



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

8 June 2018

Ms Josephine SO
Clerk to the Panel on Food Safety and Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms SO,

**Panel on Food Safety and Environmental Hygiene
Proposed extendable arrangement for public niches**

Thank you for your letters of 8 May 2018 and 31 May 2018. Having considered the submissions received by the Panel on the captioned subject, we set out below our response, together with further refinements to our proposals and an update of our consultation with the District Councils.

Supply and demand of public niches

2. Projection based on latest demographic and operational data is that in the next 20 years (from 2018 to 2037), the cumulative number of cremations is around 1.1 million. It is estimated that the number of deaths will increase continually from around 50 000 in 2018 to over 70 000 in 2037. The number of annual deaths is expected to exceed 94 000 in 2047.

3. Under the district-based columbarium development scheme, 24 sites on some 59 hectares of land have been identified. Intensive consultation with District Councils has been going on to take forward specific projects once ready. With support or no objections from District Councils, works projects being implemented may produce some 590 000 niches in due course. We are

adamant to forge ahead with the remaining projects under planning despite all difficulties, in a bid to make full use of the remaining sites identified for the provision of an additional 300 000 niches. Even with about 900 000 niches in total, the demand could hardly be met in the long run. Please see **Annex** for a graphical representation of the situation.

4. Whilst we would continue to look for new suitable sites for public columbarium projects, if we were to meet the continuous demand only through the conventional means of permanent allocation of niches, we would need to, for instance, put in train a works programme to see to the commissioning **every year** of a major public columbarium of a size larger than the current Diamond Hill Columbarium (with a capacity of over 60,000 niches). This approach is clearly not sustainable, as there is a genuine limit to land resources in Hong Kong.

Extendable arrangement for use of niches

5. To cope with the increasing demand for disposal of cremated ashes¹, there is no question that we are relentlessly pressing ahead with the district-based columbarium development scheme. To make the most of the future stock coming on stream starting end 2018, we have put up proposals to allocate public niches for an initial interment period of 20 years, to be followed by extension every 10 years on payment of the prevailing prescribed fees. There is thus no time limit to the use of a niche allocated, provided that the related persons (i.e. the niche allocatee or nominated representative(s)) confirm the continued use by extending the interment period.

6. The above extendable arrangement would not at present affect sitting ashes in existing public niches which had been allocated on a permanent basis². For various reasons³, some niches may be returned to FEHD and made available to new users. Currently, they are re-allocated to applicants on a

¹ We have been pursuing a three-pronged approach, namely, promoting the sustainable development of the private columbaria sector through introducing a regulatory framework, promoting green burial, and increasing the supply of public niches. In the case of existing public niches, we have already removed the cap on the number of sets of ashes that may be co-located in a public niche and relaxed the definition of “close relative” so as to make the most of the current capacity of public niches.

² Currently, Food and Environmental Hygiene Department (FEHD) runs eight columbaria providing about 214 000 niches for permanent use.

³ For instance, interred ashes in some public niches are removed for scattering in Gardens of Remembrance or at sea, depositing with private columbaria locally or outside Hong Kong, co-location into other niches to facilitate paying tribute, etc.

columbarium-specific waiting list on a first-come-first-served basis⁴. In future, on parity grounds and in the best public interest, the same extendable arrangement will apply to both allocation of new niches and re-allocation of reused niches. The current waiting lists will be frozen until all applications are dealt with through re-allocation of reused niches. Subsequently, public niches returned to FEHD will be pooled for applications based on computer balloting alongside new niches.

Co-location of ashes

7. We have been encouraging co-location of ashes of persons in the same family or with close relationship in the same niche. In the case of extendable niches in future, the interment period may be given a fresh count of 20 years from the co-location date (regardless of the length of the past interment), which may be extended at 10-year intervals afterwards. If a further set of ashes is added to the niche later, the same new interment schedule may apply (20 years from co-location plus extension at 10-year intervals)⁵.

