

ITEM FOR PUBLIC WORKS SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 703 – BUILDINGS

Law and Order – Judiciary

30LJ – Additional courtrooms and associated facilities in the High Court Building

Members are invited to recommend to Finance Committee the upgrading of **30LJ** to Category A at an estimated cost of \$50.9 million in money-of-the-day prices for the construction of additional courtrooms and associated facilities in the High Court Building.

PROBLEM

There is a problem of shortage of courtrooms in the High Court. Additional courtrooms and associated facilities are required in order to alleviate the problem, and to facilitate greater efficiency in deployment of judicial resources.

PROPOSAL

2. The Director of Architectural Services, with the support of the Judiciary Administrator, proposes to upgrade **30LJ** to Category A at an estimated cost of \$50.9 million in money-of-the-day (MOD) prices for the construction of additional courtrooms and associated facilities in the High Court Building.

/PROJECT

PROJECT SCOPE AND NATURE

3. The scope of **30LJ** comprises the construction of the following facilities on Lower Ground Fourth Floor (LG4/F) of the High Court Building which will provide some 540 square metres (m²) in net operational floor area (NOFA) –

- (a) three civil courtrooms (with size ranging from 85 m² to 100 m²);
- (b) three judges' chambers;
- (c) three consultation rooms;
- (d) an office for staff providing support to the judges;
- (e) waiting area;
- (f) a baby-care room;
- (g) a rest room-cum-storeroom for cleaning contractors;
- (h) toilet facilities, including those for the disabled, as appropriate; and
- (i) landscaped area.

— A plan showing the proposed layout of LG4/F of the High Court Building is at Enclosure 1. We plan to start the construction works in July 2010 for completion in December 2011.

JUSTIFICATION

4. At present, there are 43 courtrooms in the High Court Building. Of the 43 courtrooms –

- (a) 36 are criminal/civil courtrooms, most of which are of around 180 m² in size, for conducting court hearing of civil and criminal cases within the jurisdiction of the Court of Appeal and the Court of First Instance (CFI) of the High Court; and

/(b)

- (b) seven Masters' courtrooms, ranging from 51 m² to 65 m² in size, for the Masters to carry out judicial duties such as hearing interlocutory and summary applications in chambers, and conducting assessments of damages and interpleader trials in court.

5. As at 4 January 2010, there are currently a total of 47 Judges and Deputy Judges in the High Court, comprising the Chief Judge of the High Court who is the Court Leader and the President of the Court of Appeal, ten Justices of Appeal, 29 Judges of the CFI and seven Deputy Judges of the CFI. In addition, there are ten Recorders who are appointed to sit in the High Court to conduct hearing of cases within the jurisdiction of the CFI, each for an average of four weeks every year. For the Court of Appeal, three Justices of Appeal are normally required to conduct hearing of an appeal case. For hearings conducted at the CFI level, they are presided by a single judge. Taking into account the aforesaid requirements and the mode of operation of the courts, the existing 36 criminal/civil courtrooms in the High Court are insufficient to meet the operational needs of the High Court, resulting in the use of one to three courtrooms in the District Court at Wan Chai for hearing of High Court cases. Consequentially, one court of the Small Claims Tribunal which is co-located with the District Court at Wan Chai has to be used for hearing of District Court cases; and at times, District Court cases are heard in the Eastern Magistrates' Courts at Sai Wan Ho. The situation is considered very unsatisfactory from the angles of both the Judiciary and the court users.

6. As regards the Masters' courtrooms, there are currently one Registrar and ten Temporary Senior Deputy Registrars and Deputy Registrars / Temporary Deputy Registrars of the High Court (the latter three are collectively referred to as Masters) operating in the seven Masters' courtrooms in the High Court for conducting the hearing of those civil cases without the need to go to trial before a Judge. On occasions when the seven Masters' courtrooms are fully occupied, the criminal/civil courtrooms have to be used for hearing of civil cases under the Masters' jurisdiction. This has further added pressure to the competing demand for the 36 criminal/civil courtrooms.

