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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 13 February 2018**

**Allocation arrangements for public niches and
the Administration's efforts in promoting green burial**

Purpose

This paper provides background information on arrangements adopted by the Administration for allocation of public niches and the efforts made by the Food and Environmental Hygiene Department ("FEHD") in promoting green burial, and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on these subject matters.

Background

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 public columbaria managed by FEHD. Under the Cremation and Gardens of Remembrance Regulation (Cap. 132M) ("CGRR"), the ashes of the following deceased person may be deposited at a Government columbarium:

- (a) the person was a Hong Kong resident at the time of his death and his remains were cremated in a Government crematorium within three months after his death; or
- (b) the person was a Hong Kong resident for at least 10 years during the period of 20 years immediately preceding his death and his remains were cremated outside Hong Kong.

Allocation of public niches

3. Upon the completion of a columbarium project, FEHD will allocate the new niches to meet public demand. Allocation arrangements adopted in the past include:

- (a) *before 2001*: supply was sufficient to meet demand. New niches were allocated on a first-come-first-served basis;
- (b) *from 2001 to 2006*: supply was still larger than demand. New niches were basically allocated on a first-come-first-served basis. However, for corruption prevention considerations, FEHD accepted the recommendation of the Independent Commission Against Corruption ("ICAC") to allocate, on a daily basis, a batch of niches to applicants randomly through computer balloting;
- (c) *from 2006 to 2009*: demand began to outgrow supply with no stock for allocation on a first-come-first-served basis. New niches of completed columbarium projects were allocated by computer balloting in one go. No registration system or waiting list was set up; and
- (d) *from 2012 to 2015*: the Diamond Hill Columbarium Extension (with the provision of 1 540 new niches) and a new columbarium at Kiu Tau Road of Wo Hop Shek Cemetery (with the provision of 43 710 new niches) were completed in April and July 2012 respectively. After consulting ICAC and taking into account various factors¹, FEHD decided to continue to adopt the same allocation arrangement in 2009, i.e. computer balloting, to allocate the 45 250 new niches by three phases (10 622, 15 622 and 19 006 niches respectively) from September 2012 to August 2015, with a daily allocation of 110 niches (increased in steps to 125, 140 and 160 niches in the third phase). According to the Administration, the phased allocation of niches by computer balloting could ensure a continuous and steady supply of niches over each of the three years of allocation.

¹ The factors considered by FEHD included: (a) the allocation method must accord with the principles of fairness and transparency; (b) in view of the excess demand for public niches in recent years, any attempt to set, on top of the basic requirements under CGRR governing the entitlement of residents to inter ashes at public columbaria, other added conditions or qualifying criteria pertaining to the priority and allocation was liable to cause disputes among the public and stakeholders; and (c) owing to the limited supply of suitable land for columbarium development and the uncertainty about the future supply of new niches, there was hardly any one allocation mechanism that could satisfy all demands.

4. As regards vacated niches returned for re-allocation, FEHD adopts a waiting list system and allocates the niches in respective public columbaria on a first-come-first-served basis. According to the Administration's reply to a written question raised during the examination of the Estimates of Expenditure for 2017-2018, in the years between 2014 and 2016, on average about 270 returned niches were available for re-allocation each year.

Government's columbarium policy and green burial

5. To cater for the long-term public demand for facilities and services for disposal of cremated ashes, the Administration has adopted a three-pronged strategy which includes (a) increasing the supply of public niches, (b) regulating private columbaria and (c) promoting green burial. According to the Administration, green burial (including scattering of ashes in Gardens of Remembrance ("GoRs") or at sea and paying tribute to the deceased through the Internet Memorial Service website launched by FEHD) provides a more sustainable and environmentally-friendly way for the disposal of cremated ashes. In recent years, there has been an upward trend in the percentage of choosing green burial for the deceased by their family members. While cases of green burial accounted for only 9% of cremations in 2014, more than 3 800 green burial cases were recorded in 2017 (up to August) accounting for about 12.3% of the total number of deaths in the same period.

Members' concerns

6. Members' major views and concerns expressed at meetings of the Panel are highlighted below.

Allocation arrangements

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

8. The Administration advised that it was conducting a review of FEHD's established practice of allocating new niches by computer balloting, including analyzing relevant data and comments on previous allocation exercises. During the review, the Administration would consider the views of relevant

bureaux and departments, ICAC 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 columbarium development project at Tsang Tsui, Tuen Mun which was scheduled for completion in 2019).

