

《华人永远坟场规则》
(第 1112 章，附属法例 A)

目录

条次		页次
	第 1 部 一般条文	
1.	引称	1-1
2.	适用范围	1-1
3.	释义	1-1
4.	资格	1-9
5.	委员会就埋葬、安放及移走发给的同意	1-9
	第 2 部 坟墓用地	
6.	已分配坟墓用地的复归	2-1
6A.	延迟埋葬	2-1
7.	坟墓用地的分配及尺寸	2-1
7A.	坟墓用地的使用	2-3
8.	安葬时须出示的许可证及证明书	2-5
9.	起回骨殖许可	2-5
10.	值理特权的界定	2-5

CHINESE PERMANENT CEMETERIES RULES
(Cap. 1112 sub. leg. A)

Contents

Rule	Page
	Part 1 General Provisions
1. Citation	1-2
2. Application	1-2
3. Interpretation	1-2
4. Eligibility	1-10
5. Consent of Board for burials, deposits and removals	1-10
	Part 2 Grave Spaces
6. Reversion of grave spaces allocated	2-2
6A. Late burials	2-2
7. Allocation and dimension of grave spaces	2-2
7A. Use of grave spaces	2-4
8. Certain permits and certificates to be produced at time of interment	2-6
9. Permission for exhumation	2-6
10. Definition of subscribers privileges	2-6

T-3

第 1112A 章

T-4

Cap. 1112A

条次		页次
11.	自愿退回收埋墓地	2-7
12.	收埋墓地的复归	2-7
13.	须起回骨殖墓地的分配	2-11
14.	年期届满时从须起回骨殖墓地掘出和移走人类遗骸及骨灰	2-13
14A.	将从须起回骨殖墓地移走的人类遗骸火化	2-13
15.	须起回骨殖墓地的复归	2-15
16-17.	(废除)	2-15
18.	起回骨殖后空置的普通或收埋墓地的复归	2-15

第 3 部 金塔墓地

18A.	金塔墓地的尺寸、分配及使用	3-1
19.	移走后空置金塔墓地的复归	3-1

第 4 部 龕位

20.	骨殖龕位的分配及使用	4-1
20A.	普通龕位的分配及使用	4-3
21.	空置骨殖龕位及普通龕位的复归	4-3
21A.	家族龕位的分配及使用	4-5
21B.	已分配的家族龕位的复归	4-5

Rule		Page
11.	Voluntary surrender of subscriber lots	2-8
12.	Reversion of subscriber lots	2-8
13.	Allocation of exhumable lots	2-12
14.	Disinterment and removal of human remains and ashes from exhumable lot on expiry of the term	2-14
14A.	Cremation of human remains removed from exhumable lot	2-14
15.	Reversion of exhumable lot	2-16
16-17.	(Repealed)	2-16
18.	Reversion of vacant ordinary or subscriber lot after exhumation	2-16

Part 3 Urn Lots

18A.	Dimension, allocation and use of urn lots	3-2
19.	Reversion of vacant urn lot after removal	3-2

Part 4 Niches

20.	Allocation and use of ossuary niches	4-2
20A.	Allocation and use of ordinary niches	4-4
21.	Reversion of vacant ossuary niche and ordinary niche	4-4
21A.	Allocation and use of family niches	4-6
21B.	Reversion of family niches allocated	4-6

T-5

第 1112A 章

T-6

Cap. 1112A

条次		页次	Rule		Page
	第 5 部 杂项条文			Part 5 Miscellaneous Provisions	
22.	挖掘、铺筑、纪念碑像及基石等	5-1	22.	Digging, paving, monuments and headstones etc.	5-2
23.	对损毁并无法律责任	5-1	23.	No liability against damage	5-2
23A.	委员会修葺和追讨开支的权力	5-1	23A.	Power of Board to repair and recover expenses	5-2
24.	因行为不检的被强迫离开	5-3	24.	Ejection for disorderly conduct	5-4
25.	造成损毁的人	5-3	25.	Persons causing damage	5-4
25A.	发出地址改变通知的责任	5-3	25A.	Duty to give notice of change of address	5-4
26.	租赁及合约	5-3	26.	Tenancies and contracts	5-4
27.	费用	5-3	27.	Fees	5-4
28.	保留条文	5-5	28.	Saving	5-6
附表 1	坟场	S1-1	FIRST SCHEDULE	CEMETERIES	S1-2
附表 2	第 III 条	S2-1	SECOND SCHEDULE	RULE III	S2-2
附表 3	费用	S3-1	THIRD SCHEDULE	FEES	S3-2

《华人永远坟场规则》

(第 1112 章第 8 条)

CHINESE PERMANENT CEMETERIES RULES

(Cap. 1112, section 8)

[1975 年 12 月 12 日]

[12 December 1975]

第 1 部

Part 1

一般条文

General Provisions

(2016 年第 11 号第 34 条)

(11 of 2016 s. 34)

1. 引称

本规则可引称为《华人永远坟场规则》。

1. Citation

These rules may be cited as the Chinese Permanent Cemeteries Rules.

2. 适用范围

本规则适用于附表 1 所指明的坟场，而在政府宪报刊登为下述公告的规则——

2. Application

These rules shall apply to the cemeteries specified in the First Schedule and the rules published in the Government Gazette as—

- (a) 1933 年 1 月 25 日第 60 号政府公告；
- (b) 1935 年 9 月 13 日第 698 号政府公告；
- (c) 1974 年 6 月 21 日第 137 号法律公告，

- (a) G.N. 60 of 25 January 1933;
- (b) G.N. 698 of 13 September 1935;
- (c) L.N. 137 of 21 June 1974,

以及任何由委员会所订立的其他规则，现予撤销，但在上述 1933 年 1 月 25 日第 60 号政府公告的规则之中的第 III 条除外，该条规则由 1935 年 9 月 13 日第 698 号政府公告采纳，现列载于附表 2。

and any other rules which may have been made by the Board are hereby revoked except Rule III of the said rules in G.N. 60 of 25 January 1933 and adopted by G.N. 698 of 13 September 1935 as set out in the Second Schedule.

3. 释义

- (1) 在本规则中，除文意另有所指外——(2016 年第 11 号第 10 条)

3. Interpretation

- (1) In these rules, unless the context otherwise requires—(11 of 2016 s. 10)

1-3
第 1112A 章

第 1 部
第 3 条

“人类遗骸”(human remains)指不论任何分解程度的人类尸体，包括尸体的部分或骸骨，但不包括骨灰；(2016 年第 11 号第 10 条)

“在香港永久居住”(permanently resident in Hong Kong)就任何人而言，指就《入境条例》(第 115 章)而言，在香港连续居住总计期间不少于 7 年，或有权在香港入境和在无逗留条件规限下留在香港；(1997 年第 80 号第 103(1)条)

年期届满(expiry of the term)就某须起回骨殖墓地而言，指

- (a) 如某次分配该墓地的首段年期不获延展——该为期 10 年的首段年期届满时；或
- (b) 如某次分配该墓地的首段年期获得延展——获延展的年期终止或届满时；(2016 年第 11 号第 10 条)

合资格死者(eligible deceased)具有第 4(2)条所给予的涵义；(2016 年第 11 号第 10 条)

“委员会”(Board)指由本条例第 3 条设立的华人永远坟场管理委员会；(2016 年第 11 号第 10 条)

金塔墓地(urn lot)指根据第 18A 条分配的、作埋葬骸骨及骨灰之用的墓地；(2016 年第 11 号第 10 条)

首次(first)就在获分配位置安葬、埋葬或安放人类遗骸或骨灰而言，指在由委员会最近一次分配该位置后，在该位置的首次安葬、埋葬或安放；(2016 年第 11 号第 10 条)

“持证人”(permittee)指获委员会分配坟墓用地、金塔墓地或龕位的人，并包括值理、原来持证人的所有权继承人，以及遗骸埋葬在某一用地的人的合法继承人；(2016 年第 11 号第 10 条)

但如有超过一人就任何用地符合资格，持证人须为第一个埋葬在该用地的人的合法继承人；

骨灰(ashes)指人类遗骸经火化后遗留的骨灰；(2016 年第 11 号第 10 条)

Part 1
Rule 3

1-4
Cap. 1112A

allocated place (获分配位置) includes a grave space, an urn lot and a niche that may be allocated by the Board under these rules; (11 of 2016 s. 10)

ashes (骨灰) means ashes resulting from the cremation of human remains; (11 of 2016 s. 10)