7. The insufficient number of courtrooms in the High Court not only imposes constraints on the deployment of judicial resources, but also prevents the Judiciary from appointing more Deputy Judges to help shorten the waiting time of court cases even where there is operational need to do so. The situation would be seriously aggravated if the caseload (which is beyond the Judiciary's control) increases significantly at any time in the future. The provision of the proposed three additional courtrooms in the High Court is essential and imminently required to alleviate the unsatisfactory situation and facilitate better deployment of judicial resources to help shorten the waiting times for court cases.

/8.

8. We have, with the assistance of the Architectural Services Department, devised proposals for the provision of additional courtrooms in the High Court Building. Having regard to the site and technical constraints of the existing building, we consider that converting part of LG4/F of the High Court Building into courtrooms and associated facilities is the only feasible option, as the ceiling height is suitable for the purpose and it will entail the least movement of existing facilities and disturbance to the existing users of the High Court.

9. The total NOFA of the proposed facilities is around 540 m², which is made available by vacating the store rooms on LG4/F and releasing some 190 m² NOFA from the Library. Although the area of the Library is slightly reduced by about 15% to facilitate implementation of the major works project, the existing level of services provided by the Library would be maintained through minor alteration works to rationalise the use of space in the Library and the installation of movable book-shelves. Upon completion of the works, the shelving capacity of the Library will increase by about 7% and the seating capacity will remain at the existing level of 70.

FINANCIAL IMPLICATIONS

10. We estimate the capital cost of the project to be \$50.9 million in MOD prices (please see paragraph 11 below), broken down as follows –

	\$ million
(a) Site work and demolition	7.5
(b) Building	17.9
(c) Building services	7.5
(d) Drainage	2.0
(e) External works	1.2
(f) Additional energy conservation measures	0.1

/(g)

		\$ million
(g)	Furniture and equipment ¹	1.5
(h)	Consultants' fees	1.9
	(i) contract administration	1.5
	(ii) management of resident site staff	0.4
(i)	Remuneration of resident site staff	4.6
(j)	Contingencies	<u>4.3</u>
	Sub-total	48.5 (in September 2009 prices)
(k)	Provision for price adjustment	<u>2.4</u>
	Total	<u>50.9</u> (in MOD prices)

We propose to engage consultants to undertake contract administration and site supervision of the project. A detailed breakdown of the estimates for the consultants' fees and resident site staff costs by man-months is at Enclosure 2. The construction floor area (CFA) of **30LJ** is 1 180 m². The estimated construction unit cost, represented by the building and the building services costs, is \$21,525 per m² of CFA in September 2009 prices. Taking into consideration the site constraints and the need to avoid disturbance to the operation of the High Court Building during the construction stage, we consider the estimated construction unit cost reasonable.

11. Subject to approval, we will phase the expenditure as follows –

/2010 – 11

¹ The estimated cost of furniture and equipment is based on an indicative list of items required.

Year	\$ million (Sept 2009)	Price adjustment factor	\$ million (MOD)
2010 – 11	5.0	1.02000	5.1
2011 – 12	26.0	1.04040	27.1
2012 – 13	11.5	1.06121	12.2
2013 – 14	5.0	1.08243	5.4
2014 – 15	1.0	1.11220	1.1
Total	48.5		50.9

12. We have derived the MOD estimates on the basis of the Government's latest forecast of trend rate of change in the prices of public sector building and construction output for the period 2010 to 2015. We will award the contract on a lump-sum basis because we can clearly define the scope of the works in advance. The contract will provide for price adjustments.

13. We estimate the annual recurrent expenditure arising from this project to be \$1.7 million.

PUBLIC CONSULTATION

14. We consulted the Criminal Court Users' Committee², the Civil Court Users' Committee², the Hong Kong Bar Association and the Law Society of Hong Kong on the project. The two Committees and the two legal professional bodies generally supported the project. We also consulted the Legislative Council Panel on

/Administration

² The Criminal Court Users' Committee and the Civil Court Users' Committee are appointed by the Chief Justice and chaired by a High Court Judge to discuss matters of concern to users of the criminal and civil courts, including all matters of practice and procedure, and the administration of the courts. Members comprise judges, representatives of the legal profession, representatives of other court users and lay members.

