

CATHOLIC DIOCESE OF HONG KONG RULES OF THE CATHOLIC CEMETERIES

CHAPTER 1 -- INTRODUCTORY

1. These Rules may be cited as the Catholic Cemeteries Rules.
2. In these Rules, unless the context otherwise requires –

“Diocese” (教區) means the Catholic Diocese of Hong Kong, legally known as “THE BISHOP OF THE ROMAN CATHOLIC CHURCH IN HONG KONG”.

“Board” (委員會) means the Diocesan Board of the Catholic Cemeteries. It is a policy making body for the Catholic Cemeteries under the direction of the Diocese. The members of the Board are appointed by the Catholic Bishop of Hong Kong.

“Catholic Cemetery” (天主教墳場) means any cemetery for the time being under the management and control of the Catholic Bishop of Hong Kong specified in Schedule I of these Rules.

“Superintendent” (監督) means the Superintendent of the Catholic Cemeteries in Hong Kong. His responsibilities are to administer and manage all the Catholic Cemeteries under the direction of the Board.

“Relative” (親屬) means the spouse, parents, parents-in-law, brothers, sisters, paternal cousins, direct descendants (including their wives and the siblings of their wives) of a deceased buried or deposited in the Catholic Cemeteries.

“Human Remains” (遺骸) means the dead body or part thereof of a human being, but does not include ashes resulting from the cremation thereof.

“Exhumed Human Remains” (骨殖) means the skeletal remains after exhumation and relocation of a fully decomposed human remains.

“Ashes” (骨灰) means the ashes resulting from the cremation of human remains.

“Permanent Burial Lot” (永久墓地) means a burial space allocated for the burial of human remains and which, under normal circumstances and within the duration stated in the Government Lease of the respective Catholic Cemetery, does not need to be exhumed and relocated. The ownership of the lot remains with the Diocese. The fees charged are for the use of the lot. The lot is not transferable, saleable, leasable and could not be reserved by the surviving relatives or legal personal representatives. The right of use of the lot would be terminated upon the exhumation and relocation of the human remains buried therein and the lot would revert to the Diocese for reallocation.

“Permanent Urn Burial Lot” (永久骨地) means a burial space allocated for the burial of exhumed human remains and which, under normal circumstances and within the duration stated in the Government Lease of the respective Catholic Cemetery, does not need to be exhumed and relocated. The ownership of the lot remains with the Diocese. The fees charged are for the use of the lot. The lot is not transferable, saleable, leasable and could not be reserved by the surviving relatives or legal personal representatives. The right of use of the lot would be terminated upon the exhumation and relocation of the exhumed human remains buried therein and the lot would revert to the Diocese for reallocation.

“Niche” (龕位) means a specified space allocated for the depository of exhumed human remains or ashes (the niche for exhumed human remains is known hereinafter as “ossuary niche” and the niche for ashes is known hereinafter as “urn niche”) and which, under normal circumstances and within the duration stated in the Government Lease of the respective Catholic Cemetery, does not need to be relocated. The ownership of the niche remains with the Diocese. The fees charged are for the use of the niche. The niche is not transferable, saleable, leasable and could not be reserved by the surviving relatives or legal personal representatives. The right of use of the niche would be terminated upon the relocation of the exhumed human remains or ashes deposited therein and the niche would revert to the Diocese for reallocation.

“Exhumable Burial Lot” (暫時墓地) means a burial space allocated for the burial of human remains which are to be exhumed and relocated after a prescribed period according to the provisions made in these Rules.

“Burial” (安葬) includes coffin burial of human remains in permanent burial lot or exhumable burial lot; burial or depository of exhumed human remains in permanent burial lot, permanent urn burial lot, ossuary niche or designated depository for exhumed human remains; burial or depository of ashes in permanent burial lot, permanent urn burial lot or urn niche.

“Burial Ground” (墳地) includes the permanent burial lot, the permanent urn burial lot, the ossuary niche, the urn niche and the exhumable burial lot.

“Recognized Representative” (認可代表) means any person holding the official receipt or the replacement receipt of the burial ground allocated to the deceased buried therein.

3. Catholic Cemeteries are governed by the Board under these Rules, the Private Cemeteries Regulation made under the Public Health and Municipal Services Ordinance and other related statutory legislation of the Hong Kong Special Administrative Region.
4. Catholic Cemeteries are reserved for the burial of Catholics in accordance with the provisions made by these Rules.

