

Public consultation on proposed amendments to Private Columbaria Ordinance (Cap. 630)

The Government today (May 2) launched a public consultation on the proposed amendments to the Private Columbaria Ordinance (Cap. 630). Members of the public are welcome to offer their views.

Coming into effect on June 30, 2017, the Ordinance has established a licensing regime in order to regulate private columbaria, ensure their compliance with statutory and government requirements, enhance protection of consumer interests, and foster adoption of a sustainable mode of operation by the industry. Matters relating to the operation of private columbaria that have been in operation and with ashes interred in their niches before the Government's initial announcement of its proposal to establish a licensing regime (i.e. pre-cut-off columbaria) are handled through a pragmatic and sensitive approach. The Government has reviewed the Ordinance in the light of operational experiences. It proposes to amend certain provisions of the Ordinance and enhance the implementation details to achieve more effective execution of the regulatory regime on private columbaria.

Major proposed amendments under consultation include:

1. Offering the option of applying for exemption to pre-cut-off columbaria that fulfils the relevant eligibility requirements and conditions, so that if their licence applications are eventually refused, they may continue to operate at their current confined scale if they opt to apply and are subsequently granted with an exemption, thereby averting massive displacement of interred ashes and minimising losses of the purchasers of niches;
2. Increasing the penalty for non-compliance with enforcement notices to enhance deterrence against violations;
3. Introducing a new offence to criminalise certain violations, including the sale of interment rights exceeding the ash interment capacity, the sale or leasing of unapproved niches, and the sale of interment rights when authorisation to sell interment rights has been revoked or suspended;
4. Specifying the conditions to be met for the Private Columbaria Appeal Board to consider new evidence submitted by appellants; and
5. Stipulating that the Ordinance is not applicable to registered masons meeting specified conditions.

The Government spokesman said, "The Government handles pre-cut-off columbaria with a pragmatic and sensitive approach, with a view to rectifying violations that existed before the establishment of the licensing regime, while avoiding the social disruption arising from massive displacement of

interred ashes or the inability to inter ashes in the niches purchased in advance by deceased persons upon the closing down of such private columbaria. To balance the general public's interest, the legislative review also fully takes into account the impact of pre-cut-off columbaria on the nearby traffic, the environment and the neighbourhood in general, as well as existing town planning procedures. The Government briefed the Legislative Council Panel on Food Safety and Environmental Hygiene on the direction of the legislative amendment proposals in February 2024. The public consultation is to invite views from different sectors of society to enhance the regulatory regime on private columbaria."

The consultation paper has been uploaded to the website of the Food and Environmental Hygiene Department (www.fehd.gov.hk/english/public_consultation/pco2024.html). A Feedback Form is provided in the annex of the consultation paper. Members of the public may send their views by post (addressed to Private Columbaria Affairs Office of the Food and Environmental Hygiene Department, P.O. Box 80011, Cheung Sha Wan Post Office), fax (2827 2908), or email (pco_review@fehd.gov.hk) from today till June 2, 2024.