Administration of Justice and Legal Services (AJLS Panel) on the proposed works on 15 December 2009. Members expressed support for the project. Members also requested quantitative information on the benefits of the proposed works project. We provided the relevant information at Enclosure 3 to the AJLS Panel on 11 January 2010.

ENVIRONMENTAL IMPLICATIONS

15. The project is not a designated project under the Environmental Impact Assessment Ordinance (Cap. 499). The project will not cause long-term environmental impact. We have included in the project estimate the cost to implement suitable mitigation measures to control short-term environmental impacts.

16. During construction, we will control noise, dust and site run-off nuisances to within established standards and guidelines through the implementation of mitigation measures in the contract. These include the use of silencers, mufflers, acoustic lining or shields for noisy construction activities, and frequent cleaning of the site.

17. We have considered measures (e.g. adopting modular design in finishing materials such as metal cladding and timber panels) in the planning and design stages to reduce the generation of construction waste where possible. In addition, we will require the contractor to reuse inert construction waste in other suitable construction sites as far as possible, in order to minimize the disposal of inert construction waste at public fill reception facilities³. We will encourage the contractor to maximise the use of recycled / recyclable inert construction waste to further reduce the generation of construction waste.

18. We will also require the contractor to submit for approval a plan setting out the waste management measures, which will include appropriate mitigation means to avoid, reduce, reuse and recycle inert construction waste. We will ensure that the day-to-day operations on site comply with the approved plan. We will require the contractor to separate the inert portion from non-inert construction waste on site for disposal at appropriate facilities. We will control the disposal of inert construction waste and non-inert construction waste at public fill reception facilities and landfills respectively through a trip-ticket system.

/19.

³ Public fill reception facilities are specified in Schedule 4 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation. Disposal of inert construction waste in public fill reception facilities requires a licence issued by the Director of Civil Engineering and Development.

19. We estimate that the project will generate in total about 700 tonnes of construction waste. Of these, we will deliver 430 tonnes (61.4%) of inert construction waste to public fill reception facilities for subsequent reuse. We will dispose of the remaining 270 tonnes (38.6%) of non-inert construction waste at landfills. The total cost for accommodating construction waste at public fill reception facilities and landfill sites is estimated to be \$45,360 for this project (based on a unit cost of \$27 per tonne for disposal at public fill reception facilities and \$125 per tonne⁴ at landfills).

LAND ACQUISITION

20. The project does not require any land acquisition.

ENERGY CONSERVATION MEASURES

21. This project has adopted various forms of energy efficient features, including –

- (a) automatic demand control of air supply in the air-conditioning system;
- (b) demand control of fresh air supply with carbon dioxide sensors for air handling units;
- (c) T5 energy efficient fluorescent tubes with electronic ballast and occupancy sensors and daylight sensors for lighting control; and
- (d) light-emitting diode (LED) type exit signs.

22. The total estimated additional cost for adoption of the above energy efficient features is around \$60,000, which has been included in the cost estimate of this project. The energy efficient features will achieve 3.1% energy savings in the annual energy consumption with a payback period of about 8.2 years.

/HERITAGE

⁴ 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 per m³), nor the cost to provide new landfills (which is likely to be more expensive), when the existing ones are filled.

HERITAGE IMPLICATIONS

23. This project will not affect any heritage site, i.e. all declared monuments, proposed monuments, graded historic sites/buildings, sites of archaeological interests and Government historic sites identified by the Antiquities and Monuments Office.


BACKGROUND INFORMATION

24. We upgraded **30LJ** to Category B in September 2008. We engaged consultants to undertake the building design and prepare tender documents in August 2009. We charged the total cost of \$2 million to block allocation **Subhead 3100GX** "Project feasibility studies, minor investigations and consultants' fees for items in Category D of the Public Works Programme". The consultants have completed the building design and are now finalizing the tender documents.

25. The proposed works will not involve any tree removal. We will incorporate planting proposals as part of the project, including about 100 shrubs, 800 groundcovers and 30 m² of grassed area in the open-air landscaped area.