CHAPTER 2 -- INTERMENT

5. Eligibility:

- (a) Only Catholic faithful could be buried in a Catholic Cemetery.
- (b) Catechumens who have received the Catholic Rite of Becoming Catechumens may be buried in a Catholic Cemetery.
- (c) A person who has not received any catechetical instructions could not be buried in a Catholic Cemetery even though he had been or was baptized at the moment of death or when unconscious.
- (d) No person is permitted to be buried in a Catholic Cemetery unless a Burial Permit in the Catholic Cemetery has first been obtained.

6. Procedures :

- (a) The applicant should first apply for the necessary documents for burial/cremation from the Joint Office set up by the Food and Environmental Hygiene Department, Immigration Department and Department of Health. With these burial/cremation documents and a Burial Permit in the Catholic Cemetery issued by the Parish of the

deceased, he can then make arrangements at the relevant Catholic Cemetery Office for the date and time of burial together with the payment of the required fees as prescribed in Schedule II of these Rules.

- (b) A Burial Permit in the Catholic Cemetery could only be issued by the Parish Priest, Assistant Parish Priest or Permanent Deacon of the Parish of the deceased.

7. Categories of burial ground:

The following categories of burial ground are provided by the Catholic Cemeteries:

- (a) Exhumable burial lot (extendable for one further term only):

This is a burial lot allocated for a fixed term of ten years which may be extended for one further term of six years, subject to the payment of an additional fee as prescribed in Schedule II of these Rules applicable at the time of application for the extension.

- (b) Ossuary Niche:

Only one set of exhumed human remains is permitted to be deposited in an ossuary niche.

- (c) Urn Niche:

Subject to clause 8, only one set of ashes is permitted to be deposited in an urn niche.

Remarks: From 1988 onwards, only “Exhumable Burial Lot (extendable for one further term only)” would be allocated for the burial of human remains. “Permanent Burial Lot” and “Permanent Urn Burial Lot” would no longer be allocated by the Diocese.

8. Co-burials:

- (a) One subsequent co-burial of human remains, exhumed human remains or ashes after the first interment may be permitted in the permanent burial lot, permanent urn burial lot or urn niche as follows:

- (i) Permanent Burial Lot: Co-burial of human remains or exhumed human remains or ashes is permitted. For co-burial of human remains (coffin burial), if the application is approved, the recognized representative must arrange for the human remains of the first interment to be exhumed, prior to the co-burial, and reburied in the same grave.

- (ii) Permanent Urn Burial Lot: Co-burial of exhumed human remains or ashes is permitted.

- (iii) Urn Niche: Co-burial of ashes in urn is permitted. The urns should be placed in such a manner that one is placed in front of the other.
- (b) Only the spouse, unmarried child or un-married brother or sister of the deceased first interred in the permanent burial lot, the permanent urn burial lot or the urn niche is permitted to be co-buried.
- (c) The recognized representative applying for a co-burial should produce the original documents for proof of relationship between the two deceased and all the other documents required for burial as stipulated in these Rules.
- (d) Upon the approval of the application, the recognized representative should also pay the required fees as prescribed in Schedule II of these Rules.

CHAPTER 3 -- FEES AND OFFICIAL RECEIPTS

- 9. Fees are charged in accordance with the “Table of Fees of the Catholic Cemeteries” listed in Schedule II of these Rules. The Board reserves the right to revise the Table of Fees if and when it deemed necessary.
- 10. Fees chargeable are to be paid at the relevant Catholic Cemetery Office. An official receipt will be issued immediately upon payment. The official receipt is the only valid document of proof and must be kept in a safe place for all future reference and use.
- 11. In the event that the official receipt of the burial ground allocated to the deceased is lost, the recognized representative or any other persons concerned should contact the relevant Catholic Cemetery Office to enquire the eligibility and procedures for the application of a replacement receipt. Procedures for application of a replacement receipt are obtainable from all the Catholic Cemetery Offices.

CHAPTER 4 -- BURIAL GROUND

- 12. Human remains must be buried in a coffin; exhumed human remains and ashes must be put in an urn or other suitable container prior to burial.
- 13. (a) The dimensions of a coffin burial lot shall not exceed a length of 2400 mm and a width of 900 mm.

