

**Reasons for the Private Columbaria Licensing Board's Refusal of
the Specified Instrument Applications in respect of the Yue Fook
Tong Limited Columbarium**

- (i) This Licence application does not comply with the land-related requirements under Section 18(1)(a)(i) of the Private Columbaria Ordinance (PCO), as the documents submitted by the applicant fail to prove to the satisfaction of the Private Columbaria Licensing Board (PCLB) that this Licence application complies with the requirements under the aforesaid section of the PCO;
- (ii) this Licence application does not comply with the planning-related requirements under Section 18(1)(a)(ii) of the PCO as the documents submitted by the applicant fail to prove to the satisfaction of the PCLB that this Licence application complies with the requirements under the aforesaid section of the PCO;
- (iii) this Licence application does not comply with the building-related requirements under Sections 18(1)(a)(iii) and 19(2) of the PCO as the documents submitted by the applicant fail to prove to the satisfaction of the PCLB that this Licence application complies with the requirements under the aforesaid sections of the PCO;
- (iv) this Licence application does not comply with the requirement in relation to management plan under Section 18(2) of the PCO as the applicant fails to submit documents to prove to the satisfaction of the PCLB that this Licence application complies with the requirement under the aforesaid section of the PCO.;
- (v) this Licence application does not comply with Section 18(1)(b) of the PCO, which requires the applicant to hold the columbarium premises directly from the Government under a lease; and this Licence application also does not comply with the requirements regarding the right to use the columbarium premises under Section 19(3)(b) of the PCO as the documents submitted by the applicant fail to prove to the satisfaction of

the PCLB that this Licence application complies with the requirements under the aforesaid section of the PCO; and

- (vi) According to Section 22 of the PCO, the PCLB must have regard to the public interest and may have regard to any other relevant considerations when determining an application for a specified instrument. Under the “Considerations relevant to the determination of applications” in Chapter 5 of the “Application Guide for Private Columbarium Licence and Other Specified Instruments”, the “other relevant considerations” mentioned above which the PCLB may have regard to in the determination of applications for specified instruments include “the conviction of an applicant under an offence of the PCO”. The operator of this columbarium and the applicant of this set of specified instrument applications have been convicted of the offence of illegally operating this columbarium under Section 11 of the PCO and breached the requirement under the PCO prohibiting the sale/newly renting out of any interment right in respect of the columbarium within the “grace period”. According to section 11 of and Schedule 7 to the PCO, any person who has sold (including newly rented out) the interment right of a private columbarium within the grace period otherwise than under a licence, that person cannot continue to operate, maintain, manage or in any other way control the unlicensed columbarium (except for the disposal of ashes in accordance with the relevant provisions of the PCO). Otherwise, that person may have continuously committed the offence under Section 11 of the PCO. Having regard to section 22 of the PCO, the PCLB refuses this set of specified instrument applications.