

Private Columbaria (Amendment) Bill 2024 gazetted

The Private Columbaria (Amendment) Bill 2024 was published in the Gazette today (December 6), proposing amendments that aim to enhance the current regulatory regime on private columbaria and strengthen protection of consumers' interests.

A spokesman for the Environment and Ecology Bureau said, "Since the implementation of the Private Columbaria Ordinance (Cap. 630), we noticed some 'pre-cut-off columbaria' (i.e. private columbaria that commenced operation and had ashes interred in them before the Government announced the proposal to establish a licensing system in 2014) that are currently applying for a licence may have to cease operation when they fail to obtain one. It is therefore proposed to appropriately adjust the eligibility criteria for exemption to allow 'pre-cut-off columbaria' meeting certain conditions to apply for such exemption, thus enabling their continued operation at their current scale and averting 'ash-disposal'. However, new sale or letting out of niches is not allowed."

Specified conditions required from these "pre-cut-off columbaria" include not being located in populated zones for high-density residential development, and the planning application submitted by the subject "pre-cut-off columbarium" pursuant to the Town Planning Ordinance (Cap. 131) has been granted or accepted, has not been refused, or has been refused but subsequently granted or accepted, as of the commencement of the Bill. The spokesperson explained that the said proposal aligns with the prevailing "pragmatic and sympathetic" approach in regulating "pre-cut-off columbaria", while minimising their impact on neighbouring communities and balancing the different interests of the public concerned.

The Government also enhances enforcement-related provisions through the Bill, including increasing penalties for non-compliance with enforcement notices, introducing new offences and amending existing ones to prohibit "overselling niches" and "over-placing ashes", as well as prohibiting the sale of interment rights by private columbaria when their authorisation to sell has been revoked or suspended, in order to enhance the deterrent effect of the Ordinance. Further, the Bill will also stipulate that the Private Columbaria Appeal Board may only receive and consider new materials that were never submitted to the Private Columbaria Licensing Board upon special grounds being shown, ensuring a consistent approach in the handling of appeals; and to enshrine in the Ordinance the current administrative arrangements that allow eligible masons' workshops meeting certain conditions to keep ashes temporarily for operational reasons.

The existing Ordinance was enacted in 2017, which, through the establishment of a licensing regime, ensures private columbaria's compliance with statutory and government requirements, protects consumers, and fosters sustainable operation within the industry. The Bill will be introduced to the

Legislative Council for its First and Second Reading on December 18, and the amendments will take effect upon Gazettal following passage of the Bill by the Legislative Council.