“Board” (委员会) means the Board of Management of the Chinese Permanent Cemeteries established by section 3 of the Ordinance; (11 of 2016 s. 10)

“cemetery” (坟场) means any of the cemeteries specified in the First Schedule; (11 of 2016 s. 10)

eligible deceased (合资格死者) has the meaning given by rule 4(2); (11 of 2016 s. 10)

“exhumable lot” (须起回骨殖墓地) means a grave space allocated under rule 13; (11 of 2016 s. 10)

expiry of the term (年期届满), in relation to an exhumable lot, means—

- (a) if the initial term of an allocation of the lot is not extended—the expiry of the initial term of 10 years; or
- (b) if the initial term of an allocation of the lot is extended—the termination or expiry of the extended term; (11 of 2016 s. 10)

“family niche” (家族龕位) means a niche for the deposit of ashes allocated under rule 21A; (L.N. 197 of 1986; 11 of 2016 s. 10)

first (首次), in relation to an interment, a burial or a deposit of human remains or ashes in an allocated place, means the first interment, burial or deposit in the place after the most recent allocation of the place by the Board; (11 of 2016 s. 10)

“General Chinese Charities Fund” (华人慈善基金) means the General Chinese Charities Fund established by the Chinese Temples Ordinance (Cap. 153);

“**值理**”(subscriber) 指在宪报内以 1933 年 1 月 25 日第 60 号政府公告刊登, 并由 1935 年 9 月 13 日第 698 号政府公告采纳的规则中的第 III 条所提述的人, 包括该人的所有权继承人;

配偶 (spouse) 包括在 1971 年 10 月 7 日前获某人纳娶的妾侍; (2016 年第 11 号第 10 条)

“**值理墓地**”(subscriber lot) 指于 1960 年 12 月 23 日前就香港仔华人永远坟场和于 1960 年 11 月 11 日前就荃湾华人永远坟场而分配并预留给值理的坟墓用地;

家族龕位 (family niche) 指根据第 21A 条分配的、作安放骨灰之用的龕位; (2016 年第 11 号第 10 条)

骨殖龕位 (ossuary niche) 指根据第 20 条分配的、作安放骸骨及骨灰之用的龕位; (2016 年第 11 号第 10 条)

“**华人慈善基金**”(General Chinese Charities Fund) 指根据《华人庙宇条例》(第 153 章) 设立的华人慈善基金;

“**须起回骨殖墓地**”(exhumable lot) 指根据第 13 条分配的坟墓用地; (2016 年第 11 号第 10 条)

“**普通墓地**”(ordinary lot) 指不属值理墓地而分配作埋葬用但无须起回骨殖的坟墓用地;

“**普通龕位**”(ordinary niche) 指根据第 20A 条分配的、作安放骨灰之用的龕位; (1986 年第 197 号法律公告; 2016 年第 11 号第 10 条)

“**坟场**”(cemetery) 指附表 1 所指明的任何坟场; (2016 年第 11 号第 10 条)

坟墓用地 (grave space) 指作埋葬人类遗骸及骨灰之用的用地, 不论该用地被分配作须起回骨殖墓地、普通墓地或值理墓地; (2016 年第 11 号第 10 条)

亲属 (relative) 就某人 (**有关人士**) (不论是否已去世) 而言, 指

(a) 有关人士的配偶;

grave space (坟墓用地) means a space for the burial of human remains and ashes, whether allocated as an exhumable lot, an ordinary lot or a subscriber lot; (11 of 2016 s. 10)

“**human remains**” (人类遗骸) means the dead body of a human being at any stage of decomposition, including parts of the dead body or skeletal remains, but does not include ashes; (11 of 2016 s. 10)

“**ordinary lot**” (普通墓地) means a grave space other than a subscriber lot allocated for a burial not subject to exhumation;

“**ordinary niche**” (普通龕位) means a niche for the deposit of ashes allocated under rule 20A; (L.N. 197 of 1986; 11 of 2016 s. 10)

ossuary niche (骨殖龕位) means a niche for the deposit of skeletal remains and ashes allocated under rule 20; (11 of 2016 s. 10)

“**permanently resident in Hong Kong**” (在香港永久居住) in relation to any person means continuous residence in Hong Kong for a total period of not less than 7 years or the right to land in Hong Kong and to remain free of conditions of stay for the purposes of the Immigration Ordinance (Cap. 115);

“**permittee**” (持证人) means a person to whom the Board has allocated a grave space, an urn lot, or a niche and includes a subscriber, the successor in title to the original permittee and the legal heir of the person whose remains are buried in a space; (11 of 2016 s. 10)

Provided where more than one person qualifies in respect of any space the permittee shall be the legal heir of the person first buried in such space;

relative (亲属), in relation to a person (**relevant person**) (whether deceased or not), means—

(a) the relevant person's spouse;

1-7

第 1112A 章

第 1 部

第 3 条

Part 1

Rule 3

1-8

Cap. 1112A

- (b) 有关人士的或其配偶的父、母、祖父、祖母、外祖父、外祖母、曾祖父、曾祖母、外曾祖父或外曾祖母；
- (c) 以下的人的兄弟或姊妹 ——
- (i) 有关人士；
 - (ii) 有关人士的配偶；或
 - (iii) (b) 段所提述的人；
- (d) (c) 段所提述的人的配偶；
- (e) 以下的人的后裔 ——
- (i) 有关人士；
 - (ii) (a)、(c) 或 (d) 段所提述的人；或
 - (iii) (b) 段所提述的人 (有关人士除外)；或
- (f) (e) 段所提述的人的配偶；(2016 年第 11 号第 10 条)
- 获分配位置** (allocated place) 包括可由委员会根据本规则分配的坟墓用地、金塔墓地及龕位。(2016 年第 11 号第 10 条)
- (2016 年第 11 号第 10 条)
- (2) 为施行本规则，在断定两人之间的关系时 ——
- (a) 某人的子女包括 ——
- (i) 该人的非婚生子女；
 - (ii) 该人的领养子女；及
 - (iii) 该人的继子女；及
- (b) 某人的半血亲兄弟或姊妹须视为该人的兄弟或姊妹。(2016 年第 11 号第 10 条)

- (b) a father, mother, grandfather, grandmother, great-grandfather or great-grandmother of the relevant person or of the relevant person's spouse;
- (c) a brother or sister of—
- (i) the relevant person;
 - (ii) the relevant person's spouse; or
 - (iii) a person referred to in paragraph (b);
- (d) a spouse of a person referred to in paragraph (c);
- (e) a descendant of—
- (i) the relevant person;
 - (ii) a person referred to in paragraph (a), (c) or (d); or
 - (iii) a person referred to in paragraph (b), other than the relevant person; or
- (f) a spouse of a person referred to in paragraph (e); (11 of 2016 s. 10)

spouse (配偶) includes a concubine taken by a person before 7 October 1971; (11 of 2016 s. 10)

“subscriber” (值理) means a person referred to in Rule III of the rules published in the Gazette as G.N. 60 of 25 January 1933 and adopted by G.N. 698 of 13 September 1935, and includes his successor in title;

“subscriber lot” (值理墓地) means a grave space allocated and reserved to a subscriber prior to 23 December 1960 in respect of such space in Aberdeen Chinese Permanent Cemetery and prior to 11 November 1960 in respect of such space in Tsuen Wan Chinese Permanent Cemetery; (11 of 2016 s. 10)

urn lot (金塔墓地) means a lot for the burial of skeletal remains and ashes allocated under rule 18A. (11 of 2016 s. 10)

(11 of 2016 s. 10)

1-9

第 1112A 章

第 1 部

第 4 条

Part 1

Rule 4

1-10

Cap. 1112A

4. 资格

- (1) 在某获分配位置的首次安葬、埋葬或安放，须只限于安葬、埋葬或安放合资格死者的人类遗骸或骨灰。
- (2) 一名死者如在紧接其去世前，属以下描述人士，即属合资格死者——
 - (a) 在香港永久居住并有华人血统的人；
 - (b) (a) 段所提述的人的配偶；或
 - (c) (a) 段所提述的人的子女。
- (3) 委员会就某死者是否符合第 (2)(a)、(b) 或 (c) 款的描述的决定，属终局决定。

*(2016 年第 11 号第 11 条)***5. 委员会就埋葬、安放及移走发给的同意***(2016 年第 11 号第 12 条)*

任何人未经委员会的书面同意，不得在任何坟场埋葬或安放任何人类遗骸或骨灰，或从任何坟场起回或移走任何人类遗骸或骨灰，不论该等遗骸或骨灰是否已经入殓、载于金塔或以其他方式处置。

- (2) In determining a relationship between 2 persons for the purposes of these rules—
 - (a) a child of a person includes—
 - (i) a child of the person born out of wedlock;
 - (ii) an adopted child of the person; and
 - (iii) a step-child of the person; and
 - (b) a half-blood brother or sister of a person is to be treated as a brother or sister of the person. *(11 of 2016 s. 10)*

4. Eligibility

- (1) The first interment, burial or deposit in an allocated place must only be that of the human remains or ashes of an eligible deceased.
- (2) An eligible deceased is a deceased person who, immediately before the person's death, was—
 - (a) a person of Chinese race permanently resident in Hong Kong;
 - (b) a spouse of the person referred to in paragraph (a); or
 - (c) a child of the person referred to in paragraph (a).
- (3) The Board's decision on whether a deceased person met the description in subrule (2)(a), (b) or (c) is final.

