

Extendable allocation arrangement for public niches

Purpose

The Government proposes extendable allocation arrangement when public niches are allocated in the future. This paper briefs Members on the proposal.

Background

2. In line with demographic changes, the number of deaths in Hong Kong has been increasing steadily in the last few decades. It is projected that the trend will continue, with a 26% increase in the annual number in 10 years' time, and 58% in 20 years' time. The annual number of cremations will increase correspondingly. Details are tabulated below.

Year	Number of deaths	Number of cremations
2017 (actual)	45 883	42 809
2027 (projected)	57 700 (+26%)	54 815 (+28%)
2037 (projected)	72 500 (+58%)	68 875 (+61%)

In sum, between 1961 (when the Government cremation service was launched) and 2017 (over half a century), about 1.1 million bodies were cremated. The cumulative number of cremations in the next 20 years (i.e. from 2018 to 2037) is projected to be around 1.1 million. Currently, the common practice is to deposit cremated ashes of the deceased in columbarium facilities, and hence the public demand for niches is earnest.

Supply of public niches

3. Of the 14 projects with blessing from the District Councils, two have been commissioned at present. The remaining projects are currently at different stages of development. Specifically, the project at Wong Nai Chung Road in Wan Chai

will be completed in end 2018, providing about 855 new niches. The project at Tsang Tsui in Tuen Mun will be completed in the latter half of 2019 tentatively, providing about 160 000 new niches and a Garden of Remembrance (GoR). They will be a major source of supply of public niches in the short to medium term. Other columbarium projects (e.g. the Columbarium at Wo Hop Shek Cemetery – Phase 1) will be progressively completed after 2019.

4. While the Government is making all-out efforts to build new columbarium facilities, it is not realistic to expect the supply of new niches to catch up continuously with the rising demand due to the growing population and competing demands for the limited supply of land in Hong Kong. We are also mindful of the challenges we face in seeking to build columbaria in individual districts, including topographical conditions, land use compatibility, infrastructural support, traffic and environmental implications, and the concerns of residents in the vicinity of the proposed sites.

5. To make the best use of the limited supply of public niches, we have since 2014 removed the cap on the number of sets of ashes that may be placed in a public niche. If put to full use, we expect this would provide space for accommodating at least some 180 000 sets of ashes¹. While we are stepping up promotional efforts to encourage the public to make fuller use of existing public niches, we consider it opportune to introduce measures to optimise the use of new public niches coming on stream in the years ahead.

Extendable arrangement for the use of niches

6. According to previous practice, public niches were allocated to the public without any arrangement for extension. Very few were surrendered to the Food and Environmental Hygiene Department (FEHD) for reuse. The cumulative effects over time of non-recyclable niches will be a severe drain on land resources, to an extent even worse than residential units for the living which are recycled through generations of inhabitants.

7. In real life, allocated public niches may become increasingly unattended to by descendants with the passage of time. Field observation suggests that grave sweeping for niches allocated years ago is markedly infrequent, as compared with that for newer ones.

¹ From 2014 to 2017, we received on average some 3 000 applications per year for co-location of ashes.

8. The Audit Commission's value for money report and some members of the community have suggested that the Government should consider implementing an extendable arrangement for the use of newly allocated public niches, and regarding the lack of extension applications as an indication of surrendering the niches for re-allocation².

9. For reference, some non-government bodies providing niches are also taking new management initiatives to optimise the land allocated to them for burial and columbarium facilities and services. The Hong Kong Chinese Christian Churches Union, for instance, has since August 2017 introduced an extendable arrangement for the use of niches in their cemeteries for an initial interment period of 20 years which is extendable every 10 years subject to extension and fee payment. Separately, several private columbaria have taken or are taking active steps to introduce time-limited occupation of niches in place of the present practice on perpetual interment right. And in places such as Macau and some provinces in Mainland China, the interment of ashes in newly allocated niches is under a time-limited occupation lease with post-occupation re-use through extension and re-allocation.

