

Chapter 20 : Requirements and procedures for applications by holders of specified instruments to vary the conditions to which the instruments are subject, or to make alterations or additions to columbaria in respect of which specified instruments are issued

- (1) Under section 41 of the Private Columbaria Ordinance (PCO), the Private Columbaria Licensing Board (PCLB) may, on application by the holder of a specified instrument showing sufficient cause to its satisfaction, vary any conditions to which the instrument is subject, by an endorsement on the instrument.

The above-mentioned “conditions to which the instrument is subject” include, but are not limited to, the conditions imposed by the PCLB upon the specified instrument, approved plans and the approved management plan.

The documents to be submitted along with applications made under section 41 of the PCO and the relevant procedures are set out at Part (A) below.

- (2) Section 53 of the PCO also provides that, **except with the written permission of the PCLB**, a person holding a specified instrument **must not** cause or permit any **alteration or addition** to the columbarium premises that would result in material deviation from the approved plans of the columbarium.

The documents to be submitted along with applications made under section 53 of the PCO and the relevant procedures are set out at Part (B) below.

(A) Documents to be submitted along with applications made under section 41 of the PCO for variation of conditions to which specified instruments are subject and the relevant procedures

(i) Application method

1	The applicant is required to submit the application for variation of conditions to which a specified instrument is subject to the PCLB in accordance with the form at <u>Annex 40</u> , including completing the form at <u>Annex 40</u> (an original and a duplicate) together with the documents specified in the form and other relevant documents in triplicate .
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(ii) Procedures of processing an application

1	The Private Columbaria Affairs Office (PCAO) will conduct preliminary checking on the submitted application form and the attached documents mentioned in Item (i)(1) above to see if the necessary information in the form has been filled in and the documents required to be attached have been attached.
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2	The PCAO will, according to actual circumstances, request the applicant in writing to make clarifications/corrections or provide supplementary information/documents within a specified time frame.
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3	<p>If the application involves other bureaux/departments, the PCAO will distribute the documents/information submitted by the applicant to the bureaux/departments concerned for their consideration and comment.</p>
4	<p>Depending on the content of the application, the bureaux/departments concerned may need to conduct site visits to the columbarium premises to verify the documents/information provided by the applicant. The applicant must cooperate with the bureaux/departments concerned in this regard.</p>
5	<p>After receiving preliminary comments from the bureaux/departments concerned, the PCAO will request the applicant in writing to furnish the PCLB with a summary of application for promulgation in accordance with the template at <u>Annex 41</u>.</p> <p>Upon checking, the PCAO will, if necessary, request the applicant to provide supplementary information/make clarifications. Thereafter, the summary of application will be promulgated in the following ways:</p> <ul style="list-style-type: none"> (a) publishing the application notice and the summary of application on the website rpc.gov.hk; and (b) posting the application notice and the summary of application at conspicuous locations (e.g. at the main entrance and near places to which alterations will be made) of the columbarium premises.

	<p>The public may, within one month from the date on which the above-mentioned notice is published/posted, express their opinions in writing to the PCLB.</p>
6	<p>If a public opinion is received and the applicant's response thereto is required, the PCAO will request a written response from the applicant. If necessary, the PCAO will seek comments from the departments concerned on the public opinion and/or the applicant's written response.</p>
7	<p>The PCAO will relay to the applicant the comments from the bureaux/departments concerned on the application (if any) for his/her response/follow-up action.</p>
8	<p>Depending on the nature and content of the application, the PCAO may issue a Letter of Requirements to the applicant.</p>
9	<p>The applicant must file a response or submit the required documents in respect of the comments from the bureaux/departments concerned mentioned in Item (7) above and the Letter of Requirements mentioned in Item (8) above in order to fulfill the requirements therein.</p>
10	<p>After vetting, the PCAO will submit the application to the PCLB for determination.</p>
11	<p>If the PCLB approves the application, the PCAO will</p>

issue a notice of approval-in-principle to the applicant stating that the PCLB has given approval-in-principle to the application for variation of conditions to which the specified instrument is subject. The applicant is required to bring along the notice and the existing specified instrument to the Food and Environmental Hygiene Department (FEHD) and make the payment specified in items 10 to 12 (subject to the type of the specified instrument) of Schedule 6 to the PCO.

