

Application Guide

**for Specification of Religious Ash Pagodas
in Pre-cut-off Columbaria of Chinese Temples
by the Secretary for Home Affairs**

Home Affairs Bureau

(December 2017 version)

The Home Affairs Bureau will, having regard to the actual circumstances, make amendments to the Application Guide from time to time.

The most updated version will be published on the website www.rpc.gov.hk.

Chapter 1 – Introduction

Brief Introduction

- 1.1 This Guide is intended to assist Chinese temples to apply to the Secretary for Home Affairs (SHA) for the specification of religious ash pagodas (RAPs) in their pre-cut-off columbaria. Relevant information and requirements for the application are also included. The Guide is not a legal document and the information provided is for reference only. It does not in any way absolve any persons from compliance with any provisions of the relevant legislations.
- 1.2 In accordance with the Private Columbaria Ordinance (PCO), applications for a licence or an exemption in respect of a pre-cut-off columbarium should be submitted to the Private Columbaria Licensing Board (PCLB) on or before 29 March 2018. If the applicant of a licence or an exemption wishes to submit an application for specifying the columbarium of a Chinese temple and the RAP in that columbarium, the application should also be made to the SHA simultaneously (see **Appendix A** for the application form)¹.
- 1.3 The definitions of some key terms in relation to the application for specifying RAPs in a columbarium under the PCO are listed below:

Chinese temple – it has the meaning given by section 2 of the Chinese Temples Ordinance (Cap. 153) and it includes:

- (a) all Miu (temples), Tsz (Buddhist monasteries), Kun and To Yuen (Taoist monasteries) and Om (nunneries); and
- (b) every place where –
 - (i) in accordance with the religious principles governing Miu, Tsz, Kun, To Yuen or Om, worship of gods or communication with spirits or fortune-telling is practiced or is intended to be practised; and where
 - (ii) fee, payments or rewards of any kind whatsoever are charged to or are accepted from any member of the public for the purpose of worship or communication with spirits or fortune-telling or any similar purpose,

¹ If an applicant is applying for an exemption, the specification of the Chinese temple and its RAP is made pursuant to section 57 of the PCO.

or in return for joss candles or incense sticks, or on any other account whatsoever.

Religious practitioners – in relation to a Chinese temple, they include the Buddhist monks and nuns and Taoist priests and priestesses (as the case requires) residing and serving in that temple immediately before death (but excludes their family members and any other persons related to that temple, whether as followers, donors or otherwise of that temple).

Religious ash pagoda – in relation to a pre-cut-off columbarium that is a columbarium of a Chinese temple, it means any part of that columbarium (whether a structure or otherwise) that is used for the interment of the ashes of the religious practitioners of that temple.

1.4 For a pre-cut-off columbarium with a licence or an exemption in force, the SHA can, by notice published in the Gazette, specify:

- (a) the columbaria of a Chinese temple;
- (b) the RAPs in each of those columbaria in which ashes may be interred;
- (c) the number of sets of ashes that may be interred;
- (d) the location of those RAPs (as shown in the approved plans) in which ashes may be interred; and
- (e) the location and serial numbering of the niches (according to the ash interment layout as shown in the approved plans) in which ashes may be interred.

1.5 Regarding RAPs specified by the SHA by notice published in the Gazette, the holder of a licence or an exemption in respect of a pre-cut-off columbarium shall comply with any requirements or conditions imposed by the SHA, including but not limited to the following:

- A pre-cut-off columbarium granted with a licence or an exemption shall be a Chinese temple as defined in section 2 of the Chinese Temples Ordinance (Cap. 153);
- An RAP can only be used to inter ashes of religious practitioners residing and serving in that Chinese temple immediately before death;
- It must be ensured that the number of sets of ashes interred in

an RAP after the publication of a notice in the Gazette shall not exceed the ceiling specified by the SHA (the number of sets of ashes specified by the SHA in respect of a pre-cut-off columbarium must not exceed 1 000);

- No fees, charges or other sums may be imposed for the interment of ashes in an RAP and for the relevant services;
- A register containing information on ashes interred in the RAP shall be maintained. It must also be made available for inspection, on request, by the SHA or a public officer authorised by him or her (see **Appendix B** for a sample of the register); and
- Any requirements or conditions imposed by the PCLB on the licence or exemption shall be complied with.