26. We estimate that the proposed works will create about 70 jobs (62 for labourers and another eight for professional/technical staff) providing a total employment of 1 000 man-months.



title 030LJ 高等法院大樓加建法庭 及相關設施 ADDITIONAL COURTROOMS AND ASSOCIATED FACILITIES IN THE HIGH COURT BUILDING	drawn by FRANKIE WAN	date 16.10.09	drawing no. AB/7227/XA001	scale 1:400
	approved RAPHAEL YING	date 16.10.09	 ARCHITECTURAL SERVICES DEPARTMENT	
	office PROJECT MANAGEMENT BRANCH			

Enclosure 2 to PWSC(2009-10)83

30LJ – Additional courtrooms and associated facilities in the High Court Building

Breakdown of the estimates for consultants' fees and resident site staff costs (in September 2009 prices)

		Estimated man- months	Average MPS* salary point	Multiplier <small>(Note 1)</small>	Estimated fee (\$ million)	
(a)	Consultant fees' for contract administration <small>(Note 2)</small>	Professional	10	38	1.6	0.9
		Technical	20	14	1.6	0.6
Sub-total					1.5	
(b)	Resident site staff costs <small>(Note 3)</small>	Professional	46	38	1.6	4.2
		Technical	25	14	1.6	0.8
Sub-total					5.0	
Comprising –						
(i)	Consultants' fees for management of resident site staff			0.4		
(ii)	Remuneration of resident site staff			4.6		
Total					6.5	

*MPS = Master Pay Scale

Notes

1. A multiplier of 1.6 is applied to the average MPS salary point to estimate the cost of resident site staff supplied by the consultants. (As at now, MPS point 14 = \$19,835 per month and MPS point 38 = 57,280 per month)
2. The consultants' staff cost for contract administration is calculated in accordance with the existing consultancy agreement for the design and construction of **30LJ**. The assignment will only be executed subject to the Finance Committee's approval to upgrade **30LJ** to Category A.
3. The consultants' staff cost for site supervision is based on estimates prepared by the Director of Architectural Services. We will only know the actual man-months and actual costs after completion of the construction works.

For information

**Legislative Council
Panel on Administration of Justice and Legal Services**

**Proposed Construction of Additional Courtrooms and
Associated Facilities in the High Court Building**

PURPOSE

The Legislative Council Panel on Administration of Justice and Legal Services has requested the Judiciary to provide quantitative information on the benefits of the proposed construction of three additional courtrooms in the High Court Building, including the impact on waiting time for cases at different levels of court. This paper seeks to provide the relevant information.

GENERAL CONSIDERATIONS

2. Waiting times for cases are contingent upon a wide range of factors including caseload, complexity of cases, judicial resources and courtroom availability.

Caseload

3. Caseload fluctuates and is beyond the Judiciary's control. An increase in the volume of cases to be handled by the courts requires not only adequate judicial resources but also sufficient courtrooms.

Complexity of Cases

4. The complexity of cases varies and is also beyond the Judiciary's control. Experience has shown that the more complex a case is, the more hearings in court are required, and in addition, the length of hearings increase.

5. In addition, for long and/or complicated cases, the Judges need a considerably longer time for pre-hearing preparation (such as dealing with applications and correspondence on paper, reading of

voluminous bundles of documents including written submissions by counsel, etc.) and for post-hearing work (i.e. preparing for the judgments).

Judicial Resources

6. The amount of judicial resources that could be deployed to cope with the caseload depends on the number of Judges on the establishment of the Judiciary and the financial resources available to engage temporary judicial manpower. The deployment of judicial manpower (whether substantive or temporary) depends critically on the availability of courtrooms for hearing cases.

7. In short, even where sufficient judges can be engaged to hear cases, the availability of courtrooms provides a limitation.

Courtrooms

8. The availability of courtrooms for hearing cases is therefore of paramount importance in enabling more expeditious disposal of cases.

9. Owing to the different factors that may affect waiting times (some of which have been referred to above), it is not possible to provide a precise formula in relation to the reduction in waiting times were additional courtrooms to be made available. However, the following observations are of note.

PAST EXPERIENCE

10. Although there is no precise formula for calculating quantitative information on how disposal of court cases would be expedited by the provision of additional courtrooms in the High Court Building, past experience of improved court waiting times consequent on enhancement of judicial manpower resources may be a pointer to benefits that can be expected from the provision of additional courtroom facilities.

