

**Guidelines for the Compliance with Building-related Requirements
for Applying for a Licence or an Exemption¹ under
the Private Columbaria Ordinance (Cap. 630) (PCO)
(Buildings Department)**

Introduction

1. The Buildings Department (BD) in processing applications of *Specified Instruments (SI)*² under the PCO has to assure that in the premises of the private columbarium (the Premises) the building-related requirements under the PCO as well as the building and fire safety standards under the Buildings Ordinance (BO) are met.

- (a) Under the PCO, the BD advises the Private Columbaria Licensing Board (PCLB) on the relevant building-related requirements as well as on the standard of existing and proposed building works which are exempted from the BO or which the BO is not applicable to, making reference to the safety standards under the BO.
- (b) Under the BO, the BD processes proposed non-exempted building works under the approval and consent regime or, if applicable, the Minor Works Control System (MWCS)³ according to the current minimum safety standards under the BO, the allied regulations and relevant codes of practices, practice notes⁴ and guidelines.

Roles of Qualified Professionals

2. Plans for the application for *SI* are required to be signed by an

¹ Guidelines for applying for *Temporary Suspension of Liability (TSOL)* and the certification that an existing columbarium is not posing any obvious or imminent danger in terms of building and fire safety is in Annex 6.

² As defined under section 2 of the PCO, which may be a *TSOL*, an *Exemption* or a *Licence*.

³ Not applicable to *New Territories Small Building (NTSB)* which were built within the exemptible size under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

⁴ In particular, Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-154 “Design Requirements for Columbarium Facilities”.

Authorized Person⁵ (AP) who has roles and duties under the PCO as a *Qualified Professional* and the BO. APs are also required to handle fire safety issues and relevant certification. Structural safety issues and certification can also be handled by an AP or if considered necessary a Registered Structural Engineer⁶ (RSE). The AP's statutory duties include:

- (a) Conduct necessary inspection and assessment as well as certifying the structural safety of *Certifiable Building*⁷ (CB) or *Structures Certifiable for Pre-cut-off Columbarium*⁸ (SCPC) for the application of a *Licence* or an *Exemption* under the PCO (also applicable to RSE if appointed);
- (b) Coordinate the submission of plans on proposed building works to the BD under the BO and to supervise the carrying out of such works; and
- (c) Coordinate the submission of plans on proposed building works which are exempted from the BO or that the BO is not applicable, to the PCLB or the BD for acceptance and to supervise the carrying out of such works.

3. The AP should also assist the applicant in the following:

- (a) Advise on the suitability in terms of building safety and fire safety of the Premises for applying for the *SI* under the PCO; the necessary improvement works required for meeting the relevant safety standards and the building-related requirements as well as the viability of carrying out of such works.
- (b) Making reference to paragraph 9 below, advise on the category of building structures the proposed or existing columbaria should fall into and conduct necessary investigation, inspection and assessment in order to verify the time of construction of such as well as whether the Certificate of Exemption (CoE)

⁵ AP is registered under section 3 of BO. The list of AP is available for viewing at the BD website <http://www.bd.gov.hk>.

⁶ RSE is registered under section 3 of the BO. The list of RSE is available for viewing at the BD website <http://www.bd.gov.hk>

⁷ As defined in section 3(3) of Schedule 2 to the PCO.

⁸ As defined in section 4 of Schedule 2 to the PCO.

under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) has been issued or not.

- (c) Where necessary, a Practising Authorised Land Surveyor's service should be engaged to verify the setting out and dimensions of the subject building for ascertaining the ownership and status of land and, whether such is within the sizes of *New Territories Small Building (NTSB)* under the PCO.

4. Where the AP considers necessary, the service of a RSE, registered contractors or Registered MW Contractors under the BO, as applicable should be engaged. Also, where situation warrants, he is also advised to enlist the service of relevant building professionals to assist in his assessment, certification or proposed improvement works.

Processing of Applications for *SI*

5. In principle, except for buildings approved or to be approved for columbarium use, the format of plan to be submitted to the PCLB in addressing the building-related issues should model on Alteration and Addition (A&A) plans submitted to the BD for approval. The information for the BD will include the list of items as detailed in **Appendix I**.

6. To streamline processing, the AP will be invited to the BD to rectify minor non-conformance identified in his submission referred to the BD by the PCLB. On contentious issues, he is welcome to discuss with BD officers before submission. The BD will refer the acceptable submission package (amended if applicable), with necessary conditions or requirements to the PCLB who will include such in its Letter of Requirements to the applicant. The PCLB will outright refuse grossly inadequate submissions or those lacking essential documents.

