

**For discussion
on 15 December 2005**

Legislative Council

Panel on Administration of Justice and Legal Services

**Relocation of the Labour Tribunal to
the South Kowloon Law Courts Building**

PURPOSE

The purpose of this paper is to set out the Judiciary's proposal regarding the relocation of the Labour Tribunal to the South Kowloon Law Courts Building ("SKLCB").

BACKGROUND

2. The Report on the Working Party ^{Note 1} on the Review of the Labour Tribunal ("the Report") was published in June 2004 and was accepted by the Chief Justice. One of the recommendations contained in the Report was that the Labour Tribunal should be relocated to separate and purpose-built premises in a convenient location. The Report noted that according to a preliminary feasibility study, relocation of the Labour Tribunal to the SKLCB would be suitable. Relevant extract of the Report is attached at Annex A for easy reference.

3. The Report was discussed at two joint meetings of the Panel on Administration of Justice and Legal Services ("AJLS") and the Manpower Panel of the Legislative Council ("LegCo") on 9 November and 13 December 2004. Members of the two Panels noted the proposal to relocate the Labour Tribunal as recommended in the Report.

PRESENT POSITION

4. The Judiciary has since taken forward the proposed relocation of the Labour Tribunal to the SKLCB. The Administration has earmarked funding for the proposed project.

^{Note 1} : The Working Party was established by the Chief Justice to review the operation of the Labour Tribunal and to recommend improvements thereto. It was chaired by Madam Justice Chu.

5. The SKLCB was constructed in the early 1970s and is now vacant^{Note 2}. It comprises five storeys (basement to third floor), with a two-storey building services annex block. The construction floor area (“CFA”) of the building is 5,781m².

6. The Judiciary has set out its detailed user requirements for the proposed project. The Government Property Agency (“GPA”) has cleared the space use requirements of the proposed project. The design consultant engaged by the Architectural Services Department (“ArchSD”) has been preparing and fine-tuning the layout plans, taking into account the users’ requirements. The ArchSD is also preparing the tender documents.

THE PROJECT

7. Upon the relocation of the Labour Tribunal to the SKLCB :
- (a) The Labour Tribunal would be located in a separate court building in a convenient location accessible to the public by different means of public transport;
 - (b) There would be sufficient space for the Labour Tribunal to operate at one location;
 - (c) There would be 13 courtrooms with adequate support facilities including chambers for the Presiding Officers and offices for court staff;
 - (d) The courtrooms would be of different sizes, ranging from 50m² to 80m² to cater for different needs;
 - (e) An average courtroom would be of reasonable size to accommodate about 30 seats;
 - (f) There would be 2 larger courtrooms with about 70 seats to accommodate group claims;
 - (g) 39 offices are provided to the Tribunal Officers for their work;

^{Note 2} : The South Kowloon Law Courts Building was closed on 1 July 2000.

- (h) There would be sufficient conference and discussion rooms for use by the litigants;
- (i) There would be sufficient waiting areas on each floor for the parties, including space for witnesses to wait for their turn to give evidence;
- (j) There would be three lifts (one for Presiding Officers and staff and two for members of the public) to provide separate access for the Presiding Officers, staff and the public;
- (k) There would be a closed-circuit television system and other security measures to maintain safety and order for the Tribunal; and
- (l) There would be adequate general and registry areas and space for other ancillary support services.

8. A site plan is at Annex B and the artist's impression of the proposed project is at Annex C.

FINANCIAL IMPLICATIONS

9. At present, the ArchSD estimates that the capital expenditure of the project is \$68.6 million. A breakdown is set out at Annex D. ArchSD advises that the proposed works for the project are all necessary and at modest standard conducive to the smooth and efficient operation of the Labour Tribunal in the new premises.

10. The existing annual expenditure for the Labour Tribunal is \$11.348 million consisting of \$8.289 million for rental, and \$3.059 million for management fees and other expenditure for building management and related services. The capital estimate of the project is \$68.6 million and the estimated annual recurrent expenditure for building management and related services is about \$3.381 million^{Note 3}. The relocation project will therefore result in a net saving of \$7.967 million per annum. Moreover, this proposal would put the vacant SKLCB into productive use for an appropriate purpose.

^{Note 3} The additional recurrent expenditure of \$0.322m (i.e. \$3.381m-\$3.059m) is mainly to cater for the maintenance of the lifts, air-conditioning system, fire services installation, etc..

ENVIRONMENTAL IMPLICATIONS

11. The project is not a designated project under the Environmental Impact Assessment Ordinance (Cap. 499) and will not cause long-term environmental impact. The ArchSD has included in the project estimate the cost of implementing suitable mitigation measures to control short-term environmental impacts. The details are now set out at Annex E.

