

《火葬及纪念花园规例》

(第 132 章，附属法例 M)

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CREMATION AND GARDENS OF REMEMBRANCE
REGULATION

(Cap. 132 sub. leg. M)

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《火葬及纪念花园规例》

(第 132 章第 124E 条)

[1974 年 5 月 24 日]

编辑附注：

本规例的名称由《火葬及纪念花园(市政局)附例》修订为《火葬及纪念花园规例》——见 1999 年第 78 号第 7 条。

第 I 部

导言

1-2. (由 1999 年第 78 号第 7 条废除)

3. 释义

在本规例中，除文意另有所指外——(1999 年第 78 号第 7 条)

“火葬令”(cremation order)指死因裁判官按照《生死登记条例》(第 174 章)第 17 条发出将遗骸火化的命令；

“火葬许可证”(cremation permit)指卫生署署长按照第 5 条批出的许可证；(1989 年第 76 号法律公告)

“私营火葬场”(private crematorium)指本条例附表 5 第 6 部指明的任何火葬场；(1999 年第 78 号第 7 条)

“政府火葬场”(Government crematorium)指本条例附表 5 第 5 部指明的任何火葬场；

“纪念花园”(garden of remembrance)指本条例附表 5 第 7 部指明的任何地方；

CREMATION AND GARDENS OF REMEMBRANCE REGULATION

(Cap. 132, section 124E)

[24 May 1974]

Editorial Note:

The title of this Regulation was amended from “Cremation and Gardens of Remembrance (Urban Council) By-laws” to “Cremation and Gardens of Remembrance Regulation” — see 78 of 1999 s. 7.

PART I

PRELIMINARY

1-2. (Repealed 78 of 1999 s. 7)

3. Interpretation

In this Regulation, unless the context otherwise requires— (78 of 1999 s. 7)

“ashes” (骨灰) mean ashes resulting from the cremation of human remains;

“cremation order” (火葬令) means an order for the cremation of human remains issued by a coroner in accordance with section 17 of the Births and Deaths Registration Ordinance (Cap. 174);

“cremation permit” (火葬许可证) means a permit granted by the Director of Health in accordance with section 5; (L.N. 76 of 1989; 78 of 1999 s. 7)

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“骨灰” (ashes) 指遗骸经火化后剩下的骨灰；

“遗骸” (human remains) 指人类尸体或非活产婴儿的尸体，但不包括该等尸体经火化后剩下的骨灰；

“医生” (medical practitioner) 指根据《医生注册条例》(第 161 章) 注册或获豁免注册的医生。

(2013 年第 1 号编辑修订纪录)

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“garden of remembrance” (纪念花园) means any place specified in Part 7 of the Fifth Schedule to the Ordinance;

“Government crematorium” (政府火葬场) means a crematorium specified in Part 5 of the Fifth Schedule to the Ordinance;

“human remains” (遗骸) means the dead body of any human being or any still-born child, but does not include ashes resulting from the cremation thereof;

“medical practitioner” (医生) means a medical practitioner registered or exempted from registration under the Medical Registration Ordinance (Cap. 161).

“private crematorium” (私营火葬场) means a crematorium specified in Part 6 of the Fifth Schedule to the Ordinance. (78 of 1999 s. 7)

(78 of 1999 s. 7; E.R. 1 of 2013)

第 II 部

火葬许可证

4. 申请火葬许可证

- (1) 下述任何人均可按本条所列他们之间的优先次序，以附表 1 的表格 1 向卫生署署长申请将遗骸火化的许可证——(1989 年第 76 号法律公告)
 - (a) 死者的遗嘱执行人或其妥为授权的受权人或代理人；
 - (b) 在提出申请时，死者在香港尚存的最亲亲属，或该亲属妥为授权的受权人或代理人；
 - (c) 管有一份看来是死者签署的书面指示的人，而在该指示中，死者要求将其遗骸火化；
 - (d) 具有资格获授予遗产管理书或遗嘱认证的人；
 - (e) 就其遗骸而提出申请的有关死者去世 48 小时届满后，卫生署署长认为是适当提出该项申请的人。(1989 年第 76 号法律公告)
- (2) 根据第 (1) 款提出的每项申请，须附有下列文件或证据——
 - (a) 如该项申请是就一名非活产婴儿而提出，则须附有一份按照《生死登记条例》(第 174 章) 第 18 条发出的证明书；
 - (b) 如遗骸——
 - (i) 是属于一名在香港以外地方死亡的人；
 - (ii) 已被合法埋葬不足 1 年，并已被合法挖掘出来；或
 - (iii) 已停放在附表 3 所指明的厝房内，

PART II

PERMITS TO CREMATE

4. Application for cremation permit

- (1) Application for a permit to cremate any human remains may be made in Form 1 in the First Schedule to the Director of Health by any of the following persons taking priority inter se in the order set out in this section- (*L.N. 76 of 1989*)
 - (a) any executor of the deceased or his duly authorized attorney or agent;
 - (b) the nearest surviving relative of the deceased present in Hong Kong at the time of application or his duly authorized attorney or agent;
 - (c) any person having in his possession a direction in writing purporting to be signed by the deceased requesting that his remains may be cremated;
 - (d) any person being eligible for grant of letters of administration or probate;
 - (e) after the expiration of 48 hours from the death of the person in respect of whose human remains the application is made, any person who, in the opinion of the Director of Health, is a suitable and proper person to make the application. (*L.N. 76 of 1989*)
- (2) Every application made under subsection (1) shall be accompanied—
 - (a) in the case of an application made in respect of a still-born child, by a certificate issued in accordance with section 18 of the Births and Deaths Registration Ordinance (Cap. 174);

则须附有卫生署署长认为足以证明死者的死亡并非由于毒药、暴力、非法手术、缺乏生活必需品或疏忽而引致的死因文件证据；(1989 年第 76 号法律公告)

