

**Guidelines for Certifying Pre-cut-off Columbarium for
Applying for Temporary Suspension of Liability (TSOL)
under the Private Columbaria Ordinance (Cap. 630) (PCO)
(Buildings Department)**

Introduction

1. *Pre-cut-off Columbarium (Pre-C)* if not issued with a *Specified Instrument (SI)* by the Private Columbaria Licensing Board (PCLB) or covered by the application of such, will be subject to enforcement actions. The purpose of obtaining *TSOL* is to provide a transitional period for applicants to seek regularisation of the *Pre-C* by obtaining a *Licence* or an *Exemption* under the PCO, without posing obvious and imminent danger in terms of building and fire safety (danger) within such period.
2. An application for *TSOL* must be accompanied by an application for a *Licence* / an *Exemption* and therefore guidelines for the application of the latter two *SIs* (Annex 5) should be read in conjunction with the subject one. Roles of the *Qualified Professional (QP)* i.e. an Authorized Person (AP) or where considered necessary and a Registered Structural Engineer (RSE) as described in paragraphs 2 to 4 in Annex 4 should also be applicable where appropriate to the application of *TSOL*.

Certification of Posing No Obvious or Imminent Danger

3. The AP (and RSE if necessary) engaged in applying for *TSOL* should be the same preparing the application plans and documents for the application of other *SIs*. In order to assure that the *Pre-C* is not posing danger during the period of *TSOL*, an AP must be engaged to certify such under section 21(3) of the PCO as per the Form PCLU-2 in **Appendix I**.

Plans

4. While the layout on plans for applying a *Licence* or an *Exemption* have to meet current safety standards thus likely to bear proposed improvement works to the *Pre-C*, that for *TSOL* will primarily be for verifying that the *Pre-C* as is will be posing no danger. Therefore, the AP should, where necessary prepare a separate set of plans for the application of *TSOL* basing on the existing layout of the *Pre-C* with essential information including dimensions and construction materials for indication of building and fire safety as well as

the certification in paragraph 3 above. A list of documents required is detailed in **Appendix II**.

Types of Buildings, Certification and Improvement Works

5. Though the certification should primarily be based on the existing conditions of the *Pre-C*, should improvement building works be found crucial to support the certification, the AP should identify the types of buildings that the *Pre-C* will involve before proceeding with the appropriate procedures for works under his supervision.

6. Making reference to the types of buildings in paragraph 9 of Annex 4, proposed building works for approved or pre-war buildings should follow the provisions under the Buildings Ordinance while those for *Structures Certifiable for a Pre-cut-off Columbarium (SCPC)* or *Certification Buildings (CB)* should be for the acceptance under the PCO by the PCLB. The certification mentioned in paragraph 3 above is applicable to all types of buildings for the application of *TSOL*.

7. To facilitate the early issue of *TSOL* by the PCLB, an AP should assess the types of improvement works essential for the certification but not governed under the Buildings Ordinance like those for *SCPC* and *CB*, and opt whether to proceed with such before or until the acceptance of the proposal by the PCLB.

8. Guidelines on works to be carried out and the implication of unauthorised building works as detailed in paragraph 18 to 23 in Annex 4 are also applicable to the application of *TSOL*.

Danger in Terms of Building Safety

9. The inspection should identify signs of defects or dilapidation such as structural cracks, excessive deflection or deformation of structural elements and undue settlement of the *Pre-C* and associated buildings¹. Should structural elements be found concealed by decorations, the AP should exercise his expertise and consider alternative methods of inspection as appropriate for an accurate assessment. Based on the inspection, he should give an assessment listing the grounds supporting that there would be no danger in terms of building safety. Apart from the required certification, he could

¹ These refer to the remaining portions of *CB* and *NCS* which do not form part of the *Pre-C* applying for *TSOL* but are structurally or means of escape (MOE) connected. The adjoining building or structures not forming part of the *Pre-C* applying for *TSOL* but with the MOE of the *Pre-C* extended into should be structurally assessed as associated building. The MOE route in such outside *Pre-C* areas shall have to be undertaken by the relevant owner to maintain its accessibility and having a fire-rated separation as necessary during the operating hours of the *Pre-C* for serving the MOE purpose.

separately give a recommendation where necessary that the *Pre-C* should be re-inspected by an AP before the end of the period for *TSOL* which is maximum 3 years.

