

立法會
Legislative Council

LC Paper No. LS46/18-19

**Paper for the House Committee Meeting
on 1 March 2019**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 February 2019**

Tabling in LegCo : Council meeting of 20 February 2019

Amendment to be made by : Council meeting of 20 March 2019 (or that of 17 April 2019 if extended by resolution)

**Public Health and Municipal Services (Fees) (Amendment)
Regulation 2019**

(L.N. 14)

L.N. 14 is made by the Secretary for Food and Health under section 124I of the Public Health and Municipal Services Ordinance (Cap. 132) to amend Schedule 6 to the Public Health and Municipal Services (Fees) Regulation (Cap. 132CJ) to, among others:

- (a) introduce new fees of \$120 per year and \$150 per year for depositing ashes resulting from the cremation of human remains ("ashes") in a standard niche (capable of holding two containers) and a large niche (capable of holding four containers) respectively at a Government crematorium or columbarium for a period stipulated by the Director of Food and Environmental Hygiene ("DFEH") under section 13 of the Cremation and Gardens of Remembrance Regulation (Cap. 132M);
- (b) repeal the current fee levels of \$2,800 and \$3,600 for permanent deposit of ashes in a standard niche and a large niche respectively at a Government crematorium or columbarium, and substitute a nominal amount of \$1; and
- (c) prescribe a fee of \$140 for depositing an additional set of ashes in a standard niche or a large niche at a Government crematorium or columbarium (which is currently charged as an administrative fee).

2. According to the Legislative Council ("LegCo") Brief issued by the Food and Health Bureau and the Food and Environmental Hygiene Department in February 2019 (File Ref.: FHB/F 7/28/20), L.N. 14 is made to implement an extendable arrangement in the future allocation of public niches. Under the new arrangement, public niches will be allocated for an initial deposit period of 20 years, followed by an extension for 10 years recurrently on application and payment of the prevailing prescribed fees ("extendable arrangement"). The fee for the permanent deposit of ashes in a standard or large niche (which is set at \$1) is retained after the extendable arrangement is implemented to cater for exceptional circumstances under which the permanent deposit is justified and accepted by DFEH.

3. According to paragraph 15 of the LegCo Brief, the Administration has consulted 18 District Councils or their relevant committees, the majority of which supported in principle more sustainable use of land resources for columbarium purposes by means of introducing extendable niches.

4. As advised by the Clerk to the Panel on Food Safety and Environmental Hygiene, the Panel was briefed by the Administration on the extendable arrangement at the meetings on 13 February and 10 April 2018. While the majority of members were supportive of the general direction of the proposal, a few other members opposed the proposal as they were concerned that it might lead to a surge in the demand for and hence the price of private niches which were not subject to restrictions/conditions on the length of use. Members noted that if the extendable arrangement was to be implemented, new fees would be introduced for the initial deposit of ashes in extendable standard and large niches as well as the subsequent extension of deposit in these niches. There was a view that in setting the new fees, the Administration should avoid imposing too heavy a financial burden on the descendants.

5. L.N. 14 comes into operation on 26 April 2019.

6. The Legal Service Division is making enquiries with the Administration relating to the implementation of the extendable arrangement. A further report will be made, if necessary.

Prepared by

CHUI Ho-yin, Alvin
Assistant Legal Adviser
Legislative Council Secretariat
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