

Enforcement actions against illegal hillside burial cases

The Home Affairs Department, the Food and Environmental Hygiene Department (FEHD) and the Lands Department (LandsD) today (November 18) launched a joint enforcement operation at the Permitted Burial Ground (PBG) of Fo Tan (ST/29) in Sha Tin against illegal hillside burials. Two illegal urn houses that were found vacant with no human remains have been removed.

The LandsD posted notices on two unauthorised urn houses located within the PBG of Fo Tan in Sha Tin on September 25 this year, requiring the related persons of the urn houses concerned to cease occupation of the government land and to contact relevant government departments before October 25 this year. As both urn houses remained unclaimed upon expiry of the deadline, the Government commenced the enforcement operation today.

The Government has been implementing a pilot scheme on the management of PBGs in individual PBGs since 2016. Taking into account the actual circumstances of each PBG, the Government has been implementing appropriate improvement measures, including erecting boundary pillars for the PBGs, conducting record surveys of existing graves/urn houses/urns, imposing restrictions on the size of burial sites and demarcating available spaces in PBGs for new applications of burial sites, in order to ensure that the places of burials are within PBGs. The pilot scheme has now been extended to 15 PBGs, covering all nine administrative districts in the New Territories.

Having examined the data obtained from the pilot scheme, the Government has commenced enforcement actions against illegal burials in the PBGs in phases from July 2021 onwards. Besides conducting enforcement actions in the PBG of Fo Tan in Sha Tin, the Government will also commence follow-up actions in other PBGs under the pilot scheme, including posting notices on other unauthorised graves/urn houses/urns before the coming Ching Ming Festival, with a view to removing unclaimed graves/urn houses/urns as soon as possible after the expiration of the notice period.

A Government spokesman reiterated that, according to the Land (Miscellaneous Provisions) Ordinance (Cap. 28), it is an offence when any person occupying government land, otherwise than under permission from the Authority, does not cease the occupation as required by a notice prescribed by the Ordinance. Any property or structure on the occupied government land may be demolished and removed by the Government, and the occupier may be prosecuted. Furthermore, according to the Public Health and Municipal Services Ordinance (Cap. 132), it is an offence to bury human remains without permission in writing of the Authority. Offenders are liable to prosecution, and the human remains inside the graves concerned will be removed.