

CONTROLLING OFFICER'S REPLY

DEVB(PL)377

(Question Serial No. 5982)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Ms. Bernadette LINN)
Director of Bureau: Secretary for Development

Question (Member Question No. 370):

1. How many private columbaria are still in operation notwithstanding that their operation are in breach of lease conditions or that they are unlawfully occupying government land? In respect of these two modes of operation, please provide the names and addresses of all the columbaria involved respectively.
2. How many complaints about suspected cases of unauthorised columbaria were received by the Lands Department in the previous year? Of these, how many have been handled and how many identified as confirmed cases of unauthorised columbaria?
3. How many inspections were conducted in the previous year? How many columbaria were found to be unauthorised during these self-initiated inspections?
4. How many lease enforcement, land control or legal actions were taken in the previous year to rectify the irregularities of the columbaria concerned? What are the relevant details?
5. Given the growing problem of unauthorised development of private columbaria, will the Government consider allocating additional resources for conducting inspections and taking lease enforcement actions? What are the details? When does the Government expect all the unauthorised columbaria to be banned?

Asked by: Hon. CHAN Ka-lok, Kenneth

Reply:

The responses to 1-5 of the question are as follows:

1. There are 61 private columbaria found to have breached the land lease/tenancy/permit terms and/or have illegally occupied government land for columbarium use ("unauthorised columbaria"). They are included in Part B of the Information on Private Columbaria (the List) published by the Development Bureau

(DEVB) on 31 March 2014 which has been uploaded to the website of DEVB for public inspection (www.devb.gov.hk). The List is updated quarterly.

2. In 2013, the Lands Department (Lands D) received 20 complaints against suspected cases of unauthorised columbaria. Three of these complaints are under investigation. The remaining 17 complaints, involving 14 cases, have been handled. Among these 14 cases, two have been identified as confirmed cases of unauthorised columbaria and have been included in Part B of the List, and the rest are not for columbarium use.
- 3 & 4. Given the extensive area and uses of land in Hong Kong, it is impracticable for Lands D to patrol every piece of land regularly, and hence Lands D mainly acts on complaints and referrals. If columbarium use constitutes a lease breach, Lands D may, having regard to the circumstances, take lease enforcement action as appropriate. Such action may include issuing advisory/warning letters to the lessees. If illegal occupation of government land for columbarium use can be substantiated, Lands D will post notice under section 6(1) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) requiring the cessation of occupation of government land within a specified period. If the illegal occupation persists after expiry of the specified period, Lands D may, subject to legal advice, consider taking further land control action including prosecution.

Lease enforcement and land control actions taken by Lands D against unauthorised columbaria in 2013 are set out in the following table:

Number of site inspections (involving suspected/confirmed unauthorised columbaria)	516
Number of advisory/warning letters issued (involving 13 confirmed unauthorised columbaria and five suspected unauthorised columbaria)	33
Number of notices issued under section 6(1) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28)	15
Number of prosecution cases under Cap. 28 in respect of illegal occupation of government land (including three convicted and one acquitted of offence)	4

5. As mentioned in 3 & 4 above, Lands D mainly acts on complaints and referrals and takes appropriate lease enforcement actions, if required, at different stages. Such work will continue and the staff expenses for lease enforcement work involving columbaria in 2014-15 will be maintained at around the same level as in 2013-14. Following two rounds of public consultation, the Food and Health Bureau consulted the Legislative Council (LegCo) Panel on Food Safety and Environmental Hygiene in December 2012 and November 2013 on the legislative proposals about regulating private columbaria. The Administration is now finalising the detailed provisions of the draft legislation with a view to introducing the relevant Bill into LegCo by the second quarter of 2014.