



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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To all insolvency practitioners
via The Hong Kong Institute of Certified Public Accountants
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(Fax : 2865 6603)

Private Columbaria Bill

The Private Columbaria Bill (“the Bill”) was introduced into the Legislative Council on 11 November 2016 by the Food and Health Bureau and the legislative process has now reached an advance stage for enactment in due course.

Under the Bill, if an operator of a private columbarium (to which the Bill applies) needs to dispose of interred ashes, he or she must do so properly in accordance with the applicable ash disposal procedures.

There could be circumstances when an operator is wound-up or made bankrupt, and a person with an interest in the columbarium premises, which in the event of insolvency may include an insolvency practitioner¹, may take or be required to take possession of the columbarium premises (person in possession). The Bill contains provisions applicable to a person in possession, including –

- (a) requiring a person in possession to notify the Director of Food and Environmental Hygiene (the Director), in writing, of the fact of his taking possession of the columbarium premises within 7 days after the date of taking possession; and

¹ Insolvency practitioners refer to those carrying out their duties during the insolvency administration, whether as a provisional trustee or trustee in bankruptcy, or as a provisional liquidator or liquidator in winding-up proceedings.

- (b) availing insolvency practitioners taking possession of columbarium premises the option of seeking the assistance of the Director in carrying out the disposal of ashes, where the columbarium has been abandoned or has ceased operation.

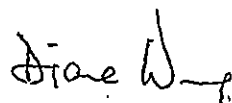
As reflected in the Secretary for Food and Health's speech on 13 April 2017, the Legislative Council and the Government have undertaken to conduct a review of the Private Columbaria Ordinance within three years of its enactment, or even earlier should circumstances require, and introduce legislative amendments where justified.

The Food and Health Bureau and the Food and Environmental Hygiene Department will shortly arrange detailed briefing sessions for insolvency practitioners (and other stakeholders), given their role in taking possession of columbaria premises in the future during the course of carrying out their duties during the insolvency administration, whether as a provisional trustee or trustee in bankruptcy, or as a provisional liquidator or liquidator in winding-up proceedings.

Any enquiries, should be addressed to Miss Diane Wong of the Food and Health Bureau at 3509 8926 or Mr SO Hung-pun of the Food and Environmental and Hygiene Department at 2350 7377).

I should be grateful if you would circulate this letter to your members who are insolvency practitioners for their attention.

Yours faithfully,



(Miss Diane Wong)

for Secretary for Food and Health