

立法會

Legislative Council

LC Paper No. CB(2)666/05-06(01)

Ref : CB2/PL/AJLS

Panel on Administration of Justice and Legal Services

Background brief prepared by the Legislative Council Secretariat for the meeting on 15 December 2005

Relocation of the Labour Tribunal to South Kowloon Magistrates Court Building

Purpose

This paper provides information on the past discussions of Members of the Legislative Council on issues relating to the relocation of the Labour Tribunal to South Kowloon Magistrates Court Building.

Recommendation of the Working Party on the Review of the Labour Tribunal

2. In June 2003, the Chief Justice (CJ) established the Working Party on the Review of the Labour Tribunal (the Working Party) to review the operation of the Labour Tribunal and to recommend improvements thereto. The Working Party published its report in June 2004.

3. The Working Party made a total of 37 recommendations on improvements to the Labour Tribunal. One of its recommendations was that the Labour Tribunal should be relocated to a separate and purpose-built premises at a convenient location. The old South Kowloon Magistrates Court Building was a possible and suitable location that should be explored. Details of the consideration of the Working Party on the premises and location of the Tribunal are set out in Section VI of Chapter Five of the Report (extract in **Appendix I**).

Discussion by the Panel on Administration of Justice and Legal Services and Panel on Manpower

4. The Panel on Administration of Justice and Legal Services and the Panel on Manpower held two joint meetings to discuss the Working Party's Report on 9 November and 13 December 2004.

5. The Administration informed Members that CJ had accepted all the recommendations of the Working Party. On the relocation of the Labour Tribunal, the Judiciary had already obtained the necessary funding and plans were being drawn up to implement the relocation to South Kowloon Magistrates Court Building.

6. Representatives of major labour organisations and employers' associations were invited to give views on the Report at the meeting on 13 December 2004. On the Working Party's recommendation regarding the relocation of the Labour Tribunal, members noted the following views of some deputations –

- (a) relocation of the Tribunal to old South Kowloon Magistrates Court was not supported;
- (b) relocation of the Tribunal should be considered having regard to factors, such as convenience to the public and cost-effectiveness;
- (c) relocation of the Tribunal to a purpose-built building was supported. However, more resources should be provided to the Tribunal to address other concerns about the premises and location of the Tribunal as reflected in Section VIB of Chapter Five of the Report of the Working Party; and
- (d) a separate waiting area within the court premises should be provided for the witnesses.

7. The Administration had advised members that financial considerations were not the sole factor for determining the relocation of the Tribunal. The old South Kowloon Magistrates Court Building was a purpose-built building at a convenient location with more space for the operation of the Tribunal.

Latest position

8. The Judiciary Administration will brief the Panel on Administration of Justice and Legal Services on the latest position regarding the relocation at the Panel meeting on 15 December 2005.

Relevant papers

9. A list of relevant papers is in **Appendix II**. These papers are available on the LegCo website (<http://www.legco.gov.hk>).

**Extract from the Report of the
Working Party on the Review of the Labour Tribunal**

Chapter Five – Review and Recommendations

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Section VI. The Premises and Location of the Tribunal

A. The Present Position

5.155 At present, the Tribunal comprises 12 courts and two registries. The main registry and ten courts are located at the 19th and 20th floor of the Pioneer Centre, a commercial building in Mongkok at an annual rental of \$11 million exclusive of management fees. A subsidiary registry and two other courts are operating at the 9th floor of the Eastern Law Courts Building, Sai Wan Ho on Hong Kong Island, as the Pioneer Centre accommodation has reached its full capacity. The latter was established in early 2000 to cope with the increasing workload in the Tribunal.

B. Concerns

5.156 The main premises of the Labour Tribunal are situated in a commercial building. The Tribunal shares the common areas with shops, restaurants and offices located at the same building. This blurs the image of the Tribunal as a court and lowers its esteem among litigants. In fact, some litigants even thought that the Tribunal is part of the Labour Department. Further, the location of the Tribunal in such a building gives rise to security problems that would not arise if it were located in a building managed by the Judiciary.

5.157 Over 200 users visit the Tribunal daily for various purposes. Given the setting at the Pioneer Centre, POs and staff have to use the public lifts and passages, together with the litigants. This may at times cause embarrassment.

