

Chapter 21: Application for exemption under section 14A of the Private Columbaria Ordinance

(A) Overview

The Private Columbaria (Amendment) Ordinance 2025 (Amendment Ordinance) was passed by the Legislative Council on 21 May 2025 and came into force on 30 May 2025. One of the major amendments of the Amendment Ordinance is the appropriate adjustment to the eligibility criteria for exemption, providing the eligible “pre-cut-off columbaria”¹ with an additional option to make new applications for exemption. “Pre-cut-off columbaria” obtained this exemption, may keep the niches sold before the enactment date (i.e. 30 June 2017) of the Private Columbaria Ordinance (PCO) and continue to operate at their current scale. However, they are not permitted to newly sell or newly let niches. Under section 14A of the PCO, “pre-cut-off columbaria” making application for exemption must meet new eligibility criteria and specified conditions (please refer to **Section (B) of this Chapter** for details), so as to minimise their impact on the neighbourhood and to demonstrate deference to Town Planning Board (TPB)’s procedures and decisions, safeguarding the interests of various parties.

¹ “Pre-cut-off columbaria” refer to the columbaria that were in operation, and in which ashes were interred in niches, immediately before 8 a.m. on 18 June 2014 (the cut-off time).

(B) Application requirements and specified conditions

(I) Application requirements

A “pre-cut-off columbarium” making a new application for exemption must comply with all of the following requirements:

Item	Requirement	Relevant provision in PCO
Revised eligibility criteria		
1	The columbarium has commenced operation (i.e. in which ashes were interred in its niches or in which its interment rights were sold) before the cut-off time (i.e. 8:00 a.m. on 18 June 2014).	sections 20(1)(d), 20(3) and 20A(3)(a)
2	The ash interment quantity of the columbarium is limited to that as at the beginning of the enactment date of the PCO (i.e. 30 June 2017).	sections 20(1)(b) and 20A(3)(b)
3	The columbarium has not newly sold or newly let its interment rights since the beginning of the enactment date of the PCO.	sections 20(1)(e) and 20A(3)(b)
Other existing requirements		
4	The columbarium’s (a) ash interment layout and (b) extent of occupation of land as is necessary for, or ancillary to, the operation of the columbarium must be limited to that as at the cut-off time.	sections 20(1)(a) and (c)

Item	Requirement	Relevant provision in PCO
5	<p>Land-related requirements:</p> <p>(a) The operation of the columbarium does not involve unlawful occupation of unleased land; and</p> <p>(b) The requirements in respect of the columbarium under the lease, short term tenancy or other instrument, under which the columbarium premises are held directly from the Government, are complied with.</p> <p>Please refer to <u>Chapter 15</u> and <u>Annex 7</u> for details.</p>	<p>section 20(1)(f) and section 1 of Schedule 2</p>
6	<p>Building-related requirements:</p> <p>(a) The columbarium complies with the requirements for approval and consent to the commencement of building works under section 14 of the Buildings Ordinance (Cap. 123) and every other requirement specified by the PCLB including requirements relating to design, construction, structure, fire precautions, health, sanitation or safety; or</p> <p>(b) Every building or building works in, on, or at the columbarium meets the following requirements:</p> <p>(i) The building or building works in, on or at the columbarium form the whole, or a part, of a certifiable building;</p>	<p>section 20(1)(g) and sections 3 and 4 of Schedule 2</p>

Item	Requirement	Relevant provision in PCO
	<p>(ii) the certifiable building is certified to be structurally safe by a qualified professional; and</p> <p>(iii) any works required by the PCLB have been carried out.</p> <p>(c) If the requirements described in item (a) or (b) are not met, the columbarium must comply with the following requirements:</p> <p>(i) The non-compliant structures necessary for, or ancillary to, the operation of the columbarium are structures certifiable for a pre-cut-off columbarium; and</p> <p>(ii) The structures certifiable for a pre-cut-off columbarium are certified by a qualified professional as structurally safe and any works required by the PCLB have been carried out.</p> <p>Please refer to <u>Chapter 4</u>, <u>Chapter 15</u>, <u>Annex 4</u> and <u>Annex 5</u> for details.</p>	
7	<p>Right-to-use-the-premises-related requirements :</p> <p>(a) The applicant holds the columbarium premises directly from the Government under a lease;</p> <p>(b) If the requirement described in item (a) is not met, the applicant must prove that they</p>	<p>sections 20(1)(h) and 23(2)</p>