(c) 如属其他情况，则 ——

- (i) 一份按照《生死登记条例》(第 174 章) 第 20(b) 条条文发出的证明书，证明死者的死因；及
- (ii) 一份由医生发出，格式如同附表 1 表格 2 的医学证明书。

5. 批给火葬许可证

- (1) 在接获按照第 4 条条文提出的申请后，卫生署署长可将一份格式如同附表 1 表格 3 的许可证批给申请人，授权将该项申请所关的遗骸在该许可证所指明的火葬场火化。(1989 年第 76 号法律公告)
- (2) 尽管第 (1) 款另有规定，但在下述情况下不得批出许可证 ——
 - (a) 死因裁判官已发出通知，表示其拟就该项申请所关的尸体进行死因研讯；或

(b) in the case of human remains—

- (i) of any person who had died out of Hong Kong;
- (ii) which have been lawfully buried for less than 1 year and which have been lawfully exhumed; or
- (iii) which have been placed in a repository specified in the Third Schedule,

by such documentary evidence of the cause of death of the deceased as, in the opinion of the Director of Health, establishes that the deceased did not die from the effects of poison, violence, illegal operation, privation or neglect; (L.N. 76 of 1989)

(c) in any other case, by—

- (i) a certificate issued in accordance with the provisions of section 20(b) of the Births and Deaths Registration Ordinance (Cap. 174), certifying the cause of death of the deceased; and
- (ii) a medical certificate in Form 2 in the First Schedule issued by a medical practitioner.

(78 of 1999 s. 7)

5. Grant of cremation permit

- (1) Upon application being made in accordance with the provisions of section 4, the Director of Health may grant to the applicant a permit in Form 3 in the First Schedule, authorizing the cremation of the human remains in respect of which the application was made at a crematorium to be specified in the permit. (L.N. 76 of 1989)
- (2) Notwithstanding subsection (1), a permit shall not be granted in any case in which—

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- (b) 卫生署署长知道或有理由相信该名死者留下书面指示，意旨不得将其遗骸以火葬方式处置。 (1989 年第 76 号法律公告)
- (3) 任何人知道或有理由相信某死者留下书面指示，意旨不得将其遗骸以火葬方式处置，但该人 ——
- (a) 仍就上述遗骸申请批给火葬许可证；或
- (b) 就上述遗骸获批给火葬许可证后，安排或准许进行该项火葬，
- 即属犯罪。

6. 取消火葬许可证

- (1) 由发出火葬许可证起，直至该许可证所关的火葬举行为止的任何时间内，卫生署署长可藉下述方式将该许可证取消 ——
- (a) 将宣布取消许可证的书面通知送达获发火葬许可证的人；或
- (b) 如卫生署署长认为不能在火葬到期举行前的一段合理时间，方便地将通知送达该人，则署长可指示许可证上所指定的火葬场的主管不得进行有关火葬，而该主管即须拒绝进行该项火葬。

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- (a) a coroner has given notice that he intends to hold an inquest on the dead body in respect of which the application was made; or
- (b) the Director of Health knows or has reason to believe that the deceased person had left a direction in writing to the effect that his human remains shall not be disposed of by cremation. (L.N. 76 of 1989)
- (3) Any person who, knowing or having reason to believe that any deceased person has left a direction in writing to the effect that his human remains shall not be disposed of by cremation—
- (a) makes application in respect of such human remains for the grant of a cremation permit; or
- (b) having been granted a cremation permit in respect of such remains, causes or permits the cremation thereof to take place,
- shall be guilty of an offence.

(78 of 1999 s. 7)

6. Cancellation of cremation permit

- (1) The Director of Health may, at any time between the issue thereof and the cremation in respect of which it was issued, cancel any cremation permit issued by him—
- (a) by serving upon the person to whom such permit was issued a notice in writing declaring the cancellation of the permit; or
- (b) if, in the opinion of the Director of Health, notice cannot conveniently be served upon such person a reasonable time before the cremation is due to take place, by directing the officer in charge of the crematorium specified in the permit not to carry out the cremation

- (2) 在火葬许可证被取消或在被拒绝进行火葬后 (视属何情况而定) 48 小时内, 获发该许可证的人须将该许可证交还卫生署署长。
- (3) 如由于任何理由, 在卫生署署长批出火葬许可证后, 该许可证所关乎的遗骸并没有以火葬方式予以处置, 则获发该许可证的人须在放弃拟将该遗骸火化后 7 天内, 将该许可证交还卫生署署长, 以便将其取消。
- (4) 任何人没有将按照第 (2) 或 (3) 款的规定须交还的火葬许可证交还卫生署署长, 即属犯罪。

(1989 年第 76 号法律公告)

7. 除非有许可证或命令否则禁止焚化遗骸

- (1) 任何人知道或有理由相信有以下情况 ——
 - (a) 关乎某遗骸的火葬许可证并未批出, 或虽已批出但已根据第 6 条被取消; 及
 - (b) 关乎某遗骸的火葬令并未发出, 但仍进行、促致或参与焚化该遗骸, 即属犯罪。
- (2) 尽管本部另有规定, 食物环境卫生署署长可以书面准许将埋葬不少于 1 年而又已被合法检掘出的遗骸火化。(1999 年第 78 号第 7 条)

whereupon such officer shall refuse to carry out such cremation.