1.6 If a pre-cut-off columbarium fails to meet the requirements and conditions imposed by the SHA, the SHA may decide that the columbarium ceases to be specified.

1.7 The above requirements and conditions are for general reference only. The actual requirements and conditions may vary subject to individual circumstances.

Chapter 2 – Procedures for Processing an Application

- 2.1 The procedures for processing an application in relation to an RAP are as follows.

Phase 1: Pre-application to the HAB

- 2.2 The operator of a pre-cut-off columbarium is required to make an application for a licence or an exemption to the PCLB via the Private Columbaria Licensing Team (PCLT).
- 2.3 Upon receipt of an application for a licence or an exemption, the PCLT will remind the applicant in its letter of acknowledgement to submit a separate application to the HAB for specifying the columbarium and RAP(s) (if applicable). The HAB will only process applications for specifying those RAPs in a pre-cut-off columbarium of a Chinese temple.

Phase 2: Post-application to the HAB

- 2.4 In general, the procedures for processing an application are as follows:

2.4.1 Submission of an application:

The applicant should submit the completed application forms (at **Appendix A**) together with sufficient copies of all the required supporting documents (the checklist at **Appendix C**) to the HAB.

2.4.2 Preliminary check:

Upon receipt of the application, the HAB will conduct a preliminary check. If the applicant fails to fill in all the required information in the specified application forms and the forms are not duly signed or not all the required supporting documents are attached, the applicant will be requested by the checking officer to provide the missing information and/or the outstanding supporting documents within a specified time frame.

If necessary, the checking officer will invite the applicant to an interview to verify the information on the application. If the applicant fails to submit all the required information and/or supporting documents within the specified time frame, the application concerned may not be considered.

2.4.3 Site inspection:

When the applicant has submitted all the required information and supporting documents, the HAB will pass the application materials to the Secretariat of the Chinese Temples Committee (CTC Secretariat). The CTC Secretariat will then send its staff to inspect the columbarium premises to verify the information provided by the applicant and to collect any further necessary information for the consideration of the HAB. Subject to the circumstances, the checking officer may interview the applicant and/or the relevant officers or staff of the columbarium and ask for more information.

2.4.4 Compliance with requirements:

The HAB will issue to the applicant a notification letter setting out the requirements for compliance by the columbarium. The applicant is required to take action to comply with those requirements set out in the notification letter and file a report to the HAB on its compliance with the requirements together with the required documents and/or proofs within the time frame specified in the notification letter.

Upon receipt of the written notification, the relevant documents and/or proofs from the applicant, the HAB may arrange a further site inspection of the columbarium premises to confirm the full compliance of requirements.

Phase 3: Notification of results

- 2.5 Once a decision has been made on the application, the HAB will inform the applicant in writing. If the application is successful, the HAB will arrange to publish a notice of the SHA's decision on the specification in the Gazette.

Chapter 3 – How to Submit an Application

- 3.1 The HAB starts accepting applications on **30 December 2017**.
- 3.2 Before submitting an application, the applicant should take note of the following:

- (1) This Application Guide must be read carefully.
- (2) The duly completed application forms (see **Appendix A**) together with all the required supporting documents (see **Appendix C**) should be sent to:

Home Affairs Bureau,
13/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong
(Attn: Executive Officer (3)2)

- (3) The application forms and the relevant information can be downloaded from the website of the Private Columbaria Affairs Office (<http://www.rpc.gov.hk>) or the website of the HAB (http://www.hab.gov.hk/en/public_forms/forms.htm).
- (4) If the application is submitted by post, the applicant must ensure that the application documents are delivered to the above address. If the submission is to be made in person, please call 3509 8139 to make an appointment.
- (5) The applicant should engage a qualified professional and other registered professionals to prepare the required certificates or documents for the application. All these supporting documents must be issued by a qualified professional and other registered professionals (if applicable). If necessary, lawyers and other relevant professionals should be consulted.
- (6) Should there be any queries on matters concerning the application for the specification of an RAP, please contact the HAB:

Telephone number: 3509 8139
Fax number: 2591 6002
Email address: cad3@hab.gov.hk