

## No. 190.

*Regulations made by the Governor-in-Council under Section 5 of the Cremation Ordinance, 1914, (Ordinance No. 5 of 1914), on the 14th day of May, 1914.*

## A.

*Maintenance and Inspection of Crematoria.*

1. Every crematorium shall be
  - (a.) maintained in good working order;
  - (b.) provided with a sufficient number of attendants; and
  - (c.) kept constantly in a cleanly and orderly condition:

Provided that any crematorium may be closed by order of the Sanitary Board if not less than one month's notice be given by advertisement in the *Government Gazette* and by written notice fixed at the entrance to the crematorium.

The Head of the Sanitary Department shall give notice in writing to the Colonial Secretary of the opening or closing of any crematorium.

2. Every crematorium shall be open to inspection at any reasonable time by any officer authorized by the Governor for that purpose, or by any member of the Sanitary Board or by any officer of the Sanitary Department who may be directed by the Head of the Department to make such inspections.

## B.

*Conditions under which cremations may take place.*

3. No cremation shall take place except in a crematorium the opening of which has been authorized in writing by the Sanitary Board, and approved by the Governor-in-Council.

4. It shall not be lawful to cremate the remains of any person who is known to have left a written direction to the contrary.

5. It shall not be lawful to cremate human remains which have not been identified.

6. Any act which is authorized or required by Part B of these Regulations to be done by the Head of the Sanitary Department may be done by any officer of the Sanitary Department appointed by him in writing for that purpose.

7. No cremation shall be allowed without a permit in writing signed by the Head of the Sanitary Department.

8. No permit for cremation shall be issued by the Head of the Sanitary Department unless application therefor be made in the Form 1 in the Schedule by an executor or by the nearest surviving relative in Hongkong of the deceased or by the duly authorized attorney or agent in Hongkong of either of them: Provided that if there be no executor or relative of the deceased or attorney or agent of either of them in Hongkong and a written direction signed by the deceased in his lifetime requesting the cremation of his remains be produced to the Head of the Sanitary Department the Head of the Sanitary Department may (subject to the other provisions of these Regulations) issue a cremation permit.

9. No permit for cremation shall be issued by the Head of the Sanitary Department unless either

- (a.) under Sub-section 2 of Section 17 of the Births and Deaths Registration Ordinance, 1896, a certificate of the cause of death has been given by a registered Medical Practitioner, who has attended the deceased during his last illness, and a further certificate in the Form 2 in the Schedule by another registered Medical Practitioner registered under the Medical Registration Ordinance, 1884, whose name also appears in "the Medical Register" then most recently published under the Medical Act, 1858, of the Imperial Parliament, and it shall appear from both of such certificates that the death was not due to poison or to violence or to any illegal operation or to privation or neglect;

Births and  
Deaths  
Registration  
Ordinance,  
1896, Form  
No. 16.

or

(b.) a *post-mortem* examination of the remains has been held by a Medical Officer appointed by the Governor under Section 6 of the Coroner's Abolition Ordinance, 1888, or under Section 17 Sub-section 5 of the Births and Deaths Registration Ordinance, 1896, or by any two registered Medical Practitioners the name of one of whom at least appears in "the Medical Register" above described, and such Medical Officer or both of such Practitioners shall certify in the Form 3 in the Schedule that to the best of his or their knowledge and belief the death was not due to poison or to violence or to any illegal operation or to privation or to neglect;

or

(c.) the Magistrate discharging the duties of Coroner has authorized the disposal of the body.

10. On the production of the necessary certificates issued in accordance with (a), (b) or (c) of the foregoing Regulation the Head of the Sanitary Department shall issue a permit in writing in the Form 4 in the Schedule authorizing the cremation of the remains at a place to be named in the permit and the person receiving such authorization shall give not less than two hours' notice of the time and place of cremation to the Inspector of Cemeteries: such permit shall be handed to the person in charge of the Crematorium and shall be returned by him to the Head of the Sanitary Department on completion of the cremation:

Provided that the Head of the Sanitary Department in any case in his absolute discretion may decline to issue a permit, or if a permit has been issued may withdraw such permit at any time before the cremation has taken place.

11. If the Magistrate discharging the duties of Coroner has given notice that he intends to hold an inquest on the body the Head of the Sanitary Department shall not allow the cremation to take place until the disposal of the body has been authorized by such Magistrate.

12. In the case of the remains of a person who has died in any place out of the Colony the Head of the Sanitary Department may accept a declaration containing the prescribed particulars if it be made before any person having authority in that place to administer an oath or to take a declaration, and he may accept medical certificates if they be signed by any Medical Practitioners who are shown to his satisfaction to possess qualifications substantially equivalent to those prescribed in the case of each certificate by these Regulations.