- (2) Every cremation permit cancelled by the Director of Health shall be returned to him by the person to whom it was issued within 48 hours after the cancellation thereof or of the refusal to carry out the cremation, as the case may be.
- (3) If for any reason after the Director of Health has granted a cremation permit the human remains in respect of which it was granted are not disposed of by cremation, the person to whom the permit was granted shall, within 7 days after the intention to cremate such remains is abandoned, return the permit to the Director of Health for cancellation.
- (4) Any person who fails to return to the Director of Health any cremation permit required to be returned in accordance with subsection (2) or (3) shall be guilty of an offence. (78 of 1999 s. 7)

(L.N. 76 of 1989)

7. The burning of human remains prohibited except by permit or order

- (1) Any person who, knowing or having reason to believe that in respect of any human remains—
 - (a) no cremation permit has been granted or that such permit, if granted, has been cancelled under section 6; and
 - (b) no cremation order has been issued,
 carries out, procures or takes part in the burning of such remains shall be guilty of an offence.
- (2) Notwithstanding anything contained in this Part, the Director of Food and Environmental Hygiene may permit in writing

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the cremation of human remains which have been buried for
not less than 1 year and which have been lawfully exhumed.
(78 of 1999 s. 7)

第 III 部

政府火葬场

8. 开放时间

在符合本规例的规定下，每个政府火葬场均须依照食物环境卫生署署长藉不时张贴于火葬场的告示所指示的日子及时间，向公众开放。

(1999 年第 78 号第 7 条)

9. 对火化遗骸的限制

- (1) 除第 (2) 款另有规定外，不得在政府火葬场将遗骸火化，除非在火化前就有关遗骸将下述文件交付该火葬场的主管——
 - (a) 有效的火葬许可证；或
 - (b) 有效的火葬令，此外，如非代政府进行火化，则亦须——
 - (i) 于上午 9 时至下午 4 时一段时间内，以食物环境卫生署署长提供的适当表格给予该火葬场的主管不少于 4 小时的书面通知，述明需要进行火化；及 (1999 年第 78 号第 7 条)
 - (ii) 缴付订明费用。(1995 年第 283 号法律公告；1999 年第 78 号第 7 条)
- (2) 第 (1) 款所述有关将有效的火葬许可证或火葬令（视属何情况而定）交付火葬场主管的规定，对埋葬不少于 1 年而又已被合法检掘出的遗骸进行火化的个案，并不适用。

PART III

GOVERNMENT CREMATORIA

8. Hours of opening

Every Government crematorium shall, subject to this Regulation, be open to the public on such days and between such times as the Director of Food and Environmental Hygiene may from time to time direct by notice posted therein.

(78 of 1999 s. 7)

9. Restriction on cremation of human remains

- (1) Subject to subsection (2), no human remains shall be cremated in any Government crematorium unless, prior to the cremation and in respect of such remains, there is delivered to the officer in charge of such crematorium either—
 - (a) a valid cremation permit; or
 - (b) a valid cremation order,and, except in the case of a cremation to be carried out on behalf of Government, unless—
 - (i) not less than 4 hours notice in writing is given, on an appropriate form to be provided by the Director of Food and Environmental Hygiene, to the officer in charge of such crematorium between the hours of 9 a.m. and 4 p.m. stating that a cremation is required to be carried out; and
 - (ii) the prescribed fee is paid. (L.N. 283 of 1995)
- (2) The requirements of subsection (1) relating to the delivery to the officer in charge of the crematorium of a valid cremation permit or a valid cremation order, as the case may be, shall not apply in the case of the cremation of any human remains

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第 10 条

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Section 10

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10. 将尚未火化的遗骸移走的限制

任何人将经政府火葬场接收以作火化的遗骸从有关火葬场移走，即属犯罪，除非他已取得——

- (a) 死因裁判官的命令；
- (b) 警务处处长的命令；或
- (c) 食物环境卫生署署长的命令。

(1999 年第 78 号第 7 条)

11. 对棺木的限制

- (1) 如载有遗骸的棺木有以下情况，则该遗骸将不获接受在政府火葬场内火化——
 - (a) 包含有并非食物环境卫生署署长认为适宜用于火葬的金属装置；
 - (b) 底部装有横条或楔条；
 - (c) 包含有食物环境卫生署署长认为不适宜在火葬炉内燃烧的任何锯屑、炭、沥青、柏油、原棉、金属或其他物品或物质。(1999 年第 78 号第 7 条)
- (2) 政府火葬场的主管，可安排将送来并载有遗骸作火化的棺木或其他容器检查，并在其酌情决定下，可安排将该棺木或容器开启和检验其盛载物。

which have been buried for not less than 1 year and which have been lawfully exhumed.

(78 of 1999 s. 7)

10. Restriction on removal of uncremated human remains

Any person who, except upon the order of—

- (a) a coroner;
- (b) the Commissioner of Police; or
- (c) the Director of Food and Environmental Hygiene, (78 of 1999 s. 7)

removes any human remains from any Government crematorium after receipt therein for cremation shall be guilty of an offence.

11. Restriction on coffins

- (1) No human remains shall be accepted for cremation in any Government crematorium which are enclosed in any coffin which—
 - (a) contains any metal fittings other than fittings which, in the opinion of the Director of Food and Environmental Hygiene, are suitable for cremation purposes;
 - (b) is fitted with cross pieces or cleats attached to the bottom;
 - (c) contains any sawdust, charcoal, pitch, tar, cotton wool, metal or other article or substance whatsoever which, in the opinion of the Director of Food and Environmental Hygiene, is unsuitable for combustion in a cremation furnace. (78 of 1999 s. 7)
- (2) The officer in charge of any Government crematorium may cause any coffin or other container presented for the cremation therein of human remains to be inspected and, in his discretion, opened and the contents thereof examined.

12. 提供抬棺人

- (1) 除了代政府进行的火葬外，任何要求在政府火葬场将遗骸火化的人须提供足够的抬棺人，以便将遗骸运送入火葬场，并于其后视乎需要，为恰当地及有秩序地进行火化而搬移遗骸。
- (2) 任何人如没有依照第 (1) 款的规定提供抬棺人，则火葬场的主管可拒绝进行该项火葬。

