

LCQ10: Estates disposition and burial for intestates

Following is a question by Dr the Hon Chiang Lai-wan and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (July 14):

Question:

Regarding estates disposition and burial for intestates (especially for elderly singletons with no relatives and friends), will the Government inform this Council:

(1) Of (i) the number of cases in which the unclaimed balances of intestates' estates were paid into the account of the Government, and the total amount of money involved (with a breakdown by the gender and age of the deceased), as well as (ii) the highest and lowest amounts of money involved in such cases, in each of the past five years;

(2) Whether it will inject the money mentioned in (1) into a newly established fund for the provision of services to elderly singletons; if so, of the details; if not, the reasons for that;

(3) Of the number of unclaimed dead bodies received by the Food and Environmental Hygiene Department in each of the past five years from (i) public hospitals and (ii) the Police, with a breakdown by the gender and age of the deceased as well as the way of burial (i.e. earth burial or cremation);

(4) Of the number of burial grant applications received by the Social Welfare Department and the expenditure involved, in each of the past five years, with a breakdown by the gender and age of the deceased;

(5) Whether it knows the number of cases in which the various non-governmental organisations (NGOs) provided burial support services for the elderly in each of the past five years;

(6) Whether it will consider amending the relevant legislation to allow NGOs providing burial support services for the deceased to apply to the Home Affairs Department for the withdrawal of money from the bank accounts of the deceased for meeting the funeral expenses; if so, of the details; if not, the reasons for that; and

(7) Of the new measures in place to (i) support NGOs in providing burial support services for the elderly and (ii) assist the elderly in making their after-death arrangements?

Reply:

President,

Having consulted the Judiciary, Financial Services and the Treasury Bureau, Food and Health Bureau, and Home Affairs Bureau, my consolidated reply is as follows:

(1) The Judiciary has pointed out that, under the Probate and Administration Ordinance (Cap. 10), if the Official Administrator (i.e. Registrar of the High Court) has decided to summarily administer an estate or has been granted administration of an estate (mostly from persons who died intestate without any known next of kin) and a balance of such estate remains unclaimed in his hands, he shall pay that balance into the Treasury or into the account of the Government at such bank as the Director of Accounting Services may direct. For estates under summary administration, all unclaimed balance will be transferred to the general revenue after five years from getting in. For other estates with unclaimed balance exceeding \$500 and the entitled person remains not known to him, the Official Administrator is required to publish an advertisement to invite any claims to be made. If at the expiration of a period of five years from the date of first publication of such advertisement, the Official Administrator is of the opinion that no claim can reasonably be expected against the estate, he may transfer the balance of the estate to the general revenue.

The information provided by the Judiciary shows that, out of an average of over 20 000 probate cases received each year from 2016 to 2019, there were only a few hundreds with unclaimed balance. The annual balance of those estates remaining unclaimed five years from the relevant dates of published advertisements which were transferred to the general revenue over the past five years is as follows:

2016-17	2017-18	2018-19	2019-20	2020-21
\$24 million	\$63 million	\$42 million	\$8 million	\$11 million

(2) The Financial Services and the Treasury Bureau has advised that the General Revenue is used for various policies and services to meet the needs of all sectors of the community.

(3) Upon request from hospitals or public mortuaries, the Food and Environmental Hygiene Department (FEHD) will arrange burial or cremation for unclaimed bodies according to the instructions of the relevant statutory documents. The breakdown of relevant statistics for the past five years provided by the FEHD is as follows:

By year and source of bodies:

Year	Transferred from hospitals (a)	Transferred from public mortuaries (b)	Sub-total (a) + (b) = (c)
2016	308	147	455
2017	270	191	461

2018	218	204	422
2019	133	123	256
2020	220	269	489
		Total	2 083

By age and gender:

	Burial		Cremation	
Age (Years)	Male	Female	Male	Female
Over 81	234	41	123	43
71 – 80	272	27	141	28
61 – 70	289	30	94	28
51 – 60	140	27	62	13
41 – 50	37	14	14	3
31 – 40	17	3	4	4
21 – 30	7	3	6	4
11 – 20	5	4	4	4
0 – 10	25	15	59	36
Age unknown	40	8	49	8
Unclaimed abortuses	0		118	
Total	1 238		845	

(4) Under the Comprehensive Social Security Assistance (CSSA) Scheme, the deceased recipient's family, relative/friend, the charitable institution or non-government organisation (NGO) subvented by the Social Welfare Department (SWD) in charge of the burial arrangement of the deceased can apply to the SWD for the burial grant for meeting the burial expenses of the deceased recipient (e.g. the charge for the death certificate and other burial services costs). The maximum amount of the burial grant is currently at \$15,970. The SWD does not keep the figures on recipients and expenditure under the CSSA burial grant or the statistics on the gender and age of the deceased recipients.

(5) The concerned bureaux and departments have indicated that they do not maintain statistics on burial support services provided by the NGOs for the elderly.

(6) According to the Probate and Administration Ordinance, the Secretary for Home Affairs, upon being satisfied that an applicant of a "certificate for releasing money from bank account of deceased" is a fit and proper person, may approve the applicant to withdraw money from the bank account of the deceased to meet the funeral expenses of the deceased person. There is no restriction in the relevant legislation that the said applicant must be an executor of the deceased person or a person entitled in priority to the administration of the concerned estate. On approval of the relevant application, the Home Affairs Department will instruct the bank to make

payment to the funeral service provider direct. In view of the flexibility allowed by the existing legislation, it is not necessary to make legislative amendments.

(7) Currently, 211 elderly centres in Hong Kong subvented by the Government provide various support services for elderly persons. These include organising life and death education programmes and talks or seminars related to the arrangement of after-death matters (e.g. will-making, estate administration, funeral arrangements, etc.), providing bereavement counselling to the bereaved, and providing information or referral on funeral arrangements. Some NGOs also assist the elderly in planning for after-death matters, such as consultation on funeral arrangements, will-making, photo-taking or preparation of photographs for after-death ceremonies and counselling the bereaved.