7. If no structural improvement works are required, the Structural Safety Certificate (paragraph 10) required under the PCO should be submitted together with the application. Otherwise, such should be submitted upon completion of the proposed structural improvement works and fulfillment of

relevant building-related requirements, together with the necessary Compliance Certificate (paragraph 24) to the PCLB for consideration of issuing the *SI*.

Building-related Requirements

8. The building-related requirements which mainly cover the following aspects, though might be pragmatically considered on case merits by the BD under the PCO, shall not be taken as derogating from the statutory powers of the Director of Buildings:

- (a) Structural safety;
- (b) Fire safety⁹ in terms of fire resisting constructions, means of escape (MOE) and if required means of access by firefighting and rescue; and
- (c) Unauthorised building works (UBWs).

Types of Buildings, Structural Safety Certificate and Improvement Works

9. A private columbarium eligible to apply for a *SI* under the PCO can be a part or the whole of:

- (a) An Approved Building (AB) built under the provisions of the BO;
- (b) A pre-war building which the BD has no approval or consent record;
- (c) A *SCPC* which includes the ground storey of UBWs, or a *NTSB* that came into existence on or after 16 October 1987 but not issued with CoE; or

⁹ Excluding fire services installations which are under the jurisdiction of Fire Services Department.

- (d) A *CB* which may be a *NTSB* issued with CoE or built between 1 January 1961 and before 16 October 1987 under the provisions of the repealed Buildings Ordinance (Application to the New Territories) Regulations (Cap. 322); a pre-1961 NT building; or a structure at the time of construction was on unleased land, and a lease or a short term tenancy is subsequently granted by the Government before 30 June 2017.

Certification for Structural Safety for Applying for Licence or Exemption

10. Structural Safety Certificate under the PCO is not required for 9(a) and 9(b)¹⁰ and required for 9(c) and 9(d). Proposed works for 9(a) and (b) should follow the provisions under the BO and those for 9(c) and (d) should be for acceptance under the PCO. Guidelines for Structural Safety Certification are detailed in Annex 5.

11. Conditions for the issue of *SI* on the whole or a part of the Premises commensurate with the type of buildings may be imposed by the PCLB, such as requiring certificates or reports by an AP to be submitted at specified intervals for *CB* and *SCPC*.

Structural Safety

12. The general considerations are:

- (a) Loading:
- (i) The prevailing Code of Practice for Dead and Imposed Loads issued by the BD should be referred to.
 - (ii) The minimum designed imposed loads for areas other than for niches shall not be less than 4kPa (i.e. 80lb/ft²).

¹⁰ When the structural conditions of a pre-war building or approved building are in doubt, certain structural justification may be required by the PCLB in the Letter of Requirements.

- (iii) The weight of niches in the columbaria shall be based on the materials used for the construction of niches and the weight of the urns. Generally, for those made of wood or lightweight metals, the weight shall be not less than 2.0kN/m length for each metre height; and for others such as those made of concrete, not less than 4.5kN/m length for each metre height.
- (b) Structural assessments should be indicated to support certifications involving structural safety. Structural justification by AP (or RSE if necessary) for proving the adequacy of the existing supporting structure is required for the superimposed loads induced by non-structural screeding on slabs to raise floor levels or heavy equipment / plants / sculptures, brick / solid walls, etc., in accordance with **Appendix II** for all types of buildings.
- (c) Except for *SCPC* within the size of *NTSB* and *CB*, no part of a private columbarium shall be located under or over any structures built without the approval and consent of the BD.

13. *SCPC or CB* with unknown structural design details may require tests and improvement works on existing structures. The viability of such tests and works should be addressed at an early stage.

Fire Safety

14. The fire resistance rating (FRR) of fire barriers shall meet the standards laid down in the Building (Construction) Regulations (Cap. 123B) and the prevailing Code of Practice for Fire Safety in Buildings (FS Code) issued by the BD with salient points highlighted below:

- (a) In terms of FRR and fire compartment, a columbarium is classified as "Other Assembly Premises" as set out in Table C1 of the FS Code which shall be separated from the adjoining occupancy by walls and floors having an FRR of not less than

that required for the compartments in which they are situated, subject to a maximum of 2 hours.