IMPACT ON EMPLOYMENT

12. The ArchSD estimates that the proposed works will create 159 jobs (142 for labourers and another 17 for professional/technical staff) providing a total employment of 1,720 man-months.

THE WAY FORWARD

13. It is intended that funding endorsement would be sought from the Public Works Sub-committee and approval from the Finance Committee of the LegCo in January 2006 and February 2006 respectively.

14. Subject to funding approval by the LegCo, the project would commence in August 2006 for handing over to the Judiciary in August 2007. It is planned that the Labour Tribunal would commence operation in the SKLCB by end 2007.

ADVICE SOUGHT

15. Members are invited to note the proposed relocation project of the Labour Tribunal and to give their views thereon.

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

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;

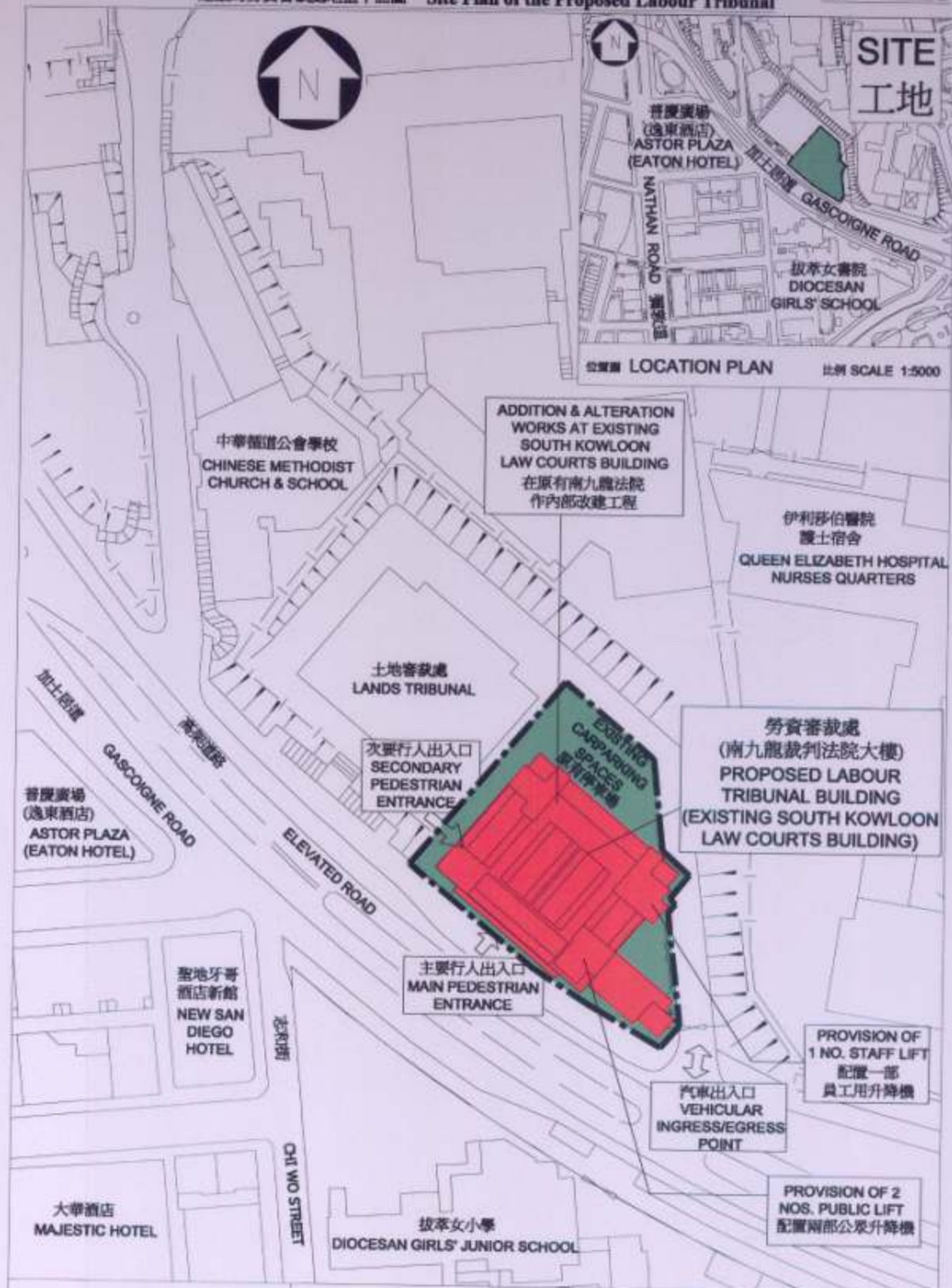
¹¹¹ See item (g) of Short term measures to improve operation of the Labour Tribunal. This issue has been resolved as per the measure at (g).


