

Enforcement actions against illegal hillside burial cases

The Home Affairs Department, the Food and Environmental Hygiene Department (FEHD) and the Lands Department (LandsD) conducted a joint enforcement operation from May 21 to 27 at the three Permitted Burial Grounds (PBGs) of Po Toi O in Sai Kung, Wong Kong Shan in North District and Tsing Yi Area 24, against illegal hillside burials. A total of 19 illegal graves/urns have been removed and the human remains therein have been reburied at the Sandy Ridge Cemetery.

The FEHD and the LandsD posted notices on a total of 22 unauthorised graves/urns located within the above-mentioned three PBGs on March 13 and 14 this year, requiring the related persons of the graves/urns concerned to cease occupation of the government land and to contact relevant government departments before April 16 and 17 this year respectively, or else the human remains therein would be reburied at the Sandy Ridge Cemetery. As 19 graves/urns remained unclaimed upon expiry of the deadlines, the Government commenced this joint enforcement and clearance operation.

The Government has been implementing a pilot scheme on the management of PBGs in individual PBGs since 2016. Taking into account the actual circumstances of each PBG, the Government has been implementing appropriate improvement measures, including erecting boundary pillars for the PBGs, conducting record surveys of existing graves/urn houses/urns, imposing restrictions on the size of burial sites and demarcating available spaces in PBGs for new applications of burial sites in order to ensure that the places of burials are within PBGs. The pilot scheme has now been extended to 15 PBGs, covering all nine administrative districts in the New Territories.

Having examined the data obtained from the pilot scheme, the Government has commenced enforcement actions against illegal burials in the PBGs in phases from July 2021 onwards. Besides conducting enforcement actions in the above-mentioned PBGs, the Government will also commence follow-up actions in other PBGs under the pilot scheme, including posting notices on other unauthorised graves/urn houses/urns before the coming Chung Yeung Festival, with a view to removing unclaimed graves/urn houses/urns as soon as possible after the expiration of the notice period.

A Government spokesman reiterated that, according to the Land (Miscellaneous Provisions) Ordinance (Cap. 28), it is an offence when any person occupying government land, otherwise than under permission from the Authority, does not cease the occupation as required by a notice prescribed by the Ordinance. Any property or structure on the occupied government land may be demolished and removed by the Government, and the occupier may be prosecuted. Furthermore, according to the Public Health and Municipal Services Ordinance (Cap. 132), it is an offence to bury human remains without permission in writing of the Authority. Offenders are liable to prosecution, and the human remains inside the graves concerned will be removed.