10. Public niches are currently provided for people to deposit the cremated ashes of the deceased and to pay tribute to them. To support more sustainable development of these facilities and make optimal use of land resources available, we intend to introduce an extendable arrangement in the allocation of public niches starting from the coming allocation exercise scheduled for end 2018. Our plan is as follows-

- (a) niches will be allocated to applicants subject to an initial interment period of 20 years, after which the interment may be renewed every 10 years on payment of a fee;
- (b) before expiry of the initial 20 years' interment period (or each 10-year extension period thereafter), the Government will contact the niche allocatees or their representatives as nominated in the application forms (the details are set out in paragraphs 12 to 14) through their last known contact details to ascertain their wish to extend the interment;

² In the Director of Audit's Report No.65 issued in October 2015, it was recommended that the Government should examine the feasibility of this suggestion with a view to improving the sustainability of public niche supply.

- (c) in the event that the niche allocatees or their nominated representatives decide not to extend the interment, they will be advised to vacate the niches before the expiry of the prevailing interment period;
- (d) if the niche allocatees or their nominated representatives cannot be contacted after repeated attempts, the ashes will be disposed of in an appropriate manner as the Director of Food and Environmental Hygiene (DFEH) sees fit, such as scattering the ashes in the GoRs managed by FEHD or in designated areas in Hong Kong waters; and
- (e) the final ash disposal arrangement will be set out in an agreement to be signed between an niche allocatee and the Government, with unequivocal terms that the onus is on the allocatee to handle the ashes after expiry of the 20-year initial interment period or each 10-year extension period and to update the Government of contact details from time to time.

11. We hope to work out a technically feasible scheme to implement an extendable arrangement for the use of public niches that will generally be accepted by the community, with due regard to traditional local burial practices and local sentiments, with a view to making the re-use of niches the mainstream practice.

Contact the niche allocatees or their representatives to remind them to apply for extension

12. At present, for exhumation of the remains of the deceased buried in public cemeteries for a period of not less than six years, FEHD will, upon expiry of the burial term of six years, contact the related persons by publishing notices in the Gazette and newspapers, sending letters and making phone calls, etc., and advise them to apply to FEHD for self-arranged exhumation of the remains of the deceased. The experience gained and the practice adopted in this regard may serve as reference for inviting application for interment extension in respect of niches.

13. First of all, if there are any changes in the contact details of the niche allocatees, they should inform FEHD for updating their contact details. We propose to approach the related persons by SMS and email, etc. one year before and six months before expiry of the interment period to remind them to apply for extension or to vacate the niches before expiry of the interment period.

14. If the related persons have not sought extension of interment by the expiry of the interment period, FEHD will make continuous attempts to approach them, such as publishing notices in the Gazette, newspapers and FEHD website, contacting them by letter, telephone and e-mail, and posting a notice on the niche wall concerned. If the related persons have not sought extension of interment or removed the ashes from the niches one year and a half after the expiry of the interment period (covering the Ching Ming and Chung Yeung Festivals), and they cannot be contacted after repeated attempts, FEHD will, according to appropriate procedures, remove the ashes from the niches on a designated date, and the vacated niches will become available for re-allocation. The ashes will be disposed of in an appropriate manner as DFEH sees fit, such as scattering the ashes in the GoRs managed by FEHD or in designated areas in Hong Kong waters. From the expiry of the interment period, the whole process of recovering a niche takes at least one year and a half to complete. The means and location of final disposal of the removed ashes will be properly documented by FEHD.

15. Regarding the number of persons nominated to apply for extension of the interment period of a niche, we propose to allow an allocatee to nominate more than one representative for ease of contact. If there are any changes to the nominated representative(s) or the contact details in the future, the allocatee and/or nominated representative(s) may inform FEHD by completing a simple specified form.

Advice Sought

16. Members are invited to note the content of this paper and offer views on the proposal.

Food and Health Bureau
Food and Environmental Hygiene Department
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