9. Some members were of the view that the Administration should explore other measures to better utilize public niches. There was a suggestion that to alleviate the shortage of niches, the Administration should consider introducing a time limit (e.g. five to 15 years) for use of newly allocated public niches or taking failure to submit renewal applications as giving up the niches which would be returned to FEHD for re-allocation.

10. According to the Administration, the Audit Commission had also made similar recommendations in its Report published in October 2015 (i.e. Report No. 65 of the Director of Audit on the results of value for money audits). Other than the measures mentioned above in paragraph 9, the Audit Commission had urged the Administration to consider collecting annual management fee. The Administration advised that from the operational point of view, all the measures were feasible and could alleviate the shortage of niches. They also helped foster the sustainable development of the facilities and make the most optimal uses of the niches. The Administration's preliminary thinking was that a time limit of 10 to 20 years should be set for initial use of newly allocated public niches. If, after the 10- or 20-year period, descendants failed to submit renewal applications and could not be contacted, the Administration might dispose the unclaimed cremated ashes by suitable means. The Administration undertook to proactively explore public acceptance and room for implementation of the proposed measures. Should any of the measures be adopted, the Administration would keep the applicants apprised of the new arrangements before future allocation of niches.

Promotion of green burial

11. Members were generally supportive of the Administration's work in promoting green burial as a sustainable way of disposal of ashes. There was a suggestion that consideration should be given to building more sizable GoRs with better design to enable the public to pay tribute to their ancestors in a scenic and tranquil environment. According to the Administration, due to topographical constraints, some of the GoRs built at a later stage in existing public columbarium facilities were not large in size. To encourage wider use of GoRs and to provide more choices, more GoRs of bigger size had been and would be included in the planning stage of new columbarium facilities as part of the projects, e.g. GoR to be built in Tsang Tsui could provide sufficient space for the mounting of about 10 000 plaques in memory of the deceased.

12. Some members were concerned that while green burial was gaining popularity, the number of green burial cases was still on the low side. There was a view that the Administration should make sustained efforts to fortify the necessary mindset changes so as to turn green burial into the mainstream mode for handling human ashes. Some members suggested the Administration adopting the following measures to promote green burial:

- (a) establishing a registration scheme for members of the public to indicate their willingness to adopt green burial (similar to the existing registration scheme for organ donation);
- (b) offering monetary incentives to encourage the adoption of green burial; and
- (c) waiving the relevant charges and fees for cremation service if the family members of the deceased decided to adopt green burial.

13. 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 as a dedicated platform for tapping the views of the community.

Latest development

14. The Administration will brief members on the results of its review and the proposed arrangements for allocation of new public niches (including advance allocation and time-limited leases) and green burial initiatives to be launched at the Panel meeting on 13 February 2018.

Relevant papers

15. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Appendix

Relevant papers on allocation arrangements for public niches and the Administration's efforts in promoting green burial

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	11.12.2012 (Item IV)	Agenda Minutes Administration's follow-up paper on allotment of public columbarium niches and regulation of private columbaria (LC Paper No. CB(2)1684/12-13(01))
Legislative Council	5.11.2014	Official Record of Proceedings Pages 1547 to 1550 (Written question raised by Hon WONG Yuk-man on "Arrangement for allocation of public columbarium niches")
Panel on Food Safety and Environmental Hygiene	14.4.2015 (Item IV)	Agenda Minutes
Legislative Council	29.4.2015	Official Record of Proceedings Pages 9503 to 9507 (Written question raised by Hon CHAN Hak-kan on "Promoting green burials")
Panel on Food Safety and Environmental Hygiene	12.4.2016 (Item III)	Agenda Minutes
	10.5.2016 (Item IV)	Agenda Minutes

Committee	Date of meeting	Paper
Legislative Council	12.4.2017	Official Record of Proceedings Pages 6026 to 6032 (Written question raised by Hon CHAN Hak-han on "Supply of columbarium niches")
Panel on Food Safety and Environmental Hygiene	9.5.2017 (Item IV)	Agenda Minutes

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