Notification arrangements

8. To provide added flexibility of niche extension, we plan to allow a niche allocatee to nominate up to two representatives (with order of priority indicated) who may apply for extension of the interment period of a niche. While it is incumbent upon the related persons to inform FEHD of any change in the contact list or their contact information⁶, the following arrangements would be put in place to remind them -

⁴ In the last three years, an average of about 330 niches were reallocated each year. The waiting time depends on the number of used niches returned to FEHD and the number of applicants on the waiting list of the respective columbarium.

⁵ In technical terms, the original interment period of the sitting ashes will continue to run until expiry and an option will be immediately offered to extend right away the interment period for the continued use of the niche beyond the original expiry to make up 20 years counting from the time of co-location. If the option is not exercised, the new set of ashes may be co-located for the remaining portion of the original interment period on payment of an administrative fee only (currently \$140), and the original extension schedule (10 years every time) will remain.

⁶ We would set out in the application form for allocation of public niches in unequivocal terms that the onus is on the allocatee to handle the ashes after expiry of the 20-year initial interment period or each 10-year extension period and to update the Government of contact details from time to time.

- (a) upon consent of the niche allocatee and provision of an email address, FEHD will create a dedicated webpage for the deceased in the Internet Memorial Service (IMS) website free of charge;
- (b) the IMS webpage of the deceased will display the expiry date of the interment in the front page as a standard feature, and provide a dedicated link to facilitate the related persons to update the contact list or their contact information;
- (c) every 5 years, FEHD would approach the related persons by SMS, email or other appropriate means to remind them to provide any update of the contact details;
- (d) 2 years before the expiry date, FEHD will contact the related persons by SMS, email or other appropriate means to ascertain if they would seek an extension of the interment period, and display a pop-up message on the IMS webpage. This will be repeated every 6 months until expiry of the interment period;
- (e) upon expiry of the interment period, FEHD will make additional efforts to contact the related persons, such as through issuing letters to their last known address, publishing notices in the Government Gazette, newspapers and FEHD website, and posting notices on relevant niche walls; and
- (f) a grace period of 2 years from the expiry date (straddling 2 cycles of Ching Ming and Chung Yeung Festivals) would be allowed for related persons to contact FEHD to seek extension, before proper procedures would be initiated to remove the ashes physically from the niche.

9. In other words, the window for applying for an extension of the interment period will be at least 4 years (counting from the first attempt to contact the related persons), including a grace period of 2 years after the expiry date. This, we consider, would allow sufficient time for the related persons to contact FEHD.

Documentation of final disposal

10. Where an interment period expires without extension and the 2-year grace period is exhausted, the ashes would be disposed of by FEHD in a solemn

and decent manner⁷. FEHD will properly document the means and location of the final disposal for reference of any descendants showing up in future.

Deceased without close relatives

11. We appreciate that currently some sympathetic non-governmental organizations are providing after death care services to elderly people without descendants or close relatives. The mainstay is to help them make solemn, dignified choices for peace of mind in the remaining living years. In this vein, our understanding is that major players may cover matters like counselling, funeral, cremation and final disposal of ashes by green burial. The extendable niche allocation arrangement is unlikely to affect the services that they are currently providing to subject clients.

12. We appreciate that in some cases far and between, their service might cover temporary storage of cremated remains and application for a niche when an allocation exercise is opened. In case such service might continue after introduction of the extendable niche arrangement, we would encourage the organisations concerned to put in place appropriate governance to make full and best use of the nomination of the niche allocatee and two more representatives as any one of them may make extension arrangements in future and nominate successors to take their places anytime.⁸

Consultation with District Councils and Advisory Body

13. To date we have consulted all 18 District Councils or their relevant committees, and the majority of them supported in principle more sustainable use of land resources through adoption of extendable niches. In its paper submitted to the Panel, the Working Group on Green Burial and Related Matters under the Advisory Council on Food and Environmental Hygiene expressed full support for our proposals.

⁷ At present, we are inclined to scatter the ashes in Gardens of Remembrance or at sea. We would keep in view new technologies and other appropriate means of ash disposal, and consider making use of them having regard to environmental friendliness, sustainability, acceptance by the public and cost implications.