If the approval given by the PCLB involves an increase in the number of niches, ash interment capacity or ash interment quantity which results in a necessary revision to the information on the original specified instrument, the applicant is required to make the payment specified in the relevant provisions of Schedule 6 to the PCO (if applicable) in addition to the above-mentioned prescribed fee. For example:

(i) in the case that same fees for old and new licences:

- if the fees listed under item 3 of Schedule 6 to the PCO for the respective ash interment capacity (the total maximum number of sets of ashes that may be interred in the columbarium) stated in the old licence and the new licence are the same, there is no need for the licence holder to make additional payment;

(ii) in the case that different fees for old and new licences:

- if the fee listed under item 3 of Schedule 6 to the PCO for the ash interment capacity (the

	<p>total maximum number of sets of ashes that may be interred in the columbarium) stated in the new licence is higher than that in the old licence, the licence holder is required to pay the fee difference before obtaining the new licence and the revised approved plans.</p> <p>Under the circumstances in (i) and (ii) above, the Licence Issuing Office of FEHD will issue a new licence to the licence holder with relevant documents attached (including the revised approved plans) to replace the old one. The Licence Issuing Office will also take back the old licence from the licence holder.</p> <p>If the part highlighted in yellow above is not applicable, the Licence Issuing Office of FEHD will make an endorsement on the existing specified instrument.</p> <p>The approval of the above-mentioned application given by the PCLB will be effective only after the payment is made.</p>
12	<p>Depending on the nature and content of the application, updated information (e.g. the approved revised plans and the revised conditions of the licence) may be published on the website rpc.gov.hk by FEHD upon completion of the above procedures.</p>

(B) Documents to be submitted along with applications made under section 53 of the PCO for making alterations or additions to the premises issued with specified instruments and the relevant procedures

(i) Application method

1 The applicant is required to submit the application for permission for alteration or addition to the premises of a private columbarium issued with a specified instrument to the PCLB in accordance with the form at **Annex 42**, including completing the form at **Annex 42** (an original and a duplicate) together with the documents specified in the form and other relevant documents **in triplicate**.

If applicable, the attached documents mentioned above should include plans that fulfill the requirements under section 25 and section 27(2) (where appropriate) of the PCO.

(ii) Procedures of processing an application

1 The PCAO will conduct preliminary checking on the submitted application form and the attached documents mentioned in Item (i)(1) above to see if the necessary information in the form has been filled in and the documents required to be attached have been attached.

2	<p>The PCAO will, according to actual circumstances, request the applicant in writing to make clarifications/corrections or provide supplementary information/documents.</p>
3	<p>If the application involves other bureaux/departments, the PCAO will distribute the documents/information submitted by the applicant to the bureaux/departments concerned for their consideration and comment. The PCAO will relay to the applicant the comments from the bureaux/departments concerned on the application (if any) for his/her response/follow-up action.</p>
4	<p>Depending on the content of the application, the bureaux/departments concerned may need to conduct site visits to the columbarium premises to verify the documents/information provided by the applicant. The applicant must cooperate with the bureaux/departments concerned in this regard.</p>
5	<p>After receiving preliminary comments from the bureaux/departments concerned, the PCAO will request the applicant in writing to furnish the PCLB with a summary of application for promulgation in accordance with the template at <u>Annex 41</u>.</p> <p>Upon checking, the PCAO will, if necessary, request the applicant to provide supplementary information/make clarifications. Thereafter, the summary of application will be promulgated in the following ways:</p> <p>(a) publishing the application notice and the summary of application on the website</p>

