

Private Columbaria Appeal Board
<< Rules on Practice and Procedure >>

17 September 2020

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PART I – INTRODUCTION

Establishment and composition of Private Columbaria Appeal Board (“the Appeal Board”) for purposes of appeal

The Appeal Board is established pursuant to section 83(1) of the Private Columbaria Ordinance (Cap. 630) (“the Ordinance”).

The functions of the Appeal Board are to hear and determine appeals lodged by applicants or holders of specified instruments aggrieved by decisions made by the Private Columbaria Licensing Board (“the Licensing Board”) established under section 8 of the Ordinance or the Director of Food and Environmental Hygiene (“the Director”) referred to in section 84(1) of the Ordinance.

For the purposes of an appeal, the Appeal Board consists of a presiding officer, who is to preside at the hearing of the appeal, and 4 panel members selected by the presiding officer under section 85(1) of the Ordinance. Generally speaking, the presiding officer is the Chairperson or a Deputy Chairperson of the Appeal Board as provided by section 85(2) of the Ordinance.

In determining an appeal, the Appeal Board may confirm, reverse or vary the decision appealed against; substitute its own decision for the decision appealed against; or make any other order that it thinks fit, and such decision of the Appeal Board is final, under section 86(11) & (12) of the Ordinance.

The Chairperson’s power to make rules and determine practice or procedure

The rules below provide for the lodging of appeals and generally for regulating the practice and procedure of the Appeal Board and are made by the Chairperson pursuant to section 91(1) of the Ordinance. These rules may be referred to as the Rules on the Practice and Procedure of the Appeal Board (“the Rules”).

According to section 91(2) of the Ordinance, the Rules are not subsidiary legislation.

Under section 91(3) of the Ordinance, the Chairperson may determine any matter of practice or procedure relating to the hearing of appeals if no provision governing such matter is made in the Ordinance or in the Rules.

For the avoidance of doubt, a Deputy Chairperson or a legally qualified panel member selected under section 85(5) of the Ordinance may exercise the powers

contained in the Rules when he or she is sitting on the Appeal Board as the presiding officer.

1. Interpretation and definitions

1.1 In the Rules –

- (a) unless otherwise provided, the terms defined in section 2 of the Ordinance shall apply.
- (b) specifically, the terms “**appeal**”, “**appellant**”, “**Chairperson**”, “**Deputy Chairperson**”, “**legally qualified**”, “**panel member**”, “**party**” and “**presiding officer**” as defined in section 82 of the Ordinance for appeal are adopted.
- (c) “**respondent**” means the Licensing Board or the Director, as the case may be.

1.2 In respect of the computation of time (e.g. the number of days) referred to in the Rules, section 71 of the Interpretation and General Clauses Ordinance (Cap. 1) shall apply; any reference therein to “court office” shall be deemed to include the Appeal Board.

1.3 Save and except the periods provided under rules 3.1 and 4.1 below, the presiding officer or the Appeal Board may, on such terms as may be just, extend or abridge the period within which any party is required or authorised by the Rules, or by any direction or order, to do any act in the appeal:

- (a) Any such period as is referred to above may be extended even though the application for extension is not made until after the expiration of that period.
- (b) A direction or order for extension of time may be made by consent of the parties given in writing.

2. Non-compliance with the Rules/irregularities

2.1 Where there has been a failure to comply with any of the requirements of the Rules, the failure shall be treated as an irregularity and shall not nullify the appeal, any step taken or any document or any decision or order made therein.

- 2.2 Where any such irregularity is brought or comes to the attention of the Appeal Board at any stage of an appeal, the presiding officer or the Appeal Board may give direction or make order to cure or waive the irregularity or otherwise on such terms and/or in such manner as may be just.
- 2.3 Clerical mistakes in any direction, decision or order of the presiding officer or the Appeal Board, or errors arising therein (including but not limited to transcription or translation) from any accidental slip or omission, may be corrected by the presiding officer or the Appeal Board or the secretary to the Appeal Board (“the Secretary”) under the direction or order of the presiding officer.

