

**Sections 9 and 10 of Schedule 5 to the Private Columbaria Ordinance
“Prescribed ash disposal procedures”**

The workflow of handling claims for the return of ashes and “related items”

In carrying out the “prescribed ash disposal procedures”, the ash handler is required to note and observe the following concerning the handling of claims for the return of ashes or “related items¹”, or both:

The necessary steps to be taken by the ash handler for the return of ashes to the eligible claimants

(A) Handling claims for ashes (If a person claims to be the owner of a “related item” and makes a claim for its return, please refer to Part B):

(I) Within the first 2 months of the “on-site claim period²”

The time when “prescribed claimants” make claims for ashes	Claims for ashes made by “prescribed claimants” in respect of the same set of ashes		The approach that the ash handler should take
Within the first 2 months of the “on-site claim period”	1	Only 1 claim for ashes is received	<ul style="list-style-type: none"> ● Verify if the claimant is a “prescribed claimant” under the Ordinance ● <u>After the expiry of the first 2 months</u> of the “on-site claim period”, the ash handler should return the ashes (i.e. ashes + the container of the ashes + any item interred together with the ashes in the same container) to the claimant

¹ “Related item” means the container of the ashes concerned, or an item interred together with the ashes in the same container.

² “On-site claim period”:

Under the Private Columbaria Ordinance, in carrying out the “prescribed ash disposal procedures”, the ash handler must handle the ashes in the manner specified in section 7(2) or section 7(3) of Schedule 5 to the Ordinance and allow for an on-site claim period of at least 12 months or 8 months respectively for the purposes of handling claims for the return of ashes and / or “related items”. He/She must arrange for the return of ashes or “specified items” to the eligible persons in the columbarium after the expiry of the first 2 months of the said period and until the end of that period.

	2	2 or more claims for ashes are received (One of the claims has priority over the other claims)	<ul style="list-style-type: none"> • Verify if the claimants are “prescribed claimants” under the Ordinance • The ash handler must determine the priority of competing claims ³ according to section 9(5) of Schedule 5 to the Ordinance • <u>After the expiry of the first 2 months</u> of the “on-site claim period”, the ash handler must return the ashes (i.e. ashes + the container of the ashes + any item interred together with the ashes in the same container) to the claimant whose claim has the highest priority
	3	2 or more claims for ashes are received (None of the claims has priority over the other claims)	<ul style="list-style-type: none"> • Verify if all the claimants are “prescribed claimants” under the Ordinance • If court proceedings have been instituted in respect of the competing claims for the return of ashes, the ash handler must keep the ashes until a return order is made by the court and must return the ashes as ordered to the person concerned • The court proceedings for a return order may be instituted by “prescribed claimants” or the ash handler in the District Court • If no court proceedings have been instituted in respect of the competing claims for the return of ashes, the ash handler must keep the ashes until the expiry of 12 months after the “on-site claim period” and thereafter delivers

³ The order of priority of claims for the return of ashes is as follows:

(i)	An “authorized representative” (If 2 or more “authorized representatives” make claims, the order of priority follows that stated in the agreement for the sale of the interment right concerned; if no order of priority is stated, the claims have equal priority.)
(ii)	A personal representative or relative (The claims of these two types of claimants have equal priority). The claims of relatives have equal priority
(iii)	A “related person”
(iv)	The purchaser of the interment right

			the ashes to the Director of the Food and Environmental Hygiene (“Director”)
--	--	--	--

(II): The remainder of the “on-site claim period” as from the expiry of the first 2 months

The time when “prescribed claimants” make claims for ashes	Claims for ashes made by “prescribed claimants” in respect of the same set of ashes		The approach that the ash handler should take
The remainder of the “on-site claim period” as from the expiry of the first 2 months	1	In the absence of any claim in the first 2 months of the “on-site claim period”, the ash handler receives the first claim for ashes	<ul style="list-style-type: none"> ● Verify if the claimant is a “prescribed claimant” under the Ordinance ● The ash handler must return the ashes (i.e. ashes + the container of the ashes + any item interred together with the ashes in the same container) to the person who first makes a claim
	2	<p>In the absence of any claim in the first 2 months of the “on-site claim period”, the ash handler receives one claim for ashes</p> <p>and</p> <p>before the ashes are returned to the person who makes the first claim as mentioned in paragraph 1, the ash handler receives claim(s) for ashes from another person or two or more persons</p>	<ul style="list-style-type: none"> ● Verify if the claimants are “prescribed claimants” under the Ordinance ● The ash handler must determine the priority of competing claims according to section 9(5) of Schedule 5 to the Ordinance ● If the claim of <u>one of the “prescribed claimants”</u> has priority over the other competing claims, the ash handler must return the ashes (i.e. ashes + the container of the ashes + any item interred together with the ashes in the same container) to the person whose claim has the highest priority ● If the claims have equal priority: <ul style="list-style-type: none"> ◇ If court proceedings have been instituted in respect of the competing claims for the return of ashes, the ash handler must keep the ashes until the court has made a decision and must return the ashes in accordance with the return order ◇ The court proceedings for a return order may be instituted by “prescribed claimants” or the ash handler in the District Court ◇ If no court proceedings have been instituted in respect of the competing claims for the return of ashes, the ash handler must keep the ashes until the expiry of 12 months after the “on-site

