

LCQ9: Family niches in the columbaria of Chinese Permanent Cemeteries

Following is a question by the Hon Ip Kwok-him and a written reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (January 5):

Question:

Recently, some members of the public have complained that the Chinese Permanent Cemeteries do not allow married daughters to use their family niches except for those divorced, and such a rule allegedly involves sex discrimination. As stipulated in Rule 21A of the Chinese Permanent Cemeteries Rules (Cap. 1112, sub. leg. A) (Rule 21A), each family niche may be used for the deposit of up to four sets of cremated human ashes, and the second or subsequent set of cremated human ashes deposited in that niche shall be those of a close relative of the deceased first deposited in that niche having the same family surname. Besides, Rule 21A also provides that a married woman (unless divorced from her husband) shall be deemed to have her husband's family surname. As a result, daughters-in-law may be included, but married daughters do not meet the requirements. Yet, the eligibility requirements for the use of the family type niches provided by the Food and Environmental Hygiene Department (FEHD) are more relaxed, allowing the ashes of four close kins to be deposited in the family type niche at the same time. Even the ashes of sons-in-law with different surnames can be deposited in the family type niches. In this connection, will the Government inform this Council:

- (a) given that Rule 21A was formulated in 1986, whether the Board of Management of the Chinese Permanent Cemeteries, chaired by the Secretary for Home Affairs, will consider amending the requirements on surnames under Rule 21A so as to eliminate the possible sex discrimination involved;
- (b) given that according to Rule 21A, a permittee may be allocated more than one family niche, of the number of such type of permittees who each holds more than one family niche;
- (c) of the number of FEHD's family type niches and their utilisation; and
- (d) given that the allocated family/family type niches may not be fully utilised, resulting in a situation of "the living taking up space for the dead", whether the

authorities will adjust the policy on family/family type niches (such as reducing their supply) in view of the current shortages of niches?

Reply:

President,

(a) Currently, the Board of Management of the Chinese Permanent Cemeteries ("BMCPC") handles its matters, including applications for family niches according to the Chinese Permanent Cemeteries Ordinance (Chapter 1112) (the Ordinance) and the Chinese Permanent Cemeteries Rules (Chapter 1112 sub. leg. A) (the Rules). To enhance the flexibility in using family niches, BMCPC is conducting a review of the Ordinance and the Rules, including examining the possibility of relaxing the restrictions in relation to close relatives on the use of a family niche, with a view to meeting the actual needs of the community.

(b) According to the Rules, BMCPC may allocate more than one family niche to the same permittee, but each permittee may only apply one family niche for each deceased person. At present, 546 permittees have been allocated with more than one family niche under BMCPC.

(c) Currently, there are 15,327 family niches under the management of the Food and Environmental Hygiene Department (FEHD), of which 15,267 have been allocated.

(d) According to the allocation mechanism of family niches adopted by the FEHD and BMCPC, family niches are only allocated in respect of a deceased person. In applying for a family niche, an applicant is required to provide proof of cremation of the deceased. Cremated ashes of the deceased must be deposited in the allocated family niche within three months from the date of allocation.

At present, family niches account for about 9% of all niches managed by the FEHD. The percentage has already been reduced to less than 1% in new columbarium developments. BMCPC will also review the supply of different types of niches from time to time and adjust the supply according to the actual needs of the public.

Ends/Wednesday, January 5, 2011

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