- (b) Offering burner facilities are areas of special fire hazard, which should be separated from the rest of the building by fire barriers as stipulated in subsection C13 of the FS Code.
- (c) Openings for passage of ducts, pipes, wires, etc. through fire resisting walls should be properly protected by fire resisting construction in order to maintain the FRR of that fire barrier.
- (d) Where new or modified fire resisting constructions such as walls and doors are involved, a duly completed Form with test / assessment reports from an AP shall be submitted to substantiate the FRR of the fire resisting components¹¹.

15. The adequacy of MOE provisions in any room, floor or building as a whole should be assessed based on the use as classified and number of occupants estimated accordingly as not exceeding the maximum capacity that the MOE provisions can accommodate therein, in accordance with the prevailing FS Code and the Building (Planning) Regulations (Cap. 123F).

16. Above or below ground storeys for columbarium use are required to be provided with two escape staircases meeting relevant standards. Given the sizes of *NTSB* or other small sizes of *CB*, the viability of providing such staircases for meeting the building-related requirements should be carefully assessed and addressed at an early stage.

17. When required by Fire Services Department, an emergency vehicular access¹² with reference to the Building (Planning) Regulations and the FS Code will have to be provided.

Unauthorised Building Works (UBWs)

18. Under the provisions of the PCO, when the ground storeys of UBWs, or

¹¹ Appendix A to the PNAP APP-13 should be submitted unless covered by the Central Data Bank in PNAP ADM-20.

¹² Private streets or street works are subject to section 14 of the BO, and subject to the provisions as prescribed in the Building (Private Streets and Access Roads) Regulations (Cap. 123G).

the whole of such UBWs if within the size of *NTSB* but not issued with CoE are covered by an *SI* or the application of such, they are not subject to the BD's enforcement under section 24(1) or 24C(1) of the BO on the ground of contravening section 14(1) of the BO. However, should they become dangerous or likely to cause danger, they will have to be removed under the relevant provisions of the BO. Furthermore, after the issue of an *SI*, should unauthorised alteration works be identified without prior acceptance by the PCLB or the BD, such works will be regarded as UBWs but not covered by the *SI*. The BD would raise objection to the PCLB upon application for renewal of the *SI*, and such UBWs will be subject to enforcement under the BO for removal.

19. Unauthorised removal or alteration of existing approved access and facilities (e.g. ramps and toilets) for persons with a disability is classified as UBWs subject to the BD's enforcement. Building works which hinder the access to the columbarium for persons with a disability (e.g. raised platform) will not be accepted unless suitable compensatory facilities (e.g. ramps) are provided to the satisfaction of the BD.

20. UBWs acknowledged by the BD under the Reporting Scheme for UBWs in the *NTSB* should be indicated on the submitted plan. The latest safety certification for the Reporting Scheme should comply with the 5-year inspection cycle requirement and acknowledged by the BD.

Building Improvement Works

21. Despite the provisions under paragraph 18, it must be clear that *SCPC* are UBWs and so are the building works to improve or strengthen such. The AP should therefore prepare the necessary certification primarily based on existing conditions to avoid carrying out of UBWs. Where building works for improvement is indispensable, such works should be arranged after the application for an *SI* so that such could fall into the scenario as mentioned in paragraph 18.

22. Nevertheless, should any building improvement works result in extending the size of the *SCPC*, such extensions might NOT be qualified as *SCPC* but UBWs actionable under the BO albeit covered by the application of

an *SI*. Also, should alteration of a *NTSB* resulting in size exceeding the exemption criteria under Cap. 121, e.g. addition of an external staircase or making openings between party walls of *NTSBs* combining two or more *NTSBs*, it will be ultra vires for the BD to process such alteration proposals under the PCO or the BO unless the relevant CoE is still valid.

23. Proposed building works should comply with relevant prevailing standards under the BO including, in respect of provision for the access by person with a disability, regulation 72 of the Building (Planning) Regulations as well as requirements under the Design Manual – Barrier Free Access 2008. For insurmountable difficulties encountered in the provision of such facilities, application for modification should be made to the BD at an early stage.

Report of Compliance for Licence / Exemption Application

24. Upon compliance with all building-related requirements, the applicant / AP / RSE shall submit a Compliance Certificate as shown at **Appendix III**, to the PCLB which will refer such to the BD for audit checks.

-END-

**Checklist for Submission of Application for
*Issue or Renewal of *Licence / Exemption
under the Private Columbaria Ordinance (Cap. 630) (PCO)
(Buildings Department)**

This Checklist serves as a reminder to ensure all required documents and information will be submitted. This Checklist should be read in conjunction with the standard Form PCLU-1, the PCO and the Application Guide published by the Private Columbaria Licensing Board.