13. 火化后骨灰的处置

- (1) 任何遗骸在政府火葬场火化完毕后，该火葬场的主管可应要求安排将骨灰送交申请进行该项火葬的人，如没有接获此项要求，则须安排将骨灰以食物环境卫生署署长决定的合乎体统的方式处置。
- (2) 尽管第 (1) 款另有规定，但如根据第 (3) 款有权取得骨灰的人提出书面要求，则有关骨灰可由该火葬场主管行使其酌情决定权，免费保留在该火葬场内不超过 2 个月。*(1978 年第 307 号法律公告)*
- (3) 在不损害第 (1) 及 (2) 款的原则下，任何人在缴付订明费用后，即有权将——*(1995 年第 283 号法律公告)*
 - (a) 去世时是香港居民，而其遗骸于去世后 3 个月内在政府火葬场内火化的人的骨灰；或
 - (b) 在紧接其去世前的 20 年内，有最少 10 年是香港居民，而其遗骸是在香港以外的地方火化的人的骨灰，永久地或在食物环境卫生署署长所规定的期限内存放于政府火葬场或灵灰安置所。

12. Provision of bearers

- (1) Except in the case of a cremation to be carried out on behalf of the Government, the person requesting the cremation of any human remains in any Government crematorium shall provide sufficient bearers to convey such remains into the crematorium and thereafter to move the remains as may be necessary for the proper and orderly conduct of the cremation thereof.
- (2) If any person fails to provide bearers as required by subsection (1), the officer in charge of the crematorium may refuse to proceed with the cremation. *(78 of 1999 s. 7)*

13. Disposal of ashes after cremation

- (1) Upon completion of the cremation of any human remains in any Government crematorium, the officer in charge thereof shall, upon request, cause the ashes to be delivered to the person who applied for the cremation or, in the absence of such request, to be disposed of in such decent manner as the Director of Food and Environmental Hygiene may determine.
- (2) Notwithstanding subsection (1), upon the request in writing of the person entitled thereto under subsection (3), the ashes may, at the discretion of the officer in charge of the crematorium, be retained at such crematorium for any period not exceeding 2 months free of charge. *(L.N. 307 of 1978)*
- (3) Without prejudice to subsections (1) and (2) any person shall, upon payment of the prescribed fee, be entitled to have the ashes of the human remains of any person—*(L.N. 283 of 1995)*
 - (a) who was a resident of Hong Kong at the time of his death and whose remains were cremated in a

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- (4) 在不损害第(1)、(2)及(3)款的原则下,如有人向食物环境卫生署署长提出申请,并缴付订明费用,则可由食物环境卫生署署长行使其酌情决定权,将任何在紧接去世前 20 年内有少于 10 年是香港居民而其遗骸已在香港以外地方火化的人的骨灰,永久地或在食物环境卫生署署长所规定的期限内存放于政府火葬场或灵灰安置所。
(1995 年第 283 号法律公告)
- (5) 在不损害第(1)、(2)、(3)及(4)款条文的原则下,如有人向食物环境卫生署署长提出申请,并缴付订明费用,则可由食物环境卫生署署长行使其酌情决定权,将任何人的遗骸的骨灰永久地或在食物环境卫生署署长所规定的期限内存放于任何归食物环境卫生署署长管理和管辖的火葬场或灵灰安置所。
(1977 年第 96 号法律公告; 1995 年第 283 号法律公告)

(1999 年第 78 号第 7 条)

14. 纪念品、铭文等的管制

- (1) 任何人不得在政府火葬场内置放或安排置放任何纪念碑

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- Government crematorium within 3 months after his death; or
- (b) who was a resident of Hong Kong for a period of at least 10 years during the period of 20 years immediately preceding his death and whose remains were cremated outside Hong Kong,
- deposited at a Government crematorium or columbarium either permanently or for such period as may be stipulated by the Director of Food and Environmental Hygiene.
- (4) Without prejudice to subsections (1), (2) and (3), upon application to the Director of Food and Environmental Hygiene and payment of the prescribed fee, the ashes of the human remains of any person who was a resident of Hong Kong for a period of less than 10 years during the period of 20 years immediately preceding his death and whose remains were cremated outside Hong Kong may, at the discretion of that Director, be deposited at a Government crematorium or columbarium either permanently or for such period as may be stipulated by that Director. (*L.N. 283 of 1995*)
- (5) Without prejudice to the provisions of subsections (1), (2), (3) and (4), upon application to the Director of Food and Environmental Hygiene and payment of the prescribed fee, the ashes of the human remains of any person may, at the discretion of that Director, be deposited at any crematorium or columbarium the management and control of which is vested in that Director either permanently or for such period as may be stipulated by that Director. (*L.N. 96 of 1977; L.N. 283 of 1995*)

(78 of 1999 s. 7)

14. Control of memorials, inscriptions, etc.

- (1) No person shall place or cause to be placed in any

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像、石碑、铭文、插花盛器或其他装饰物，但置放鲜花则除外；此外，亦不得在政府火葬场内种植或安排种植任何树木、灌木或任何类别的植物，除非——

- (a) 事先已获得食物环境卫生署署长准许；及
- (b) 已缴付订明费用。 (1995 年第 283 号法律公告)
- (2) 食物环境卫生署署长根据第 (1) 款给予的准许，可受食物环境卫生署署长认为适当的条件或限制所规限。
- (3) 食物环境卫生署署长可移走或安排移走违反本条任何条文而置放在政府火葬场内的纪念碑像、石碑、铭文、插花盛器、树木、灌木或植物，而在任何情况下，食物环境卫生署署长可采取其认为需要的一切步骤，使有关火葬场得以保持在适当及妥善的状况。

(1999 年第 78 号第 7 条)

15. 行为及举止

任何人在政府火葬场内有以下行为或举止，即属犯罪——

- (a) 未经食物环境卫生署署长同意而售卖、出租、为出售而展出或为出租而展出任何物品或物件； (1999 年第 78 号第 7 条)
- (b) 张贴、贴上或派发任何类别的海报、传单、卡片、通告或宣传品；
- (c) (由 1999 年第 78 号第 7 条废除)
- (d) 故意骚扰或扰乱任何丧礼，送殡行列或属宗教或悼念性质的集会；

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Government crematorium any monument, commemorative tablet, inscription, receptacle for flowers or other ornament, except fresh cut flowers, or shall plant or cause to be planted therein any tree, shrub or plant of any kind, unless—

- (a) the prior permission of the Director of Food and Environmental Hygiene has been obtained; and
- (b) the prescribed fee has been paid. (L.N. 283 of 1995)
- (2) Any permission granted by the Director of Food and Environmental Hygiene under subsection (1) may be granted subject to such conditions or restrictions as that Director may think fit.
- (3) The Director of Food and Environmental Hygiene may remove or cause to be removed any monument, commemorative tablet, inscription, receptacle for flowers, tree, shrub or plant which has been placed in any Government crematorium in contravention of any of the provision of this section; and in any event may take all such steps as in his opinion are necessary for the maintenance of such crematorium in a suitable and seemly condition.

