

Applications for Specified Instruments under the Private Columbaria Ordinance (Cap. 630) (The PCO)
in respect of Shatin Po Fook Hill (excluding Miu King Tong)
and in respect of Shatin Po Fook Hill Miu King Tong

The applicant's proposed action plan for reprovisioning the sold niches at the Shatin Po Fook Hill Miu King Tong

The applicant (hereafter referred to as the "Company" below) undertakes to implement the following actions to reprovision the niches already sold at the Po Fook Hill Miu King Tong (the Premises) :

1	<p>The Company shall set aside 1,612 unsold niches in the Po Fook Hill (excluding Miu King Tong) (the Main Premises) as designated niches (hereafter referred to as the "Designated Niches") within 妙門堂, 妙日堂 and 妙會堂 available for the affected customers of the Premises as Option One.</p> <p>[For details of the "Designated Niches", please enquire with the operator of the columbarium "Up-Grade Development Limited".]</p>
2	<p>Within one week after the licence in respect of the Main Premises is issued (if approved by the Private Columbaria Licensing Board (PCLB)), the Company will start to issue the circular letters at <u>Appendix 2</u> to all purchasers of niche interment rights at the Premises to offer Option One and Option Two to them. The whole process of issuing such circular letters will be completed within one month. The purchasers will be given two months from the date of the circular letters to decide on the two options.</p> <p>[Appendix 2 is not attached. For details, please enquire with the operator of the columbarium "Up-Grade Development Limited".]</p> <p>The Company will send the above circular letters by registered post or by way of other reliable arrangement which gives the affected purchasers actual notice of the circular letter. In the event that the delivery of the registered post is unsuccessful, further arrangements (including by advertisements in two local Chinese newspapers) will be made to bring the circular letter to the actual notice of the affected purchasers, and the 2 months' period will be extended for another two months to cater for these arrangements (including advertisements in</p>

	<p>two local Chinese newspapers).</p> <p>(i) for Option One customers : all replacement sales agreements (the new agreement will be referred to as "the replacement sales agreement) will be signed with the affected purchasers, and interred ashes will be relocated to the "Designated Niches" at the licensed premises; and</p> <p>(ii) for Option Two customers : funds will be fully returned to the affected purchasers, and ashes properly returned to the prescribed claimants (as defined in Schedule 5 of the PCO, including but not limited to the purchasers). Funds will be returned to the purchasers within one month after the purchasers have taken back the ashes and other related items in the concerned sold niches</p> <p>The Company will use the interment right sales agreement sample submitted in connection with its licence application in respect of the Main Premises (once the sample is endorsed by the PCLB) for signing the replacement sales agreements with the purchasers of sold niches in Miu King Tong for replacing the original sales agreements for sold niches in Miu King Tong under Option One.</p> <p>The validity period of the replacement sales agreements will be the same as the validity period of the original sale agreements for the sold niches.</p> <p>There are no outstanding payments under the original sale agreements in respect of the sold niches in Miu King Tong. The purchasers of such niches are not required to make any payments if they choose Option One.</p>
3	<p>If there are ashes unclaimed at the end of the above 2 months' period from the date on which the circular letter has been issued to the affected purchasers of the sold niches (or such further period pursuant to any further arrangements above referred to), or the affected purchasers do not agree to any of the two options, the Company shall comply with the relevant provisions of the PCO, inter alia, section 68 of and Schedule 5 to the PCO. Under these circumstances, the</p>

	<p>Company shall implement the prescribed ash disposal procedures (PADP) according to Section 7(1) and Section 7(3) of Schedule 5 to the PCO in relation to any unclaimed ashes. If there are ashes remaining unclaimed at the end of the 8 months on-site claim period, these unclaimed ashes should be reprovisioned into the "Designated Niches" in the Main Premises under Section 7(3) of Schedule 5 to the PCO.</p> <p>The Company understands that the carrying out of the PADP or the above action plan will not affect any person's right to compensation under the original sale agreements of the sold niches.</p> <p>The Company will observe the provisions laid down in Schedule 5 to the PCO when implementing the PADP.</p>
4	<p>The Company expects the reprovisioning of interred ashes for Option One customers (e.g. choice of replacement niches, cancellation of old sale agreements, signing of replacement sales agreements, removal of ashes from the Premises and interment of ashes in the Designated Niches, etc.) will finish within about two years and one month.</p>
5	<p>The Company will report to the PCLB in writing after it has completed the above actions.</p>
6	<p>The Company will rectify the unauthorized building works at Miu King Tong. It will employ an Authorized Person (AP) to prepare and submit a detailed remedial proposal for approval by the Buildings Department (BD) under the Buildings Ordinance. Approved remedial works will only be commenced upon obtaining consent from the BD and the works will be completed to the satisfaction of the BD. The above, together with a work programme showing the milestone of key activities of the proposed remedial works will be provided by the AP.</p>



Signature of Authorized Person*: _____

Name of Authorized Person*: SO Shu Fai Ambrose

Name of Applicant: Up-Grade Development Limited

Date: 18th March 2019

*The Authorized Person means the person authorized in writing by the applicant of the captioned applications to act for and on behalf of the applicant for the applications.