PART II – LODGING OF APPEAL AND SUBMISSION OF DOCUMENTS

3. Lodging of Notice of Appeal

- 3.1 Under section 84(2) of the Ordinance, an applicant or holder of a specified instrument who is aggrieved by and who wishes to appeal from any of the decisions of the respondent set out in section 84(1) of the Ordinance must lodge a notice of appeal (“the Notice of Appeal”), by filing it with the Secretary, **within 21 days** ^[Note 1] after the date on which the notice of the decision under appeal is given to the applicant or holder.
- 3.2 The Notice of Appeal, in the specified form as set out in **Appendix I**, must pursuant to section 84(3) of the Ordinance:
- (a) set out the grounds of the appeal and the facts on which the appeal relies;
 - (b) be accompanied by copies of the documents (if any) that are intended to be relied on; and
 - (c) include particulars of the witnesses (if any) intended to be called at the hearing of an appeal.
- 3.3 Except with the leave of the presiding officer or the Appeal Board, an appellant shall not, at the hearing of an appeal, be entitled to rely on any ground of appeal or any document, or to call any witness, not specified in the Notice of Appeal.
- 3.4 The Secretary shall, in accordance with section 84(4) of the Ordinance, give a copy of the Notice of Appeal to the respondent as soon as practicable.

4. Response from respondent

- 4.1 A respondent who seeks to defend an appeal must, **within 21 days** ^[Note 1] after receiving the Notice of Appeal, file a statement in defence to the Notice of Appeal (“the Response”) with the Secretary and serve it on the appellant.
- 4.2 In the Response –

- (a) the respondent's arguments in response to the appellant's grounds of appeal and the facts on which the respondent intends to rely are to be set out;
 - (b) the documents on which the respondent intends to rely (if any) are to be identified with provision of copies; and
 - (c) the particulars of the witnesses whom the respondent intends to call at the hearing of an appeal (if any) are to be included.
- 4.3 Except with the leave of the presiding officer or the Appeal Board, a respondent shall not, at the hearing of an appeal, be entitled to rely on any ground or any document, or to call any witness, not specified in the Response.

5. Reply from appellant

- 5.1 An appellant who seeks to reply to a Response must, **within 21 days** ^[Note.1] after being served the Response, file a statement in reply ("the Reply") with the Secretary and serve it on the respondent.
- 5.2 In the Reply, the appellant should be restricted only to responding to the grounds, facts and/or documents set out in the Response.

6. Amendment to pleadings

- 6.1 The Notice of Appeal, Response and Reply shall collectively be referred to as the pleadings in the Rules.
- 6.2 For the purpose of determining the real question in controversy, or of correcting any defect or error, the presiding officer or the Appeal Board may, at any stage of an appeal and whether on application of any party to an appeal or out of own motion, grant leave for amendment of pleadings on such terms and/or in such manner or otherwise as may be just.
- 6.3 The party applying for leave to amend a pleading must submit the written request (identifying the part of the pleading to be amended and the proposed amendments etc.) to the presiding officer by filing it with the Secretary and serving the same on the other party to the appeal.

- 6.4 The presiding officer or the Appeal Board shall not grant leave for amendment of pleadings unless it is necessary for disposing fairly of the cause or matter of the appeal.
- 6.5 Where any party is granted leave by the presiding officer or the Appeal Board to amend a pleading but that party does not amend it in accordance with the direction or order made before the expiration of the period specified for that purpose, the direction or order shall cease to have effect, without prejudice, however, to the power of the presiding officer or the Appeal Board to extend the period for that party to comply.
- 6.6 The pleadings may, at any stage of an appeal, be directed or ordered to be amended by the presiding officer or the Appeal Board by consent of the parties to an appeal.

7. Further particulars of pleadings

- 7.1 The presiding officer or the Appeal Board may, at any stage of an appeal and whether on application of any party to an appeal or out of own motion, give direction or make order for further particulars to be provided of the pleadings on such terms and/or in such manner or otherwise as may be just.
- 7.2 The party applying for further particulars must submit the written request (identifying the relevant parts of a pleading and the further particulars required etc.) to the presiding officer by filing it with the Secretary and serving the same on the other party to the appeal.