*(11 of 2016 s. 11)***5. Consent of Board for burials, deposits and removals**

Without the consent in writing of the Board, no person may bury or deposit in, or exhume or remove from, any cemetery any human remains or ashes whether encoffined, in urn or otherwise.

(11 of 2016 s. 12)

1-11
第 1112A 章

第 1 部
第 5 条

Part 1

1-12
Cap. 1112A

(2016 年第 11 号第 12 条)

第 2 部

坟墓用地

(2016 年第 11 号第 34 条)

6. 已分配坟墓用地的复归

除于 1960 年 12 月 23 日前就香港仔华人永远坟场和于 1960 年 11 月 11 日前就荃湾华人永远坟场而预留和分配的总理墓地及普通墓地外，任何分配作安葬已入殓的人类遗骸的坟墓用地，如在分配日期起计 1 个月内不予使用，则须复归予委员会，而为该坟墓用地所缴付的费用，在扣除任何撤销费用后，须予退还。

6A. 延迟埋葬

委员会可准许在普通墓地延迟埋葬，并可酌情收取延迟埋葬费用。

(1978 年第 193 号法律公告)

7. 坟墓用地的分配及尺寸

(2016 年第 11 号第 13 条)

- (1) 委员会只可为一副人类遗骸分配一幅坟墓用地，作埋葬该副遗骸之用。(2016 年第 11 号第 13 条)
- (2) 坟墓用地的面积不得超逾 900 毫米乘 2400 毫米，而在毗邻坟墓用地之间，须有至少 300 毫米的空间：
但为任何埋葬而进行挖掘时，不得干扰离任何毗邻坟墓用地 150 毫米范围内的泥土。
- (3) 埋葬在坟墓用地的棺材，其任何部分与连接着该用地的地面之间的深度，不得少于 900 毫米。

Part 2

Grave Spaces

(11 of 2016 s. 34)

6. Reversion of grave spaces allocated

Save for subscriber lots and ordinary lots reserved and allocated prior to 23 December 1960 in respect of Aberdeen Chinese Permanent Cemetery and prior to 11 November 1960 in respect of Tsuen Wan Chinese Permanent Cemetery, any grave space allocated for interment of encoffined human remains not used within 1 month of the date of allocation shall revert to the Board and the fee paid for the grave space, less any cancellation fee, shall be refunded.

6A. Late burials

The Board may permit a late burial in an ordinary lot and may in its discretion charge a late burial fee.

(L.N. 193 of 1978)

7. Allocation and dimension of grave spaces

(11 of 2016 s. 13)

- (1) Only 1 grave space may be allocated by the Board for the burial of one set of human remains.
- (2) A grave space must not exceed an area of 900 mm by 2400 mm and there must be at least 300 mm interspace between adjacent grave spaces:
Provided that in the digging for any burial no soil within 150 mm of any adjacent space may be disturbed.

2-3
第 1112A 章

第 2 部
第 7A 条

- (4) 载有骸骨或骨灰的金塔须埋葬在离连接着坟墓用地的地面不少于 450 毫米的深度。

(1982 年第 56 号法律公告；2016 年第 11 号第 13 条)

7A. 坟墓用地的使用

- (1) 在某坟墓用地的首次安葬，须只限于安葬合格死者的已入殓人类遗骸。
- (2) 除非委员会已给予书面同意，否则不得在一幅坟墓用地，安葬超过一副已入殓人类遗骸。
- (3) 在起回骨殖后，委员会可准许将源自起回的有关人类遗骸的骸骨或骨灰载于容器，再埋葬在原坟墓用地。
- (4) 在第 (1) 款所提述的首次安葬后，委员会可准许于其后在上述坟墓用地，安葬其他死者的已入殓人类遗骸，或埋葬载于容器的其他死者的骸骨或骨灰，准许的前提是——
 - (a) 其后安葬或埋葬的人类遗骸、骸骨或骨灰，是上述合格死者的亲属的人类遗骸、骸骨或骨灰；
 - (b) (如属须起回骨殖墓地) 该墓地的尚余年期不少于 6 年；
 - (c) 该合格死者的人类遗骸、骸骨或骨灰，安葬或埋葬在该用地内；及
 - (d) 订明费用已获缴付。

(2016 年第 11 号第 14 条)

Part 2
Rule 7A

2-4
Cap. 1112A

- (3) There must be not less than 900 mm depth between any part of a coffin buried in a grave space and the level of the ground adjoining the space.
- (4) Urns containing skeletal remains or ashes must be buried to a depth of not less than 450 mm from the level of the ground adjoining a grave space.

(L.N. 56 of 1982; 11 of 2016 s. 13)

7A. Use of grave spaces

- (1) The first interment in a grave space must only be that of the encoffined human remains of an eligible deceased.
- (2) Not more than one set of encoffined human remains can be interred in a grave space unless written consent has been given by the Board.
- (3) After exhumation, the Board may permit the skeletal remains, or ashes, derived from the exhumed human remains to be reburied in a container in the grave space.
- (4) After the first interment referred to in subrule (1), the Board may permit subsequent interments of encoffined human remains, or subsequent burials in containers of skeletal remains or ashes, of other deceased persons in the grave space if—
 - (a) the human remains, skeletal remains or ashes for a subsequent interment or burial are those of a relative of the eligible deceased;
 - (b) for an exhumable lot, the unexpired term of the lot is not less than 6 years;
 - (c) the human remains, skeletal remains or ashes of the eligible deceased are interred or buried in the space; and
 - (d) the prescribed fee has been paid.

(11 of 2016 s. 14)

2-5
第 1112A 章

第 2 部
第 8 条

Part 2
Rule 8

2-6
Cap. 1112A

8. 安葬时须出示的许可证及证明书

如属首次安葬在香港死亡的人的已入殓人类遗骸，则持证人须先向委员会出示——

- (i) 根据《生死登记条例》(第 174 章)第 16(1) 条但书条文由警务人员发出的许可证；
- (ii) 根据《生死登记条例》(第 174 章)第 17(1) 条条文发出的死亡登记证明书或死因裁判官命令证明书；或
- (iii) (如属非活产婴儿的尸体)根据《生死登记条例》(第 174 章)第 18 条条文发出或作出的证明书、声明书或死因裁判官的命令。

如属任何其他情况，则须出示食物环境卫生署署长的书面许可。

(1991 年第 462 号法律公告；1999 年第 78 号第 7 条)

9. 起回骨殖许可

任何人如没有先向委员会出示食物环境卫生署署长的书面许可，不得安排起回骨殖。

(1991 年第 462 号法律公告；1999 年第 78 号第 7 条)

10. 值理特权的界定

- (1) 只有值理的亲属可被提名埋葬在值理墓地：
但所有在本规则生效当日已埋葬在值理墓地内的人，须当作合法地埋葬，而除按照本规则的规定外，该等坟墓不得受到干扰。

8. Certain permits and certificates to be produced at time of interment

In the case of a first interment of encoffined human remains of a person dying in Hong Kong the permittee shall first produce to the Board—

- (i) a permit of a police officer issued under the provisions of the proviso to section 16(1) of the Births and Deaths Registration Ordinance (Cap. 174);
- (ii) a certificate of registration of death or of a coroner's order issued under the provisions of section 17(1) of the Births and Deaths Registration Ordinance (Cap. 174); or
- (iii) in the case of the body of a still-born child, a certificate, declaration or coroner's order issued or made under the provisions of section 18 of the Births and Deaths Registration Ordinance (Cap. 174).

