

## LCQ 17: The licensing regime for private columbaria

Following is a question by the Hon Alice Mak and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (December 16):

Question:

In September this year, the Private Columbaria Licensing Board (PCLB) specified December 31 this year as the deadline for submission of documents/information by applicants whose applications for the temporary suspension of liability (TSOL) were under vetting and approval. It has been reported that as a majority of such applications have not attached all of the documents/information required, the relevant private columbaria (among which some are large-scale columbaria with a long history) may have to close down because they have failed to submit by the deadline the documents/information required, and a substantial quantity of ashes have to be disinterred by then. In this connection, will the Government inform this Council:

(1) of the total number of TSOL applications received by PCLB and, among such applications, the respective current numbers of those which (i) have been approved, (ii) have been rejected, (iii) have been withdrawn and (iv) are under vetting and approval;

(2) whether it has assessed the number of private columbaria with TSOL applications submitted that have to close down eventually, and the respective numbers of niches in such premises that (i) have not been sold, (ii) have been sold but ashes are not yet interred, and (iii) have ashes interred; if so, of the details; if not, the reasons for that;

(3) in the event of the private columbaria mentioned in (2) closing down, how the Government (i) ensures proper placement of the ashes interred therein, so as to protect the consumer rights and interests of the niche buyers, and (ii) renders assistance to such buyers to ensure that they will not have nowhere to turn to for assistance; and

(4) whether it has drawn up any contingency plan to handle the situation that a substantial quantity of ashes have to be relocated to other places for interring temporarily upon the closing down of the private columbaria mentioned in (2); if so, of the details; if not, the reasons for that?

Reply:

President,

The Private Columbaria Ordinance (Cap. 630) (the Ordinance) came into effect on June 30, 2017 after wide public discussion. The regulatory regime aims to ensure the private columbaria's compliance with the statutory and government requirements, enhance protection of consumer interests and foster

the adoption of a sustainable mode of operation by private columbaria. Since its establishment in September 2017, the Private Columbaria Licensing Board (PCLB) has been striving to implement the regulation of private columbaria. Applications for various specified instruments (SIs) (i.e. licence, exemption or temporary suspension of liability (TSOL)) are concerned with various aspects (including planning, land, building safety, fire safety, electrical and mechanical safety, right to use the premises, environmental protection, proposed plans, management plan, etc.). The progress of processing each SI application depends on the actual circumstances of the case, particularly on whether the private columbarium has complied with the requirements stipulated in the Ordinance and those specified by the PCLB, and whether the applicant has submitted adequate documentary proof on compliance with those requirements.

My reply to the various parts of the question is as follows:

(1) Since the enactment of the Ordinance, the PCLB has received 162 TSOL applications and the private columbaria concerned have also applied for other SIs simultaneously. As at November 30, 2020, the PCLB has approved in principle nine TSOL applications (one of them is also given approval-in-principle for an exemption application). The PCLB has also granted six licences, approved in principle two licence applications and refused 29 TSOL applications. The above approved/approval-in-principle cases involve 17 private columbaria (involving over 170 000 sold niches which approximately account for more than 30 per cent of the total sold niches of private columbaria in Hong Kong). Besides, 15 TSOL applications have been withdrawn by the applicants. The abovementioned cases aside, the PCLB is vetting 101 TSOL applications.

(2) For a TSOL application, the columbarium concerned has to comply with the requirements on building safety, fire safety and electrical and mechanical safety as certified by qualified professionals, etc. With a view to urging submission of document/information by applicants and further expediting the processing of applications, the PCLB has set December 31, 2020 as the deadline for submission of documents/information in respect of TSOL applications and notified relevant applicants.

The deadline for submission of documents/information in respect of TSOL applications under vetting has not yet expired. The vetting work by the Private Columbaria Affairs Office (PCAO) and other relevant departments is still underway. The PCLB will determine the applications as soon as possible when the vetting is completed. It is premature to speculate the results of the applications at this stage.

(3) and (4) The detailed requirements regarding the arrangements for disposal of ashes in private columbaria are stipulated in the Ordinance. Regardless of the reasons for the cessation of operation of a private columbarium, its operator is obliged to dispose of the ashes interred in accordance with the requirements of the Ordinance. For a private columbarium which ceases operation, the PCAO will explain to the operator the requirements of the Ordinance regarding the disposal of ashes and monitor the compliance of the ash disposal work by the operator with the requirements of the Ordinance,

with a view to ensuring the proper return of the ashes to persons eligible for collection of the ashes. The Food and Environmental Hygiene Department (FEHD) has also provided leaflets on the information of various means of disposal of ashes to operators for distribution to persons collecting the ashes.

The Government has reminded the public of their rights as consumers through publicity and education. When purchasing niches from private columbaria, people need to look into the details, for example, their rights and responsibility related to the use of the niches, how the operators will handle the interred ashes in case the relevant private columbaria cease operation and are wound up, as well as the interests of the consumers affected (such as refund or compensation), etc.

In addition to private niches, consideration may also be given to interring the ashes of the deceased in public niches managed by the FEHD or using its ash disposal services (such as placing additional sets of ashes in public niches and scattering ashes in a Garden of Remembrance or at sea). At the same time, the Government will continue to increase the supply of temporary ash storage facilities for the public to temporarily store the ashes of the deceased. The FEHD has recently announced that it accepts applications for public niches at Tsang Tsui Columbarium in Tuen Mun all year round. Members of the public may visit the dedicated website "Regulation of Private Columbaria" ([www.rpc.gov.hk](http://www.rpc.gov.hk)) and the FEHD's website for information pertaining to the various means of disposal of ashes.