



Edward Chui <...@invocare.com.au>

29/03/2012 11:27

To "ccc@fhb.gov.hk" <ccc@fhb.gov.hk>

cc Edward Chui <...@invocare.com.au>

bcc

Subject InvoCare Hong Kong Limited Response to Public Licensing Scheme for Private Columbaria

Urgent  Return receipt  Sign  Encrypt

Manager  
Food and Health Bureau

Please see the attached response from InvoCare Hong Kong Limited.  
For enquiries please contact:

Mr. Edward Chui  
VP InvoCare Hong Kong Limited

email: [ccc@invocare.com.cn](mailto:ccc@invocare.com.cn)

Disclaimer:

Please consider the environment before printing this e-mail.  
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the originator of the message.



IVC HK Columbaria Enquiry.doc Columbarium InvoCare Hong Kong Limited response to the Food and Health Bureau.docx IVCHK2012-03-26 InvoCare Hong Kong Mar2012.zip

28 March 2012

Food Division  
Food and Health Bureau  
17/ F East Wing  
Central Government Offices  
2 Tim Mei Av.  
Tamar  
Hong Kong

E mail : [ccc@fhd.gov.hk](mailto:ccc@fhd.gov.hk)

**Re: InvoCare Hong Kong Limited response to the Food and Health Bureau  
“Public Consultation on Licensing Scheme for Private Columbaria”**

Please find attached InvoCare Hong Kong Limited's views and comments on the above mentioned public consultation paper.

InvoCare Hong Kong Limited is a subsidiary of InvoCare Limited an Australian publicly listed company. We made a submission to your Department during the enquiry in September 2010 on the Columbarium Development paper " LC Paper no. CB(2) 884/09 – 10 (07).

Also we recently responded to the Public Tender for the Hung Hom Funeral Parlour Tender reference – FE:HQ 1011/11.

These submissions are also included in this email for your reference.

We look forward to getting feedback on our submission to the current enquiry on the Licensing Scheme for Private Columbaria.

Our contact person is:

Mr Edward Chui  
VP InvoCare Hong Kong Limited  
Email: [edward@invocare.com.cn](mailto:edward@invocare.com.cn)  
Ph. +852 25220000

Yours faithfully,

Edward Chui  
VP  
InvoCare Hong Kong Limited

## **InvoCare Hong Kong Limited response to the Food and Health Bureau " Public Consultation on Licensing Scheme for Private Columbaria" Paper of December 2011.**

InvoCare Hong Kong Limited previously responded on 28 September 2010 to the Columbarium Development LC paper no. CB (2) 884/09 - 10 (2) September 2010.

It is pleasing to see that many of our comments have been well received and taken into account in the formulation of this current stage of the review and policy development. Furthermore we have made a submission in January 2012 under the Public Tender called in relation to the Hung Hom Funeral Parlour ( a copy of this is attached).

We trust that our comments and contribution to the current stage of the consultative process will further establish InvoCare Hong Kong Limited as a substantial industry participant and our continued intention and dedication to enter the funerals industry in Hong Kong.

### **Outcome of the First Public Consultation and Updated Position**

*1.2 On 6 July 2010, FHB published a consultation document on review of columbarium policy and launched a three-month public consultation. In the consultation document, it was 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 human remains<sup>1</sup>;*
- (c) enhancing consumer protection in the choice of private columbarium facilities; and*
- (d) enhancing the regulation of private columbaria.*

*1.3 The public welcomed the review of columbarium policy and over 500 submissions were received. Constructive feedback came through different channels, including the relevant Legislative*

*Council Panel, the Town Planning Board (TPB) 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 and representatives of the trade.*

*1.4 The mainstream opinion agreed to the need for increasing the supply of public columbaria, enhancing regulation and sustainable development of private columbaria and protecting consumer rights.*

1.5 In the public consultation, the public expressed strong support for a licensing scheme to enhance regulation of the operation of private columbaria. However, views over the scope and intensity of

regulation under the licensing scheme and the arrangements for pre-existing private columbaria were divergent. The interests of those columbarium operators who are subjects of future regulation,

those living in the neighbourhood of columbaria that do not comply with current statutory and Government requirements and those who have made purchases with such columbaria are understandably very different.