Danger in Terms of Fire Safety

10. The existing means of escape (MOE) and fire resistance rating (FRR) provisions should be inspected and recorded on plans. AP's certification of no danger in terms of fire safety² should be based on an assessment on these provisions and the occupant capacity of the *Pre-C*.

11. As the floors below or above the ground storey of a single staircase building which is under multiple ownership could hardly meet the building-related requirements for private columbarium use, *Pre-C* premises situated in such floors are unlikely to be able to meet the building-related requirements for a *Licence* or an *Exemption*. Even for the consideration of *TSOL*, such use and occupancy within a single staircase building can hardly be justified as posing no danger.

12. Storeys other than the ground storey in pre-war buildings, *SCPC* or *CB* are frequently found not meeting the current fire safety standards for use as columbarium thus considered posing danger. Nevertheless, such storeys may be considered for the application of *TSOL* subject to the building under single ownership and that the relevant conditions imposed by the PCLB are met such as applicant's undertaking and proof of effective management measures for ensuring that such storeys are:

- (a) Locked for restricted access by the management personnel only for maintenance and the works associated with the discontinuation of use as columbarium and removal of UBWs, or if they are not exceeding New Territories Small Building sizes³ carrying out enhancement works for obtaining a *Licence* / an *Exemption*; and
- (b) NOT open to the public / visitors or for serving any other purpose than the above 12(a) until the relevant safety standards of such other uses have been met to the satisfaction of the PCLB.

² Fire service installations and equipment as defined under the "Codes of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment" issued by the Fire Services Department should not be included in the certification. If the *Pre-C* cannot meet the current fire safety standards, the standards applicable at the time of construction of the *Pre-C* or the relevant parts of such can be referred to.

³ Sizes not exceeding the New Territories Small Building whether or not a certificate of exemption is granted under Cap. 121.

13. In case that the ground storey of such buildings / structures suffer from similar severe inadequacy of MOE and / or FRR provisions, the special management measure mentioned in paragraph 12 may also be applicable for the purpose of applying for *TSOL*.

Inspection Cycle

14. Apart from the recommendation on inspection cycle from the AP as mentioned in paragraph 9 above, at the issue of *TSOL*, the PCLB may also impose a condition of submitting an updated AP's inspection and assessment conducted within a specified time slot and / or at a time close to the application for extension of *TSOL*.

Audit Check

15. The Buildings Department will conduct audit check of the certification to monitor the AP and RSE's performance and compliance with these guidelines. Appropriate follow up action will be taken if false, incorrect or misleading information is found in the certification and supporting documents.

-END-

Private Columbaria Ordinance (Cap. 630)
Form PCLU-2
Certification of Building Safety and Fire Safety for
Pre-cut-off Columbarium (*Pre-C*) Applying for *Issue or Extension of
Temporary Suspension of Liability (*TSOL*)

Name of Pre-C: _____

Address and Lot Description: _____

Part A (for Authorized Person) ^(Note 1)

In accordance with the provisions of the Private Columbaria Ordinance (Cap. 630) (PCO), the Application Guide issued by the Private Columbaria Licensing Board (the Guide) and Annex 6 of the Guide (the Guidelines), I _____ (full name in English[#]) _____ (name in Chinese[#]), Authorized Person, hereby declare that I have completed the required assessment and the required inspection on _____ (date) ^(Note 2) of the premises of the *Pre-cut-off Columbarium (Pre-C)* and associated buildings ^(Note 3).

