

Government alerts public to hold private columbarium licence for storing ashes at agricultural land

In view of recent media reports relating to the storage of ashes at agricultural land, a spokesman for the Food and Environmental Hygiene Department today (December 13) alerted members of the public that any premises (including agricultural land) which are bought for storing ashes must have a private columbarium licence (unless specified otherwise in the Private Columbaria Ordinance (the Ordinance)). Any person who after buying a piece of agricultural land stores ashes at the land without holding a private columbarium licence may contravene section 10 of the Ordinance. The maximum penalty upon conviction is a fine of \$5 million and imprisonment of seven years.

The spokesman explained that, according to section 7 of the Ordinance, one can store no more than 10 containers of ashes in domestic premises, but the domestic premises stated in the Ordinance refers to premises used solely or principally for residential purposes and constituting a separate household unit.

If there are individuals or organisations claiming that the premises (including agricultural land) which they are selling can be used for storing human ashes without a private columbarium licence, members of the public should be cautious and seek legal advice when necessary, in order to protect their own interests and avoid being liable to criminal sanctions.

Furthermore, people operating any trade or business must comply with the provisions of the Trade Descriptions Ordinance, including the requirements of not applying any false or misleading trade description to any goods or services and not providing consumers with any goods or services to which such a trade description is applied. Contravention of the relevant provisions of the Trade Descriptions Ordinance is a serious offence. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment of five years.

The spokesman reiterated that a licensing regime has been set up under the Ordinance to regulate the operation of private columbaria. Anyone who operates, keeps, manages or in any other way has control of a columbarium without holding a specified instrument (except for those to which the Ordinance is not applicable as specified in sections 4 to 7 of the Ordinance) commits an offence. A private columbarium must obtain a license before it can sell or newly let out ash interment rights.

According to the Ordinance, to obtain a licence, one must satisfy the requirements on planning, land, buildings, management plan, right to use the premises, etc, and other requirements specified by the Private Columbaria Licensing Board. Details of the various requirements in relation to the application for a licence are provided in the "Application Guide for Private

Columbarium Licence and Other Specified Instruments". The Licensing Board will have regard to the public interest and other relevant factors when determining individual applications.