In any other case the permission in writing of the Director of Food and Environmental Hygiene.

(L.N. 462 of 1991; 78 of 1999 s. 7)

9. Permission for exhumation

No person shall cause any exhumation without first producing to the Board the permission in writing of the Director of Food and Environmental Hygiene.

(L.N. 462 of 1991; 78 of 1999 s. 7)

10. Definition of subscribers privileges

- (1) Only a relative of the subscriber may be nominated for burial in a subscriber lot:
Provided that all persons buried in subscriber lots on the day these rules come into effect shall be deemed to be right-

2-7
第 1112A 章

第 2 部
第 11 条

- (2) 值理墓地不得转让或移转予他人，不论是否以有值代价转让或移转；但如值理死亡而在法律上将值理墓地传转予值理的遗产代理人及／或受托人，并经向委员会登记死者的遗嘱证或遗产管理书，则属例外。(1991 年第 462 号法律公告)
- (3) 委员会有全面和绝对权力根据本条处理关于值理墓地的任何事宜和以规则规管该等事宜，并可酌情收取更正费用：
- 但收到的任何更正费用，在扣除相等于行政费用的数额后，须付给华人慈善基金。

11. 自愿退回事理墓地

- (1) 可自愿退回事理墓地。
- (2) 凡值理墓地被自愿退回，委员会须将可用的坟墓用地以普通墓地的形式重新分配，而因此产生的费用，在扣除相等于行政费用的数额后，须付给华人慈善基金：
- 但捐赠者可指明把分配某一数目（不多于退回的值理墓地的数目）的该等普通墓地所产生的费用净额拨予并非华人慈善基金的慈善机构，只要该指定的慈善机构是为在香港并有华人血统的人的利益而营办。

12. 值理墓地的复归

- (1) 凡值理企图在违反第 10(2) 条下将值理墓地移转或转让，所有现存预留和分配在其名下的未使用值理墓地均须按

Part 2
Rule 11

2-8
Cap. 1112A

- fully buried and such graves shall not be disturbed save in accordance with these rules.
- (2) Subscriber lots shall not be assigned or transferred whether for valuable consideration or otherwise except on the death of the subscriber by transmission at law to his personal representative and/or trustee upon the registration of his Probate or Letters of Administration with the Board. (L.N. 462 of 1991)
- (3) The Board shall have full and absolute power to deal with and to regularise any matter concerning subscriber lots under this rule and may in its discretion charge a rectification fee:
- Provided that any rectification fee received, less deductions of the equivalent of the administrative fee, shall be paid over to the General Chinese Charities Fund.

11. Voluntary surrender of subscriber lots

- (1) Subscriber lots may be voluntarily surrendered.
- (2) Where subscriber lots are voluntarily surrendered, the Board shall reallocate the grave spaces available as ordinary lots and the fees arising, less deductions of the equivalent of the administrative fee, shall be paid over to the General Chinese Charities Fund:
- Provided that the donor may specify that the net fees arising from the allocation of a number of such ordinary lots not exceeding the number of subscriber lots surrendered shall be applied to a charity other than the General Chinese Charities Fund so long as such nominated charity is operating for the benefit of persons of the Chinese race in Hong Kong.

12. Reversion of subscriber lots

- (1) Where a subscriber attempts to transfer or assign a subscriber lot contrary to rule 10(2), all unused subscriber lots standing

2-9
第 1112A 章

第 2 部
第 12 条

照本条复归予委员会。

- (2) 凡委员会有理由相信值理企图将值理墓地移转或转让，委员会须安排一份表明此意和连同该等值理墓地详情的公告在宪报及不少于 2 份本地中文报章刊登，要求值理在该公告刊登的日期起计 3 个月内提出为何不应将其值理墓地复归予委员会的因由。
- (3) 值理可藉向委员会送交其反对陈述书而提出因由。
- (4) 委员会在接获根据第 12(3) 条作出的反对陈述书后，可在值理缺席的情况下，初步考虑该等反对，并可决定是否撤销第 12(2) 条的公告。
- (5) 委员会如决定撤销第 12(2) 条的公告，则须藉挂号邮递而将载有该决定的通知书发给值理，而第 12(2) 条内由委员会刊登的公告即须当作已遭撤销。
- (6) 委员会如决定不撤销第 12(2) 条的公告，则须将此事通知值理，并向值理发出不少于 14 天的通知，邀请其出席委员会会议，而如值理意欲在会议上陈词，即须准予陈词。
- (7) 凡 ——
 - (a) 在会议上聆听值理的陈词后；或
 - (b) 值理没有到委员会席前，
 而委员会维持其决定，不将第 12(2) 条的公告撤销，则委员会须将其决定，连同有关理由的充分陈述，藉挂号邮递通知值理。 (1994 年第 6 号第 60 条)
- (8) 任何值理如因根据第 12(7) 条送达他的通知感到受屈，则可于该通知送达后 28 天内，向行政上诉委员会上诉。 (1994 年第 6 号第 60 条)
 - (8A) 根据第 12(8) 条提出的上诉所针对的任何决定须由提出上诉当日起暂停实施，直至该上诉被处置、撤销或放弃为止，但如该项暂停实施被委员会认为会违反公众利益，而该决定通知亦载有表明此意的陈述，则属例外。 (1994 年第 6 号第 60 条)

Part 2
Rule 12

2-10
Cap. 1112A

reserved and allocated in his name shall revert to the Board in accordance with this rule.

- (2) Where the Board has reason to believe that a subscriber attempts to transfer or assign a subscriber lot, it shall cause a notice to this effect to be published in the Gazette and in not less than 2 local Chinese newspapers together with details of the particular subscriber lots calling upon the subscriber to show cause within 3 months from the date of the publication of the notice why his subscriber lots should not revert to the Board.
- (3) The subscriber may show cause by sending to the Board a written statement of his objections.
- (4) Upon receipt of a written statement of the objections under rule 12(3), the Board may give preliminary consideration to the objections in the absence of the subscriber and may decide to withdraw the notice in rule 12(2).
- (5) If the Board decides to withdraw the notice in rule 12(2), it shall give notice in writing of such decision to the subscriber by registered post whereupon the notice by the Board in rule 12(2) shall be deemed to have been withdrawn.
- (6) If the Board decides not to withdraw the notice in rule 12(2), it shall give notice thereof to the subscriber and to invite the subscriber to attend a meeting of the Board at not less than 14 days' notice at which the subscriber shall if he so desires be heard.
- (7) Where—
 - (a) after hearing the subscriber in the meeting; or
 - (b) the subscriber fails to attend before the Board,
 and the Board maintains its decision not to withdraw the notice in rule 12(2), the Board shall give notice, together with

2-11
第 1112A 章

第 2 部
第 13 条

- (9) 如值理没有在刊登第 12(2) 条的公告的日期起计 3 个月内提出因由，或如委员会决定不将第 12(2) 条的公告撤销，而值理并没有在第 12(8) 条所定的 28 天期限内提出上诉，或如提出上诉，但其后上诉被撤销或放弃，或被行政上诉委员会驳回，则所有现存预留和分配在该值理名下未使用的值理墓地均须复归予委员会。(1994 年第 6 号第 60 条)
- (10) 根据本条复归予委员会的任何值理墓地，可由委员会作任何分配。

13. 须起回骨殖墓地的分配

- (1) 委员会可在分配坟墓用地时，指定任何坟墓用地为须起回骨殖墓地。
- (2) 委员会可按下述年期分配须起回骨殖墓地——
- (a) 首段年期为 10 年，可在缴付额外地价后延展为 6 年的年期一次，该额外地价可由委员会在首段年期届满时酌情厘定；或 (1992 年第 205 号法律公告)

Part 2
Rule 13

2-12
Cap. 1112A

- an adequate statement of the reasons, by registered post of its decision to the subscriber. (6 of 1994 s. 60)
- (8) Any subscriber aggrieved by the service on him of a notice under rule 12(7) may, within 28 days after such service, appeal to the Administrative Appeals Board. (6 of 1994 s. 60)
- (8A) A decision that is appealed against under rule 12(8) shall be suspended in its operation as from the day on which the appeal is made until such appeal is disposed of, withdrawn or abandoned unless such suspension would, in the opinion of the Board, be contrary to the public interest and the notice of the decision contains a statement to that effect. (6 of 1994 s. 60)
- (9) If the subscriber fails to show cause within 3 months from the date of the publication of the notice in rule 12(2) or if the Board decides not to withdraw the notice in rule 12(2) and no appeal is made by the subscriber within the period of 28 days in rule 12(8) or if an appeal is made but is later withdrawn or abandoned or is dismissed by the Administrative Appeals Board, all unused subscriber lots standing reserved and allocated in his name shall revert to the Board. (6 of 1994 s. 60)
- (10) Any subscriber lot which reverts to the Board under this rule shall be available for any allocation by the Board.