(78 of 1999 s. 7)

15. Conduct and behaviour

Any person who, in any Government crematorium—

- (a) sells or lets for hire, or exposes for sale or letting for hire, any article or thing without the consent of the Director of Food and Environmental Hygiene; (78 of 1999 s. 7)
- (b) posts, affixes or distributes any poster, handbill, card, circular or advertisement whatsoever;
- (c) (Repealed 78 of 1999 s. 7)

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- (e) 发射火器，除非在军事丧礼中恰当地进行；
- (f) 故意或不小心地污损、毁坏、弄污或弄脏该火葬场内的墙壁或其他地方，或火葬场内的任何物件；
- (g) 爬上属该火葬场一部分的墙壁或栅栏，或爬上围绕该火葬场的墙壁或栅栏；或
- (h) 作出吵闹或不当的举止。 (1999 年第 78 号第 7 条)

16. 对出席火葬的限制

- (1) 任何人出席将棺木或遗骸放入政府火葬场的焚化炉的过程，但本身并非该名死者（其遗骸正被火化）的亲属或法定遗产代理人，又没有得到该火葬场的主管的同意，即属犯罪。
- (2) 第 (1) 款不适用于按照印度教火葬仪式而在食物环境卫生署署长为此目的而拨出的政府火葬场内的任何部分进行的火葬。 (1999 年第 78 号第 7 条)

17. 妨碍

- (1) 任何人在火葬场内没有遵从为确保或方便火葬场的妥善管理或为确保或方便在该火葬场内进行火葬而不时由食物环境卫生署署长或由他人代其在火葬场张贴的合理命

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- (d) wilfully disturbs or interferes with any funeral service or procession or any religious or commemorative meeting;
 - (e) discharges any firearms, except in the proper performance of a military funeral;
 - (f) wilfully or carelessly defaces, injures, soils or defiles any wall or other part of the crematorium or any thing situated therein;
 - (g) climbs upon any wall or fence, being part of or enclosing any such crematorium; or
 - (h) behaves in a noisy or unseemly manner, (78 of 1999 s. 7)
- shall be guilty of an offence.

16. Restriction on attending cremations

- (1) Any person other than a relative or personal legal representative of a deceased person whose human remains are being cremated therein, who, except with the consent of the officer in charge thereof, attends the insertion of any coffin or human remains into any furnace of a Government crematorium, shall be guilty of an offence.
- (2) Subsection (1) shall not apply in the case of any cremation carried out in accordance with the rites of the Hindu religion in any part of a Government crematorium allocated by the Director of Food and Environmental Hygiene for such purpose. (78 of 1999 s. 7)

17. Obstruction

- (1) Any person who, in any Government crematorium, fails to comply with any such reasonable order, not being inconsistent with any of the provisions of the Ordinance or of this Regulation as may from time to time be posted in

令 (该命令与本条例或本规例的任何条文并无抵触) , 即属犯罪。 (1999 年第 78 号第 7 条)

- (2) 任何人故意妨碍政府火葬场职员在该火葬场执行职责, 即属犯罪。
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such crematorium by or on behalf of the Director of Food and Environmental Hygiene for the purpose of ensuring or facilitating the proper management of such crematorium or the conduct of cremations carried out therein, shall be guilty of an offence. (78 of 1999 s. 7)

- (2) Any person who wilfully obstructs any member of the staff of a Government crematorium in the carrying out of his duty therein shall be guilty of an offence.
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第 IIIA 部**私营火葬场***(第 IIIA 部由 1999 年第 78 号第 7 条增补)***17A. 私营火葬场的管理**

有权管有私营火葬场的人，须指定一名自然人作为该火葬场的经理，并须将该名经理的姓名及地址向食物环境卫生署署长登记。

17B. 火葬登记册

- (1) 私营火葬场的经理须备存一本登记册于其火葬场内或其火葬场附近的地方，并须于在该火葬场进行火葬后 48 小时内将下述资料记录在该册内——
 - (a) 该宗火葬的编号；
 - (b) 火葬许可证或死因裁判官的命令的日期；
 - (c) 进行该宗火葬的日期；
 - (d) 遗骸被火化的死者的姓名、性别及大约年龄；
 - (e) 骨灰的处理；
 - (f) 主管该宗火葬的人的姓名、地址及签署。
- (2) 如任何公众人士于合理时间向有关火葬场经理提出要求，第 (1) 款所提述的登记册须公开以供该人查阅。
- (3) 在每个月第 7 日或之前，私营火葬场的经理须将上个月记入登记册的每一记项的副本，送交食物环境卫生署署长。
- (4) 私营火葬场的经理没有遵从或拒绝遵从本条，即属犯罪。

PART IIIA**PRIVATE CREMATORIA***(Part IIIA added 78 of 1999 s. 7)***17A. Management of private crematoria**

The person entitled to the possession of any private crematorium shall nominate a natural person to be the manager of it and register with the Director of Food and Environmental Hygiene the name and address of the manager.

17B. Register of cremations

- (1) The manager of a private crematorium shall maintain a register at or near the crematorium and record in it, not later than 48 hours after any cremation is carried out in the crematorium—
 - (a) the serial number of the cremation;
 - (b) the date of the cremation permit or coroner's order;
 - (c) the date on which the cremation is carried out;
 - (d) the name, sex and approximate age of the deceased person whose remains were cremated;
 - (e) disposal of the ashes;
 - (f) the name, address and signature of the person in charge of the cremation.
- (2) A register referred to in subsection (1) shall be open to the public for inspection on request made to the manager of the crematorium at a reasonable hour.

