

Rules governing the ash disposal procedures

If paragraph 17 of the LegCo Brief does not apply, the Bill sets out the following rules—

- (a) a period of at least 2 months will be allowed for eligible persons to make a claim;
- (b) by the end of those 2 months—
 - (i) if there is only 1 claim from an authorised representative (AR)¹, the items will be returned to the AR;
 - (ii) if competing claims from ARs where their respective priority is already indicated in the agreement for sale of the interment right, the items will be returned to the AR with the highest priority;
 - (iii) if competing claims from ARs with equal priority are received, the ARs will have to resolve the matter in the court;
 - (iv) if there is no claim from AR, a personal representative (PR)² or a relative who has equal priority will also be eligible to claim back the items –
 - (1) if there is only 1 claim from this group (PRs and relatives), the items will be returned to this claimant;
 - (2) if competing claims from this group are received,

¹ An authorised representative means, in relation to a contract for sale of interment right, a person who is authorised under the contract to claim for the return of ashes interred, or to be interred, under the contract.

² A personal representative (of the estate of the deceased) means an executor of the will or the administrator for one dying intestate.

these competing claimants will have to resolve the matter in the court;

- (c) after those 2 months—
 - (i) the items will be returned to any of the AR, PR or relative who makes the first claim in the remainder of the overall claim period;
 - (ii) if there are concurrent competing claims before the items are returned to a claimant, the items will be returned to the claimant with the highest priority if this can be established³; and
 - (iii) if the concurrent competing claims are from persons of equal priority (be these amongst ARs themselves or amongst the group of PRs and relatives), the persons concerned will have to resolve the matter in the court.

³ AR enjoys higher priority than PRs or relatives, while PRs and relatives are of equal priority.