- (b) The dimensions of an urn burial lot shall not exceed a length and width of 900 mm each.
 - (c) Unless otherwise stated, the dimensions of a standard niche (for both ossuary niche and urn niche) shall have a width and height of 300 mm each and a depth of 600 mm.
14. It is prohibited to change the direction of a grave and/or gravestone for Fung Shui or other reasons.
 15. Within two years after the burial of the deceased, a gravestone should be erected and properly maintained over the grave. If no gravestone is erected within that period, the Superintendent reserves the right to erect the gravestone. All expenses incurred shall be chargeable to the recognized representative who, at a later date, may come forth or be located.
 16. No person shall be entitled to have allocated more than one burial lot for one set of human remains.
 17. Subject to Clause 8 hereof, only one set of encoffined human remains shall be interred in one burial lot.
 18. No arrangement for pre-allocation or pre-subscription of burial ground shall be permitted.
 19. The Diocese is not responsible and gives no warranty to the burial ground, grave, vault, urn, niche, barrier, railing, post, seat, boundary stone, monument, gravestone, sculpture, statue, vase, niche sealing slab, tablet, ornament, tree, shrub or ornamental plant and any other commemorative or decorative object against natural disaster, landslip, collapse and damage of retaining walls, subsidence of land, fallen trees, burglary, vandalism, civil commotion or from any other causes whatsoever. The Diocese shall not be held liable for indemnification or compensation for the loss, damage or disturbance caused to any of the above-mentioned as a result of such events.

CHAPTER 5 -- ERECTION AND MAINTENANCE OF GRAVESTONES AND OTHER WORKS

- 20.(a) A recognized representative who intends to erect or maintain a gravestone for the deceased or carry out any other works should first

obtain formal approval from the Superintendent by producing to him, either in person or through an appointed approved contractor, the following documents:

- (i) The official receipt (or the replacement receipt) of the burial ground allocated to the deceased for the application for a work permit or the work permit issued by the Catholic Cemetery Office; and
- (ii)(a) For works relating to gravestone- two copies of the proposed design of the gravestone with the method statement, construction details, plan and complete information in respect of the design, measurements, materials to be used and the text to be engraved; or
- (ii)(b) For other works- two copies of the method statement, construction details, plan and complete information in respect of the works proposed; and
- (iii) Payment of the deposit as prescribed in Schedule II of these Rules.

A list of approved contractors for works in the Catholic Cemetery is obtainable from all the Catholic Cemetery Offices.

- (b) Works should not commence until formal approval has been obtained.
- (c) Works should be completed within 60 calendar days from the date of the formal approval. If for any reason the works are not completed within the prescribed period, the appointed approved contractor should apply to the Superintendent for an extension of the permit and pay an additional prescribed deposit. The deposit previously paid shall be forfeited in full.
- (d) Upon completion of work, the appointed approved contractor should notify the Cemetery Supervisor and the contracting party to inspect the work. If the work is confirmed to be completed to the satisfaction of the Superintendent or his representative and to that of the contracting party, the appointed approved contractor may apply for refund of the deposit from the Catholic Cemetery Office by producing the original deposit receipt and the work permit for cancellation.
- (e) If the appointed approved contractor causes any direct or indirect damage to the Catholic Cemetery, or any grave in the course of the work, or if he is forced to dismantle and/or to demolish a gravestone or other works constructed by him due to his non-compliance with the contract or with the approved design or upon completion of the work, he has not cleared away the debris left behind, and in all of these cases, the Superintendent

reserves the right to forfeit the deposit so far received from the appointed approved contractor and to demand the appointed approved contractor to indemnify the Diocese and to keep the Diocese indemnified until full settlement of the loss and damages caused by the incident.

21. The design of all gravestones, sculptures, statues, vases and other commemorative or decorative objects shall be approved by the Superintendent at his absolute sole discretion. When erecting a gravestone, the following measurements and criteria should be observed:

- (a) Coffin burial lots: The dimensions of the platform slab shall not exceed 900 mm in width, 1800 mm in length and the height measuring from ground to top of gravestone shall not exceed 1500 mm.
- (b) Urn burial lots: The dimensions of the platform slab shall not exceed 600 mm in width, 900 mm in length and the height measuring from ground to top of gravestone shall not exceed 1200 mm.
- (c) Gravestone design: A gravestone shall be designed so that no water can accumulate on it. The grave number and lot number assigned to the grave should be clearly engraved on a prominent surface for easy identification.

22. All gravestones, sculptures, statues, vases, niche sealing slabs, monuments, headstones, tablets, ornaments, trees, shrubs, ornamental plants and any other commemorative or decorative objects are set up, placed or erected at the sole risk of the owners of these objects. The owners of these objects shall at all times be held liable to and shall fully indemnify the Diocese against all claims, demands, actions and legal proceedings whatsoever made upon the Diocese in respect of any loss or damage suffered by the Diocese or any person whomsoever resulting from the collapse, damage or otherwise of these objects due to accident or otherwise whether or not caused by the negligence of the owners of these objects. The Diocese shall also not be held responsible nor be held liable for the loss or damage of these objects due to natural disaster, landslip, collapse and damage of retaining walls, subsidence of land, fallen trees, burglary, vandalism, civil commotion or from any causes whatsoever.