Item	Requirement	Relevant provision in PCO
	<p>have the right to continue to use the premises for at least 5 years from the effective date of the exemption (Applicants should note that it will take time for the PCLB to vet and consider their applications. The processing time will also be affected by the time taken by the applicants to comply with all the application requirements. Hence, the applicants must make sure that their rights to use the premises should be no less than 5 years after the completion of the processing of the application.); and</p> <p>(c) The owner of the columbarium premises has, or all the joint owners or co-owners of the columbarium premises have, given authorisation or consent for the premises to be used as a columbarium.</p>	
8	<p>Fire-safety-related requirements:</p> <p>The columbarium complies with the fire safety requirements for private columbaria.</p> <p>Please refer to <u>Chapter 15</u> and <u>Annex 9</u> for details.</p>	section 22

Item	Requirement	Relevant provision in PCO
9	<p>Environmental-protection-related requirements:</p> <p>The columbarium complies with the relevant environmental protection requirements in relation to air pollution control, drainage facilities/sewage treatment and noise pollution control.</p> <p>Please refer to <u>Chapter 15</u> and <u>Annex 10</u> for details.</p>	section 22
10	<p>Electrical-and-mechanical-safety-related requirements:</p> <p>The columbarium complies with the electrical and mechanical safety requirements for private columbaria.</p> <p>Please refer to <u>Chapter 15</u> and <u>Annex 11</u> for details.</p>	section 22
11	<p>Environmental-hygiene-related requirements:</p> <p>The columbarium provides sanitary facilities for its visitors, and makes special arrangements for festive periods in order to ensure good environmental hygiene.</p>	section 22

(II) Specified conditions

In addition to the application requirements set out in **Section (B)(I) of this Chapter**, a “pre-cut-off columbarium” making a new application for exemption must meet the following three specified conditions:

As at the date on which the Amendment Ordinance came into operation (i.e. 30 May 2025):

Item	Details of the specified conditions	Relevant provision in PCO
1	<p><u>Specified Condition One</u></p> <p>The applicant’s application for a licence in respect of the “pre-cut-off columbarium” is still under processing by the PCLB (i.e. the licence application has not been determined, refused or withdrawn).</p>	<p>section 20A(1)(b)(i)</p>
2	<p><u>Specified Condition Two</u></p> <p>The “pre-cut-off columbarium” is not located in any zone or district designated as “Residential (Group A)” on a draft plan, approved plan or partly approved plan exhibited under the Town Planning Ordinance (Cap. 131) (“TPO”).</p>	<p>section 20A(1)(b)(ii)</p>
3	<p><u>Specified Condition Three</u></p> <p>A planning application in respect of the pre-cut-off columbarium has been accepted or granted by the TPB, regardless of whether or not there had been any other planning application in respect of the columbarium that had been refused; or</p> <p>No planning application in respect of the</p>	<p>sections 20A(1)(b)(iii) and 20A(2)</p>

Item	Details of the specified conditions	Relevant provision in PCO
	columbarium has been refused by the TPB.	

(C) Application period, application method, and information and documents to be submitted

Application period: 1 September to 30 November 2025

A “pre-cut-off columbarium” meeting the eligibility criteria and specified conditions must submit an application for exemption to the PCLB within the above application period, and provide the following information and documents:

(1) Application form

The applicant must complete the application form for exemption at **Annex NE1** and submit it to the PCLB via the PCAO. The applicant must be the applicant of the original licence application². If the applicant is a body corporate, they must also submit the supporting documents listed in Part IV(A) of the application form. If the applicant is a partner in a partnership, they must also submit the supporting documents listed in Part IV(B) of the application form.

(2) Proposed plans

- The applicant must submit the following in the format specified in the template at **Annex NE2**:
 - (a) 7 copies of the proposed plans (including site plan, layout plan and floor plans) for referral to the relevant departments for vetting (Applicants for religious ash pagodas must submit 8 copies of the proposed plans); and
 - (b) For the proposed plans of a columbarium’s application for

² The original licence application refers the licence application in respect of a “pre-cut-off columbarium” submitted between 30 December 2017 and 29 March 2018.

specified instruments, 1 copy of each of the certification completed by the applicant and by a qualified professional respectively.