		Yes / Not Applicable
1.	<p>2 sets of plans certified by Authorized Person / *Registered Structural Engineer (if necessary)</p> <p>(a) Site plan# (in a scale of 1:500 of 1:1,000 showing the location of the <i>CB/SCPC</i> Areas^(Note 1) to be certified including the associated buildings, and the lot boundaries of the land upon which the proposed license premises and associated buildings were erected supported with if necessary survey plan endorsed by an Authorized Land Surveyor registered under the Land Survey Ordinance (Cap. 473))</p> <p>(b) Floor plans# (in a scale of 1:50 or 1:100 showing the proposed layout and use of different parts of the columbarium and associated buildings, and the sizes of columns and thickness of loadbearing walls, essential dimensions for indicating compliance with building and fire safety; building works required to be carried out as exempted works, Minor Works or works requiring approval and consent under the BO)</p> <p>(c) Lot index plan / land boundary plan# of the land upon which the columbarium and associated buildings were erected</p> <p>(d) Approved Building Records of Existing Premises (or where applicable, measured plans showing the construction and essential dimensions relating to building and fire safety, including the structural assessment for the proposed use)</p>	
2.	2 sets of photos (in A4 size showing the general conditions of the columbarium premises, site surrounds, associated buildings; and the direction of the photos taken indicated on an index plan)	
3.	Form PCLU-1 with structural justifications where necessary for <i>CB</i> or <i>SCPC</i> or if applicable pre-war buildings, all with structural assessment (If applicable, can be submitted after the completion of the proposed works together with the Compliance Certificate in Appendix III of Annex 4.)	
4.	2 sets of structural assessment for buildings approved under the BO but not for columbarium use	
5.	2 sets of supporting documentary evidence (justifying the status of <i>CB</i> and <i>SCPC</i> for the purposes of sections 3 to 7 of Schedule 2 to the PCO)	

Note:

1. A part or the whole of the relevant columbarium premises situated in *Certifiable Building (CB) / Structures Certifiable for a Pre-cut-off Columbarium (SCPC)*.

Certification under Sections 3(1)(b) and 4(3) of Schedule 2 to the PCO.

* delete where inappropriate

(11/2017)

**Guidelines for Structural Justification (SJ)
Application for Issue or Renewal of Licence / Exemption
under the Private Columbaria Ordinance (Cap. 630) (PCO)
(Buildings Department)**

1. General Requirements

- (a) Whilst new structural members should be designed to the current Building Regulations, all existing structural elements should be checked in accordance with the original design principle and the prevailing codes of practice at the time of construction.
- (b) The imperial units shown in the approved plan and/or original design calculations should be converted to metric units for easy reference.
- (c) The structural integrity of the affected structures should be checked in accordance with the minimum imposed loads stipulated in regulation 17 of the Building (Construction) Regulations.

2. Fundamental Information and Assessments to be included in the SJ (if applicable)

- (a) Design data such as plans, calculations, material specifications, permissible stress and design imposed load, should be given and certified as the true investigation result by the AP / RSE himself.
- (b) Relevant structural framing part plans should be submitted to show the affected portion of existing structures.
- (c) Relative disposition of building works should be shown on the structural framing part plans with appropriate setting out dimensions.
- (d) The weight of all building works, should be conformed with the type, size, thickness and density of the construction materials resulting from them.
- (e) The assessment on structural stability of the partition walls should be checked in accordance with BS5628 Part 3. Also, the details of the wall restraints should be given.
- (f) The structural adequacy of the existing structures arising from the total loadings should be demonstrated.

N.B. The above information and requirements may not be exhaustive. Supplementary information and assessment may be required if found necessary.

**Certificate of Compliance
with Buildings Department's Requirements
for the Application of a *Licence / an Exemption
under the Private Columbaria Ordinance (Cap. 630)
(Buildings Department)**

(A) COMPLIANCE BY APPLICANT / APPLICANT'S REPRESENTATIVE

I, _____ (_____),
(Name of applicant in English) (Name in Chinese)

holder of * Hong Kong Identity Card number _____ XXX (X) / * Business
Registration Certificate No. _____, being the * applicant / *
applicant's representative, do hereby certify and declare as follows :

In respect of the premises known as _____
(Columbarium in English)
(_____), situated at _____
(Columbarium in Chinese) (Address of premises)

(Address of premises)

and being under application for * a Licence / an Exemption, all Buildings Department (BD) requirements in the Letter of Requirements addressed to the abovenamed applicant dated _____ (dd/mm/yyyy) have been fully complied with. I have personally verified such compliance by inspection of the subject premises on _____ (Date of inspection) (dd/mm/yyyy). I have read the said Letter of Requirements and understand the contents thereof. I also understand that all matters covered by this Certificate will be subject to further verification by the Licensing Board and that if I provide information that is false or misleading in a material particular or furnish the Director of Food and Environmental Hygiene, an authorized officer or a public officer with information knowing that it is false or misleading in a material particular in this Certificate, I shall render myself to be liable to legal^(Note 1) and/or other penalties.