13. Allocation of exhumable lots

- (1) The Board may designate any grave space to be an exhumable lot at the time of allocation of such grave space.
- (2) The Board may allocate an exhumable lot, either—
- (a) for an initial term of 10 years, which may be extended for one further and final term of 6 years at an additional premium which the Board, in its discretion, may determine at the time of expiry of the initial period; or

2-13
第 1112A 章

第 2 部
第 14 条

- (b) 首段年期为期 10 年，可在缴付额外地价后延展每段为期可达 10 年而次数不定的年期，该额外地价可由委员会在每段年期届满时酌情厘定；或 (1989 年第 16 号法律公告；1992 年第 205 号法律公告)
- (c) 固定年期为期 10 年，年期届满时不会获得延展。(1989 年第 16 号法律公告)

14. 年期届满时从须起回骨殖墓地掘出和移走人类遗骸及骨灰

- (1) 在须起回骨殖墓地的年期届满时，该墓地的持证人须将埋葬在该墓地内的人类遗骸及骨灰掘出，并将之从该墓地移走。
- (2) 在符合所有以下条件的情况下，委员会可将上述人类遗骸及骨灰掘出，并将之从上述墓地移走——
 - (a) 第 (1) 款不获遵守；
 - (b) 委员会已在宪报及至少 2 份本地中文报章及至少 1 份本地英文报章刊登公告，述明委员会有意将该等遗骸及骨灰掘出，并将之从该墓地移走；
 - (c) 在该公告刊登后 6 个月，上述持证人仍未掘出该等遗骸及骨灰和将之从该墓地移走。

(2016 年第 11 号第 15 条)

14A. 将从须起回骨殖墓地移走的人类遗骸火化

在符合所有以下条件的情况下，委员会可根据 14(2) 条从某须起回骨殖墓地移走的人类遗骸火化——

Part 2
Rule 14

2-14
Cap. 1112A

- (b) for an initial term of 10 years, which may be extended for an indefinite number of terms of up to 10 years each, at an additional premium which the Board, in its discretion, may determine at the time of expiry of each term; or (L.N. 16 of 1989; L.N. 205 of 1992)
- (c) for a finite term of 10 years which will not be extended at its expiry. (L.N. 16 of 1989)

14. Disinterment and removal of human remains and ashes from exhumable lot on expiry of the term

- (1) On the expiry of the term of an exhumable lot, the permittee of the lot must disinter the human remains and ashes buried in the lot and remove them from the lot.
- (2) The Board may disinter the human remains and ashes and remove them from the lot if all of the following conditions are met—
 - (a) subrule (1) is not complied with;
 - (b) the Board has published a notice in the Gazette and in at least 2 local Chinese newspapers and at least 1 local English newspaper stating that the Board intends to disinter the human remains and ashes and remove them from the lot;
 - (c) 6 months after the publication of the notice, the permittee still has not disinterred the human remains and ashes and removed them from the lot.

(11 of 2016 s. 15)

14A. Cremation of human remains removed from exhumable lot

The Board may cremate the human remains removed from an exhumable lot under rule 14(2) if all of the following conditions are met—

2-15
第 1112A 章

第 2 部
第 15 条

- (a) 在自该墓地的年期届满时起计的 6 年内，该墓地的持证人没有与委员会安排处置该等遗骸；
- (b) 委员会已在宪报及至少 2 份本地中文报章及至少 1 份本地英文报章刊登公告，述明委员会有意将该等遗骸火化；
- (c) 在该公告刊登后 6 个月，该持证人仍没有与委员会安排处置该等遗骸。

(2016 年第 11 号第 16 条)

15. 须起回骨殖墓地的复归

在根据第 14 条移走人类遗骸及骨灰后，有关须起回骨殖墓地立即复归予委员会，而委员会可对该墓地再作任何分配。

(2016 年第 11 号第 17 条)

16. *(由 2016 年第 11 号第 18 条废除)*

17. *(由 2016 年第 11 号第 19 条废除)*

18. 起回骨殖后空置的普通或值理墓地的复归

如任何普通墓地或值理墓地，在起回骨殖后 3 个月仍然空置，则该墓地立即复归予委员会，而委员会可对该墓地再作任何分配。

(2016 年第 11 号第 20 条)

Part 2
Rule 15

2-16
Cap. 1112A

- (a) the permittee of the lot has not arranged with the Board for their disposal within 6 years from the expiry of the term of the lot;
- (b) the Board has published a notice in the Gazette and in at least 2 local Chinese newspapers and at least 1 local English newspaper stating that the Board intends to cremate the human remains;
- (c) 6 months after the publication of the notice, the permittee still has not arranged with the Board for the disposal of the human remains.

(11 of 2016 s. 16)

15. Reversion of exhumable lot

After removal of the human remains and ashes under rule 14, an exhumable lot immediately reverts to the Board, and the Board may make any further allocation of the lot.

(11 of 2016 s. 17)

16. *(Repealed 11 of 2016 s. 18)*

17. *(Repealed 11 of 2016 s. 19)*

18. Reversion of vacant ordinary or subscriber lot after exhumation

An ordinary lot or a subscriber lot that remains vacant for a period of 3 months after exhumation immediately reverts to the Board, and the Board may make any further allocation of the lot.

(11 of 2016 s. 20)

第 3 部

金塔墓地

(2016 年第 11 号第 34 条)

18A. 金塔墓地的尺寸、分配及使用

- (1) 金塔墓地的面积，不得超逾 900 毫米乘 900 毫米。
- (2) 委员会可在订明费用获缴付后，分配一幅金塔墓地。
- (3) 在某金塔墓地的首次埋葬，须只限于埋葬合资格死者的骸骨。
- (4) 在起回骨殖后，委员会可准许将源自起回的有关骸骨的骨灰载于容器，再埋葬在原金塔墓地。
- (5) 在第 (3) 款所提述的首次埋葬后，委员会可准许于其后在上述金塔墓地，埋葬载于容器的其他死者的骸骨或骨灰，准许的前提是——
 - (a) 其后埋葬的骸骨或骨灰，是上述合资格死者的亲属的骸骨或骨灰；
 - (b) 该合资格死者的骸骨或骨灰，埋葬在该基地内；及
 - (c) 订明费用已获缴付。

(2016 年第 11 号第 21 条)

19. 移走后空置金塔墓地的复归

- (1) 如任何先前分配的金塔墓地，在骸骨或骨灰从该墓地移走后 3 个月仍然空置，则该基地立即复归予委员会。
- (2) 委员会可对根据第 (1) 款复归予委员会的金塔墓地再作任何分配。

Part 3

Urn Lots

(11 of 2016 s. 34)

18A. Dimension, allocation and use of urn lots

- (1) An urn lot must not exceed an area of 900 mm by 900 mm.
- (2) An urn lot may be allocated by the Board on payment of the prescribed fee.
- (3) The first burial in an urn lot must only be that of the skeletal remains of an eligible deceased.
- (4) After exhumation, the Board may permit the ashes derived from the exhumed skeletal remains to be reburied in a container in the urn lot.
- (5) After the first burial referred to in subrule (3), the Board may permit subsequent burials in containers of skeletal remains or ashes of other deceased persons in the urn lot if—
 - (a) the skeletal remains or ashes for a subsequent burial are those of a relative of the eligible deceased;
 - (b) the skeletal remains or ashes of the eligible deceased are buried in the lot; and
 - (c) the prescribed fee has been paid.

(11 of 2016 s. 21)

19. Reversion of vacant urn lot after removal

- (1) An urn lot previously allocated that remains vacant for a period of 3 months after the removal of skeletal remains or ashes from the lot immediately reverts to the Board.

3-3
第 1112A 章

第 3 部
第 19 条

(2016 年第 11 号第 22 条)

Part 3
Rule 19

3-4
Cap. 1112A

(2) The Board may make any further allocation of an urn lot
reverted to the Board under subrule (1).

