issues relating to the supply of niches are summarized below.

Supply of niches

10. Members were gravely concerned about the supply of public niches in Hong Kong. There was a view that the Administration should formulate measures for increasing the supply of niches in the coming few years to meet the strong public demand. Information was sought on the progress of and the targeted timetable for implementing the 24 public columbarium development projects under the district-based columbarium development scheme.

² In June 2014, the Administration introduced the former Private Columbaria Bill into the Fifth LegCo for regulating private columbaria. The resumption of the Second Reading debate, Committee stage and Third Reading on the former Bill were put on the Agendas of the Council meetings of 6 and 13 July 2016, but were not reached before the Fifth LegCo stood prorogued. The re-introduced Bill has adopted the framework of the licensing regime discussed and generally supported by the former Bills Committee of the Fifth LegCo, and has incorporated a total of 547 Committee stage amendments proposed to the former Bill over which consensus have already been reached.

11. According to the Administration, among the 14 projects where support from the respective DCs had been obtained, the construction of (a) 855 new niches at the site on Wong Nai Chung Road in Wan Chai would be completed by 2018 and (b) about 160 000 new niches (for allocation by phases) as well as a Garden of Remembrance at Tsang Tsui in Tuen Mun was expected to be completed in 2019. They would be a major source of supply of public niches in the short to medium term. Other columbarium projects (e.g. the Wo Hop Shek Cemetery (Phase 1)) would be progressively completed thereafter. The estimated numbers of new public niches available for allocation in the next four years from 2018 to 2021 would be 2 105, 20 000, 42 000 and 67 000 respectively. Between 2017 and 2019, the estimated numbers of niches that could be provided by private cemeteries would be 12 600, 42 900 and 6 300 respectively. As such, a total of about 190 000 new niches would be available for allocation in public columbaria and columbaria in non-governmental private cemeteries between 2017 and 2021.

12. The Administration further advised that it would continue to consult DCs on other columbarium projects, with a view to providing 310 000 additional new niches in the next 15 years. In addition, the Administration was exploring with the Home Affairs Bureau and BMCPC the feasibility of constructing additional columbarium facilities in the Tseung Kwan O Chinese Permanent Cemetery. Promotional and publicity activities had been and would continue to be conducted, jointly with BMCPC, to encourage the public to place additional urns in existing niches.

Temporary storage facilities for displaced ashes

13. Some members expressed concern that a large number of private columbaria might cease operation after the passage of the Bill, bringing about displacement of a considerable number of displaced ashes in the near future. These members considered that the Administration should take measures to cope with the estimated shortfall of supply of temporary storage spaces (around 30 000 spaces as advised by the Administration) for the displaced ashes arising from the cessation of operation of some private columbaria after the passage of the Bill.

14. According to the Administration, in cases of cessation of columbarium operation, the enacted Bill required operators to properly dispose of any ashes interred in the columbaria. In such cases, FEHD would monitor closely whether the operators of private columbaria had duly discharged their responsibilities under the prescribed ash disposal procedures, including, for instance, making conscious efforts to contact the deceased's authorized

representative for claiming back the ashes. In cases where operators were derelict in discharging their obligations, FEHD would, following investigations, take enforcement actions including initiating prosecutions where necessary.

15. The Administration also advised that FEHD provided service for temporary storage of ashes in all its crematoria free of charge in the first two months following cremation. The duration might be extended upon application at a monthly fee of \$80. To address the needs of the public for temporary storage of ashes, the Government had actively identified venues for use as facilities for temporary storage of ashes. In the coming two years, the capacity of FEHD's facilities for temporary storage of ashes would be increased to at least 65 000 urn spaces. Since storage at these facilities was only a transitional arrangement, no paying of tribute would be allowed. Apart from FEHD's temporary storage facilities, there were 81 licensed undertakers presently regulated under the Undertakers of Burials Regulation (Chapter 132CB) who might store ashes temporarily on the premises specified in their licences. Nevertheless, such holders of undertakers licences should not use premises not specified in their licences as their places of business. Generally speaking, they might not store ashes on a long-term basis in their places of business. Members of the public might consider various alternatives for handling ashes, including keeping ashes at home and adopting green burial.

16. There was a view that the Administration should put in place measures to encourage operators of private columbaria to supply niches at prices affordable to the general public. The Administration advised that the operation of private columbaria had always been market-driven, and operators might offer various service and price options to consumers according to market conditions. The Government would continue its efforts to increase the supply of public niches so as to provide more choices for the public.

Allocation arrangement of public niches

17. Some members expressed concern that under the existing allocation arrangement of public niches by computer balloting, some applicants had to wait for a very long time for allocation of niches. There were suggestions that the Administration should accord priority to those applicants who had participated in several ballots but still had not been allocated niches, and consider setting up a registration and queuing system for the allocation of public niches.

18. The Administration advised that it was conducting a review of FEHD's established practice of allocating new niches by computer balloting, including

analysing the information, data and comments on previous allocation exercises. During the review, the Administration would consider the views of relevant bureaux and departments, the Independent Commission Against Corruption and stakeholders with a view to formulating an allocation mechanism which was fair, equitable, efficient and in public interests. The review was expected to be completed before the next round of large-scale allocation of new niches (anticipated to be the project at Tsang Tsui, Tuen Mun).