1.6 To facilitate a focused and constructive discussion on the subject and to balance the interests of different stakeholders, we highlight the following main considerations–

**(a) A robust but pragmatic way forward** - The operation of private columbaria, same as the operation of all trades in Hong Kong, must be in compliance with the statutory and Government requirements. Insofar as public safety is concerned, all prevailing policies and standards should be strictly followed. The licensing scheme should be a forward looking and robust regulatory regime, proportional to the issues at stake. The trade and even more so the public have

demanding us to be pragmatic and sensitive when dealing with those columbaria which had been in existence for many years.

**(b) Respect for arrangements already made under traditional customs** - Ancestral worship is an important value cherished by all of us. While there is indication that scattering of cremains and exhumation arrangements are gaining acceptance, and that ancestral worship may be taking new

forms such as via internet services, there are still a large number of people, especially the older generation, who see it as their filial duty to ensure their ancestors can “rest in peace”(入土為安) after death. We have been reminded by community leaders, general public and the trade that we

should respect the arrangements already entered into for the deceased and that upsetting the resting place of the deceased should not be contemplated lightly.

**(c) Due regard for the living** - Existence of a private columbarium in the neighbourhood may bring about impact on traffic, noise and environmental nuisance. It is important that a regulatory regime should have sufficient regard to such impact such that suitable management measures would be in

place to address the plight of the neighbourhood. It should be pointed out that cremains are inorganic matter and should not cause concerns from the hygiene point of view.

**(d) Sustainable development of the trade** - Private columbaria play an important role in the market, both in terms of supply and, more importantly, choice of niches. Some patrons

*prefer private columbaria mainly because of their personalised services such as pre-death purchase and daily worship services, etc. With a cremation rate of about 90% in Hong Kong, there is a pressing need for a steady niche supply in the coming years to meet demand.*

*Private columbaria complement their*

*public counterparts in boosting the supply of niches. Sustainable development of the trade is therefore important. We need to work out a licensing scheme which satisfies the test of necessity, reasonableness and proportionality, and which strikes a balance between the interests of different stakeholders. It is a fine balancing act. We appeal to you to share your views with us.*

## **InvoCare Hong Kong Limited response:**

### **1.6 a A robust but pragmatic way forward**

**It is agreed that the regularisation and licensing scheme must be solution focussed in bringing some of the private columbarium into compliance with the safety standards, and Occupational Health and Safety requirements of all public access buildings and at the same time contribute to the resolution of the problem of shortage of niches for cremains.**

**Furthermore a robust and pragmatic way forward should encompass an open consultative framework, a purposeful and deliberate approach towards the achievement of a consensus outcome. It needs to take into account all issues of public concern, but at the same time positioning this issue of Columbarium as a matter of shared communal responsibility where local communities also take responsibility for preserving the traditions and respecting the arrangements previously made for their ancestors.**

---

### **1.6 b Respect for arrangements already made under traditional customs**

**It is agreed that every effort should be made to preserve the existing cremains in their proper established places if the decedents of the deceased indicate their wish to preserve the position. At the same time it is agreed that there should be more promotion and public education towards an increasing recognition of environmentally friendly solutions such as scattering in memorial gardens, or at sea, or under trees. However this might need to be seen in the context of a longer term strategy rather than a quick fix.**

### **1.6c Due regard for the living**

**It is agreed that the existence of a private columbarium might bring about some traffic and noise issues; and the granting or renewal of a license might include additional requirements for crowd management, traffic flow control, and noise abatement measures. However the existence and location of the private columbarium should be accepted as status quo and part of the "community infrastructure" or "established community facility" and should be respected and treated as such. Some public advocacy might help to shift general public opinion.**