- (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.*




Title 20LJ 勞資審裁處搬遷至南九龍裁判法院大樓 RELOCATION OF LABOUR TRIBUNAL TO THE SOUTH KOWLOON LAW COURTS BUILDING	drawn by PANCY TANG	date 4/10/05	drawing no. AB/6954/GP101	scale 1:1000
	approved CHRIS.W	date 4/10/05	 ARCHITECTURAL SERVICES DEPARTMENT	
	office ARCHITECTURAL BRANCH			



從南面望向勞資審裁處的構思圖
VIEW OF THE PROPOSED LABOUR TRIBUNAL BUILDING FROM SOUTHERN DIRECTION (ARTIST'S IMPRESSION)



從東面望向勞資審裁處的構思圖
VIEW OF THE PROPOSED LABOUR TRIBUNAL BUILDING FROM EASTERN DIRECTION (ARTIST'S IMPRESSION)

Title 29LJ 勞資審裁處搬遷至南九龍裁判法院大樓 RELOCATION OF LABOUR TRIBUNAL TO THE SOUTH KOWLOON LAW COURTS BUILDING	drawn by	PANCY TANG	date	4/10/05	drawing no. AB/6954/GP102	scale N.T.S.
	approved	CHRIS W	date	4/10/05		
	office	ARCHITECTURAL BRANCH			 ARCHITECTURAL SERVICES DEPARTMENT	

**Relocation of Labour Tribunal to the
South Kowloon Law Courts Building****Breakdown of the capital expenditure**

Item	\$ million
(a) Structural strengthening / alternation / demolition works	6.8
(b) Building	29.2
(c) Building services	18.0
(d) Furniture and equipment	4.6
(e) Drainage	0.4
(f) External works	1.5
(g) Consultants' fees for construction stage –	2.3
(i) contract administration	1.2
(ii) site supervision	1.1
(h) Contingencies	5.8
Sub-total	68.6 (in September 2005 prices)
(i) Provision for price adjustment	0.0
Total	68.6 (in money-of- the-day prices)

**Relocation of Labour Tribunal to the
South Kowloon Law Courts Building**

ENVIRONMENTAL IMPLICATIONS

The Architectural Services Department (“ArchSD”) will implement suitable mitigation measures to control short-term environmental impacts. These include the use of silencers, mufflers, acoustic lining or shields for noisy construction activities, and frequent cleaning and watering of the site.

2. ArchSD has considered measures in the planning and design stages to reduce the generation of construction and demolition (“C&D”) materials where possible. In addition, ArchSD will require the contractor to reuse inert C&D materials on site or in other suitable construction sites as far as possible, in order to minimise the disposal of C&D materials to public fill reception facilities. ArchSD will encourage the contractor to maximise the use of recycled or recyclable C&D materials, as well as the use of non-timber formwork to further minimise the generation of construction waste.

3. ArchSD will require the contractor to submit a waste management plan (“WMP”) for approval. The WMP will include appropriate mitigation measures to avoid, reduce, reuse and recycle C&D materials. ArchSD will ensure that the day-to-day operations on site comply with the approved WMP. ArchSD will control the disposal of public fill, C&D materials and C&D waste to public fill reception facilities¹, sorting facilities¹ and landfills respectively through a trip-ticket system. ArchSD will require the contractor to separate public fill from C&D waste for disposal at appropriate facilities. ArchSD will record the disposal, reuse and recycling of C&D materials for monitoring purposes.

¹ Sorting facilities and public fill reception facilities are specified in Schedule 3 and Schedule 4 respectively of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354N). Disposal of public fill in public fill reception facilities requires a licence issued by the Director of Civil Engineering and Development.

4. ArchSD estimates that the project will generate about 4,500 tonnes of C&D materials. Of these, ArchSD will deliver 3,375 tonnes (75%) to public fill reception facilities for subsequent reuse, and 450 tonnes (10 %) to sorting facilities in order to retrieve the inert portion for reuse as public fill. In addition, ArchSD will dispose of 675 tonnes (15 %) at landfills. The total cost for accommodating C&D materials at public fill reception facilities and landfill sites, together with the cost for handling the materials at sorting facilities is estimated to be \$220,500 for this project (based on an unit cost of \$27/tonne for disposal at public fill reception facilities, \$100/tonne at sorting facilities and \$125/tonne² at landfills).

5. The proposed relocation will not involve any tree removal or planting proposals.

Architectural Services Department
December 2005

² This estimate has taken into account the cost for developing, operating and restoring the landfills after they are filled and the aftercare required. It does not include the land opportunity cost for existing landfill sites (which is estimated at \$90/m³), nor the cost to provide new landfills (which is likely to be more expensive) when the existing ones are filled.