

LEGISLATIVE COUNCIL.

No. S. 35.—The following Bill was read a first time at a Meeting of the Council held on the 5th February, 1914 :—

A BILL

ENTITLED

An Ordinance to provide for the regulation of the burning of Human Remains and to enable Crematoria to be established.

WHEREAS it is expedient to provide for the establishment of Crematoria in this Colony and the regulation thereof :

BE it therefore enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title. 1. This Ordinance may be cited as the Cremation Ordinance, 1914.

Definitions. 2. In this Ordinance:—

No. 1 of 1903. The expression "burial authority" shall mean any burial board, council, committee, sanitary board, or other local authority having the powers and duties of a burial board, and any local authority maintaining a cemetery under the Public Health and Buildings Ordinance, 1903, or under any other Ordinance.

The expression "Crematorium" shall mean any building or place fitted with appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto.

Burial Authority may provide for cremation. 3. The powers of a burial authority to provide and maintain burial grounds or cemeteries, or anything essential, ancillary or incidental thereto, shall be deemed to extend to and include the provision and maintenance of crematoria: Provided that no human remains shall be burned in any such crematorium, until the plans and site thereof have been approved by the Director of Public Works, and until the crematorium has been certified by the burial authority to the Governor to be complete, constructed in accordance with such plans, and properly equipped for the purpose of the disposal of human remains by burning.

Site of Crematorium. 4. No crematorium shall be constructed nearer to any dwelling house than 200 yards, except with the consent in writing, of the owner, lessee and occupier of such house, nor within 50 yards of any public highway, nor in the consecrated part of the burial ground of any burial authority: Provided that the Governor-in-Council may authorise the maintenance within these limits of any existing crematorium for such period of time as he may think fit.

Regulations to burning. 5. The Governor-in-Council may make regulations as to the maintenance and inspection of crematoria, and prescribing in what cases and under what conditions the burning of any human remains may take place, and directing the disposition or interment of the ashes, and prescribing the forms of the notices, certificates and declarations to be given or made before any such burning is permitted to take place, such declarations to be made under and by virtue of the Statutory Declarations Ordinance, 1893, and also regulations as to the registration of such burnings as have taken place. All statutory provisions relating to the destruction and falsification of registers of burials, and the admissibility of extracts therefrom as evidence in Courts and otherwise, shall apply to the registers of burnings directed by such regulations to be kept.

6.—(1.) Every person who shall contravene any such regulation as aforesaid, or shall knowingly carry out or procure or take part in the burning of any human remains, except in accordance with such regulations and the provisions of this Ordinance, shall (in addition to any liability or penalty which he may otherwise incur) be liable, on summary conviction, to a penalty not exceeding \$500: Provided that any person aggrieved by any conviction may appeal therefrom to the Supreme Court.

Penalties for
breach of
Regulations,
&c.

(2.) Every person who shall wilfully make any false declaration or representation, or sign or utter any false certificate, with a view to procuring the burning of any human remains, shall (in addition to any penalty or liability which he may otherwise incur) be liable to imprisonment, with or without hard labour, for a term not exceeding 2 years.

(3.) Every person who, with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or, with such intent, makes any declaration or gives any certificate under this Ordinance, shall be liable to conviction on indictment to imprisonment for a term not exceeding 5 years with hard labour.

7. The burial authority may demand payment of any such charges, or fees, for the burning of human remains in any crematorium provided by them as may be authorised by the Governor, and such charges or fees, and any other expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

Fees.

8. Nothing in this Ordinance shall interfere with the jurisdiction of any Coroner in this Colony and nothing in this Ordinance shall authorise the burial authority or any person to create or permit a nuisance.

Saving for
Coroners.
50 & 51 Vict.
c 71.

9. In any table of fees respecting burials to be made or approved by the Governor, a fee may be fixed in respect of a burial service before, at or after cremation and, if no fee is fixed, the fee, if any, in respect of a burial service shall apply.

Fee may be
fixed.

Objects and Reasons.

The disposal of human remains by cremation is a practice which is already by no means unknown in the Colony.

The cremation of the dead is an essential feature of some religious communities whilst, apart from this fact, this method of dealing with human remains appears to be growing in favour amongst other sections of the public.

The attention of Government having been drawn, owing *inter alia* to applications for permission to erect crematoria, to the absence of satisfactory local legislation dealing with the question of the regulation of this practice, the present Bill has been introduced in order to provide for the proper regulation of the burning of human remains and to enable the establishment of crematoria under suitable supervision and control. Whilst on the one hand it seems very important that the total destruction of any human body should not be capable of being conducted without such proper checks as may reasonably ensure that there has existed no irregular motives in the disposal of a corpse, on the other hand it is equally desirable that the wish of any deceased person, testamentarily or otherwise expressed, that his remains should be cremated should be capable of being respected and carried out in a proper and seemly manner.

It is with these objects that the present Bill is introduced. It provides that the powers of any burial authority shall include the provision and maintenance of crematoria of a character to be approved by proper authority. The Bill gives power to the Governor-in-Council to make regulations as to the maintenance and inspection of these

crematoria and the conditions under which cremation may take place.

It prohibits the construction of such edifices near human habitation, highways or any consecrated ground and it prescribes penalties for breach of any regulations made under the provisions of the Ordinance.

JOHN A. BUCKNILL,
Attorney General.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 36.—Statement of Sanitary Measures adopted against Hongkong.

Place or Port.	Nature of Measures.	Date.	Reference to Government Notification.
Orissa.	Plague Regulations imposed in Orissa Ports against arrivals from Hongkong.	18th April, 1913.	No. S. 110.
Burmah.	Hongkong declared a Plague-infected port.	18th April, 1913.	No. S. 111.
Chittagong.	Regulations for the prevention of the introduction of Plague by sea enforced against arrivals from Hongkong.	18th April, 1913.	No. S. 112.
Netherlands-India.	Hongkong declared an infected port. Importation of the following articles from Hongkong or transhipped at this port is temporarily prohibited:—(1) wearing apparel, old and worn clothes, household effects for daily use, used bedding, unless these goods are transported as personal luggage or in consequence of removal. (2) rags. Refuse of new goods coming direct from the weaving-mills, from workshops where apparel is made or from bleaching-establishments, artificial wool, and cuttings of new paper, are not considered as rags. Quarantine up to 21 days according to the state of health on board the ships but subject to exemption on production of certificates legalised by the Netherlands Consul General at Hongkong.	23rd May, 1913.	No. S. 147.

No. S. 37.—Returns of the Average Amount of BANK NOTES in Circulation and of Specie in Reserve in Hongkong, during the month ended 31st January, 1914, as certified by the Managers of the respective Banks:—

BANKS.	AVERAGE AMOUNT.	SPECIE IN RESERVE.
	\$	\$
Chartered Bank of India, Australia and China,	6,240,492	2,000,000*
Hongkong and Shanghai Banking Corporation,	21,872,888	15,000,000
Mercantile Bank of India, Limited,	949,016	525,000†
TOTAL,.....\$	29,062,396	17,525,000

* Sterling Securities lodged with the Crown Agents in London for £166,666. 13s. 4d.=\$1,666,666.

† Securities with the Crown Agents £68,040.