8. Service of documents

- 8.1 For the purpose of effecting service of documents, etc. under section 107 of the Ordinance and the Rules:
- (a) service on the presiding officer or the Appeal Board should be made by serving on the Secretary at 11/F, THE HUB, 23 Yip Kan Street, Wong Chuk Hang, Hong Kong (post box no.1106) or by email to "secretariat@pcab.hk" or by fax at (852) 2556 2039.
 - (b) service on the Licensing Board should be made by serving on the Chairperson of the Private Columbaria Licensing Board (Attn.: Secretary, Private Columbaria Licensing Board).

(c) service on the Director should be made by serving on the Head of Private Columbaria Affairs Office of the Food and Environmental Hygiene Department or his or her representative (if any).

8.2 The presiding officer or the Appeal Board may give direction or make order for service on any party to be substituted on such terms and/or in such manner or otherwise as may be just.

Note 1:

Please see also section 107 of the Ordinance, in particular, subsections (3) and (4) thereof.

**PART III – CASE MANAGEMENT/
PRELIMINARY ISSUES BEFORE THE HEARING OF APPEAL**

9. Case management conference

- 9.1 Where it appears to the presiding officer or the Appeal Board at any stage of an appeal that the holding of a case management conference would be beneficial to the conduct of the appeal, the presiding officer or the Appeal Board may, whether on application of any party to an appeal or out of own motion, give direction or make order for such a conference to be held.
- 9.2 Any party to an appeal may submit written request for a case management conference (identifying the matters to be dealt with or considered in the case management conference etc.) to the presiding officer by filing it with the Secretary and serving the same on the other side of the appeal.
- 9.3 A case management conference should be held in private unless the presiding officer or the Appeal Board otherwise directs.
- 9.4 The purpose of a case management conference may include –
- (a) encouraging the parties to an appeal to cooperate with each other (e.g. by agreeing on the directions to be sought from the presiding officer or the Appeal Board) to ensure efficient conduct of the appeal;
 - (b) identifying the issues in an appeal at an early stage;
 - (c) deciding promptly the areas which it is desirable for the parties to an appeal to make further submissions, whether on the law and/or the evidence;
 - (d) deciding the order in which the issues are to be resolved;
 - (e) ensuring that all agreements that can be reached between the parties to an appeal are reached;
 - (f) controlling the progress of an appeal;
 - (g) considering whether the taking of any particular step is beneficial to the conduct or determination of an appeal;
 - (h) giving direction to ensure that the hearing of an appeal proceeds

quickly and efficiently; and

- (i) facilitating the settlement of an appeal.

10. Case management powers

10.1 The presiding officer or the Appeal Board may, at any stage of an appeal and whether on the request of any party to an appeal or out of own motion, give direction or make order in respect of any of the following matters to ensure just, expeditious and economical conduct of the appeal –

- (a) The manner in which an appeal is to be conducted, including whether it is desirable to impose time limits in the hearing of the appeal;
- (b) Submission to the Appeal Board and service on all relevant parties, before the hearing of the appeal, of witness statements and such other documents which are not otherwise covered by the Rules;
- (c) Receipt and consideration of any material, whether by way of oral evidence, written statements, documents or otherwise and whether or not it would be admissible in a court;
- (d) The necessity or otherwise for examination-in-chief, cross-examination and/or re-examination of witnesses in the hearing of an appeal;
- (e) The filing and service of written submissions by any relevant party at any stage of the appeal;
- (f) The fixing of time limits with respect to any aspect of the appeal;
- (g) The summoning of a person to appear before the Appeal Board and to give evidence or to produce any document that is relevant to the appeal and is in or under his or her custody or control;
- (h) The evidence which may be required or admitted in the hearing of an appeal before the Appeal Board and the extent to which it should be given on oath or affirmation;
- (i) The attendance of the parties to an appeal and/or their representatives before the Appeal Board at any stage of the appeal;