- For each of the above proposed plans, a qualified professional (see **Chapter 12**) must:
 - certify that the current site situation of the columbarium premises conforms to the plan in all respects; or
 - identify the difference(s), with annotations, on the plans if the current site situation of the columbarium premises does not conform to the plans in all respects.
- For the **niche information** appended to the floor plans, only **3 copies** are required.
- The applicant must provide soft copies of the above-mentioned plans (the proposed site plan, proposed layout plan and proposed floor plans should be in PDF or Word format, while the niche information appended to the proposed floor plans should be in Excel format and stored in electronic storage devices such as a CD ROM).

Note: Whenever the applicant wants to make changes to the plans already submitted to the PCLB, the applicant should submit revised proposed plans, in which the intended changes should be highlighted in different colours, accompanied by brief annotations. The revised plans should also be certified by a qualified professional as required above.

(3) Application summary for exemption (for publication purpose)

The applicant must submit for promulgation **3 copies** of the application summary for exemption in the format specified in the template at **Annex NE3** (including that the proposed site plan of the columbarium and the proposed layout plan of the columbarium have to be drawn to the metric scale, with the paper size no smaller than A3) to let the public know the main content of the application. The PCLB will publish the summary in ways which it deems fit, e.g. publishing it on the Internet or making it available for inspection by the public at specified locations.

(4) Land-related requirements (Please refer to Annex 7 for details)

- If the original licence application has already complied with the land-related requirements, the applicant is not required to submit the same information and documents.
- If the original licence application **has yet to** comply with the land-related requirements, the applicant must submit the outstanding information and documents for application for land regularisation.

(5) Building-related requirements (Please refer to Chapter 4 and Chapter 12 for details)

- If the original licence application has already complied with the building-related requirements, and the applicant confirms that the previously submitted information and documents³ are applicable to the exemption application, the applicant is not required to submit the same information and documents, and only documents⁴ such as the Certification of Structural Safety (Form PCLU-1) and the

3 Including structural justifications, structural assessment, photo records, the Certificate of Accepted Building Materials and Products, etc.

4 Including the Certification of Structural Safety (Form PCLU-1), the Certificate of Compliance with Buildings Department's Requirements, Supplementary Certification of Structural Safety, undertakings (if applicable), etc.

Certificate of Compliance with Buildings Department's Requirements are required.

- If the original licence application **has yet to** comply with the building-related requirements, but the applicant confirms that the previously submitted information and documents are applicable to the exemption application, the applicant is not required to submit the same information and documents, and is only required to submit documents such as certification and undertakings in relation to building-related requirements, as well as the required information and documents for the outstanding non-compliant items.

(6) Right-to-use-the-premises-related requirements

- If the original licence application has already complied with the requirements relating to the right to use the premises, the applicant is not required to submit the same information and documents.
- If the original licence application **has yet to** comply with the requirements relating to the right to use the premises, the applicant is required to:
 - (a) prove that it has the right to use the premises for at least 5 years from the effective date of the exemption; and
 - (b) provide the written authorisation or consent given by the owner of the columbarium premises, or all the joint owners or co-owners of the columbarium premises, for the premises to be used as a columbarium.

(7) Fire-safety-related requirements (Please refer to Annex 9 for details)

- If the original licence application has already complied with the fire-safety-related requirements, the applicant is not required to submit the same information and documents.

- If the original licence application **has yet to** comply with the fire-safety-related requirements, the applicant is required to submit the required information and documents for the outstanding non-compliant items.

(8) Environmental-protection-related requirements (Please refer to Annex 10 for details)

- If the original licence application has already complied with the environmental-protection-related requirements, and the applicant confirms that all environmental-protection-related facilities and operations within the scope of the exemption application are the same as those in the original licence application, the applicant is not required to submit the same information and documents.
- If the original licence application **has yet to** comply with the environmental-protection-related requirements, or if there is any changes to the environmental-protection-related facilities and operations within the scope of the exemption application, the applicant is required to submit the required information and documents for the outstanding non-compliant items or items with change(s).

(9) Electrical-and-mechanical-safety-related requirements (please refer to Annex 11 for details)

- If the required information and documents have already been submitted with the original licence application (e.g. Form WR1 or Form WR2), the applicant is not required to submit the same information and documents.
- If the required information and documents have **not yet** been submitted with the original licence application, the applicant is required to submit the outstanding information and documents.