CHAPTER 6 -- EXHUMATION AND RELOCATION

23. Application for exhumation and relocation of human remains, exhumed human remains or ashes, or for a co-burial in a Catholic Cemetery, etc. must be made by the recognized representative at the relevant Catholic Cemetery Office.
24. No exhumation and/or relocation of any human remains, exhumed human remains or ashes in a Catholic Cemetery could be carried out without first obtaining a written consent from the Director of Food and Environmental Hygiene and the Superintendent of the Catholic Cemeteries.
25. For exhumable burial lot (extendable for one further term only), on or before the expiry of the fixed term of ten years (if no application for extension has been made) or on or before the expiry of the extended term of six years (if an application for extension of six years has been made and approved), the recognized representative should arrange with the relevant Catholic Cemetery Office for the exhumation and relocation of the human remains buried therein. Upon the expiry of the respective periods mentioned above, if no one comes forth to apply for the exhumation of the graves, the Superintendent may exhume the human remains in these graves and relocate and store the exhumed human remains in a designated depository in the Catholic Cemetery without further notice, provided that :
- (a) the Superintendent's intention to disinter has been published in all the parish churches in Hong Kong, in the Kung Kao Po and the Sunday Examiner and in not less than 5 local newspapers, at least one of which must be in English; and
 - (b) 6 months have elapsed from the date of such publication; and
 - (c) the consent of the Director of Food and Environmental Hygiene has been obtained.

A grave demolition fee, an exhumation fee and a storage fee shall be chargeable to the recognized representative who, at a later date, may come forth to claim these exhumed human remains.

26. After exhumation and/or relocation of the human remains, exhumed human remains or ashes, the burial ground so left vacant would revert to the Diocese for reallocation. No one shall have the right to transfer, sell, or let the burial ground to any other parties, and/or to demand for compensation of any form whatsoever from the Diocese for the reversion of the burial ground to it.

27. Notwithstanding Clause 28, in case of emergency posing an imminent threat to public safety, the Superintendent has the right to carry out repairs to the said burial lot without first notifying the recognized representative. All expenses incurred shall be chargeable to the recognized representative who, at a later date, may come forth or be located.
28. When a burial lot is seriously damaged, collapsed and unattended for a long period of time, it is deemed to be an abandoned grave. The Superintendent shall first notify by registered post the recognized representative of the deceased at his last known address registered at the Catholic Cemetery Office. If no reply or notification of action is received within a reasonable time, the Superintendent may, with the written consent of the Director of Food and Environmental Hygiene, authorize the human remains in the burial lot to be exhumed, relocated and stored in a designated depository of the Catholic Cemetery and the burial lot would revert to the Diocese for reallocation.

CHAPTER 7 -- MANAGEMNT

29. Catholic Cemeteries are administered in accordance with these Rules drawn up by the Board and are managed by the Superintendent.
30. Catholic Cemetery staff and workers are employees of the Diocese and are not permitted to solicit or receive commissions, profits or material benefits of any kind. They are not permitted to sell any service, article or object or to conduct any business or trade of their own. Offenders are subject to disciplinary actions or immediate dismissal by the Diocese.
31. Appointed approved contractors and its employees are not permitted to solicit or receive commissions, profits or material benefits of any kind. They are not permitted to sell any service, article or object or to conduct any business or trade of their own. Offenders are subject to follow up action taken by the Diocese according to their contract.
32. If any employee of the Catholic Cemetery or appointed approved contractor and its employee is found insinuating, exacting or soliciting for material benefits of any kind out of any motive or purpose, he shall be reported immediately to the Independent Commission Against Corruption.