- (j) As to whether to prohibit any person from publishing or otherwise disclosing any material the Appeal Board receives in an appeal;
- (k) As to whether to stay the whole or part of an appeal either generally or until a specified date or event;
- (l) As to whether to consolidate two or more appeals;
- (m) As to whether to direct a separate hearing of any issue and decide the order in which the issues are to be tried;
- (n) As to whether to exclude an issue from consideration by the Appeal Board;
- (o) As to whether to dismiss or decide or make order on the appeal after a decision on a preliminary issue;
- (p) As to whether to take any other step or make any other order for the purposes of managing the appeal and furthering the objectives of achieving a just, expeditious and economical conduct of the appeal.

11. Application for striking out

- 11.1 The Appeal Board may, at any stage of an appeal and whether on application by a respondent or out of own motion, give direction or make order for an appeal to be struck out.
- 11.2 The respondent applying for striking out must submit the written request (stating the grounds and/or reasons in support etc.) by filing it with the Secretary and serving the same on the appellant.
- 11.3 The Appeal Board may strike out an appeal if it is satisfied that –
 - (a) the Notice of Appeal discloses no reasonable ground of appeal;
 - (b) the appeal is scandalous, frivolous or vexatious; and/or
 - (c) the appeal is otherwise an abuse of process of the Appeal Board.

12. Determination of the jurisdiction of the Appeal Board

- 12.1 The presiding officer or the Appeal Board may, at any stage of an appeal and whether on application of any party to an appeal or out of own motion, give direction or make order for the issue of the jurisdiction of the Appeal Board to be heard and determined as a preliminary issue.
- 12.2 If the Appeal Board determines that it does not have jurisdiction to hear an appeal, it must dismiss the appeal.

13. Handling of multiple appeals on the same or similar issues

- 13.1 Where two or more appeals have been made in respect of the same subject matter or which involve the same or similar issues, the presiding officer or the Appeal Board may, at any stage and whether on application of any party to any appeal or out of own motion, give direction or make order that certain appeals or a particular issue or matter raised in appeals to be consolidated or heard together or one immediately after the other or in such other manner as may be fit.
- 13.2 The party applying for the direction or order under rule 13.1 must submit the written request (identifying the relevant appeals, the issues or matters in common in these appeals, the direction or order to be sought and the reasons in support etc.) to the presiding officer by filing it with the Secretary and serving the same on all relevant parties.

14. Preliminary issues

- 14.1 Save and except the jurisdiction of the Appeal Board provided under rule 12.1 above, the presiding officer or the Appeal Board may, at any stage of an appeal and whether on application of any party to an appeal or out of own motion, give direction or make order that any issue involved in an appeal to be heard and considered by the Appeal Board as preliminary issue.
- 14.2 The party applying for hearing and determination of preliminary issue must submit the written request (identifying the preliminary issue and the reasons in support etc.) to the presiding officer by filing it with the Secretary and serving the same on the other party to the appeal.

15. Request for confidential treatment of information or documents in an appeal (if any)

- 15.1 If any party to an appeal desires to keep any information or document submitted in an appeal confidential, he or she may, as soon as practicable and in any event before the information or document in question is to be disclosed to any other party, submit a written request (identifying the relevant information or document and the reasons in support etc.) to the presiding officer by filing it with the Secretary and serving the same on the other side of the appeal.
- 15.2 Unless otherwise directed or ordered by the presiding officer or the Appeal Board, the party applying under rule 15.1 must comply with the filing and service of information or documents as required by the Rules.

16. Filing and exchange of witness statements

- 16.1 The parties to an appeal are required to file with the Secretary and exchange with each other, within such time and in such manner as directed or ordered by the presiding officer, statements of evidence of the witnesses intended to be called in the hearing of the appeal as identified in the Notice of Appeal and the Response.