⁸ In the rare case that, at the time of a niche extension, all three nominated colleagues (i.e. the niche allocatee and two nominated representatives) have left the organisation without a trace and without naming any successor to FEHD, we are prepared to consider how best to exercise discretion in the total circumstances of the case, such as the credentials of the organization's provision of after death care service.

Fee proposals for extendable niches

14. The one-off fees for the permanent deposit of ashes are currently \$2,800 for a standard niche and \$3,600 for a large niche respectively, which were basically set by the two ex-municipal councils some 20 years ago⁹.

15. The current fee levels are far from being able to recover the full cost in constructing and operating public columbaria. To encourage sustainable development of columbaria facilities, the Government **preliminarily proposes** no change to the current fees in absolute terms, i.e. \$2,800 for a standard niche and \$3,600 for a large niche, for the initial 20 years of interment. As regards deposit of ashes for a period of shorter than 20 years, the fees would be charged on a pro-rata basis with regard to the prevailing fees for the 20-year interment. Assuming such fees at the time of extension of the interment period are the same as above, a fee of \$140 would be charged for one full year of extended deposit in a standard niche, and \$180 in the case of a large niche. Thus –

- (a) In the case of a 10-year extension after the first 20-year interment period, the fee would be half of the prevailing fee for the 20-year term.
- (b) In the case of co-location of a new set of ashes with a fresh count of 20 years of interment from that point of time, the fees would cover the extended portion not already paid for (i.e. 20 years minus the unexpired portion of the original interment period of the sitting ashes) and would be calculated accordingly¹⁰.

16. As the current fees are set out in Schedule 6 of the Public Health and Municipal Services (Fees) Regulation (Cap. 132CJ), we would consider views from parties concerned on the fees before proposing amendment by way of subsidiary legislation, which is subject to negative vetting by the Legislative Council.

⁹ In 2013, the fees for niches allocated in public columbaria in the New Territories were lowered to align with the fees in respect of the urban area.

¹⁰ For example, if co-location of a new set of ashes in a standard public niche takes place after 15 years from the initial interment of the sitting ashes, the unexpired portion is 5 years. Assuming the prevailing fee for the initial 20-year interment is \$2,800, the fee payable will cover the extended portion of 15 years, i.e. $\$140 \times 15 = \$2,100$. As fees would be calculated on a full year basis, there would indeed be a concession generally. As an illustration, if the unexpired portion is 4.5 years, the extended portion would be 15.5 years to make up a fresh count of 20 years. The fee to be charged is still \$2,100, based on extended use of the niche by 15 full years.

Green Burial

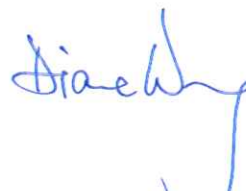
17. FEHD continues to take proactive efforts to promote acceptance of green burial in the community, including scattering ashes at Gardens of Remembrance or at sea, as a more environmentally-friendly and sustainable way to handle ashes. In 2017, the annual number of green burial cases handled by FEHD and private cemeteries has increased by 46% from two years ago. Taking into account operations of both FEHD and private cemeteries, the total number of green burial cases made up 14.3% of all deaths. FEHD will continue to improve the green burial facilities and services, engage community stakeholders for support and step up publicity and public education efforts.

Way Forward

18. The columbarium project at Wong Nai Chung Road (855 niches) is scheduled for completion tentatively in late 2018, and that at Tsang Tsui (160 000 niches) in the latter half of 2019. Our current plan is to revise the fee schedule proposed above and work out the operational details and logistics arrangements before putting up a certain number of these niches for public allocation by end 2018.

19. Notably, we plan to publicize on newspaper and FEHD's website the new allocation arrangements. These include the extendable arrangement for the use of public niches, and the allocation by computer balloting on a random basis with additional weighting given to specified groups of applications to promote co-location of ashes and enhance the chance of success of those who had failed to receive a niche in the past allocation exercises. We will also make use of posters, information pamphlets, video broadcasting and message display boards in FEHD's Cremation Booking Offices, Permit Offices, Public Niche Allocation Office and other premises where appropriate, as well as through usual Government channels. Details will also be provided in the application form for niche allocation.

Yours sincerely,



(Miss Diane WONG)

for Secretary for Food and Health