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17C. 将经接收以作火化的遗骸移走的限制

任何人将经私营火葬场接收以作火化的遗骸从有关火葬场移走，即属犯罪，除非他已取得——

- (a) 死因裁判官的命令；
- (b) 警务处处长的命令；或
- (c) 食物环境卫生署署长的命令。

17D. 视察

- (1) 每个私营火葬场须在所有合理时间开放，让食物环境卫生署署长、卫生署署长或获其中任何一位署长为视察目的而以书面妥为授权的人入内视察。
- (2) 任何人妨碍食物环境卫生署署长、卫生署署长或根据第(1)款获授权的人视察私营火葬场，即属犯罪。

17E. 关闭

- (3) Not later than the seventh day of each month the manager of a private crematorium shall send to the Director of Food and Environmental Hygiene a copy of every entry made during the preceding month in the register.
- (4) A manager of a private crematorium who fails or refuses to comply with this section commits an offence.

17C. Restriction on removal of human remains received for cremation

Any person who, except on the order of—

- (a) a coroner;
- (b) the Commissioner of Police; or
- (c) the Director of Food and Environmental Hygiene,

removes any human remains from a private crematorium after being received for cremation commits an offence.

17D. Inspection

- (1) Every private crematorium shall be open to inspection at all reasonable times by the Director of Food and Environmental Hygiene or by the Director of Health or by any person duly authorized in writing for the purpose by either Director.
- (2) A person who obstructs the Director of Food and Environmental Hygiene or the Director of Health or a person authorized under subsection (1) in carrying out an inspection of a private crematorium commits an offence.

17E. Closure

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第 17E 条

- (1) 食物环境卫生署署长可藉按照第 (2) 及 (3) 款发出的通知 (“关闭通知”) 而指示任何私营火葬场自该通知所指明的日期起关闭。
- (2) 关闭通知必须连续刊登在不少于 2 期的宪报上，并张贴于有关火葬场的入口，及以挂号邮递寄给该私营火葬场的经理。
- (3) 关闭通知所指明的私营火葬场关闭日期，不得早于该通知首次在宪报刊登的日期后 1 个月。
- (4) 有权管有私营火葬场的人，如因关闭该火葬场的指示而感到受屈，则可在关闭通知首次在宪报刊登后 21 天内，向市政服务上诉委员会提出上诉。

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- (1) The Director of Food and Environmental Hygiene may direct by a notice (“closure notice”) given in accordance with subsections (2) and (3) that a private crematorium be closed with effect from a date specified in the notice.
- (2) A closure notice must be published in the Gazette in not less than 2 consecutive publications of the Gazette, posted at the entrance to the crematorium and be sent by registered post addressed to the manager of the private crematorium.
- (3) The date specified for closure of a private crematorium in a closure notice must be not earlier than one month after the notice is first published in the Gazette.
- (4) If the person entitled to the possession of a private crematorium is aggrieved by the direction to close the crematorium, he may appeal to the Municipal Services Appeals Board within 21 days of the first publication of the closure notice in the Gazette.

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纪念花园

18. 开放时间

每个纪念花园均须依照食物环境卫生署署长藉不时张贴于纪念花园的告示所指示的日子及时间，向公众开放。

(1999 年第 78 号第 7 条)

19. 编配及布局设计

食物环境卫生署署长可 —— *(1999 年第 78 号第 7 条)*

- (a) 指示将任何特定的纪念花园或其任何部分拨作或编配作为安葬或处置特定人士的骨灰之用，或作安葬或处置属于特定社群、种族或宗教的人士的骨灰之用；及
- (b) 指示不得将任何特定人士的骨灰，或属于特定社群、种族或宗教的人士的骨灰，在任何特定的纪念花园或其任何部分安葬或处置。

20. 骨灰的处置

除非将骨灰撒在食物环境卫生署署长不时指定供撒骨灰之用的纪念花园内某部分，否则不得将骨灰在任何纪念花园内处置。

PART IV

GARDENS OF REMEMBRANCE

18. Hours of opening

Every garden of remembrance shall be open to the public on such days and between such times as the Director of Food and Environmental Hygiene shall from time to time direct by notice posted therein.

(78 of 1999 s. 7)

19. Allocations and layout

The Director of Food and Environmental Hygiene may— *(78 of 1999 s. 7)*

- (a) direct that any particular garden of remembrance or any part thereof be set aside or allocated for the reception or disposal of ashes of particular persons or of persons belonging to any particular community, race or religion; and
- (b) direct that the ashes of any particular person or of persons belonging to any particular community, race or religion shall not be received into or disposed of in any particular garden of remembrance or any particular part thereof.

20. Disposal of ashes

No ashes shall be disposed of in any garden of remembrance otherwise than by scattering them in such parts of the garden as may from time to time be designated by the Director of Food and Environmental Hygiene for that purpose.

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(1999 年第 78 号第 7 条)

21. 纪念品等

- (1) 任何人不得在纪念花园内置放或安排置放任何纪念碑像、石碑、铭文、插花盛器或其他装饰物，但置放鲜花则除外；此外，亦不得在纪念花园内种植或安排种植任何树木、灌木或任何类别的植物，除非——
 - (a) 事先已获得食物环境卫生署署长准许；及
 - (b) 已缴付订明费用。(1995 年第 283 号法律公告)
- (2) 食物环境卫生署署长根据第 (1) 款给予的准许，可受食物环境卫生署署长认为适当的条件或限制所规限。
- (3) 食物环境卫生署署长可移走或安排移走违反本条条文而置放在纪念花园内的纪念碑像、石碑、铭文、插花盛器、装饰物、树木、灌木或植物，而在任何情况下，食物环境卫生署署长可采取其认为需要的一切步骤，以确保每个纪念花园得以保持在适当及妥善的状况。

(1999 年第 78 号第 7 条)