11. In 2004 and 2005, waiting times for criminal and civil fixture cases at the Court of First Instance (“CFI”) of the High Court greatly exceeded the target waiting times of 120 days (for criminal) and 180 days (for civil). In 2004, average waiting times were 214 days and 239 days respectively. In 2005, average waiting times were 193 days and 233 days respectively. Additional temporary judicial resources in the form of three more deputy Judges (representing a 10% increase in judicial resources for the CFI at that time) were deployed to the CFI in the latter

part of 2005 with a view to shortening waiting times. In the following year (2006), for criminal cases, the waiting time for criminal fixture cases was considerably improved to 119 days and was brought back to within target. For civil cases, the waiting time for civil fixture cases was considerably improved to 124 days which was well within target. It is, however, right to point out that these improvements were also in part due to the reduction in the caseload of the courts and the number of trials during that time, but there is also little doubt that the additional judicial resources contributed significantly to these improvements.

ANTICIPATED BENEFITS

12. There is an urgent operational need for additional courtrooms for the High Court. At the CFI level, the first nine months of 2009 saw a 39% increase in criminal cases and a 42% increase in cases of civil jurisdiction over the same period in 2008. At the same time, cases listed for hearing have become considerably more complex. One ready indicator of this is that the average length of trials in the first nine months of 2009 as compared to the same period in 2008 has lengthened by 3% for criminal cases and by 11% for civil cases. Consequently, the court waiting times for such cases have lengthened. The situation would be aggravated if the caseload and complexity of cases (both of which are beyond the Judiciary's control) continue on the present increasing trend.

13. To address the lengthening waiting times, additional judicial resources have been deployed. However, owing to the shortage of courtrooms in the High Court, a number of courtrooms in the District Court have been used for hearing High Court cases. This has in turn led to a shortage of courtrooms in the District Court. One court of the Small Claims Tribunal has had to be used for hearing District Court cases. All courtrooms in the High Court and District Court are already optimally utilized. In the High Court, this has reached maximum utilization. Without the provision of additional courtrooms, there is no scope for setting up additional court lists and consequently there could be no prospect of deploying additional temporary judicial resources to shorten the relevant court waiting times if needed.

14. With the addition of three courtrooms in the High Court Building, the arrangement of using courtrooms in the District Court for hearing High Court cases ("the existing arrangement") can be reviewed in the light of the prevailing caseload and estimated complexity of the cases at these two levels of court. The District Court courtrooms used by the High Court may be released back to the District Court for its use. In any

case, the overall provision of three additional courtrooms to the Judiciary is expected to have the benefit of improving court waiting times as described in the following paragraphs.

15. With the addition of three courtrooms in the High Court Building, a total of three additional deputy Judges could be engaged and three additional lists maintained.

16. Each additional deputy Judge engaged for the CFI of the High Court represents a 3% increase in judicial resources for the CFI (based on the existing complement of 36 substantive and deputy Judges of the Court of First Instance of the High Court). Accordingly, if there were to be three additional deputy Judges to be engaged for the CFI, this will result in a 9% increase in judicial resources for the CFI.

17. From the point of view of the District Court, each additional deputy Judge engaged for that level of court represents a 4% increase in judicial resources (excluding the Family Court), based on the existing complement of 27 substantive and deputy District Court Judges (excluding Family Court Judges). Hence, if the two courtrooms in the District Court that are at present used for hearing High Court cases are released back to the District Court and assuming one court of the Small Claims Tribunal continues to be used for hearing District Court cases, two additional deputy District Court Judges could be engaged, representing an 8% increase in judicial resources for the District Court.

18. We believe that additional court lists brought about by the addition of three courtrooms in the High Court Building will considerably assist in shortening court waiting times. As previously stated, it is not possible to provide a precise percentage estimate of the potential reduction in waiting times for the High Court and District Court which may be brought about by the addition of courtrooms in the High Court, but this should be the result. The Judiciary will monitor the position closely.

ADVICE SOUGHT

19. Members are requested to note the content of this paper.