#### **1.6d Sustainable development of the trade**

**It is agreed that private columbarium has a special place in the industry because it can offer a greater variety of consumer choices, better grade of service, and provide net increases in the supply of the number of niches.**

**In addition to the above InvoCare Hong Kong Limited wish to make these observations as our contribution to the current review and policy development:**

**1. InvoCare Hong Kong Limited fully endorse the current approach of open and full consultation with the public, while taking a policy leadership role in shaping the industry and developing solutions towards resolving the problems of shortage of niches facing the industry.**

**2. InvoCare Hong Kong Limited also believes that future policies should offer increasing range of choices available to the consumers, and at the same time offer suitable incentives for consumers to adopt environmentally friendly solutions, including access to internet based memorial sites for the deceased.**

**3. InvoCare Hong Kong Limited also believes there is the opportunity for developing a plan of proactive community engagement whereby local residents will over time take a more community minded view of facilities such as columbaria -- through information about and the need to observe traditions and customs; respecting those members of the community who lived locally and have passed away , and have made contributions towards the community; and transitioning public perceptions of columbaria from as being "misfortune" to a recognition that columbaria has a rightful place in every community and should be treated as part of the "community facility" or "community infrastructure".**

**4. InvoCare Hong Kong Limited also believes that there is a place for the development of modern, attractively designed and architecturally appealing multi-storey buildings**

for use as columbaria. Such buildings, if incorporated early in town planning and estate development and put forward as a pre-requisite for private developers or even public housing projects, can be surrounded in green and park like environments and away from residential towers. This would achieve the aim of having much needed community infrastructure situated near to residential developments. Such a development can also be pursued under an appropriate private/ public partnership arrangement.

*3.7 Chapter 3 PRIVATE COLUMBARIA LICENSING BOARD --Comments are invited on –*

- (a) the proposed establishment and composition of a Licensing Board, as stipulated under paragraphs 3.2 to 3.4; and*
- (b) the proposed powers of the Licensing Board and FEHD, as stipulated under paragraphs 3.5 and 3.6.*

**InvoCare Hong Kong Limited response:**

**(a) Agreed. The establishment and composition of the licensing board will ultimately benefit the consumer by setting better standards for the industry. Consumers will benefit through better facilities, safer environment for visiting their ancestors, improved personal safety and improved consumer protection. If accompanied by appropriate improvements in crowd management and traffic control plans, will enhance the overall visitation experience during busy festival times such as Ching Ming and Chung Yueng; and revive good traditions of remembering one's roots and ancestral blessings.**

**(b) The powers of the licensing board are necessary to fully implement its charter of responsibilities. Furthermore it is the view of InvoCare Hong Kong Limited that greater powers of discretion should be given to the licensing board for increased flexibility in responding to some unforeseen situations and difficult / sensitive issues.**

*4.10 Chapter 4 LICENCE FOR OPERATING A PRIVATE COLUMBARIUM -- Comments are invited on –*

- (a) the proposed definition of private columbarium as well as nominees and purchasers, as stipulated under paragraphs 4.1 and 4.3. If the keeping of cremains of deceased family*

*members at home were not to be defined as a "private columbarium", and in order to avoid abuse, should we set a number above which the keeping of the cremains of family members at home would be defined as "private columbarium"? If so, what should the number be?*

*(b) the proposed licensing period to be set at five years in paragraph 4.4;*

*(c) the proposed requirements for licence application in paragraph 4.5 (in particular that on the right to use the premises);*

*(d) the proposed licensing conditions in paragraph 4.7; and*

*(e) the proposed arrangements in case of cessation of business in paragraph 4.7(e).*

### **InvoCare Hong Kong Limited response:**

**(a) Agreed with the general approach and the difficulty in avoiding abuse. InvoCare Hong Kong Limited would like to suggest a couple of alternatives for consideration: Setting an upper number limit would be useful in avoiding the proliferation of unofficial private columbaria. However there should always be room for review, negotiation or appeal as there will always be exceptions to the rule and special cases and sensitive issues that regulations cannot fully cover. Alternatively the number can be controlled by announcing clear definitions of nominees, families and extended families that qualify for keeping cremains at home.**

