

Private Columbaria (Amendment) Ordinance 2025 comes into force

The Private Columbaria (Amendment) Ordinance 2025 was gazetted and came into force today (May 30). The Amendment Ordinance helps to enhance the current regulatory regime on private columbaria and strengthen the protection of consumers' interests.

With a pragmatic and sympathetic approach, the Government introduced the Private Columbaria Ordinance (Cap. 630) in 2017 to establish a licensing regime for the regulation of private columbaria, including new operators and "pre-cut-off columbaria" (i.e. those that were in operation and had ashes interred in them before the announcement of the proposal to establish a licensing regime at 8am on June 18, 2014), and progressively rectified violations of requirements from the operation of private columbaria in the past.

One of the primary purposes of the Amendment Ordinance is to provide "pre-cut-off columbaria" an additional option to make new applications for exemption. "Pre-cut-off columbaria" that successfully obtain an exemption through the new application can retain niches they sold before the enactment of the Ordinance. It enables them to continue operating at their current scale, avoids social disruption from large-scale ash disposal, and at the same time, minimises their impact on the neighbourhood.

A spokesperson for the Environment and Ecology Bureau said, "The Private Columbaria Licensing Board will specify the time limit for making new applications for exemption by 'pre-cut-off columbaria'. The Private Columbaria Affairs Office of the Food and Environmental Hygiene Department (FEHD) will, through case managers, individually notify relevant 'pre-cut-off columbaria' and provide them with targeted assistance to enable them to make appropriate decisions as to the way forward for their operations."

To strengthen the protection of consumers' interests and foster the public's confidence in the operation of private columbaria in compliance with requirements, the Amendment Ordinance enhances enforcement-related provisions for greater deterrent effect. It includes the introduction of new offences prohibiting the sale of niches not covered in the approved plans or sale of interment rights exceeding the approved ash interment capacity (i.e. "overselling niches"), or keeping ashes other than in niches covered in the approved plans (i.e. "over-placing ashes"). Relevant penalties have also been increased.

Additionally, the Amendment Ordinance enhances the operation of the Private Columbaria Appeal Board, requiring the Appeal Board to only receive and consider new materials not previously provided to the Licensing Board upon special grounds being shown. It ensures the adoption of a consistent standard by appeal panels and makes the arrangement clearer to members of the

Appeal Board and appellants. The Appeal Board has updated its Rules on Practice and Procedure. The Amendment Ordinance also clearly stipulates the arrangement for eligible masons' workshops that meet certain conditions to keep ashes temporarily for operational reasons, and the industry has been notified.

Members of the public and the trade may visit the dedicated website "Regulation of Private Columbaria" of the FEHD (www.fehd.gov.hk/rpc/) for information on the Amendment Ordinance.