

Proposed Amendments to Private Columbaria Ordinance (Cap. 630)
Summary of the Outcome of Public Consultation

From 2 May to 2 June 2024, the Environment and Ecology Bureau and the Food and Environmental Hygiene Department (FEHD) had conducted a public consultation on the proposed amendments and relevant administrative measures. The statistical results of 188 written public responses are as follows:

		Agree	Disagree	No Response
<i>Proposal 1: Adjusting the two basic eligibility criteria for exemption, thus offering the option of applying for exemption to eligible “pre-cut-off columbaria”</i>				
1.	Do you agree that the Government should continue to regulate private columbaria that were in operation before the implementation of the Ordinance (pre-cut-off columbaria) through a pragmatic and sympathetic approach, so as to avert massive displacement of interred ashes?	94% [177]	2% [3]	4% [8]
2.	Do you agree with offering the option of applying for exemption to eligible “pre-cut-off columbaria” which have only submitted licence applications; so as to avert the need for ash disposal due to their inability in fulfilling the licence requirements, the disturbance the deceased concerned, and harm to the interests of their families?	94% [176]	4% [8]	2% [4]
3.	Further to Question 2, do you agree that such “pre-cut-off columbaria” should fulfil specified conditions in order to be eligible to the option of applying for exemption; so to avert disturbance to the deceased and the interests of their families, whilst minimising impact on nearby traffic and environment and the neighbourhood as well as demonstrating deference to town planning procedures?	88% [165]	9% [17]	3% [6]

		Agree	Disagree	No Response
<i>Proposal 2: Amending the provisions relating to enforcement</i>				
4.	Do you agree with increasing the maximum penalty for non-compliance with enforcement notices (to a fine of \$500,000 and imprisonment for 6 months on summary conviction; or a fine of \$5 million and imprisonment for 2 years on conviction on indictment) to enhance deterrence against breaches of the conditions of specified instruments?	90% [170]	6% [11]	4% [7]
5.	Do you agree with introducing a new offence to prohibit licence holders' sale of interment rights exceeding the "ash interment capacity" and the sale of niches / interment of ashes in niches not covered in the approved plans (i.e. "overselling" niches), in order to protect consumer interests (with the maximum penalty for such new offences to be a fine of \$2 million and imprisonment for 6 months on summary conviction, or a fine of \$5 million and imprisonment for 2 years on conviction on indictment)?	92% [174]	4% [7]	4% [7]
6.	Do you agree with correspondingly increase the maximum penalty for keeping ashes exceeding the "ash interment capacity" (i.e. "over-placing" ashes) to the same level as of "overselling" niches, i.e. a fine of \$2 million and imprisonment for 6 months on summary conviction, or a fine of \$5 million and imprisonment for 2 years on conviction on indictment, to protect consumer interests?	88% [161]	8% [16]	4% [7] ¹

¹ 4 written responses were not included in the statistics for reason of opting both "Agree" and "Disagree" for this question.

		Agree	Disagree	No Response
7.	Do you agree with introducing a new offence to prohibit licence holders' sale of interment rights when their authorisation to sell interment rights has been revoked or suspended by the PCLB (i.e. unlicensed sale of niches), so as to protect consumer interests (with the maximum penalty for such new offence to be a fine of \$2 million and imprisonment for 6 months on summary conviction, or a fine of \$5 million and imprisonment for 2 years on conviction on indictment)?	92% [173]	5% [9]	3% [6]
<i>Proposal 3: Setting out explicitly the conditions to be met for the PCAB to consider new evidence submitted by appellants</i>				
8.	Do you agree with setting out explicitly the conditions to be met for PCAB to consider new evidence submitted by appellants, so to prevent appellants from unjustifiably stalling the submission of documents or information when making applications to the PCLB?	93% [175]	3% [6]	4% [7]
<i>Proposal 4: Stipulating that the Ordinance is not applicable to registered masons meeting specified conditions</i>				
9.	Do you agree that, in view of the operational needs of masons in temporarily keeping ashes, it should be stipulated that the Ordinance is not applicable to eligible masons, so to bring the Government's current administrative measures regulating the temporary ash-keeping by masons under the umbrella of the Ordinance?	91% [171]	4% [7]	5% [10]

Other Comments

2. A small number of people included other views in the feedback forms submitted, including imposing a cap on the number of planning applications with the Town Planning Board (TPB) made by applicants of specified instruments, as well as rejecting applications to specified instruments made by applicants whose planning applications have been repeatedly rejected by the TPB; imposing more stringent control over operation of private columbaria; and relaxing the time limit for the temporary keeping of each set of ashes at the premises of the eligible masons.

3. Besides, during our meeting with private columbaria operators and concern group, there were comments relating to the implementation of the Ordinance and the proposed amendments. There were private columbaria operators voicing their support to the proposed amendments, but considered the option for applying for exemption should be extended to private columbaria with planning applications rejected by the TPB, whilst some considered it unnecessary to bar private columbaria situated in zones for “Residential (Group A)” (i.e. “high-density residential development”) as defined in the Master Schedule of Notes issued by the TPB from the option for application for exemption. Few private columbaria operators considered the proposed penalty too hefty. A concern group raised support to the proposed amendments and provisions relating to enforcement, and the proposal to set out explicitly the conditions to be met for the PCAB to consider new evidence submitted by appellants. The concern group also saw a need to stipulate the specified conditions to be met for eligible registered masons to temporarily keep ashes. The concern group was of the view that the Government had thoroughly taken into account the situation of private columbaria and balanced all interests when enacting the Ordinance, and had dealt with “pre-cut-off columbaria” through a pragmatic and sympathetic approach, thus should not introduce an option for application for exemption for eligible “pre-cut-off columbaria” as proposed. Separately, representatives of the mason’s businesses does not have adverse comment on the proposed amendments in general.