**(b) The five year period seems appropriate.**

**(c) The right to use the premises -- the proposed requirement of "self-ownership" as a condition to obtaining a licence will probably further exacerbate the shortage of columbarium niches rather than enhance it as it imposes additional conditions. As an alternative, if self-ownership is going to be a condition for a columbarium licence, then there should be an active program from the government to make columbaria as part of the community infrastructure, and allow modern attractive multistorey columbaria designs to be built in community residential developments as suggested in our response in 1.6d above.**

**(d) and (e) General agreement with the licensing conditions, and especially the curbing of speculation in the sale of niches.**

*5.17 Chapter 5 EXEMPTION FROM THE LICENSING SCHEME--Comments are invited on the following –*



*(a) the comparative merits of adopting a pragmatic approach in dealing with the problem of pre-existing private columbaria;*

*and*

*(b) the proposed exemption arrangements from the licensing scheme, in particular the following –*

*(i) the proposed criteria for exempting licensed undertakers of burials, subject to conditions, from the*

*licensing scheme, as stipulated under paragraph 5.7;*

*and*

*(ii) apart from those in paragraphs 5.2 to 5.7, whether any specified category / categories of pre-existing private columbaria should be exempted from the licensing scheme, and if so, what the criteria for exemption should be.*

### **InvoCare Hong Kong Limited response:**

**(a) Agreed. A pragmatic approach is necessary to deal with issues of this magnitude and complexity. In addition InvoCare Hong Kong limited also believes a greater degree of discretion and flexibility is required in the implementation of policies and regulations.**

**b (i) the proposed exemption of licensed undertakers is a pragmatic response in the new environment. InvoCare Hong Kong Limited also believes there is the opportunity for developing a plan of proactive community engagement whereby local residents will over time take a more community minded view of facilities such as columbaria -- through information about and the need to observing traditions and customs; respecting those members of the community who lived locally and passed away , and have made contributions towards the community; and transitioning public perceptions of columbaria as being "misfortune" to a recognition that columbaria has a rightful place in every community and should be treated as part of the "community facility" or "community infrastructure".**

**InvoCare Hong Kong Limited also believes that there is a place for the development of modern, attractively designed and architecturally appealing multi-storey buildings for use as columbaria. Such buildings, if incorporated early in town planning and estate development and put forward as a pre-requisite for private developers or even public housing projects, can be surrounded in green and park like environments and away from residential towers. This would achieve the aim of having much needed community infrastructure situated near to residential developments. Such a**

**development can also be pursued under an appropriate private/ public partnership arrangement.**

*6.7 Chapter 6 TEMPORARY SUSPENSION FROM LIABILITY... OF PRIVATE COLUMBARIUM –Comments are invited on –*

*(a) the proposed arrangements for temporary suspension from liability under paragraphs 6.1 and 6.2;*

*(b) the proposed conditions for temporary suspension from liability, as stipulated under paragraph 6.3;*

*(c) the proposed arrangements for extension of temporary suspension from liability, as stipulated under paragraph 6.4;*

*(d) the proposed freeze of the number and sales of niches as stipulated under paragraph 6.5; and*

*(e) the proposed length of the specified fixed period applicable to giving temporary suspension from liability or such extension under paragraphs 6.2 and 6.4.*

**InvoCare Hong Kong Limited response:**

**6.7 We are in general agreement with what has been proposed in the paper.**

*7.6 Chapter 7 TRANSITIONS, APPEALS SANCTIONS AND TIMETABLE –Comments are invited on –*

*(a) the proposed duration of transition period, i.e. 18 months, as stipulated under paragraph 7.1;*

*(b) the proposed appeal mechanism, as stipulated under paragraph 7.3; and*

*(c) the proposed sanctions, as stipulated under paragraph 7.4.*

**InvoCare Hong Kong Limited response:**

**7.6 We are in general agreement with the proposals detailed in the paper.**