

Executive Summary

Direct Investigation into Government's Follow-up Actions Regarding Insufficient Provision of Public Columbarium Niches

Background

In recent years, around 90% of the deceased in Hong Kong are cremated. Despite the ever-increasing demand for public columbarium niches, there has not been any significant increase in the number of niches provided by the Government. This has led to an immense unmet demand for public columbarium niches.

2. There are views in the community that the Food and Health Bureau ("FHB") has made slow progress in building more public columbaria. In this light, The Ombudsman conducted a direct investigation to examine whether FHB had duly followed up on the building of public columbaria at the various potential sites, and whether it had been diligent enough in providing more niches and promoting sustainable modes of burial.

Our Findings

3. Our investigation has the following findings.

Increasing the Supply of Niches

Progress of Building Public Niches in the 18 Districts

4. Between 2010 and 2011, FHB announced in three batches that 24 potential sites in all the 18 districts across the territory had been identified for public columbarium development. All preliminary studies on the potential sites (including traffic impact assessments and works feasibility studies) had generally been completed between April 2012 and 2014.

5. Since 2011, FHB had started consulting one by one the District Councils ("DCs") of the development schemes of the potential sites. It had obtained the endorsement or non-objection of the DCs concerned for nine potential sites. However, only the construction at two sites had been completed so far in 2012 and 2013, providing a mere 2,540 niches. FHB estimated that around 160,000 new public niches will be completed and become available for allocation in 2018 or 2019 at the earliest. Before then (i.e. from 2015 to 2019), however, more than 220,000 cremations are expected to take place. The supply of niches, therefore, may not be able to meet the accumulated demand.

6. FHB explained that in some districts, the construction of a columbarium faced an array of difficulties and challenges, including manpower and geographical constraints, inadequate basic ancillary facilities, impacts on traffic and the environment, etc. The Government had to take these factors and constraints into account when prioritising the development schemes. Furthermore, when FHB was seeking local support for various potential sites, it had to handle the concerns and objections raised by different stakeholders, such as increasing the number of niches to be built and considering alternative sites. This had often necessitated time-consuming follow-up studies and further deliberations and slowed down the progress of the development schemes.

Other Proposals for Providing More Public Columbarium Facilities

7. Apart from planning to construct public columbaria in all the 18 districts, FHB has explored the following ways for a continued supply of public columbarium niches:

- (1) to identify a suitable site in the Eastern District to develop an ossuary cum columbarium facility; and to study the feasibility of constructing new columbarium niches at the Tseung Kwan O Chinese Permanent Cemetery;
- (2) to conduct a study with the Architectural Services Department on the possibility of increasing the number of columbarium niches to be built by carrying out crowd control under traffic diversion arrangements during peak seasons for ancestral worship; and to actively study with the Civil Engineering and Development Department on the viability of constructing columbaria in caverns;
- (3) to study the feasibility of setting a time limit or charging management fees for using newly built columbarium niches. If related parties do not make renewal applications, the niches would be treated as forsaken and need to be returned to the Government; and
- (4) removing the restrictions on the maximum sets of ashes that can be deposited in a public columbarium niche and relaxing the criteria of “close relatives” for better utilisation of existing niches.

Increasing the Supply of Niches through Regulation of Private Columbaria

8. Meanwhile, FHB also intends to regulate the operation of private columbaria through legislation to promote continued development of the industry, so as to alleviate the shortage of public columbarium niches. However, it will take time to establish the licensing regime and process applications. Since the columbaria that fail to obtain any licence or exemption will be deemed as unauthorised operations and subjected to enforcement action, some private columbarium operators might choose to wind up their businesses when the legislation becomes effective. Therefore, the supply of private

columbarium niches in the short term might decrease, generating greater demand for public columbarium niches.

Green Burial Services

9. As it has become increasingly difficult to find new sites for columbarium development, the Government has in recent years started to promote green burial services. Currently, the green burial services provided by the Government include scattering cremated ashes in Gardens of Remembrance and at sea. The Government has all along encouraged the public to use green burial services through publicity in different media and channels.

10. While the number of applications for green burial services for the deceased has been on the rise in recent years, they still account for only a small fraction of the total number of cremations. This shows that FHB's promotion of green burial services has not been effective.

Our Comments

11. We are deeply concerned about the situation. Subsequent to FHB's announcement of the development schemes across the territory, only two small-scale columbaria had been completed, providing totally 2,540 niches. That is a far cry from meeting public demand and expectations.

12. In view of the progress of the development schemes and the number of cremations to be carried out in the next few years, FHB is indeed lagging behind. It should really quicken the pace of building more public columbarium facilities in order to meet the ever-increasing demand.

13. We, however, understand that while enlisting local support for potential sites, FHB often needs to conduct follow-up studies and deliberations because of various concerns and objections from different stakeholders. The process is inevitably time-consuming.

14. FHB has planned to start in 2016 a consultation exercise for those potential sites of which the relevant DCs have not been consulted. We consider that FHB should actively enlist the support of the local DCs, residents and stakeholders for those sites that are more controversial so that the public can appreciate the significance and urgency of the projects. Potential sites which are smaller in scale and/or less controversial require less manpower resources for implementation. FHB should give priority to those sites so as to meet the accumulated demand.

15. While other proposals by FHB on public columbarium development are mostly still under study, the Government's plan to increase the supply of private columbarium niches through regulation of the private columbarium industry may not be effective.

Given the scarcity of land resources in Hong Kong, FHB should, in the long run, focus on developing sustainable burial services to gradually replace the use of columbaria.

16. Currently, utilisation of the Government's green burial services is rather low. Apart from stepping up publicity and public education, FHB should explore how to enhance and promote such services and continue to actively enlist community support for setting a time limit and renewal requirements on the use of public columbarium niches. Moreover, the Bureau should be more proactive in exploring other modes of burial that require little land or construction works, with a view to alleviating the shortage of niches.

Recommendations

17. In the light of the above, The Ombudsman urges FHB:

- (1) to follow up closely the development schemes which are yet to be completed, especially those potential sites that the Bureau has not yet consulted the local DCs or those which are more controversial. FHB should start consultation and lobby the local community as soon as possible;
- (2) to consider giving higher priority to potential sites which are smaller in scale and/or less controversial;
- (3) to step up publicity and public education on the use of green burial services as well as to enhance such services. Continued efforts should be made to actively enlist support from Councillors about setting a time limit and renewal requirement on the use of public columbarium niches ; and
- (4) to actively explore new modes of public burial services.

**Office of The Ombudsman
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