13. The Regulations above referred to, save those prohibiting cremation except in a crematorium of the opening of which due notice has been given and prohibiting the cremation of the remains of a person who has left written direction to the contrary, do not apply to the cremation of the remains of a deceased person who has already been buried for not less than one year and in respect of which a licence to exhume has been granted under Section 91a of the Public Health and Buildings Ordinances, 1903. Such remains may be cremated subject to the conditions of the licence to exhume and any such cremation in which those conditions are not observed is to be deemed a contravention of these Regulations.

14. Notwithstanding the foregoing Regulations the Head of the Sanitary Department may permit the cremation of the remains of a still-born child if it be certified to be still-born by a registered Medical Practitioner after examination of the body.

15. After the cremation of the remains of a deceased person the ashes shall be given into the charge of the person who applies for the cremation if he so desires. If such person does not desire to receive the ashes they shall be retained by the cremation authority and in the absence of any special arrangement for their burial or preservation shall be decently interred in a burial ground or in land adjoining the crematorium reserved for the burial of ashes. In the case of ashes left temporarily in the charge of the cremation authority and not removed within a reasonable time a fortnight's notice shall be given to the person who applied for the cremation before the ashes are interred.

16. A register shall be kept in English by the person in charge of each crematorium, at or near the crematorium, showing the date of cremation and the name, sex and age of the person whose remains have been cremated and such register shall be open to inspection by any member of the public at any reasonable hour.

M. J. BREEN,  
Clerk of Councils.

COUNCIL CHAMBER,  
14th May, 1914.

Regulation No. 8.

Schedule.

Form No. 1.

The Cremation Ordinance, 1914.

Application for permission to cremate.

I, <sup>\*</sup> being the { Executor  
 nearest surviving relative in Hongkong  
 Attorney or Agent of the Executor or nearest relative  
 who died at \_\_\_\_\_ on the \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 hereby apply for permission to cremate the remains of the deceased  
 in the Crematorium at \_\_\_\_\_ and I solemnly and sincerely declare that to  
 the best of my knowledge and belief it was not contrary to the wishes of the deceased  
 that his remains should be cremated.

I append hereto the certificates required by No. 9 of the Regulations.

Signature .....

Address .....

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

\* Delete where inapplicable.

Regulation No. 9 (a).

FORM NO. 2.

The Cremation Ordinance, 1914.

Confirmatory Certificate of Cause of Death.

I hereby certify that to the best of my knowledge and belief the death of  
 \_\_\_\_\_ who died at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
 was not due to poison or to violence or to any illegal operation or to privation or neglect.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Signature.....

Registered Qualification.....

Address.....

Regulation No. 9 (b).

FORM NO. 3.

The Cremation Ordinance, 1914.

Certificate of cause of death after post-mortem examination.

<sup>I</sup>  
 We \_\_\_\_\_ hereby certify that <sup>I</sup>  
 \_\_\_\_\_ have made a post-mortem  
 examination of the remains of \_\_\_\_\_ who died on the \_\_\_\_\_ day of  
 \_\_\_\_\_ 19 at \_\_\_\_\_ and that to the best of <sup>my</sup>  
 \_\_\_\_\_ our knowledge and

belief h death was not due to poison or to violence or to any illegal operation or to privation or neglect.

Dated this                      day of                      19 .

Signature .....

Qualification.....

Address .....

Regulation No. 10.

FORM NO. 4.

*The Cremation Ordinance, 1914.*

Permit to Cremate.

I hereby authorize the cremation of the remains of                      male  
aged                      who died at                      on the                      day of                      female  
19 .

The Cremation shall be carried out in the Crematorium at

Dated this                      day of                      19 .

*Head of the Sanitary Department.*

LEGISLATIVE COUNCIL.

No. 191.—His Majesty the King has not been advised to exercise his power of disallowance with respect to the following Ordinance :—

Ordinance No. 22 of 1913.—An Ordinance to amend the Companies Ordinance, 1911.

M. J. BREEN,  
*Clerk of Councils.*

COUNCIL CHAMBER,  
*15th May, 1914.*

APPOINTMENTS, &c.

No. 192.—His Excellency the Governor has been pleased to promote the following Officers of the Hongkong Volunteer Corps :—

Lieutenant E. D. C. WOLFE to be Captain *vice* Captain M. S. NORTHCOTE resigned, with effect from the 14th April, 1914.

2nd Lieutenant T. G. WEALL to be Lieutenant with effect from the 7th May, 1914.

2nd Lieutenant R. O. HUTCHISON to be Lieutenant, with effect from the 7th May, 1914.

*13th May, 1914.*

No. 193.—His Excellency the Governor has been pleased to appoint Mr. JOHN B. THOMSON to be a Surveyor of Boilers of Unlicensed Steamships under 60 tons, during the absence from the Colony of Mr. THOMAS H. G. BRAYFIELD, with effect from the 16th May, 1914.

*15th May, 1914.*