

For discussion on
on 30 April 2018

Legislative Council Panel on Food Safety and Environmental Hygiene

**Progress Report on the Implementation of
the Private Columbaria Ordinance**

PURPOSE

Further to the paper on 12 December 2017 (see LC Paper No. CB(2)467/17-18(03)), this paper briefs Members on the latest progress of the implementation of the Private Columbaria Ordinance (Cap. 630) (the Ordinance).

LATEST DEVELOPMENT

(A) Applications Received by the Private Columbaria Licensing Board (PCLB)

2. The deadline for submitting applications for specified instruments (viz. licence, exemption or temporary suspension of liability (TSOL)) in respect of pre-cut-off columbaria (i.e. a columbarium that was in operation, and in which ashes were interred in niches, immediately before the cut-off time, i.e. 8 am on June 18, 2014) has expired by close of 29 March 2018.

3. By close of 29 March 2018, 144 private columbaria have submitted 359 applications for specified instruments¹. When compared with private columbaria on the Development Bureau's Information on Private Columbaria (DEVB's List) that are not private cemeteries, the 144 private columbaria comprise the following –

- (a) all 15 private columbaria on Part A of DEVB's List;

¹ One private columbarium may submit more than one application for specified instruments.

- (b) 110 private columbaria on Part B of DEVB's List; and
- (c) 19 private columbaria that are not on DEVB's List.

The 359 applications for specified instruments are inclusive of –

- (a) 131 applications in respect of licences;
- (b) 67 applications in respect of exemptions; and
- (c) 161 applications in respect of TSOL.

4. Also, by close of 29 March 2018, according to information available to the Private Columbaria Affairs Office (PCAO), 22 private columbaria, which comprise 15 private columbaria on Part B of DEVB's List and 7 outside DEVB's List, did not submit applications for specified instruments. Most of them have either completed returning ashes to the family members of the deceased; or are in the process of implementing or have undertaken to conduct the ash disposal procedures as stipulated in the Ordinance.

(B) Enforcement

5. From the enactment of the Ordinance (30 June 2017) to end March 2018, the PCAO has conducted around 530 inspections. In early March 2018², the PCAO has also cracked down on a columbarium suspected to have newly rented out niches in Hung Hom. The PCAO will continue to take stringent enforcement actions against columbaria operating in contravention of the Ordinance and monitor compliance with the legal requirements for implementing ash disposal procedures by private columbaria.

(C) Temporary Keeping of Ashes in respect of Niches Sold in the Past

6. The PCLB fully understands the wishes of the public for the resumption of supply of private niches as soon as possible, and to keep ashes in niches purchased in the past. Where practicable, the PCLB will make its best endeavour to process the applications for specified instruments expeditiously as

² Relevant press release is at http://www.fehd.gov.hk/english/news/details/20180308_6824.html

soon as the applicants have provided the requisite information (including relevant supporting documents) required. Thus far, among those applications which have been preliminarily checked by the PCAO, none of the applicants has submitted the information and supporting documents in full. Also, the time needed for the PCLB to process the applications hinges largely on whether and when the private columbaria can meet the eligibility requirements for the respective specified instruments. The PCAO will continue to maintain close liaison with the applicants and work with related departments to process the applications expeditiously as far as practicable.

7. The Government has explained that if the public need to keep ashes temporarily in niches purchased in the past, the keeping of “new sets of ashes” during the grace period in a private columbarium that was in operation immediately before the enactment of the Ordinance is not prohibited³. However, the private columbarium is required to meet all application requirements (including the provisions about the ash interment quantity stipulated in the Ordinance) before the TSOL can be issued. In July last year, the Government issued a letter to the private columbarium operators, making clear that they should explain to the consumers that if the families concerned still choose to keep "new sets of ashes" in their niches during the grace period, the ashes should be kept in a temporary manner (i.e. sealing the niches with a plaque is not recommended). The same information has also been published in the dedicated website on the Regulation of Private Columbaria (www.rpc.gov.hk) for public information.

(D) FEHD’s Temporary Storage Service

8. The families may consider, among others⁴, applying for the temporary storage facilities provided by the Food and Environmental Hygiene Department (FEHD) for keeping the ashes temporarily. It is free of charge for the first two months following cremation, and can be extended at \$80 per month

³ Relevant press release is at <http://www.info.gov.hk/gia/general/201803/28/P2018032800841.htm?fontSize=1>

⁴ If the public have ashes of their family members interred in niches managed by FEHD or the Board of Management of the Chinese Permanent Cemeteries, they may apply for co-location of additional sets of ashes in such niches. In addition, they may consider measures such as applying for niches in private cemeteries, keeping ashes at home or adopting green burial.

thereafter. If the families need to pay tribute to the deceased, they may use the existing facilities of the nearby public columbaria. Currently, only 1 155 spaces are in use. We will increase the capacity of its temporary storage facilities from the 28 000 spaces⁵ currently to about 68 000 spaces in these two years, and will increase it further as and when necessary. As early as 30 June 2017, we have updated FEHD's webpage on temporary storage spaces⁶. Apart from issuing a press release⁷ and responding to enquiries from media, we will also step up publicity on such facilities.

(E) Counting survey

9. As foreshadowed in the Legislative Council Brief titled "Implementation of Private Columbaria Ordinance – Issues on Land Premium and Traffic Impact Assessment" (File Ref: FH CR 2/3751/07), to facilitate relevant departments and authorities to have a better grasp of the traffic and pedestrian flow brought by private columbaria, FHB has commissioned a counting survey to collect the actual traffic and pedestrian data during the Ching Ming Festival period of 2018 of private columbaria claiming pre-cut-off status in their applications for specified instruments.

10. The traffic and pedestrian flow of about 135 road junctions and 169 access points in respect of about 130 private columbaria joining the Notification Scheme are covered in this counting survey. Due to manpower constraint on conducting all counting on one single day (the Ching Ming day), the counting of traffic and pedestrian flow were spread over six public holiday days⁸ around the Ching Ming Festival period. The counting took place from 8:30 a.m. to 4:30 p.m. on a day. In order to increase the number of locations counted on the Ching Ming day (5 April), the traffic and pedestrian flow on 5 April was captured by video recording, insofar as circumstances permit, for locations (roughly more than 20% of the road junctions (33) and access points (38) were involved) which were not manually counted on that day. The recorded data

⁵ They are located at the Kwai Chung Crematorium, the Wo Hop Shek Columbarium Phases III and V, the Cape Collision Crematorium and the Hong Kong Cemetery.

⁶ Relevant webpage is http://www.fehd.gov.hk/english/cc/cremains_tempStorage.html

⁷ Relevant press release is at <http://www.info.gov.hk/gia/general/201803/28/P2018032800841.htm>

⁸ 25 March, 1 April, 2 April, 5 April, 8 April and 15 April 2018

will then be turned into numerical data by reviewing the footage of the video recording. The Government, the Consultant and the Contractor have ensured that the view coverage of the video recording is targeted at the road junctions or access points which are public areas. No view within any private development will be captured. The video recording is only used to capture numerical data for counting purpose and does not involve identification of any personal data. The relevant procedure and data are properly and prudently handled, including returning all video recording to the Government for destruction after use. The counting survey has been completed but the data are under compilation. Once ready, we will make public the relevant data in an appropriate form.

SUBMISSION OF PAPER

11. Members are invited to note the content of the paper.

**Food and Health Bureau
Food and Environmental Hygiene Department
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