5.158 Courtrooms at the Pioneer Centre are small and of odd shapes. The acoustics are poor. In some courts, there are insufficient seats for parties let alone the public. From time to time, parties have to wait in the corridor outside the courts. In addition, there is insufficient space for interviews and discussions. There is also insufficient space for witnesses to wait outside the courtroom for their turn to give evidence. The common area is noisy and over-crowded.

5.159 The present arrangement of operating the Tribunal at two locations is also undesirable. Parties complain about confusion in filing of documents.¹¹¹ There is overlapping of administrative facilities.

5.160 In summary, the existing premises for the Tribunal in Mongkok and the present arrangement of operating the Tribunal at two locations are highly undesirable and unsatisfactory. They hinder the efficient and effective operation of the Tribunal.

C. Proposal

5.161 The Working Party is of the view that consideration should be given to obtaining satisfactory premises and ancillary facilities for the Tribunal. The following considerations are relevant:

- (a) The Tribunal should be located in a separate court building;
- (b) The Tribunal should operate in one location;
- (c) The Tribunal needs to maintain 12 to 13 courts in view of the workload. A suitable number of additional court(s) should be reserved for expansion and contingency;
- (d) Courtrooms need to be of different sizes. Apart from the basic facilities of an ordinary court, their design should enhance the dignity and solemnity of a court;
- (e) An average courtroom should be of reasonable size and shape to accommodate 30 to 40 seats;
- (f) There should be larger courtrooms to accommodate group claims which may involve up to a hundred litigants;
- (g) Sufficient facilities must be provided to TOs for their work;
- (h) There should be sufficient conference rooms for use by litigants;
- (i) There should be spacious waiting area for the parties, including space for witnesses to wait for their turn to give evidence;

¹¹¹ See item (g) of Short term measures to improve operation of the Labour Tribunal. This issue has been resolved as per the measure at (g).

- (j) There should be an efficient lift system to cater for the large number of litigants and the public visiting the Tribunal each day;
- (k) Security measures have to be sufficient to maintain safety and order in the Tribunal; and
- (l) POs, TOs and staff should have separate access to their chambers and offices, avoiding mingling with litigants and the public.

5.162 The Judiciary is currently considering the possibility of relocation of the Tribunal to the old South Kowloon Magistrates Court Building at Gascoigne Road. According to a preliminary feasibility study, the requirements as set out in the preceding paragraph can be broadly met if the Tribunal is to be relocated to that Building. That Building is also conveniently located, so that users from Hong Kong, Kowloon and the New Territories will have easy access to it by means of public transport.

5.163 To relocate to the old South Kowloon Magistrates Court Building, a significant capital sum will be needed for its conversion and refurbishment. Although the initial capital sum will have to be incurred, the substantial annual rental of \$11 million will be saved. Accordingly, there is no doubt that with relocation, substantial savings for the public purse will be achieved.

Recommendation 37 : *The Labour Tribunal should be relocated to a separate and purpose-built premises in a convenient location. The old South Kowloon Magistrates Court Building is a possible and suitable location that should be explored.*

**Relocation of the Labour Tribunal to
South Kowloon Magistrates Court Building**

Relevant papers/documents

LC Paper No.

Papers/Documents

Papers provided by the Administration

- CB(2)136/04-05 -- Report of the Working Party on the Review of the Labour Tribunal published in June 2004
- CB(2)285/04-05(01) -- Paper provided by the Judiciary Administration providing information requested at the joint meeting of the Panel on Administration of Justice and Legal Services and Panel on Manpower on 9 November 2004

Submissions

- CB(2)175/04-05(01)
(*Chinese version only*) -- Submission from the Hong Kong Federation of Trade Unions
- CB(2)366/04-05(01)
(*Chinese version only*) -- Submission from the Federation of Hong Kong & Kowloon Labour Unions
- CB(2)378/04-05(01)
(*Chinese version only*) -- Submission from the Hong Kong Confederation of Trade Unions

Minutes of joint meetings of the Panel on Administration of Justice and Legal Services and Panel on Manpower

- CB(2)327/04-05 -- Minutes of joint meeting on 9 November 2004
- CB(2)726/04-05 -- Minutes of joint meeting on 13 December 2004