22. 行为及举止

任何人在纪念花园内有以下行为或举止，即属犯罪——

- (a) 未经食物环境卫生署署长同意而售卖、出租、为出售而展出或为出租而展出任何物品或物件；(1999 年第 78 号第 7 条)

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(78 of 1999 s. 7)

21. Memorials, etc.

- (1) No person shall place or cause to be placed in any garden of remembrance any monument, commemorative tablet, inscription, receptacle for flowers or other ornament, except fresh cut flowers, or shall plant or cause to be planted therein any tree, shrub or plant of any kind, unless—
 - (a) the prior permission has been obtained from the Director of Food and Environmental Hygiene; and
 - (b) the prescribed fee has been paid. (L.N. 283 of 1995)
- (2) Any permission granted by the Director of Food and Environmental Hygiene under subsection (1) may be granted subject to such conditions or restrictions as that Director may think fit.
- (3) The Director of Food and Environmental Hygiene may remove or cause to be removed any monument, commemorative tablet, inscription, receptacle for flowers, ornament, tree, shrub or plant which has been placed in any garden of remembrance in contravention of the provisions of this section; and may in any event take all such steps as may in his opinion be necessary to ensure the maintenance of every such garden in a suitable and seemly condition.

(78 of 1999 s. 7)

22. Conduct and behaviour

Any person who in any garden of remembrance—

- (a) sells or lets for hire, or exposes for sale or letting for hire, any article or thing without the consent of the Director of Food and Environmental Hygiene; (78 of 1999 s. 7)

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- (b) 张贴、贴上或派发任何类别的海报、传单、卡片、通告或宣传品；
- (c) (由 1999 年第 78 号第 7 条废除)
- (d) 故意骚扰或扰乱属宗教或悼念性质的仪式、集会或巡行；
- (e) 发射火器，除非在就死者而进行的军事仪式中恰当地进行；或燃放炮竹，但经食物环境卫生署署长同意者除外；(1999 年第 78 号第 7 条)
- (f) 故意或不小心地污损、毁坏、弄污或弄脏纪念花园或其任何部分内或围绕该纪念花园或其任何部分的墙壁或栅栏，或在该纪念花园或其任何部分内的纪念碑像、座椅、石碑、装饰物、树木、灌木或植物；
- (g) 爬上属纪念花园一部分的墙壁或栅栏，或爬上围绕该纪念花园的墙壁或栅栏；或
- (h) 作出吵闹或不当的举止。(1999 年第 78 号第 7 条)

23. 妨碍

- (1) 任何人在纪念花园内没有遵从为确保或方便纪念花园的妥善管理或为保护园内提供予到访人士的宜人之处而不时由食物环境卫生署署长或由他人代其在纪念花园张贴的合理命令(该命令与本条例或本规例的任何条文并无抵触)，即属犯罪。(1999 年第 78 号第 7 条)
- (2) 任何人故意妨碍纪念花园职员在该纪念花园执行职责，即属犯罪。

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- (b) posts, affixes or distributes any poster, handbill, card, circular or advertisement whatsoever;
- (c) (*Repealed 78 of 1999 s. 7*)
- (d) wilfully disturbs or interferes with any religious or commemorative service, meeting or procession;
- (e) discharges any firearm, except in the proper performance of a military service in respect of the dead or discharges any fire crackers except with the consent of the Director of Food and Environmental Hygiene; (*78 of 1999 s. 7*)
- (f) wilfully or carelessly defaces, injures, soils or defiles any wall or fence in or enclosing any garden of remembrance or any part thereof or any monument, seat, tablet, ornament, tree, shrub, or plant whatsoever situated therein;
- (g) climbs upon any wall or fence being part of or enclosing any garden of remembrance; or
- (h) behaves in a noisy or unseemly manner, (*78 of 1999 s. 7*)

shall be guilty of an offence.

23. Obstruction

- (1) Any person who, in any garden of remembrance, fails to comply with any such reasonable order, not being inconsistent with any of the provisions of the Ordinance or of this Regulation as may be posted from time to time in such garden by or on behalf of the Director of Food and Environmental Hygiene for the purpose of ensuring or facilitating the proper management of such garden or the preservation of the amenities afforded therein to persons visiting the garden, shall be guilty of an offence. (*78 of 1999 s. 7*)

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24. 纪念册

如食物环境卫生署署长在任何纪念花园安排设置纪念册，以便记录属悼念性质的题字，则任何人在向食物环境卫生署署长提出申请，并缴付订明费用后，即可在该纪念册上作适当题字。

(1994 年第 49 号第 42 条；1999 年第 78 号第 7 条)

24. Books of Remembrance

Where at any garden of remembrance the Director of Food and Environmental Hygiene arranges for the maintenance of a book to be known as a Book of Remembrance, for recording commemorative inscriptions, a suitable inscription may be inserted therein by any person upon application to that Director and payment of the prescribed fee.

(49 of 1994 s. 42; 78 of 1999 s. 7)

第 V 部

杂项

25. 罚则

- (1) 任何人犯第 5(3)、7(1)、15 或 22 条所订的罪行，可处第 2 级罚款或监禁 6 个月。
- (2) 任何人犯第 6(4)、10、16(1)、17、17B(4)、17C、17D(2) 或 23 条所订的罪行，可处第 2 级罚款；又如该罪行属持续的罪行，则可按法庭就所提出的证明而信纳属该罪行持续期间内的每一天，另加罚款 \$100。 (1999 年第 78 号第 7 条)

(1987 年第 288 号法律公告；1996 年第 177 号法律公告)

PART V

MISCELLANEOUS

25. Penalties

- (1) Any person guilty of an offence under section 5(3), 7(1), 15 or 22 shall be liable to a fine at level 2 or to imprisonment for 6 months.
- (2) Any person guilty of an offence under section 6(4), 10, 16(1), 17, 17B(4), 17C, 17D(2) or 23 shall be liable to a fine at level 2, and in the case of a continuing offence to a further fine of \$100 for each day during which it is proved to the satisfaction of the court that the offence has continued.