33. Catholic Cemetery employees and any appointed person are authorized to stop any person contravening clauses 34, 35, 36, 37 and 38 herein and to report to the police for actions, if necessary. Catholic Cemetery employees incurring these contraventions are subject to disciplinary actions or immediate dismissal. Appointed approved contractors and its employees incurring these contraventions are subject to follow-up actions taken by the Diocese according to their contract.
34. No person shall, in any Catholic Cemetery-
 - (a) wilfully disturb or interfere with any funeral service or procession or any religious or commemorative meetings;
 - (b) hold, promote or take part in any public meeting other than a meeting of a religious or commemorative nature relating to the deceased buried therein;
 - (c) to burn any paper articles, incense, joss sticks or to place sacrificial offerings for the deceased in the customs of other religious beliefs;
 - (d) post, hang, display, affix, or distribute any handbill, card, circular, or advertisement of any kind whatsoever.
 - (e) wilfully or carelessly deface, injure, soil or defile any slope, wall or fence in or enclosing the cemetery, or any part thereof, or any grave, vault, urn, niche, barrier, railing, post, seat, boundary stone, monument, gravestone, sculpture, statue, vase, niche sealing slab, tablet, ornament, tree, shrub or ornamental plant;
 - (f) climb any wall or fence in or enclosing the cemetery, or any part thereof, or any tree, barrier, railing, pole, monument, headstone, tablet or ornament; and
 - (g) behave in a noisy or unseemly manner.
35. Except with the prior written approval of the Superintendent, no person shall be allowed to conduct guided tour, group visit, commercial filming, location shooting and/or any commercial activities in any Catholic Cemeteries.
36. No person shall permit any dogs or other animals to enter the Catholic Cemeteries.
37. No person shall dig any grave, carry out any earth excavation or carry out any works in a Catholic Cemetery without the written permission of the Superintendent and/or that of the Director of Food and Environmental Hygiene.

38. Gambling, drug taking, drug trafficking, vandalism or any other act of civil or criminal offences is strictly forbidden in the Catholic Cemeteries.
39. Any person causing damage, defacement, soiling or defilement for any reasons, whether wilfully or otherwise, in a Catholic Cemetery shall be held liable to make good and to indemnify all the loss and damages incurred.
40. Any complaint whatsoever should be either sent in writing with true and full name, correspondence address and telephone number or conveyed in person to the Superintendent of the Catholic Cemeteries whose office is as follows:

The Superintendent,
Catholic Cemeteries,
c/o St. Raphael's Catholic Cemetery Office,
Cheung Sha Wan, Kowloon.
Tel No.: (852) 2745-4220 Fax No.: (852) 2307-2585
Email: ccemstraphael@catholic.org.hk

CHAPTER 8 -- GENERAL

41. These Rules are compiled by the Board and are approved and promulgated by the Catholic Bishop of Hong Kong.
42. These Rules are in accordance with the Private Cemeteries Regulation made under the Public Health and Municipal Services Ordinance and any other related statutory legislation of the Hong Kong Special Administrative Region. Should any of these Rules are in contravention of those provided by the relevant government ordinances, the relevant government ordinances shall prevail.
43. These Rules are subject to addition, deletion and amendment by the Board as from time to time it deemed appropriate and necessary.
44. (a) Words and expressions importing the masculine gender include the feminine and neuter genders.
(b) Words and expressions in the singular include the plural and words and expressions in the plural include the singular.

45. (a) The English language text and the Chinese language text of these Rules shall be equally authentic, and these Rules shall be construed accordingly.
- (b) The provisions of these Rules are presumed to have the same meaning in each authentic text.
- (c) Where a comparison of the authentic texts of these Rules discloses a difference of meaning which the rules of statutory interpretation ordinarily applicable do not resolve, the meaning which best reconciles the texts, having regard to the object and purposes of these Rules, shall be adopted.

Revised by the Diocesan Board of Catholic Cemeteries on 21st November 2011.

LIST OF CATHOLIC CEMETERIES

<u>Cemetery</u>	<u>Cemetery Office</u>
St. Raphael's Catholic Cemetery	Cheung Sha Wan, Kowloon. Tel: 2741 5283 Fax: 2741 2332 Email: ccemstraphael@catholic.org.hk
St. Michael's Catholic Cemetery	Happy Valley, Hong Kong. Tel: 2572 6078 Fax: 2574 3888 Email: ccemstmichael@catholic.org.hk
Holy Cross Catholic Cemetery	Cape Collinson, Chai Wan, Hong Kong. Tel: 2557 4213 Fax: 2557 4333 Email: ccemholycross@catholic.org.hk
Cheung Chau Catholic Cemetery	c/o St. Raphael's Catholic Cemetery Office Cheung Sha Wan, Kowloon. Tel: 2741 5283 Fax: 2741 2332 Email: ccemstraphael@catholic.org.hk
Sai Kung Catholic Cemetery	c/o St. Raphael's Catholic Cemetery Office Cheung Sha Wan, Kowloon. Tel: 2741 5283 Fax: 2741 2332 Email: ccemstraphael@catholic.org.hk