	<p>rpc.gov.hk; and</p> <p>(b) posting the application notice and the summary of application at conspicuous locations (e.g. at the main entrance or near places to which alterations will be made) of the columbarium premises.</p> <p>The public may, within one month from the date on which the above-mentioned notice is published/posted, express their opinions in writing to the PCLB.</p>
6	If a public opinion is received and the applicant's response thereto is required, the PCAO will request a written response from the applicant. If necessary, the PCAO will seek comments from the departments concerned on the public opinions and/or the applicant's written response.
7	Depending on the nature and content of the application, the PCAO may issue a Letter of Requirements to the applicant.
8	The applicant must file a response or submit the required documents in respect of the Letter of Requirements mentioned in Item (7) above in order to fulfill the requirements therein.
9	After vetting, the PCAO will submit the application to the PCLB for determination.
10	If the PCLB approves the application, the PCAO will issue a notice of approval-in-principle to the applicant stating that the PCLB has given approval-in-principle

	<p>to the applicant's alteration or addition works, and informing the applicant of the supporting documents that have to be submitted to the PCAO after completion of the works. The applicant is required to bring along the notice and the existing specified instrument to FEHD and pay the prescribed fee according to items 13 to 15 (subject to the type of the specified instrument) of Schedule 6 to the PCO. The approval of the above-mentioned application given by the PCLB will be effective only after the payment is made, and FEHD will indicate the approval given by the PCLB on the specified instrument then.</p>
11	<p>After completion of the approved alteration or addition works mentioned above, the holder of the specified instrument is required to complete the "Report on the Completion of Alteration or Addition Works by the Holder of the Specified Instrument" (the Report) at <u>Annex 43</u> and furnish the PCLB with the Report and all the documents specified therein. Upon receiving the Report and the relevant documents, the PCAO will distribute them to the bureaux/departments concerned for vetting and, if necessary, conduction of site visits.</p>
12	<p>If it is confirmed that the alteration or addition works have met all the relevant requirements after the vetting of the bureaux/departments concerned, the PCAO will make a report to the PCLB. The PCLB will then determine whether to revise the approved plans and/or vary other particulars or matters under section 42 of the PCO.</p>
13	<p>After the PCLB has made a decision in respect of Item (ii)(12) above, the PCAO will issue a notice to the applicant under section 42 of the PCO. Upon receiving the notice, the applicant is required to bring</p>

along the existing specified instrument to FEHD for processing.

If the approval given by the PCLB involves an increase in the number of niches, ash interment capacity or ash interment quantity which results in a necessary revision to the information on the original specified instrument, the applicant is required to make the payment specified in Schedule 6 to the PCO (if applicable). For example:

(i) in the case that same fees for old and new licences:

- if the fees listed under item 3 of Schedule 6 to the PCO for the respective ash interment capacity (the total maximum number of sets of ashes that may be interred in the columbarium) stated in the old licence and the new licence are the same, there is no need for the licence holder to make additional payment;

(ii) in the case that different fees for old and new licences:

- if the fee listed under item 3 of Schedule 6 to the PCO for the ash interment capacity (the total maximum number of sets of ashes that may be interred in the columbarium) stated in the new licence is higher than that in the old licence, the licence holder is required to pay the fee difference before obtaining the new licence and the revised approved plans.

Under the circumstances in (i) and (ii) above, the Licence Issuing Office of FEHD will issue a new licence to the licence holder with relevant documents attached (including the revised approved plans) to replace the old one. The Licence Issuing Office will also take back the old licence from the licence holder.

If the part highlighted in yellow above is not applicable, the Licence Issuing Office of FEHD will make an endorsement on the existing specified instrument.

The approval of the above-mentioned application given by the PCLB will be effective only after the payment is made.

Means of Communication

Where it is mentioned in this chapter that certain information has to be provided to the PCLB in writing, it should be provided through the following ways:

By mail to :

Private Columbaria Affairs Office
P.O. Box 80011
Cheung Sha Wan Post Office

In person to the Private Columbaria Affairs Office
(please make an appointment by calling 2350 7319
before coming) :

Units 501-502, 5/F, Trade Square,
681 Cheung Sha Wan Road, Kowloon

For any enquiry on this chapter, please contact the
Enforcement Team of the Private Columbaria Affairs
Office

Telephone number : 2892 2731

Email address : pc_app@fehd.gov.hk

If there is any change on the above means of
communication, the latest written notice issued by the
Private Columbaria Affairs Office shall prevail.