

## **Application for Exemption under section 14A of the Private Columbaria Ordinance Proposed Plans Template**

### **Notes to Authorized Person / Registered Structural Engineer**

- (i) Prior to conducting assessment and completing certification in respect of an application, please read the Guidelines for the Compliance with Building-related Requirements for Applying for Specified Instruments under the Private Columbaria Ordinance (PCO) (Cap. 630).
- (ii) Section 12 of the PCO sets out the interpretation of the following:

***ash interment layout*** (骨灰安放布局), in relation to a columbarium, means the following particulars—

- (a) the location and serial numbering of niches in the columbarium;
- (b) any area in the columbarium in which ashes may be interred otherwise than in niches; and
- (c) if an exemption is applied for or is issued in respect of the columbarium that is a columbarium of a Chinese temple as referred to in section 57—the location of the religious ash pagoda (as defined by section 57(14));

***ash interment quantity*** (骨灰安放數量), in relation to a columbarium, means the following particulars—

- (a) the number of containers of ashes interred in each niche in the columbarium and the total number of sets of ashes interred in the niches;
- (b) the number of sets of ashes that are interred otherwise than in niches in any area in the columbarium; and
- (c) the total number of sets of ashes that are interred in the columbarium.

- (iii) The requirements about plans accompanying an application for exemption are specified in section 25 of the PCO:
  - (1) For the purposes of section 23(1)(b)(iii), the plans of a columbarium that are to accompany an application for exemption in respect of a columbarium must comply with the requirements in this section.
  - (2) The plans must include a site plan, layout plan and floor plans, each of which must be in the number of copies, and drawn to the scale, that the Licensing Board requires.

- (3) The plans must show the following particulars to be authorized or permitted by the exemption under application—
    - (a) the ash interment layout;
    - (b) for an application for the issue or renewal of an exemption in respect of a pre-cut-off columbarium—the ash interment quantity;
    - (c) the extent of occupation of land as is necessary for, or ancillary to, the operation of the columbarium;
    - (d) the structures necessary for, or ancillary to, the operation of the columbarium.
  - (4) A qualified professional must—
    - (a) certify that the current site situation of the columbarium premises conforms to the plans in all respects; or
    - (b) if the current site situation of the columbarium premises does not conform to the plans in all respects—shall submit additional proposed plans identifying the difference, with annotations and colour highlights, on the plans.
- (iv) Pursuant to section 25(4) above, a qualified professional is required to conduct on-site inspection and assessment to check all the particulars set out in the proposed plans before giving certification. In particular, with regard to section 25(3)(c), a qualified professional should check the current site situation in respect of each niche and other areas for interring ashes for the purpose of certification.
- (v) The requirements about evidence of ash interment layout and quantity, etc. and plans accompanying application for exemption concerning pre-cut-off columbarium are specified in sections 20A(3)(b) and 27 of the PCO. The details are as follows:
- (1) An application for exemption in respect of a pre-cut-off columbarium, to which an eligibility-related provision is relevant, must be accompanied by evidence of the following particulars (each is called an *eligibility-related particular*)—
    - (a) the ash interment layout as at the cut-off time (i.e. 8 a.m. on 18 June 2014);
    - (b) for an application for the issue or renewal of an exemption—the ash interment quantity as at the beginning of the enactment date of the PCO (i.e. 30 June 2017);
    - (c) the extent of occupation of land as was necessary for, or ancillary to, the operation of the columbarium as at the cut-off time;
    - (d) the fact that any structures necessary for, or ancillary to, the operation of the columbarium existed as at the cut-off time; and
    - (e) for an application for the issue of an exemption—the earliest date on which a set of ashes was interred in any niche in the columbarium or the earliest date on which an interment right in respect of any niche in the columbarium was sold.
  - (2) In addition to showing the particulars required under section 25(3), the plans

accompanying an application for exemption in respect of a pre-cut-off columbarium must also meet the following requirements—

- (a) they must show the eligibility-related particulars; and
  - (b) they must identify the extent (if any) to which the particulars to be authorized or permitted as referred to in section 25(3) differ from those as referred to in paragraph (a).
- (3) On approving the plans in accordance with section 26 for the purposes of an application for exemption in respect of a pre-cut-off columbarium, the Licensing Board must decide on, and identify, the following in the plans—
- (a) for an exemption in respect of the columbarium that is a columbarium of a Chinese temple as referred to in section 57—the location of the religious ash pagoda (as defined by section 57(14)); and
  - (b) structures certifiable for a pre-cut-off columbarium in, on or at the columbarium as are covered by the specified instrument.

(4) In subsection (1)—

***eligibility-related provision*** (資格相關條文) means section 19, 20, 20A or section 4 of Schedule 2.

(vi) A qualified professional should certify the printed copies of proposed plans in the manner stipulated below:

- (1) the certifications of proposed plans, as well as **each and every page** of the proposed site plan, proposed layout plan and proposed floor plan (including the information on the niches), should be certified with signature in the prescribed format shown on the **Annex NE2**; and
- (2) if the information on the niches spreads over many pages, certify with signature on the first and last pages in the prescribed format shown on the **Annex NE2** with indication of the total number of pages, and initial the intervening pages.

(vii) It is an offence to provide information that is false or misleading in a material particular in, or in connection with, an application made under the PCO in respect of a columbarium or to furnish the Director, an authorized officer or a public officer with information knowing that it is false or misleading in a material particular. A person who commits the above-mentioned offence(s) under section 99 of the PCO is liable on conviction to a fine of \$500,000 and to imprisonment for 2 years.

(viii) For enquiries concerning certification requirements, completion of forms and preparation of plans, please contact the Licensing Team of the Private Columbaria Affairs Office (Tel. No. 2892 2731).