

立法會 *Legislative Council*

LC Paper No. CB(2)467/17-18(04)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Information note prepared by the Legislative Council Secretariat for the meeting on 12 December 2017

Implementation of the Private Columbaria Ordinance

The Private Columbaria Bill¹ was passed by the Legislative Council on 25 May 2017. The Private Columbaria Ordinance (Cap. 630) ("the Ordinance"), which regulates the operation of private columbaria² through a licensing scheme, has come into effect since 30 June 2017 upon gazettal.

2. The Ordinance aims to ensure that private columbaria are operated in compliance with statutory and Government requirements, to enhance the protection of consumer interest, and to ensure that the mode of operation of the trade is sustainable. Upon enactment of the Ordinance, the operation of a private columbarium in Hong Kong must be covered by a licence, exemption or temporary suspension of liability. Only private columbaria that have obtained a licence may sell or newly let out niches.

3. For a columbarium which was in operation with ashes already interred in niches before 8 am on 18 June 2014 (i.e., a pre-cut-off columbarium), if it is a dated columbarium (i.e. its operation has commenced before 1 January 1990)

¹ The Bill was scrutinized by the Bills Committee on Private Columbaria Bill. The deliberations of the Bills Committee are detailed in its report (LC Paper No. CB(2)1144/16-17), which is available at the website of the Legislative Council <http://www.legco.gov.hk/yr16-17/english/bc/bc51/reports/bc5120170412cb2-1144-e.pdf>.

² Under section 2 of the Ordinance, "columbarium" (a) means any premises that are used, or claimed, represented or held out to be used, for keeping ashes; (b) includes furnaces for burning offerings and any other essential ancillary facilities supporting the premises to be so used; and (c) in relation to an application for a licence, includes - (i) any premises that are indicated in the application as being intended to be used for keeping ashes; and (ii) furnaces for burning offerings and any other essential ancillary facilities that are indicated in the application as being intended to support the premises to be so used; but (d) excludes premises used or to be used for scattering ashes with the permission of the Director of Food and Environmental Hygiene under section 118(1) of the Public Health and Municipal Services Ordinance (Cap. 132).

and meets other requirements under the Ordinance, the columbarium will be eligible to apply for exemption status under the licensing regime. Other columbaria must obtain a licence in order to sell interment right or niches. With the enactment of the Ordinance, a private columbarium that was in operation immediately before 30 June 2017 may continue to operate during a nine-month grace period until 29 March 2018 on the condition that it does not sell or newly let out niches.

4. In the first six months after the enactment of the Ordinance, the Government will undertake preparatory work for the introduction of the licensing scheme, including setting up the Private Columbaria Licensing Board ("Licensing Board") and putting in place the necessary mechanism, procedures and guidelines. The Licensing Board will start receiving applications for specified instruments on 30 December 2017. Applications for specified instruments by pre-cut-off columbaria must be submitted within a three-month period from 30 December 2017 to 29 March 2018.

5. According to information available on the website of the Food and Environmental Hygiene Department, a dedicated office known as the Private Columbaria Affairs Office has been set up to provide executive support to the Licensing Board. The Administration will brief the Panel on matters relating to the implementation of the Ordinance at the Panel meeting on 12 December 2017.

Council Business Division 2
Legislative Council Secretariat
6 December 2017