(L.N. 288 of 1987; L.N. 177 of 1996; 78 of 1999 s. 7)

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附表 1

FIRST SCHEDULE

S1-2
Cap. 132M

附表 1

表格 1

[第 4 条]

FIRST SCHEDULE

FORM 1

[s. 4]

公众卫生及市政条例

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(第 132 章)

(Chapter 132)

火葬申请书

APPLICATION TO CREMATE

本人.....是 *

死者的遗嘱执行人
死者尚存的最亲亲属
死者遗嘱执行人或死者尚存的最亲亲属的受权人或代理人
管有一份看来是死者签署的书面指示的人
具有资格获授予遗产管理书或遗嘱认证的人
获卫生署署长就死者的去世而拣选的人

I, being the*

executor
nearest surviving relative in Hong Kong
attorney or agent of the executor or
nearest surviving relative in Hong Kong
person having in his possession a
direction in writing purported to be
signed by the deceased
person being eligible for grant of letters
of administration or probate
person selected by the Director of Health
in respect

现申请将该名于.....年.....月.....

日 *死亡
*非活產，姓名为.....的

* 遺骸 * 政府火葬場
* 非活產嬰兒在 * 火葬場* 火化。

of.....

* who died
* which was still-born at.....

on the day of 19

hereby apply for permission to cremate the *human remains of the said person
*a Government crematorium *said still-born child in
the Crematorium.

本人现附上《火葬及纪念花园规例》第 4 条规定须附上的证明书。

I append hereto the certificates required by section 4 of the Cremation and Gardens of Remembrance Regulation.

日期：.....年.....月.....日

Dated this day of 19

签署

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附表 1

地址

警告：何人知道或有理由相信上述死者留下书面指示，意旨不得将其遗骸以火葬方式处置，但仍作此项火葬申请，即属犯罪。

* 删去不适用者。

† 私营火葬场名称。

(1999 年第 78 号第 7 条)

表格 2

[第 4 条]

公众卫生及市政条例

(第 132 章)

医学证明书 (火葬)

死者姓名

去世日期

去世地点

本人.....，现证明 ——

- (a) 本人已详细检验上述死者的尸体；
- (b) 本人信纳上述死者的去世并非由于毒药、暴力、非法手术、缺乏生活必需品或疏忽所引致；
- (c) 上述死者 * 曾 / * 不曾配戴心脏起搏器，该起搏器 * 已经 / * 尚未除去；及
- (d) 上述死者 * 曾 / * 不曾配戴放射性植入物或其他植入物，该植入物 * 已经 / * 尚未除去。

FIRST SCHEDULE

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Signature

Address

Warning: A person who makes this application knowing or having reason to believe that the deceased person has left a direction in writing to the effect that that human remains shall not be disposed of by cremation commits an offence.

* Delete as appropriate.

† Name of the private crematorium.

(78 of 1999 s. 7)

FORM 2

[s. 4]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

MEDICAL CERTIFICATE (CREMATION)

Name of Deceased

Date of Death

Place of Death

I hereby certify—

- (a) that I have carefully examined the body of the above-named deceased person;
- (b) that I am satisfied that the death of the above-named deceased person was not due to poison, violence or any illegal operation or to privation or neglect;

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附表 1

附注：如没有将心脏起搏器、放射性植入物或其他植入物除去，火葬可被拒绝。

日期：.....年.....月.....日

签署

资格

地址

* 删去不适用者。

表格 3

[第 5 条]

公众卫生及市政条例

(第 132 章)

火葬许可证

本人现授权将

的遗骸火化。死者属 * 男性 / * 女性，去世时年龄为

..... / 乃非活产的婴儿，于.....年

FIRST SCHEDULE

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(c) that the above-named deceased person *has/*has not been fitted with a cardiac pacemaker, and that it *has/*has not been removed; and

(d) that the above-named deceased person *has/*has not been fitted with radioactive or other implant, and that it *has/*has not been removed.

Note: Cremation may be refused if a pacemaker or a radioactive or other implant is not removed.

Dated this day of 19

Signature

Qualification.....

Address

.....

* Delete as appropriate.

(78 of 1999 s. 7)

FORM 3

[s. 5]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Chapter 132)

CREMATION PERMIT

I hereby authorize the cremation of the remains of

*male/female aged /still-born child,

* who died of..... at

* which was still-born

on the day of 19

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附表 1

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..... 月..... 日在..... ^{* 因.....而去世}
^{* 非活產}。

此项火葬将于 ^{* 政府火葬場}
^{* 火葬場†} 举行。

日期：.....年.....月.....日

.....
 卫生署署长

* 删去不适用者。

† 私营火葬场名称。

(1983 年第 49 号法律公告；1986 年第 10 号第 32(2) 条；
 1989 年第 76 号法律公告)

FIRST SCHEDULE

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The cremation is to be carried out in ^{*a Government crematorium}
^{*the} Crematorium.†

Dated this day of 19

.....
 Director of Health.

* Delete as appropriate.

† Name of the private crematorium.

(L.N. 49 of 1983; 10 of 1986 s. 32(2); L.N. 76 of 1989; L.N. 164 of
 1996; 78 of 1999 s. 7)

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附表 2

SECOND SCHEDULE

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Cap. 132M

附表 2

(由 1995 年第 283 号法律公告废除)

SECOND SCHEDULE

(Repealed L.N. 283 of 1995)

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第 132M 章

附表 3

THIRD SCHEDULE

S3-2
Cap. 132M

附表 3

[第 4 条]

THIRD SCHEDULE

[s. 4]
(78 of 1999 s. 7)

停放遗骸的厝房

设于大口环的东华义庄。

设于北角油街的政府厝房。

设于红磡安发道的政府厝房。

REPOSITORIES FOR HUMAN REMAINS

Tung Wah Hospital Repository at Sandy Bay.

The Government Repository at Oil Street, North Point.

The Government Repository at On Fat Road, Hung Hom.