17. Expert evidence (if any)

- 17.1 Any party to an appeal wishing to rely upon expert evidence in the hearing of the appeal may seek leave from the presiding officer or the Appeal Board to do so.
- 17.2 Any written request for leave must be filed with the Secretary and served on the other party to the appeal. It must identify the issues on which the party applying wishes to rely upon expert evidence and explain how the expert evidence would assist the Appeal Board in determining the matters in the appeal.
- 17.3 Leave will only be granted if, in the opinion of the presiding officer or the Appeal Board, the expert evidence is relevant to the matters in issue and is necessary for the just, expeditious and economical conduct of the appeal.
- 17.4 Where a party to an appeal is being granted leave by the presiding officer or the Appeal Board to rely upon expert evidence, that party must, within

such time as directed or ordered by the presiding officer or the Appeal Board, file the expert evidence with the Secretary and serve the same on the other party to the appeal.

18. Withdrawal of appeal

- 18.1 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.
- 18.2 Where leave to withdraw is granted under rule 18.1, the appellant may do so on such terms and/or in such manner as directed or ordered by the presiding officer or the Appeal Board.

PART IV – HEARING OF AN APPEAL

19. Notice of hearing

- 19.1 Upon direction of the presiding officer, the Secretary is to fix the date, time and place for the hearing of an appeal. The presiding officer may have regard to the views conveyed by any party to an appeal on such arrangements as appropriate.
- 19.2 The Secretary is to notify the parties to an appeal in writing of the date, time and place of the hearing for the appeal by way of serving a notice of hearing at least **42 days** before the date fixed for hearing by using the form at **Appendix II**.

20. Hearing bundle

- 20.1 The documents and submissions received from the parties to an appeal shall be incorporated by the Secretary into a paginated and indexed hearing bundle. Copies of the hearing bundle should be sent to the Appeal Board and the parties to the appeal no later than **14 days** prior to the date of the hearing.

21. Procedure at the hearing

- 21.1 Strict rules of evidence do not apply to hearings before the Appeal Board as in court proceedings.
- 21.2 The Appeal Board is not to be bound by the rules for discovery of documents as in court proceedings.
- 21.3 The Appeal Board is to conduct any hearing before it in such manner as it considers most appropriate for the determination of the issues before it and generally to achieve the just, expeditious and economical handling of the appeal.
- 21.4 The presiding officer is responsible for directing the proper conduct of any hearing before the Appeal Board.
- 21.5 A party to an appeal may, at any stage of the appeal, in person, and / or represented by another person as may be authorised by the presiding

officer or a legal representative as authorised by that party –

- (a) appear and be present before the Appeal Board;
- (b) make representations and / or submissions before the Appeal Board.

- 21.6 The making of submissions shall be in such manner and sequence as the presiding officer may direct.
- 21.7 Unless the presiding officer or the Appeal Board otherwise directs, no witness of fact or expert may be heard unless the relevant witness statement or expert report has been submitted in advance of the hearing of the appeal and in accordance with any direction made by the presiding officer.
- 21.8 The presiding officer or the Appeal Board may limit examination-in-chief, cross-examination or re-examination of witnesses to such extent or in such manner as may be fit and appropriate, having regard to the just, expeditious and economical conduct of the appeal.

22. Production of evidence during the hearing

- 22.1 The presiding officer or the Appeal Board may, on such terms and/or in such manner as may be fit and just, receive and consider any material that had not been made available to the Licensing Board at any time before the decision under appeal was made.
- 22.2 The presiding officer or the Appeal Board may, on such terms and/or in such manner as may be fit and just, admit or exclude evidence whether or not the evidence was available to the other party to the appeal when the decision under appeal was made.
- 22.3 The presiding officer or the Appeal Board may, on such terms and/or in such manner as may be fit or just, allow a witness to give evidence through a video link or by other means.

23. Production of documents by the parties or others during the hearing

- 23.1 The presiding officer or the Appeal Board may, upon the written request of any party to an appeal or out of own motion, summon a person to appear before the Appeal Board and to give evidence, or to produce to the Appeal

Board any document that is relevant to the appeal and is in or under his or her custody or control.