(11 of 2016 s. 22)

第 4 部**龕位***(2016 年第 11 号第 34 条)***Part 4****Niches***(11 of 2016 s. 34)***20. 骨殖龕位的分配及使用**

- (1) 委员会可指定任何龕位为骨殖龕位 ——
 - (a) 作根据第 (2)、(3) 或 (4) 款分配之用；或
 - (b) 作安放根据第 14(2) 条掘出和移走的人类遗骸之用。
- (2) 凡须起回骨殖墓地的持证人提出申请，委员会须应申请而在该墓地复归于委员会后，为每副从该墓地移走的骸骨，分配一个免费骨殖龕位（如有的话）。
- (3) 凡普通墓地或值理墓地的持证人提出申请，委员会须应申请而在从该墓地起回骨殖以将该墓地交回委员会后，为每副从该墓地移走的骸骨，分配一个免费骨殖龕位（如有的话）。
- (4) 委员会可在订明费用获缴付后，分配一个骨殖龕位，作立即安放一副骸骨之用。
- (5) 在委员会根据第 (4) 款分配的某骨殖龕位的首次安放，须只限于安放合资格死者的骸骨。
- (6) 委员会可准许将源自合资格死者的骸骨的骨灰载于容器，再安放在原骨殖龕位。
- (7) 在第 (5) 款所提述的首次安放后，委员会可准许于其后在上述骨殖龕位，安放其他死者的骸骨或骨灰，准许的前提是 ——
 - (a) 其后安放的骸骨或骨灰，是上述合资格死者的亲属的骸骨或骨灰；
 - (b) 该合资格死者的骸骨或骨灰，安放在该龕位内；及
 - (c) 订明费用已获缴付。

20. Allocation and use of ossuary niches

- (1) The Board may designate a niche to be an ossuary niche—
 - (a) for allocation under subrule (2), (3) or (4); or
 - (b) for the deposit of human remains disinterred and removed under rule 14(2).
- (2) On the application of a permittee of an exhumable lot, the Board must allocate an ossuary niche, if available, free of charge, for each set of skeletal remains removed from the lot on reversion of the lot to the Board.
- (3) On the application of a permittee of an ordinary lot or a subscriber lot, the Board must allocate an ossuary niche, if available, free of charge, for each set of skeletal remains removed on exhumation for surrender of the lot to the Board.
- (4) An ossuary niche may be allocated by the Board on payment of the prescribed fee, for the immediate deposit of a set of skeletal remains.
- (5) The first deposit in an ossuary niche allocated by the Board under subrule (4) must only be that of the skeletal remains of an eligible deceased.
- (6) The Board may permit the ashes derived from the skeletal remains of the eligible deceased to be redeposited in a container in the ossuary niche.
- (7) After the first deposit referred to in subrule (5), the Board may permit subsequent deposits of skeletal remains or ashes of other deceased persons in the ossuary niche if—

4-3
第 1112A 章

第 4 部
第 20A 条

- (8) 委员会可决定最多可在某个骨殖龕位内，安放多少副骸骨及多少份骨灰。

(2016 年第 11 号第 23 条)

20A. 普通龕位的分配及使用

- (1) 委员会可指定任何龕位为普通龕位。
- (2) 委员会可在订明费用获缴付后，分配一个普通龕位，作立即安放一份骨灰之用。
- (3) 在某个普通龕位的首次安放，须只限于安放合资格死者的骨灰。
- (4) 在第 (3) 款所提述的首次安放后，委员会可准许于其后在上述普通龕位，安放其他死者的骨灰，准许的前提是——
 - (a) 上述合资格死者的骨灰，安放在该龕位内；及
 - (b) 订明费用已获缴付。
- (5) 委员会可决定最多可在某个普通龕位内，安放多少份骨灰。

(2016 年第 11 号第 24 条)

21. 空置骨殖龕位及普通龕位的复归

- (1) 如任何骨殖龕位或普通龕位，在分配后 3 个月或在骸骨或骨灰从该龕位移走后 3 个月仍然空置，则该龕位立即

Part 4
Rule 20A

4-4
Cap. 1112A

- (a) the skeletal remains or ashes for a subsequent deposit are those of a relative of the eligible deceased;
 - (b) the skeletal remains or ashes of the eligible deceased are deposited in the niche; and
 - (c) the prescribed fee has been paid.
- (8) The Board may determine the maximum numbers of sets of skeletal remains and ashes to be deposited in an ossuary niche.

(11 of 2016 s. 23)

20A. Allocation and use of ordinary niches

- (1) The Board may designate a niche to be an ordinary niche.
- (2) An ordinary niche may be allocated by the Board on payment of the prescribed fee, for the immediate deposit of a set of ashes.
- (3) The first deposit in an ordinary niche must only be that of the ashes of an eligible deceased.
- (4) After the first deposit referred to in subrule (3), the Board may permit subsequent deposits of ashes of other deceased persons in the ordinary niche if—
 - (a) the ashes of the eligible deceased are deposited in the niche; and
 - (b) the prescribed fee has been paid.
- (5) The Board may determine the maximum number of sets of ashes to be deposited in an ordinary niche.

(11 of 2016 s. 24)

21. Reversion of vacant ossuary niche and ordinary niche

- (1) An ossuary niche or ordinary niche that remains vacant for a period of 3 months after the allocation or removal of skeletal

4-5
第 1112A 章

第 4 部
第 21A 条

复归予委员会。

- (2) 委员会可对根据第 (1) 款复归予委员会的有关龕位再作任何分配。

(2016 年第 11 号第 25 条)

21A. 家族龕位的分配及使用

- (1) 委员会在分配某个龕位时，可指定该龕位为家族龕位。
- (2) 委员会可在订明费用获缴付后，分配一个家族龕位。
- (3) 委员会可将多于一个家族龕位，分配予同一名持证人。
- (4) 分配予某持证人的首个家族龕位，须立即用作安放一份骨灰。
- (5) 在某个家族龕位的首次安放，须只限于安放合资格死者的骨灰。
- (6) 在第 (5) 款所提述的首次安放后，委员会可准许于其后在上述家族龕位，安放其他死者的骨灰，准许的前提是——
 - (a) 其后安放的骨灰，是上述合资格死者的亲属的骨灰；
 - (b) 该合资格死者的骨灰，安放在该龕位内；及
 - (c) 订明费用已获缴付。
- (7) 委员会可决定最多可在某个家族龕位内，安放多少份骨灰。

(2016 年第 11 号第 26 条)

21B. 已分配的家族龕位的复归

Part 4
Rule 21A

4-6
Cap. 1112A

remains or ashes from the niche immediately reverts to the Board.

- (2) The Board may make any further allocation of the niche reverted to the Board under subrule (1).

(11 of 2016 s. 25)

21A. Allocation and use of family niches

- (1) The Board may designate a niche to be a family niche at the time of the allocation of the niche.
- (2) A family niche may be allocated by the Board on payment of the prescribed fee.
- (3) The Board may allocate more than one family niche to the same permittee.
- (4) The first family niche allocated to a permittee must be used immediately for the deposit of a set of ashes.
- (5) The first deposit in a family niche must only be that of the ashes of an eligible deceased.
- (6) After the first deposit referred to in subrule (5), the Board may permit subsequent deposits of ashes of other deceased persons in the family niche if—
 - (a) the ashes for a subsequent deposit are those of a relative of the eligible deceased;
 - (b) the ashes of the eligible deceased are deposited in the niche; and
 - (c) the prescribed fee has been paid.
- (7) The Board may determine the maximum number of sets of ashes to be deposited in a family niche.

(11 of 2016 s. 26)

21B. Reversion of family niches allocated

4-7
第 1112A 章第 4 部
第 21B 条

- (1) 如在任何一段时间分配予某持证人的某个家族龕位或所有家族龕位，在分配后 3 个月或在骨灰移走后 3 个月仍然空置，则委员会可运用其绝对酌情权，藉将致予该持证人的书面通知送交该持证人最后为人所知的地址，和将该通知张贴在该龕位或该等龕位的显眼处，撤销有关分配及指定。
- (2) 在自按照第 (1) 款订明的规定送交和张贴有关通知后的 14 天届满时，上述龕位立即复归予委员会。
- (3) 在没有用作安放骨灰的一个或多于一个家族龕位依据本条复归予委员会后，所有为分配该龕位或该等龕位而缴付的费用，须在扣除行政费用后退还予持证人：(1992 年第 146 号法律公告)
但任何可予退还的费用，如持证人没有在龕位复归予委员会后 6 年内申索，则须付给华人慈善基金。
- (4) 根据本条复归予委员会的家族龕位，可由委员会作任何分配。

(1986 年第 197 号法律公告；2016 年第 11 号第 27 条)

Part 4
Rule 21B4-8
Cap. 1112A

- (1) If a family niche or all family niches allocated to a permittee at any one time remain vacant for a period of 3 months after the allocation or removal of ashes, the Board may, at its absolute discretion, revoke the allocation and designation by notice in writing addressed to the permittee at the permittee's last known address and by posting the notice at a conspicuous place of the niche or niches.
- (2) On the expiry of 14 days of the notice being sent and posted as prescribed in subrule (1), the niche or niches immediately revert to the Board.
- (3) On reversion of a family niche or family niches not having been used for depositing ashes pursuant to this rule, all fees paid for the allocation of the niche or niches must, after deduction of an administration fee, be refunded to the permittee: (L.N. 146 of 1992)
Provided always that any fees refundable but unclaimed by the permittee within a period of 6 years after reversion must be paid over to the General Chinese Charities Fund.
- (4) A family niche which reverts to the Board under this rule is available for any allocation by the Board.