Promotion of green burial

19. Members were generally concerned that while green burial was gaining popularity, the number of green burial cases was still on the low side, compared to the total number of deaths in a year. There was a view that the Administration should fortify the necessary mindset changes so as to turn green burial into the mainstream mode for handling human ashes, while stepping up its publicity and promotional efforts on the merits of green burial. Some members further suggested that a registration scheme be established for members of the public to indicate their willingness to adopt green burial, similar to the existing registration scheme for organ donation.

20. The Administration advised that it had been promoting green burial through various publicity channels such as broadcasting Announcements in the Public Interest and producing booklets, posters and banners for publicity purpose. The Administration had also collaborated with non-governmental organizations to promote green burial when the latter provided advisory and information services to the elderly on after-death arrangements. To strengthen strategy formulation on the promotion of green burial, the Administration would set up under the Advisory Committee on Food and Environmental Hygiene a working group focusing on green burial and related issues. According to the Administration, its efforts made over the years to promote green burial were beginning to bear fruit. In 2016, FEHD handled more than 4 900 green burial cases, accounting for about 10.5% of the total number of deaths in Hong Kong.

Latest development

21. The Administration will brief the Panel on the supply of niches and related issues after the enactment of the Private Columbaria Bill at the meeting on 9 May 2017.

Relevant papers

22. A list of the relevant papers on the LegCo website is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
2 May 2017

Appendix I

The 24 sites identified for public columbarium development

1	Eastern	A site on Cape Collinson Road, opposite the Chai Wan Chinese Permanent Cemetery Columbarium and next to Wan Tsui Estate Park
2	Wong Tai Sin	Diamond Hill columbarium extension
3	Sha Tin	A site on On Hing Lane, Shek Mun, next to Shatin Refuse Transfer Station
4	Sha Tin	Fu Shan columbarium extension
5	North	Surplus coffin burial grounds and other land within the Wo Hop Shek Cemetery
6	North	Undeveloped areas within the Sandy Ridge Cemetery
7	Tuen Mun	Part of the Tsang Tsui ash lagoon next to Black Point Power Station
8	Kwai Tsing	Ex-Kwai Chung Incineration Plant on Kwai Yu Street
9	Kwai Tsing	A site on Kwai Tai Road, southeast of ex-Kwai Chung Incineration Plant
10	Kwai Tsing	A site on Tsing Tsuen Road near the Tsuen Wan Chinese Permanent Cemetery
11	Islands	Cheung Chau Cemetery extension
12	Islands	Mui Wo Lai Chi Yuen extension
13	Central and Western	A site at Mount Davis Road, east of Chiu Yuen Cemetery
14	Wan Chai	FEHD's Hong Kong Cemeteries and Crematoria Office (part thereof) at Wong Nai Chung Road
15	Shum Shui Po	A site north of Ching Cheung Road near the Roman Catholic Cemetery

16	Kwun Tong	A site next to the Ex-Ma Yau Tong Central Landfill Site
17	Yau Tsim Mong	Former school within Tin Hau Temple on Temple Street
18	Southern	A site adjoining the Chinese Christian Cemetery at Pok Fu Lam
19	Kowloon City	A vacant staff quarter (part thereof) inside a funeral parlour at 6 Cheong Hang Road, Hung Hom
20 & 21	Tsuen Wan	Two sites located at the Eastern and Western Ends of Sham Shui Kok Drive, Siu Ho Wan, North Lantau
22	Yuen Long	A site between San Tam Road and Mai Po Lung Road, San Tin
23	Tai Po	A site at the southwestern corner of the Shuen Wan Ex-Landfill, near Tai Po Industrial Estate
24	Sai Kung	A site at Area 132, Tsueng Kwan O, near the Tseung Kwan O Chinese Permanent Cemetery

Source : Annex A to the Administration's paper provided for the Panel meeting on 11 December 2012 [LC Paper No. CB(2)304/12-13(05)].

Appendix II

Relevant papers on issues relating to the supply of niches

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	10.3.2015 (Item V)	Agenda Minutes
	14.4.2015 (Item IV)	Agenda Minutes
	12.1.2016 (Item V)	Agenda Minutes
	12.4.2016 (Item III)	Agenda Minutes
	10.5.2016 (Item IV)	Agenda Minutes
	8.11.2016 (Item VII)	Agenda Minutes
	19.12.2016 (Item II)	Agenda Minutes Administration's follow-up paper on the progress of the public columbarium development projects under the district-based columbarium development scheme (LC Paper No. CB(2)761/16-17(01))
	24.1.2017 (Item I)	Agenda

Meeting	Date of meeting	Paper
Legislative Council	22.10.2014	Written question raised by Hon CHAN Hak-kan on "Arrangements before passage of the Private Columbaria Bill"
	5.11.2014	Written question raised by Hon WONG Yuk-man on "Arrangement for allocation of public columbarium niches"
	17.12.2014	Written question raised by Hon LEUNG Kwok-hung on "Services and support provided by the Government for the bereaved"
	29.4.2015	Written question raised by Hon CHAN Hak-kan on "Promoting green burials"
	12.4.2017	Written question raised by Hon CHAN Hak-han on "Supply of columbarium niches"