

GUIDANCE NOTES
for the Lodging of Notice of Appeal
under Section 84(1) of the Private Columbaria Ordinance (Cap. 630)

Introduction

1. Please read section 84(3) of the Private Columbaria Ordinance (Cap. 630) (“the Ordinance”) and the following notes carefully before completing, signing and lodging a Notice of Appeal (“the Notice”).
2. The provision of personal data by means of the Notice is voluntary. If the information provided in the Notice is not sufficient, the Private Columbaria Appeal Board (“the Appeal Board”) may not be able to process the appeal.

Who Can Appeal

3. An applicant or a holder of a specified instrument who is aggrieved by any of the decisions made by the Private Columbaria Licensing Board (“the Licensing Board”) or by the Director of Food and Environmental Hygiene (“DFEH”), as set out in section 84(1) of the Ordinance, may appeal by lodging a notice of appeal, in writing and in the specified form, with the Appeal Board, which must be done **within 21 days** (see note 1) after the date on which the notice of the decision under appeal is given to the person.
4. The Appeal Board is an independent body established under statute. It is NOT the Licensing Board nor a part of the Food and Environmental Hygiene Department. It is generally NOT the function of the Appeal Board to handle complaints, enquiries or licensing matters regarding the Licensing Board; nor to provide advisory, mediation, mitigation or investigation services to the Appellant. If you wish to enquire about any decision made by the Licensing Board or DFEH under the Ordinance, please contact the Licensing Board c/o the Food and Environmental Hygiene Department (Attn: Head of the Private Columbaria Affairs Office) direct.

How To Complete the Notice

5. An appellant is advised to read section 84 of the Ordinance before lodging the Notice.
6. The Notice should be typed or clearly written in block letters, either in English or Chinese. If the space provided on the Notice is insufficient, please give the details on separate sheets of paper to be attached to the Notice and make reference to this on the Notice.

7. If applicable, all parts of the Notice should be completed in full with attachment of all the documents, if any, which are intended to support the appeal.
8. The Notice must be completed in full and lodged with the Appeal Board by means as provided in section 107(3) of the Ordinance (see note 1) to the Secretary to the Private Columbaria Appeal Board at Room 1119, 11/F, THE HUB, 23 Yip Kan Street, Wong Chuk Hang, Hong Kong. Appeal documents submitted by hand to the Appeal Board may be served during office hours (from 8:45 am to 1:00 pm and 2:00 pm to 6:00 pm, Monday to Friday (except public holidays)) to the address specified above .

Note 1:

- For computation of time, please refer to rule 1.2 of the PCAB Rules on Practice and Procedure, in particular, section 71 of the Interpretation and General Clauses Ordinance (Cap. 1).
- Please also see section 107 of the Private Columbaria Ordinance (Cap. 630), in particular, subsections (3) and (4) thereof –

Section 107(3) -

A notice or other document required to be given to, lodged with or served on the Appeal Board, the Licensing Board or a public officer under this Ordinance may be given, lodged or served—

- (a) by delivering it by hand to the office of the Appeal Board, the Licensing Board or the officer (as the case requires) during office hours;
- (b) by sending it by post to the office of the Appeal Board, the Licensing Board or the officer (as the case requires);
- (c) by sending it by fax transmission to the fax number of the Appeal Board, the Licensing Board or the officer (as the case requires); or
- (d) by sending it by electronic mail transmission to the electronic mail address of the Appeal Board, the Licensing Board or the officer (as the case requires).

Section 107(4) -

A notice or other document given, lodged or served in accordance with section 107(3) is to be taken, in the absence of evidence to the contrary, to have been given, lodged or served—

- (a) if delivered by hand—on the day after the day on which it was so delivered;
- (b) if sent by post—on the second working day after the day on which it was posted;
- (c) if sent by fax transmission—on the day after the day on which it was transmitted; or
- (d) if sent by electronic mail transmission—on the day after the day on which it was transmitted.

Withdrawal of the Whole or Part of Appeal

9. An appellant may withdraw his or her appeal only with the leave of the presiding officer or the Appeal Board. He or she should notify the Secretary in writing of his or her intention to abandon the whole or part of the appeal as soon as reasonably practicable (see rule 18 of the Rules on Practice and Procedures made under section 91 of the Ordinance).

Enquiries

10. For enquiries, please contact the Secretary to the Appeal Board (Tel.: 2205 2338).

Private Columbaria Appeal Board
February 2019