(L.N. 197 of 1986; 11 of 2016 s. 27)

第 5 部

杂项条文

(2016 年第 11 号第 34 条)

22. 挖掘、铺筑、纪念碑像及基石等

- (1) 除委员会另予容许外，就任何坟墓用地或金塔墓地而进行的挖掘及铺筑，须由委员会按适当收费完成。
- (2) 除获委员会书面许可和按照委员会在批予许可时所施加的任何条件或限制外，任何人不得在任何坟场内竖立纪念碑像，但坟墓用地或金塔墓地上的基石或石碑除外。
- (3) 所有装设在任何坟墓用地、金塔墓地或龕位上的纪念碑像、基石、石碑、栏干、围栏、围封物及任何其他纪念物品，不论是否可以移动，均须由持证人自行承担风险，而委员会无须为该等物品的任何损失或损毁负上法律责任。

(2016 年第 11 号第 28 条)

23. 对损毁并无法律责任

就地面下陷、自然灾害、社会骚乱、战争或《联合国(反恐怖主义措施)条例》(第 575 章)第 2(1)条所界定的恐怖主义行为而对坟场的任何部分造成的任何损毁，委员会无须负上法律责任。

(2016 年第 11 号第 29 条)

23A. 委员会修葺和追讨开支的权力

委员会有权——

Part 5

Miscellaneous Provisions

(11 of 2016 s. 34)

22. Digging, paving, monuments and headstones etc.

- (1) Unless the Board allows otherwise, the digging and paving in respect of any grave space or urn lot are to be effected by the Board at the appropriate fees.
- (2) Except with the consent in writing of the Board and in accordance with any conditions or restrictions which the Board may impose on giving the consent, no person may in any cemetery erect a monument other than a headstone or tablet upon a grave space or urn lot.
- (3) Every monument, headstone, tablet, railing, fence, enclosure and every other commemorative article, whether movable or immovable, which is placed at any grave space, urn lot or niche is to be placed there at the sole risk of the permittee, and the Board is not liable for any loss or damage to it.

(11 of 2016 s. 28)

23. No liability against damage

The Board is not liable for any damage to any part of a cemetery in the event of subsidence, natural disaster, civil commotion, war or terrorist act as defined by section 2(1) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575).

(11 of 2016 s. 29)

23A. Power of Board to repair and recover expenses

The Board has the power to—

5-3
第 1112A 章

第 5 部
第 24 条

- (a) 为保障公众安全，代某持证人进行任何对坟墓用地、金塔墓地或龕位的修葺，前提是该持证人没有应委员会的要求，进行该等修葺；及
- (b) 向该持证人追讨因该等修葺而招致的任何开支。

(2016 年第 11 号第 30 条)

24. 因行为不检的被强迫离开

委员会可通过其雇员、受雇人或代理人，强迫任何行为不检的人离开坟场，或禁止其进入坟场。

25. 造成损毁的人

任何人因任何理由而在坟场内造成损毁，不论是否出于故意，均须负有法律责任将该等损毁修复至委员会满意的程度。

25A. 发出地址改变通知的责任

每名持证人须在其地址有任何改变后一个月内，以书面通知委员会该项改变。

(1986 年第 197 号法律公告)

26. 租赁及合约

委员会可按其认为适合的期间及条款，为着营办和维修其属下坟场而批出租赁及合约。

27. 费用

各项费用须按照附表 3 收取，但委员会可在任何适当的情况下，免除、减收或退还费用。

Part 5
Rule 24

5-4
Cap. 1112A

- (a) carry out for the protection of public safety any repairs to a grave space, an urn lot or a niche on behalf of the permittee who failed to carry out the repairs as requested by the Board; and
- (b) recover from the permittee any expenses incurred for the repairs.

(11 of 2016 s. 30)

24. Ejection for disorderly conduct

The Board may, by its employees, servants or agents, eject or exclude from any of the cemeteries any person for disorderly conduct.

25. Persons causing damage

Any person causing damage, for any reasons, whether wilful or otherwise, within a cemetery shall be liable to make good the same to the satisfaction of the Board.

25A. Duty to give notice of change of address

Every permittee shall give notice in writing to the Board of any change in his address within one month of such change.

(L.N. 197 of 1986)

26. Tenancies and contracts

The Board may award tenancies and contracts for the operation and maintenance of its cemeteries for such periods and on such terms as it deems fit.

27. Fees

Fees shall be charged in accordance with the Third Schedule, provided that the Board may waive, reduce or refund fees in any appropriate case.

5-5
第 1112A 章

第 5 部
第 28 条

Part 5
Rule 28

5-6
Cap. 1112A

28. 保留条文

- (1) 在紧接指定日期前有效的第 7(2) 条，继续适用于在该日期前由委员会分配的坟墓用地，犹如《修订条例》不曾制定一样。
- (2) 第 14A 条不适用于符合以下说明的须起回骨殖墓地——
 - (a) 该墓地是在指定日期前由委员会分配的；及
 - (b) 该墓地的年期在指定日期后不获延展。
- (3) 第 18A(1) 条不适用于在指定日期前由委员会分配的金塔墓地。
- (4) 在本条中——

指定日期 (appointed date) 指《修订条例》开始实施的日期；

《修订条例》 (amending Ordinance) 指《2016 年华人永远坟场 (修订) 条例》(2016 年第 11 号)。

(2016 年第 11 号第 31 条)

28. Saving

- (1) Rule 7(2), as in force immediately before the appointed date, continues to apply to a grave space allocated by the Board before that date, as if the amending Ordinance had not been enacted.
- (2) Rule 14A does not apply to an exhumable lot—
 - (a) allocated by the Board before the appointed date; and
 - (b) whose term is not extended after the appointed date.
- (3) Rule 18A(1) does not apply to an urn lot allocated by the Board before the appointed date.
- (4) In this rule—

amending Ordinance (《修订条例》) means the Chinese Permanent Cemeteries (Amendment) Ordinance 2016 (11 of 2016);

appointed date (指定日期) means the date on which the amending Ordinance comes into operation.

(11 of 2016 s. 31)

S1-1
第 1112A 章

附表 1

FIRST SCHEDULE

S1-2
Cap. 1112A

附表 1

[第 2 及 3 条]
(2016 年第 11 号第 32 条)

坟场

- (a) 香港仔华人永远坟场。
 - (b) 荃湾华人永远坟场。
 - (c) 柴湾华人永远坟场。
 - (d) 将军澳华人永远坟场。 (1989 年第 16 号法律公告)
-

FIRST SCHEDULE

[rules 2 & 3]
(11 of 2016 s. 32)

CEMETERIES

- (a) Aberdeen Chinese Permanent Cemetery.
 - (b) Tsuen Wan Chinese Permanent Cemetery.
 - (c) Cape Collinson Chinese Permanent Cemetery.
 - (d) Junk Bay Chinese Permanent Cemetery. (L.N. 16 of 1989)
-

S2-1
第 1112A 章

附表 2

SECOND SCHEDULE

S2-2
Cap. 1112A

附表 2

[第 2 条]

第 III 条

每名已捐出或将捐出款项不少于 \$500 的値理，对获免费分配和预留坟场内若干数目的坟地 (此等坟地为该値理为了埋葬用途而捐出者) 享有一定特权；但该等特权的确实性质及范围，以及将获分配的数目，须由委员会决定和界定。

SECOND SCHEDULE

[rule 2]

RULE III

Every subscriber who has subscribed or shall subscribe a sum of not less than \$500 shall be entitled to certain privileges with regard to the free allotment and reservation of a certain number of sites in the cemetery to which he has subscribed for burial purposes but the exact nature and extent of such privileges and the number of such allotment shall be determined and defined by the Board.