- 23.2 The party applying for a person to be summoned must submit the written request (identifying the relevant person, the purpose of the summons and the reasons in support etc.) to the presiding officer by filing it with the Secretary and serving the same on the other party to the appeal.

24. Hearing to be held in public except in special circumstances

- 24.1 The hearing of an appeal shall be held in public, save and except otherwise directed or ordered by the presiding officer or the Appeal Board.
- 24.2 The presiding officer or the Appeal Board may, whether on application by any party to an appeal or out of own motion, give direction or make order that –
- (a) a hearing or part of a hearing before the Appeal Board should take place in private and the persons who may be present.
 - (b) publication, disclosure or other use of any material received by the Appeal Board should be prohibited.
 - (c) any or any part of a decision, direction or order of the presiding officer or the Appeal Board should be redacted.
- 24.3 Without prejudice to any of the foregoing rules, in so far as there is sufficient accommodation, members of the public including the press shall be admitted to any hearing before the Appeal Board on a first-come-first-served basis.
- 24.4 The Appeal Board will deliberate in private after any hearing.

25. Language

- 25.1 The hearing of an appeal may be conducted in Chinese or English or both as the Appeal Board thinks fit. Notwithstanding this, a party to an appeal or his or her authorised representative and a person invited to make representations may address the Appeal Board in Chinese or English or both and a witness may likewise give evidence before the Appeal Board in any of the two languages or both. If any person wishes to address the

Appeal Board in a language other than Chinese, he or she is required to give prior notice to the Secretary in writing.

26. Recording of hearings

- 26.1 Any transcript or audio recording of any hearing before the Appeal Board is internal record and will not be released unless as directed or ordered by the presiding officer or the Appeal Board.

PART V – HANDING DOWN OF DECISIONS

27. Issue of decision of the Appeal Board

- 27.1 Any decision of the Appeal Board in respect of an appeal must be handed down by the presiding officer in writing with reasons for the decision and the date on which the decision is to take effect.
- 27.2 Subject to compliance with the direction given or order made under rule 24.2(c), the Secretary is to serve a copy of the Appeal Board's decision on the parties to the appeal as soon as reasonably practicable.

28. Consent orders

- 28.1 If the parties to an appeal are able to agree, at any stage of the appeal, on the terms on which all or any part of the appeal is to be settled, they may request the presiding officer or the Appeal Board to make an order by consent.
- 28.2 Any request for a consent order to be made under rule 28.1 should be submitted, jointly by the parties to the appeal or any of them, to the Secretary in writing with a draft consent order.
- 28.3 In respect of any request for a consent order, the Appeal Board may, as it thinks fit, with or without hearing the parties to the appeal –
- (a) make an order in terms of the draft consent order submitted under rule 28.2;
 - (b) request the parties to the appeal to agree to vary the terms; or
 - (c) refuse to make any order.

PART VI – SUPPLEMENTARY

29. Submission of electronic information

29.1 The format, manner and procedure for the submission of electronic information (if required), as promulgated in gazette by virtue of the Electronic Transactions Ordinance (Cap. 553), should be followed. The specified requirements are linked to the webpage at <https://www.ogcio.gov.hk/en/regulation/eto/ordinance/submission/index.htm>.

30. Hearing arrangements in case of inclement weather

30.1 General guidelines on the hearing arrangements during inclement weather are set out below –

- (a) Hearing shall continue to be held when Tropical Cyclone Warning Signal No. 1 or No. 3 is hoisted or Rainstorm Amber or Red Warning is issued.
- (b) Hearing shall, unless directed otherwise by the presiding officer, be cancelled if, within two hours before the scheduled time of the hearing, Tropical Cyclone Warning Signal No. 8 or above is hoisted or remains in force or Rainstorm Black Warning is issued or remains in force.
- (c) If Tropical Cyclone Warning Signal No. 8 or above is hoisted or Rainstorm Black Warning is issued while a hearing is in progress, the presiding officer shall decide whether to adjourn or continue with the hearing.

