

Our ref.: FEHD PCAO 5-30/5/10/1C Pt.2

Ms Alice CHEUNG,  
Establishment Subcommittee Secretariat,  
Legislative Council Secretariat,  
Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong

8 March 2019

Dear Ms CHEUNG,

**Establishment Subcommittee**  
**Follow-up to the meeting on 22 February 2019**

Thank you for the letter dated 25 February 2019 from the Secretariat. The required information relating to Paper No. EC(2018-19)22 as mentioned in the meeting captioned above is provided below.

The Private Columbaria Ordinance (Cap. 630) (the Ordinance) sets up a licensing regime for private columbaria in order to deal with the historical legacy of private columbaria involving complex and sensitive problems. The vast majority of applications for specified instruments (i.e. a licence, an exemption or a temporary suspension of liability (TSOL)) that have been received so far were made in respect of pre-cut-off columbaria. Each type of application for specified instrument is subject to various requirements. For a licence application, the applicant must prove that the columbarium concerned has complied with all the requirements stipulated in the Ordinance and the requirements specified by the Private Columbaria Licensing Board (PCLB), including those relating to land, planning, buildings, the management plan, the right to use the premises, fire safety, electrical and mechanical safety, etc. For an application for TSOL, the applicant is required to submit different types of documents to prove compliance with various requirements, including documentary proof that the columbarium concerned has been certified by a qualified professional as not posing any obvious or imminent danger in terms of building safety and

fire safety, documents showing that the columbarium qualifies as a pre-cut-off columbarium and that the extent of the application is limited only to the situation as at the cut-off time, documentary proof of compliance with the requirements relating to fire safety and electrical and mechanical safety, proposed plans (including site plan, layout plan, floor plan and niche information), and for cases involving unlawful occupation of unleased land, documents showing that the applicant has applied to the Director of Lands for lawful authority to occupy the unleased land and has provided a written declaration to the Director of Lands that the applicant has no claim to the unleased land, etc.

Since the regulatory regime is a brand new system, we understand that the applicants need more time and information to understand the requirements of the Ordinance and the requirements specified by the PCLB that they need to comply with. Therefore, the Private Columbaria Affairs Office (PCAO) has been proactively liaising with the applicants to explain about the relevant requirements and the supporting documents they have to submit, and to urge them to submit the documents as soon as possible. The PCAO will also send the information submitted by the applicants to the relevant bureaux and departments<sup>1</sup> for their assessment of the supporting documents and information under their purview and advice on whether an application meets the relevant requirements. In the course of vetting these documents, the relevant bureaux and departments may ask the applicants to provide supplementary information or take follow-up action to comply with the requirements under their purview. The PCLB has been closely monitoring the progress of the submission of the required documents and information by specified instrument applicants and has given instructions to the PCAO on how to handle the applications. For those private columbaria situated in multi-storey buildings with other users, especially buildings for residential purpose, the PCLB plans to determine the applications from such columbaria as soon as possible if the applicants still fail to submit all the documents and information required for applications for specified instruments.

Yours sincerely,



(NGAN Man-kit, Andrew)

for Director of Food and Environmental Hygiene

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<sup>1</sup> Including the Lands Department, the Planning Department, the Buildings Department, the Fire Services Department, the Hong Kong Police Force, the Environmental Protection Department, the Transport Department, the Electrical and Mechanical Services Department and the Home Affairs Bureau.

c.c.: Financial Services and the Treasury Bureau (Treasury Branch)

(Attn: Ms Emily Tsang)

Secretary for Food and Health

(Attn : Miss Agnes Ho)