2. Based on my aforesaid inspections and assessment, I hereby certify ^(Note 4) in accordance with the Guidelines, the Guide and the PCO on the following:

*(a) There is no major or extensive structural defects, dilapidation and irregularities in the *Pre-C* and the associated buildings posing any obvious or imminent danger in terms of building safety; and

(b) There is no major deficiency in fire safety provisions in the *Pre-C* posing any obvious or imminent danger in terms of fire safety.

3. In support of this certification, I submit the relevant plans and record photos required in the Guidelines.

4. I hereby declare that this certification is prepared by me in accordance with the Guidelines, the Guide and the PCO.

5. I confirm that the above information is true and correct and understand that all matters and information covered by this certification and all the supporting documents / information may be subject to further examination, auditing and verification by the Private Columbaria Licensing Board and the Buildings Department. 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 certification, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap. 123) and/or other legal ^(Note 5) penalties.

Date	Signature [#] and full name of Authorized Person
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Certificate of registration no. [#]: _____ Date of expiry of registration[#]: _____

Correspondence address: _____

Contact telephone no.: _____ Contact fax no.: _____

Contact email address: _____

Part B (for Registered Structural Engineer)^(Note 6) (If applicable)

In accordance with the provisions of the Private Columbaria Ordinance (Cap. 630) (PCO), the Application Guide issued by the Private Columbaria Licensing Board (the Guide) and Annex 6 of the Guide (the Guidelines), I _____ (full name in English[#]) _____ (name in Chinese[#]), Registered Structural Engineer, hereby declare that I have completed the required assessment and the required inspection on _____ (date)^(Note 2) of the *Pre-C* and associated buildings^(Note 3).

2. Based on my aforesaid inspections and assessment, I hereby certify in accordance with the Guidelines, the Guide and the PCO that there is no major or extensive structural defects, dilapidation and irregularities in the *Pre-C* and the associated buildings posing any obvious or imminent danger in terms of building safety.

3. In support of this certification, I submit the relevant plans and record photos required in the Guidelines.

4. I hereby declare that this certification is prepared by me in accordance with the Guidelines, the Guide and the PCO.

5. I confirm that the above information is true and correct and understand that all matters and information covered by this certification and all the supporting documents / information may be subject to further examination, auditing and verification by the Private Columbaria Licensing Board and the Buildings Department. 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 certification, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap. 123) and/or other legal^(Note 5) penalties.

**Checklist for Submission of Certification of Building Safety and
Fire Safety for Pre-cut-off Columbarium (*Pre-C*) Applying for
*Issue or Extension of Temporary Suspension of Liability under
the Private Columbaria Ordinance (Cap. 630) (PCO)**

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-2, 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 or 1:1,000 showing the location of the <i>Pre-C</i> and the associated buildings)</p> <p>(b) Floor plans#</p> <p>((i) for <i>Pre-C</i> without proposed improvement works, in a scale of 1:50 or 1:100 showing the layout and use of different areas of the <i>Pre-C</i>, width of exit routes and exit doors and critical dimensions and construction materials of the fire resisting constructions for the <i>Pre-C</i>, maximum number of persons including the visitors and staff to be accommodated in each area or room of the <i>Pre-C</i>, sizes of columns and thickness of loadbearing walls of <i>Pre-C</i> located in Certifiable Building and Structures Certifiable for Pre-cut-off Columbarium;</p> <p>((ii) for <i>Pre-C</i> with proposed works, in addition to (b)(i), indication of building works required to be carried out as exempted works, Minor Works or works requiring approval and consent under the Buildings Ordinance (Cap. 123))</p>	
2.	<p>2 sets of record photos (in A4 size showing the general condition of the <i>Pre-C</i> and associated buildings and the direction of the photos taken should be indicated on an index plan)</p>	
3.	<p>Form PCLU-2 with structural assessment</p> <p>(If works are proposed, it can be submitted after such works are completed.)</p>	

Note:

Certification under Section 21(3) of the PCO.

* Delete where inappropriate.

(11/2017)