			claim period” and thereafter delivers the ashes to the Director
	3	<p>In case the ash handler receives 1 claim or more for ashes within the first 2 months of the “on-site claim period”, but before returning the ashes according to Part (A)(I) above, he/she receives another 1 claim or more for ashes:</p> <p>(regardless of whether the latter claim(s) is/are of equal priority)</p>	<ul style="list-style-type: none"> • Verify if the claimant(s) for ashes within the first 2 months is/are “prescribed claimant(s)” under the Ordinance • In such case, the ash handler is only required to handle claims for ashes received within the first 2 months according to Part (A)(I) <u>and not required to handle any claims for ashes received after the expiry of the first 2 months of that period</u>

(B): The workflow of handling claims for “related items”

If a person claims to be the owner of a “related item” and makes a “claim for return”⁴ before the ashes are returned to any person according to Part (A) above, the ash handler must handle the claim according to the workflow below:

(I): Within the first 2 months of the “on-site claim period”

The time when the claim for the return of the “related item” is made	The claim for the return of the “related item”	The approach that the ash handler should take
Within the first 2 months of the “on-site claim period”	1 The ash handler receives only 1 claim for return made by a person who claims to be the owner of the “related item” and does not receive other “claims for return”: (and the claimant is a “prescribed claimant”)	<ul style="list-style-type: none"> • Verify if the claimant is a “prescribed claimant” under the Ordinance • <u>After the expiry of the first 2 months</u> of the “on-site claim period”, the ash handler must return the “specified item⁵” to the claimant
	2 The ash handler receives only 1 claim for return made by a person who claims to be the owner of the “related item”: (and the claimant is not a “prescribed claimant”)	<ul style="list-style-type: none"> • If the ash handler does not receive any other claim for return throughout the “on-site claim period”, he/she must return the “specified item” to the claimant after the expiry of the “on-site claim period”
	3 The ash handler receives 1 claim for return made by a person who claims to be the owner of the “related item”: 	<ul style="list-style-type: none"> • The ash handler must keep the “specified item” until a return order is made by the court and must return the “specified item” as ordered

⁴ “Claim for return” means any claim for the return of the ashes of the deceased person or a “related item”, or both.

⁵ “Specified item” means the ashes of the deceased person, together with all “related items” (if applicable).

	<p>and there is another claim or two or more claims for return (the claim is made for the related item or ashes, or both)</p> <p>(regardless of whether the claimants are “prescribed claimants”)</p>	<ul style="list-style-type: none"> • The court proceedings in relation to the return order may be instituted by the claimant(s) or the ash handler in the District Court • If no court proceedings have been instituted, the ash handler must keep the “specified item” until the expiry of 12 months after the “on-site claim period” and thereafter delivers the “specified item” to the Director
--	--	---

(II): The remainder of the “on-site claim period” as from the expiry of the first 2 months

The time when the claim for the return of the “related item” is made	The claim for the return of the “related item”	The approach that the ash handler should take
The remainder of the “on-site claim period” as from the expiry of the first 2 months	1 In the absence of any claim within the first 2 months of the “on-site claim period”, the ash handler receives the first “claim for return” from a person who claims to be the owner of the “related item”. No other claims for return have been received (and the claimant is a “prescribed claimant”)	<ul style="list-style-type: none"> • Verify if the claimant is a “prescribed claimant” under the Ordinance • The ash handler must return the “specified item” to the first claimant
	2 In the absence of any claim for return within the first 2 months of the “on-site claim period”, the ash handler receives only 1 claim made by a person who claims to be the owner of the “related item”:	<ul style="list-style-type: none"> • The ash handler must return the “specified item” to the claimant after the expiry of the “on-site claim period”

		(and the claimant is not a “prescribed claimant”)	
	3	<p>Before the “specified item” is returned to the claimant according to what is stated above in Part (B), the ash handler receives another claim for return (a claim for the related item or ashes, or both)</p> <p>(regardless of whether the claimant is a “prescribed claimant”)</p>	<ul style="list-style-type: none"> ● The ash handler must keep the “specified item” until a return order is made by the court and must return the “specified item” as ordered ● The court proceedings in relation to the return order may be instituted by the claimant(s) or the ash handler in the District Court ● If no court proceedings have been instituted, the ash handler must keep the “specified item” until the expiry of 12 months after the “on-site claim period” and thereafter delivers the “specified item” to the Director