

Review of Columbarium Policy Summary of Opinions

On 6 July 2010, the Food and Health Bureau published a consultation document on review of columbarium policy and launched a public consultation for about three months until 30 September 2010.

2. The purpose of the consultation is to gauge the public's views and engage them in discussion of this subject which pertains to traditional customs and the provision of district facilities. We aim to foster a consensus in the community to provide a basis for policy formulation by the Government.

3. In the consultation document, it is suggested that columbarium development should be primarily taken forward in the following directions:

- (A) increasing the supply of columbarium facilities to meet the overall public demand;
- (B) encouraging public acceptance of more environmentally friendly and sustainable means of handling cremains;
- (C) enhancing consumer protection in the choice of private columbarium facilities; and
- (D) enhancing the regulation of private columbaria.

4. The public in general welcomed the Administration to review the columbarium policy. During the consultation, various proposed measures have been widely publicised and discussed, raising broad awareness in the community about the policy review. The Government has received over 500 submissions from individuals and organisations. Besides, officials of the Food and Health Bureau have also widely consulted different sectors of the community and received many constructive views through various channels, including the relevant Legislative Council Panel, the Town Planning Board and other advisory bodies (e.g. the Land and Development Advisory Committee and the Advisory Council on Food and Environmental Hygiene), all 18 District Councils, various concern groups, representatives of the trade and a number of relevant stakeholders.

5. A wide range of views and suggestions on the review of

columbarium policy have been collected. By and large, the key concepts and directions of the proposals to increase the supply of columbarium facilities, promote their sustainable development, protect consumer rights and enhance regulation of private columbaria were broadly endorsed by the public and stakeholders across different sectors. The mainstream opinions are summarised in the ensuing paragraphs:

Increasing the supply of columbarium facilities

6. The public and various stakeholders recognised that the problems besetting the columbarium landscape in Hong Kong are the result of inadequate supply, and therefore were generally supportive of measures to increase the supply of columbarium facilities. To expedite the provision of niches, a broad spectrum of the community agreed that different districts should collectively share the responsibility of developing columbarium facilities so as to meet the overall public demand, while the site selection would have to depend on its feasibility as well as the local circumstances.

7. The public and stakeholders in general supported the proposal to expand existing columbarium facilities and build additional facilities in existing cemeteries and areas nearby. They also expressed general support for the Board of Management of the Chinese Permanent Cemeteries and non-profit making religious bodies to expand their scale of operation.

8. Many respondents hoped that the Government could improve on the outlook, layout and management of columbarium facilities in order to minimise the nuisance (e.g. air and noise pollution) to neighbouring residents and ease their concern and anxiety, thus enhancing public acceptance of these facilities. Many were also supportive of the proposal to build multi-storey columbarium facilities.

9. For the 12 potential sites in seven districts shortlisted in the consultation document, most of the District Councils have given in-principle support to the sites in the respective districts for columbarium development. There were, however, also local residents expressing reservation on individual sites.

10. Some respondents welcomed the proposal to convert industrial buildings into columbarium facilities. Among them, some opined that wholesale conversion of industrial buildings located away from residential areas would be more acceptable.

11. Some respondents considered that the Administration could explore the option of developing relevant facilities on outlying islands or at remote sites far away from residential areas. At the same time, the community at large were concerned about the relevant technical issues (e.g. infrastructural support and transport capacity in the district especially during the Ching Ming and Chung Yeung Festivals). A small number of respondents suggested that the Administration could consider building columbarium facilities on the Mainland.

12. Divergent views were expressed in various districts on the proposal to reserve a certain portion of niches for priority allocation to local residents in need with a view to fostering local acceptance of columbarium development in their districts.

Sustainable development of columbarium facilities

13. On sustainable development of columbarium facilities, the public and stakeholders generally considered that the Government should continue its efforts in promoting the transformation of social customs and encouraging the public to use sustainable means of handling cremains (such as scattering of cremains at Gardens of Remembrance or at designated Hong Kong waters) and paying tribute to the deceased.

14. Given that there is a growing shortage of niches, for the purpose of relieving the shortage and increasing the turnover of niches, it was suggested in the consultation document that we needed to consider whether the existing arrangement of providing permanent niches should be changed, with reference made to overseas and Mainland experience of introducing time-limited lease or annual management fee for new niches. Many respondents expressed reservation on the above proposals on the ground of traditional Chinese customs.

Enhancing consumer protection

15. Some respondents expected the Government to take the lead in the supply of columbarium facilities, while many felt that private columbaria also played an important role in the market in terms of choice of niches. On enhancing consumer protection, there was broad consensus in the community that the Government should release more information on private columbaria for public reference as soon as possible, so as to help those who are considering purchasing / going to purchase private columbarium niches to make informed choices as well

as to remind them to exercise caution when purchasing these niches.

16. There were suggestions that the Government should provide assistance to consumers who had suffered losses from purchasing niches of unauthorised private columbaria. Some respondents, however, expressed concern that such practice might in a way encourage the development of unauthorised columbaria since relevant operators might not be held responsible for their misconduct. Besides, there were also suggestions that the Government could consider protecting consumer rights through requiring the establishment of a trust fund by the private columbarium operators.

Enhancing regulation of private columbaria

17. Most submissions supported a licensing scheme to enhance regulation of private columbaria. However, the public expressed divergent views over the scope and level of regulation under the licensing scheme and the arrangements for pre-existing private columbaria.

18. Some respondents (mainly the neighbouring residents of private columbaria) opposed to the continued operation of certain private columbarium facilities. Meanwhile, other respondents were concerned about the possible relocation of cremains, which was in contravention of the traditional Chinese notion of “letting the deceased rest in eternal peace”. They hoped that the Government could allow unauthorised private columbaria a reasonable period of time to rectify the irregularities and even exercise discretion towards certain types of private columbaria. Some representatives of the trade considered that a “registration scheme for private columbaria” should be implemented.

Conclusion

19. Based on the consultation outcome summarised above, the Government, in working out the details of the licensing scheme for private columbaria and drafting the relevant legislation, will exercise prudence in balancing the views of various stakeholders in order to ensure that the scope and level of regulation under the licensing scheme would be appropriate.