**NOTICE OF APPEAL UNDER SECTION 84(1) OF
THE PRIVATE COLUMBARIA ORDINANCE (CAP. 630)**

根據《私營骨灰安置所條例》（第 630 章）
第 84(1)條提交的

上訴通知書

Form No. S84-1
表格第 S84-1 號
(10.2019)

<i>For Official Use Only</i> 請勿填寫此欄	Reference No. 檔案編號	(To be filled by Secretariat)
	Date Received 認收日期	(由秘書處填寫)

- Please read the "[Guidance Notes](#)" carefully before completing the Notice of Appeal. For enquiries, please contact the Secretary to the Private Columbaria Appeal Board (Tel: 3509 8969).
請在填寫上訴通知書前，細閱「[上訴須知](#)」。如有查詢，請致電 3509 8969與私營骨灰安置所上訴委員會秘書聯絡。
- This form and the "Guidance Notes" can be downloaded from the website of the Private Columbaria Appeal Board (www.pcab.hk)
此表格及「上訴須知」可從私營骨灰安置所上訴委員會的網頁(www.pcab.hk)下載。

1. Particulars of Appellant (see Section 84(1) of the Ordinance and paragraph 3 of the "Guidance Notes") 上訴人的詳細資料 (見條例第84(1)條及「上訴須知」第三段。)

Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organisation* 先生/夫人/小姐/女士/公司/機構*)

Identity Document/ Business Registration Certificate#/ Certificate of Incorporation* No.
身份證明文件/商業登記證#/公司註冊證*號碼

Postal Address 通訊地址

Tel. No. 電話號碼

Fax. No. 圖文傳真號碼

Email Address 電郵地址

Contact Person 聯絡人 (For company/organisation only 只適用於公司/機構)

Name 姓名 (Mr./ Mrs./ Miss/ Ms.* 先生/夫人/小姐/女士*).....

Position in company/organisation 公司/機構職位

2. Particulars of Appellant's Authorised Representative (if any) 上訴人授權代表(如有)的詳細資料(倘有授權代表)

Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organisation* 先生/夫人/小姐/女士/公司/機構*)

Identity Document/ Business Registration Certificate#/ Certificate of Incorporation* No.
身份證明文件/商業登記證#/公司註冊證*號碼

Postal Address 通訊地址

Tel. No. 電話號碼

Fax. No. 圖文傳真號碼

Email Address 電郵地址

Contact Person 聯絡人 (For company/organisation only 只適用於公司/機構)

Name 姓名 (Mr./ Mrs./ Miss/ Ms.* 先生/夫人/小姐/女士*).....

Position in company/organisation 公司/機構職位

Please enter "N.A." for any inapplicable part 請在不適用的部分填寫「不適用」

* Delete where inappropriate 請刪去不適用者

Please provide "Certificate of Incorporation No." instead of "Business Registration certificate No." if the subject is a "limited company".

如單位屬「有限公司」，請提供「公司註冊證號碼」，而不是「商業登記證號碼」。

7. A List of documents (with copy) that the Appellant Intends to Rely on in Support of the Appeal

(Where relevant, please explain why it is not practicable to annex to this Notice of Appeal any of the documents relied upon by the Appellant and, identify when such documents can be expected to be provided, where appropriate.) (see section 84(3)(b) of the Ordinance)

上訴人擬倚據的文件清單 (連文件複本)

(如屬相關，請解釋為何把其所倚據的某些文件列為回應的附件並非切實可行，以及在適當情況下指出何時可提供該等文件。) (見條例第84(3)(b)條)

8. Particulars of Every Witness (if any) whom the Appellant Intends to Call at the Hearing (see section 84(3)(c) of the Ordinance)

上訴人擬在有關聆訊中傳召的每名證人(如有)的詳情 (見條例第84(3)(c)條)

Name 姓名 (Mr./Mrs./Miss/Ms. * 先生/夫人/小姐/女士*) (Witness No. 1 第 1 號證人)

Mailing Address (if known) 通訊地址 (如知悉的話)