Signature of applicant / applicant's representative:

(_____)
Name in English (Name in Chinese)

Signature/Company Chop

Date (dd/mm/yyyy)

(Certificate of Incorporation No./
HKID No. of the applicant)

(B) COMPLIANCE BY AUTHORIZED PERSON

I, _____ (_____),
(Surname) (Other names) (Name in Chinese)

holder of Hong Kong Identity Card number _____ XXX (X), being the Authorized Person registered under Section 3 of the Buildings Ordinance (Cap. 123) do hereby certify and declare as follows :

In respect of the premises known as _____
(Columbarium in English)

(_____), situated at _____
(Columbarium in Chinese) (Address of premises)

_____ (Address of premises)
and being under application for * a Licence / an Exemption by

(Name of applicant in English) (Name of applicant in Chinese)

all BD requirements in the Letter of Requirements addressed to the abovenamed applicant dated _____ (dd/mm/yyyy) have been fully complied with. The supporting documentary evidence / certificates are attached herewith. I have personally verified such compliance by inspection of the subject premises on _____ (Date of inspection) (dd/mm/yyyy). I have read the said Letter of Requirements and understand the contents thereof, *and the Certificate of Completion of the required minor works as stipulated in the Building (Minor Works) Regulation had been submitted to the BD by a relevant prescribed building professional / prescribed registered contractor. I also understand that all matters covered by this Certificate will be subject to further verification by the Licensing Board and that if I provide information that is false or misleading in a material particular or furnish the Director of Food and Environmental Hygiene, an authorized officer or a public officer with information knowing that it is false or misleading in a material particular in this Certificate, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap.123) and/or other legal^(Note 1) penalties.

Date (dd/mm/yyyy)

Signature# of Authorized Person

Certificate of Registration Number#: _____

Date of expiry of registration#: _____ (dd/mm/yyyy)

Correspondence address : _____

Contact telephone number : _____ Contact fax number : _____

Contact email address: _____

(C) COMPLIANCE BY REGISTERED STRUCTURAL ENGINEER (IF APPLICABLE)

I, _____ (_____),
(Surname) (Other names) (Name in Chinese)

holder of Hong Kong Identity Card number _____ **XXX (X)**, being the Registered Structural Engineer registered under Section 3 of the Buildings Ordinance (Cap. 123) do hereby certify and declare as follows :

In respect of the premises known as _____
(Columbarium in English)

(_____), situated at _____
(Columbarium in Chinese) (Address of premises)

_____ (Address of premises)
and being under application for * a Licence / an Exemption by
_____ (_____)
(Name of applicant in English) (Name of applicant in Chinese)

all BD requirements in the Letter of Requirements addressed to the abovenamed applicant dated _____ (dd/mm/yyyy) have been fully complied with. The supporting documentary evidence / certificates are attached herewith. I have personally verified such compliance by inspection of the subject premises on _____ (Date of inspection) (dd/mm/yyyy). I have read the said Letter of Requirements and understand the contents thereof, *and the Certificate of Completion of the required minor works as stipulated in the Building (Minor Works) Regulation had been submitted to the BD by a relevant prescribed building professional / prescribed registered contractor. I also understand that all matters covered by this Certificate will be subject to further verification by the Licensing Board and that if I provide information that is false or misleading in a material particular or furnish the Director of Food and Environmental Hygiene, an authorized officer or a public officer with information knowing that it is false or misleading in a material particular in this Certificate, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap.123) and/or other legal^(Note 1) penalties.

Date (dd/mm/yyyy)

Signature[#] of Registered Structural Engineer

Certificate of Registration Number[#]: _____

Date of expiry of registration[#]: _____ (dd/mm/yyyy)

Correspondence address : _____

Contact telephone number : _____ Contact fax number : _____

Contact email address: _____

[#] In accordance with registration record

*Delete where inappropriate.

Note 1: Relevant legislation includes but not limited to Section 99 of the PCO (11/2017)