(10) Register-on-niches-related requirements
(only applicable to the “pre-cut-off columbaria” in respect of which the interment rights were sold before the enactment date of the PCO but have not been exercised or have only been exercised partially)

- If interment rights were sold before the enactment date of the PCO but have not been exercised, the applicant is required to submit a register on the niches in the format specified in the template at **Annex NE4**.
- If interment rights were sold before the enactment date of the PCO but have only been exercised partially, the applicant is required to submit a register on the niches in the format specified in the template at **Annex NE5**.

Note: The applicant must provide a soft copy of the above-mentioned register on niches (the register on niches should be in Excel format and stored in electronic storage devices such as a CD ROM).

(11) Religious-ash-pagodas-related requirements (if applicable)
(please refer to Chapter 11 for details)

- For applications involving religious ash pagodas, the applicants must provide in the proposed plans information on the religious ash pagodas in the specified format (see **Item (2) in Part (C) of this Chapter**).

(D) Procedures for processing an application

1. After receiving an application for exemption, the case manager of the PCAO will conduct preliminary checking on the application to see, among others, if the application meets the eligibility criteria and the three specified conditions, if the application form (**Annex NE1**) has been filled in and signed, and if all the required information and documents have been enclosed. If the information or documents are insufficient, the case manager will contact the applicant for follow-up. The PCAO will upload the relevant information to the “List of Applications for Specified Instruments Received by the Private Columbaria Licensing Board” on the dedicated website “Regulation of Private Columbaria” (<http://www.rpc.gov.hk>) for public information. The PCLB will also timely publish a notice of the application and post it at a conspicuous place outside the columbarium concerned to collect public views on the application.
2. After preliminary checking, the PCAO will refer the application form and the related documents and information to the Government bureaux/departments (B/Ds) concerned, which will vet the documents and information under their respective purview and advise whether the application meets their requirements.

Application requirement	Bureau/department concerned
Specified conditions relating to planning application	Planning Department
Land-related requirements	District Lands Offices of the Lands Department
Building-related requirements	Buildings Department
Fire-safety-related requirements	Fire Services Department
Environmental-protection-related requirements	Environmental Protection Department

Electrical-and-mechanical-safety-related requirements	Electrical and Mechanical Services Department
Religious-ash-pagodas-related requirements ⁵ (if applicable)	Home and Youth Affairs Bureau

3. When processing the application for exemption, the PCAO and other B/Ds concerned may conduct visits to the columbarium premises to verify the information provided by the applicant. If necessary, they will further interview the staff of the columbarium and/or ask them to provide additional information.
4. After obtaining the views of the B/Ds concerned, the PCAO will issue a Letter of Requirements (LoR) to the applicant setting out the outstanding requirements that have to be complied with. The applicant should take prompt actions to comply with all of the requirements set out in the LoR.
5. When the application for exemption has basically met the application requirements, the PCAO will, as appropriate, recommend to the PCLB to give an approval-in-principle for the application (so that the Lands Department can process land regularisation as soon as possible) or to approve the exemption direct (if land regularisation is not required). The PCLB will notify the applicant in writing after making a decision.
6. Regarding the time limit for processing an application for a specified instrument, section 15(7) of the PCO stipulates that a temporary suspension of liability (TSOL) may not be extended more than once (i.e. 6 years in total), unless exceptional circumstances exist. With reference to this requirement, the 3-year validity period of an “Approval-in-principle for TSOL Application” will normally be extended only once (i.e. 6 years in total) unless exceptional

5 If the application involves a religious ash pagoda, the applicant should submit it to the Home and Youth Affairs Bureau according to section 57 of the PCO.

circumstances exist. While “pre-cut-off columbaria” with an “Approval-in-principle for TSOL Application” are found to be in compliance with relevant basic requirements for building, fire, and electrical and mechanical safety, the applicants still have to commit to taking action to rectify other irregularities as soon as possible and strive to comply with all requirements for new applications for exemption under the Amendment Ordinance within the above-mentioned validity period. When the extended validity period of an “Approval-in-principle for TSOL Application” expires, the PCLB will consider making a determination on the application for the specified instruments. The PCLB may refuse the application if the applicant still has not met all the application requirements and reported to the PCAO by then. Under such circumstances, the columbarium concerned will have to cease operation and dispose of the ashes interred in accordance with the relevant provisions of the PCO.

7. If the applicant is aggrieved by the PCLB’s decision on the application, the applicant may lodge an appeal with the Private Columbaria Appeal Board under the categories of decisions specified in section 84 of the PCO.