S3-1
第 1112A 章

附表 3

THIRD SCHEDULE

S3-2
Cap. 1112A

附表 3

[第 27 条]

费用

	费用
1. 坟墓用地的分配 ——	
(a) 普通墓地	\$ 280,000
(b) 首段年期为期 10 年，可延展为期 6 年的年期一次的 须起回骨殖墓地 (第 13(2)(a) 条) ——	
(i) 首次分配	\$ 15,000
(ii) 延期	\$ 8,000
(c) 首段年期为期 10 年，可多次延展每段年期不超过 10 年的年期的须起回骨殖墓地 (第 13(2)(b) 条) ——	
(i) 首次分配	\$ 28,000
(ii) 每次延期	\$ 20,000
(d) 固定年期为期 10 年的须起回骨殖墓地 (第 13(2)(c) 条) (1989 年第 16 号法律公告)	\$ 20,000
2. 登记遗嘱认证或遗产管理书 (第 10(2) 条) 每份文书	\$ 100
3. 更正关于值理墓地的不符合规定的事项 (第 10(3) 条) ...	\$ 40,000
4. 行政费用 ——	
(a) 更正关于值理墓地的不符合规定的事项 (第 10(3) 条)	\$ 1,800
(b) 退回值理墓地 (第 11(2) 条)	\$ 1,800
(c) 家族龛位的复归 (第 21B(3) 条) (1992 年第 146 号法 律公告)	\$ 1,800

THIRD SCHEDULE

[rule 27]

FEES

	Fee
1. Allocation of Grave Space—	
(a) Ordinary lot.....	\$ 280,000
(b) Exhumable lot allocated for an initial term of 10 years extendable for 1 further term of 6 years (rule 13(2)(a)) —	
(i) initial allocation	\$ 15,000
(ii) for extension	\$ 8,000
(c) Exhumable lot allocated for an initial term of 10 years extendable for further terms of not more than 10 years (rule 13(2)(b))—	
(i) initial allocation	\$ 28,000
(ii) for each extension.....	\$ 20,000
(d) Exhumable lot allocated for a finite term of 10 years (rule 13(2)(c)) (L.N. 16 of 1989).....	\$ 20,000
2. Registration of probate or letters of administration (rule 10(2)) for each instrument	\$ 100
3. Rectification of irregularity relating to subscriber lot (rule 10(3)).....	\$ 40,000
4. Administration fee—	
(a) on rectification of irregularity relating to subscriber lot (rule 10(3)).....	\$ 1,800
(b) on surrender of subscriber lot (rule 11(2)).....	\$ 1,800

S3-3
第 1112A 章

附表 3

费用

5. 多次安葬或埋葬 (第 7A 及 18A 条)——第二次及其后每次安葬或埋葬——(2016 年第 11 号第 33 条)	
(a) (如属安葬已入殓人类遗骸) 每副人类遗骸	\$ 3,600
(b) (如属埋葬或再埋葬载于容器的骸骨或骨灰) 每副骸骨或每份骨灰 (2016 年第 11 号第 33 条)	\$ 1,800
6. 普通龕位的分配 (每个龕位计) (2016 年第 11 号第 33 条)	\$ 2,600
6A. 家族龕位的分配 (每个龕位计) (1986 年第 197 号法律公告; 2016 年第 11 号第 33 条)	\$ 21,000
7. 骨殖龕位的分配 (第 20(4) 条) (每个龕位计) (2016 年第 11 号第 33 条)	\$ 5,200
8. 撤销墓地的分配 (第 6 条)	\$ 2,000
9. 挖掘坟墓 (每次埋葬)	\$ 800
10. 坟墓用地的挖掘及铺筑 (第 22(1) 条) (2016 年第 11 号第 33 条)	\$ 1,600
11. 在普通墓地的延迟埋葬 (每次埋葬计)	\$ 10,000
12. 起回人类遗骸 (每副遗骸计)	\$ 100
13. 在普通龕位、家族龕位或骨殖龕位进行多次安放 (每副骸骨或每份骨灰计) (2016 年第 11 号第 33 条)	\$ 200
14. 金塔墓地的分配 (每幅墓地计) (1983 年第 228 号法律公告; 2016 年第 11 号第 33 条)	\$ 140,000

THIRD SCHEDULE

S3-4
Cap. 1112A

Fee

(c) on reversion of a family niche (rule 21B(3)) (<i>L.N. 146 of 1992</i>)	\$ 1,800
5. Multiple interments or burials (rules 7A and 18A)—for the second and each of the subsequent interments or burials—(<i>11 of 2016 s. 33</i>)	
(a) (for an interment of encoffined human remains) each set of human remains	\$ 3,600
(b) (for a burial or reburial in containers of skeletal remains or ashes) each set of skeletal remains or ashes (<i>11 of 2016 s. 33</i>)	\$ 1,800
6. Allocation of ordinary niche (each niche) (<i>11 of 2016 s. 33</i>)	\$ 2,600
6A. Allocation of family niche (each niche) (<i>L.N. 197 of 1986; 11 of 2016 s. 33</i>)	\$ 21,000
7. Allocation of ossuary niche (rule 20(4)) (each niche) (<i>11 of 2016 s. 33</i>)	\$ 5,200
8. Cancellation of allocation of lot (rule 6)	\$ 2,000
9. Digging grave (each burial)	\$ 800
10. Digging and paving of grave space (rule 22(1)) (<i>11 of 2016 s. 33</i>)	\$ 1,600
11. Late burial in ordinary lot (each burial)	\$ 10,000
12. Exhumation of human remains (each unit)	\$ 100

S3-5

附表 3

第 1112A 章

费用

15. 就起回骨殖的清洁工作、移走杂物及填平墓穴服务的费用 (每个坟墓计) (1984 年第 310 号法律公告) \$ 1,500
16. (a) 就起回骨殖服务连清洁工作、移走杂物及填平墓穴服务的费用 (每个坟墓计) \$ 3,000
- (b) 贮存骸骨或骨灰的费用 (每副骸骨或每份骨灰计) (1984 年第 310 号法律公告; 2016 年第 11 号第 33 条) \$ 50
- (每月或不足一个月计)
17. 就坟穴上纪念建造物的清洁工作及移走杂物服务的费用 (每个坟穴计) (1984 年第 310 号法律公告) \$ 80

(1978 年第 193 号法律公告; 1980 年第 184 号法律公告; 1981 年第 364 号法律公告; 1983 年第 228 号法律公告; 1984 年第 133 号法律公告; 1984 年第 310 号法律公告; 1984 年第 371 号法律公告; 1986 年第 197 号法律公告; 1987 年第 62 号法律公告; 1989 年第 16 号法律公告; 1990 年第 434 号法律公告; 1992 年第 146 号法律公告; 1992 年第 205 号法律公告; 1994 年第 118 号法律公告; 1996 年第 220 号法律公告; 2016 年第 11 号第 33 条)

THIRD SCHEDULE

S3-6

Cap. 1112A

Fee

13. Multiple deposit in ordinary niche, family niche or ossuary niche (each set of skeletal remains or ashes) (11 of 2016 s. 33) \$ 200
14. Allocation of urn lot (each lot) (L.N. 228 of 1983; 11 of 2016 s. 33) \$140,000
15. Fee for cleaning, removal and back-filling service for exhumation (each grave) (L.N. 310 of 1984) \$ 1,500
16. (a) Fee for exhumation service plus cleaning, removal and back-filling service (each grave) \$ 3,000
- (b) Fee for storage of skeletal remains or ashes (each set) (L.N. 310 of 1984; 11 of 2016 s. 33) \$ 50
- (per month or part of a month)
17. Fee for cleaning and removal service for tomb memorial construction (each tomb) (L.N. 310 of 1984) \$ 80

(L.N. 193 of 1978; L.N. 184 of 1980; L.N. 364 of 1981; L.N. 228 of 1983; L.N. 133 of 1984; L.N. 310 of 1984; L.N. 371 of 1984; L.N. 197 of 1986; L.N. 62 of 1987; L.N. 16 of 1989; L.N. 434 of 1990; L.N. 146 of 1992; L.N. 205 of 1992; L.N. 118 of 1994; L.N. 220 of 1996; 11 of 2016 s. 33)