Tel. No. (if known) 電話號碼 (如知悉的話)

Fax No. (if known) 圖文傳真號碼 (如知悉的話)

Name 姓名 (Mr./Mrs./Miss/Ms. * 先生/夫人/小姐/女士*) (Witness No. 2 第 2 號證人)

Mailing Address (if known) 通訊地址 (如知悉的話)

Tel. No. (if known) 電話號碼 (如知悉的話)

Fax No. (if known) 圖文傳真號碼 (如知悉的話)

Please use separate sheets if there are more than two witnesses 如多於 2 位證人，請另頁填寫

Please enter "N.A." for any inapplicable part 請在不適用的部分填寫「不適用」

* Delete where inappropriate 請刪去不適用者

9. Signature 簽署

Appellant / Authorised Representative*
 上訴人/獲授權代表*

Signature

簽署

Name

姓名

Please fill in block letters 請以正楷填寫

Position (if applicable)

職位 (如適用)

On behalf of

代表

Company/ Organisation Name and Chop

(if applicable)

公司/機構名稱及蓋章 (如適用)

Date

日期

* Delete where inappropriate 請刪去不適用者

Statement on Personal Data個人資料的聲明

- The personal data submitted to the Private Columbaria Appeal Board (“the Appeal Board”) in this appeal will be used by the Appeal Board/Government departments for the following purposes:
 - the processing of this appeal which may include making available the name of the Appellant in the hearing of the appeal and the decision of the Appeal Board, which will be published to the public; and
 - facilitating communication between the Appellant and the Secretary to the Appeal Board/ Government departments in accordance with the provisions of the Private Columbaria Ordinance (Cap. 630) and Rules on Practice and Procedure of the Appeal Board.
 私營骨灰安置所上訴委員會(“上訴委員會”)就這宗上訴收到的個人資料會由上訴委員會/政府部門根據《私營骨灰安置所條例》(第630章)及上訴委員會的《實務及程序規則》作以下用途:
 - 處理這宗上訴,可能包括在上訴委員會聆訊中及決定中提供上訴人的姓名,而有關決定將會公開;及
 - 方便上訴人與上訴委員會秘書/政府部門之間進行聯絡。
- The personal data provided in this appeal may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.
 就這宗上訴中獲提供的個人資料,或亦會向其他人士披露,以作上述第1段提及的用途。
- A person lodging a Notice of Appeal or an Appellant has a right of access and correction with respect to his/ her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary to the Appeal Board at 11/F, THE HUB, 23 Yip Kan Street, Wong Chuk Hang, Hong Kong. For details, please refer to http://www.pcab.hk/doc/e_pics_200526.pdf.
 根據《個人資料(私隱)條例》(第486章)的規定,提交上訴通知書的人士或上訴人有權查閱及更正其個人資料。如欲查閱及更正其個人資料,應向上訴委員會秘書提出有關要求,其地址為香港黃竹坑業勤街23號THE HUB 11樓。詳情請參閱http://www.pcab.hk/doc/c_pics_200526.pdf。

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: Secretary of Private Columbaria Licensing Board) 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 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.: 3509 8969).

PRIVATE COLUMBARIA APPEAL BOARD

NOTICE OF HEARING

Appeal No. xxx/xxxx

In the matter of the appeal lodged by
(Appellant) against the decision of
under section __ of the Private Columbaria Ordinance (Cap. 630) on
theday of

To : (Appellant)

And to (the Private Columbaria Licensing Board or the
Director of Food and Environmental Hygiene (as the case may be))

TAKE NOTICE that the above appeal will be heard
at
on theday of20.....ata.m. / p.m.

FURTHER TAKE NOTICE that, pursuant to section 86(4) of the Private
Columbaria Ordinance, if you fail to appear on the date set for the hearing of the appeal
above without showing reasonable cause for the failure, the Appeal Board may proceed
to hear any other party entitled to appear; and make its decision without hearing the
absent party.

Dated thisday of.....20.....

.....
Presiding Officer of the Private Columbaria Appeal Board