

**For discussion
on 26 April 2010**

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

**Proposed Construction of
the West Kowloon Law Courts Building**

PURPOSE

This paper seeks Member's support of the Judiciary's major works project "Construction of the West Kowloon Law Courts Building" ("WKLCB").

BACKGROUND

2. In order to provide adequate and appropriate court facilities for the proper administration of justice in Hong Kong, the Judiciary has carried out a comprehensive review of the Judiciary premises and mapped out a long-term accommodation strategy for the next decade that will meet the operational needs of the Judiciary. As a result of the comprehensive review, three major works projects are under active planning:

- (a) Construction of Additional Courtrooms and Associated Facilities in the High Court Building, for which funding approval of the Finance Committee ("FC") of the Legislative Council ("LegCo") was obtained in February 2010;
- (b) Proposed Construction of the WKLCB; and
- (c) Relocation of the Court of Final Appeal to the LegCo Building, for which the Administration's formal agreement was obtained in April 2009.

3. We briefed the LegCo Members on the above long-term strategic accommodation plans during their visit to the Judiciary in July 2009.

PROPOSAL

4. As an integral part of its long-term accommodation strategy and in the light of changing operational requirements, the Judiciary proposes to construct a new law courts building in the West Kowloon region to meet the growing court services requirements and achieve greater operational efficiency.

JUSTIFICATIONS AND SCOPE OF THE WKLCB PROJECT

Justifications

5. The purposes of constructing the WKLCB are to :
- (a) Re-provision and co-locate the existing (i) Tsuen Wan Magistrates' Courts; (ii) Small Claims Tribunal; (iii) Coroner's Court; and (iv) Obscene Articles Tribunal, which are all under the purview of the Chief Magistrate but are currently located in different buildings, so as to meet the increase in operational requirements for court services and to improve operational efficiency and the standard of service provision;
 - (b) Provide additional courtrooms and associated facilities to cater for growing requirements; and
 - (c) Provide the Judiciary with the much needed ancillary support facilities which are inadequate or currently not available in the four existing court buildings.

Inadequacies of the existing Courts/Tribunals

6. The existing accommodation of the Courts and Tribunals concerned is grossly inadequate in many of the basic facilities such as consultation rooms for parties and their legal representatives, witness waiting rooms, custody areas for defendants, facilities for the disabled, etc.

which are essential facilities in a law courts building of present-day standard for the proper administration of justice. Major problems are set out below:

(a) *Tsuen Wan Magistrates' Courts*

- (i) Due to limited space available, some of the essential facilities, such as the Magistrates' chambers, are located in the vicinity of public-accessible court lobby areas and are not provided with separate access as in the other law courts buildings, which is a mandatory requirement in the design of a law courts building. This is most undesirable from the security point of view; and
- (ii) The building is not provided with essential facilities, including purpose-built Care and Protection courtrooms, separate access and waiting facilities for juvenile defendants attending the courts, consultation rooms for litigating parties and their legal representatives and facilities for the disabled.

(b) *Small Claims Tribunal*

- (i) The courtrooms are sometimes too small to accommodate all the litigants and witnesses;
- (ii) There are insufficient proper interview rooms for the Tribunal Officers to interview parties, and most interviews have to take place in the courtrooms, thereby depriving the Tribunal of making optimal use of the courtrooms by Judicial Officers in hearing cases;
- (iii) There are no witness waiting rooms and consultation rooms to facilitate parties to discuss their disputes. Very often, parties have to hold discussions at the public lobby or the corridor; and
- (iv) The Registry is often over-crowded at peak hours.

(c) *Coroner's Court*

- (i) There are neither consultation rooms/witness waiting rooms nor waiting rooms for the deceased's family members and for the jury; and
- (ii) There is no waiting area for the public and the registry counters are small and congested.

(d) *Obscene Articles Tribunal*

- (i) Due to limited space available, articles submitted for classification, including magazines, comic books, video cassette tapes and video compact discs, etc. have to be stored in the Viewing Room which is accessible by the public; and
- (ii) The Viewing Room is too small to place sufficient cabinets and steel cupboards for the proper storage and custody of the submitted articles.

The above-mentioned deficiencies have adversely affected the smooth functioning of court processes and are not conducive to the efficient administration of justice. Due to site and building constraints, in-situ expansion of the premises is technically infeasible.

7. The inadequacy in accommodation in the existing premises for these four Courts and Tribunals also imposes constraints on the Judiciary in implementing new initiatives to support the administration of justice. For instance, in the context of a review of the existing operation of the Small Claims Tribunal, which takes into account the fact that no legal representation is allowed in the Tribunal, the Judiciary considers it necessary to set up a dedicated information and enquiry centre in the Tribunal to provide procedural assistance to parties. However, the plan cannot be taken forward in the existing premises owing to lack of space for setting up such a centre.

To provide additional courtrooms to meet future needs

8. There are currently 94 courtrooms at the magistracy and tribunal level (20 of which are located in the four Courts and Tribunals concerned). At present, nearly all these 94 courtrooms are fully utilized, particularly the criminal courts. While the waiting times for cases in the Magistrates' Courts, Small Claims Tribunal and Coroner's Court are improving in recent years, the Judiciary is left with no flexibility to deploy additional resources to help reduce the waiting times if the caseload keeps on increasing in the future years. Additional courtrooms are much needed to meet the existing and future court services requirements.

9. The existing provision of 20 courtrooms in the four Courts and Tribunals concerned are considered inadequate, in terms of both number and size, to cope with the existing and potential demand for court services requirements. The insufficient number of courtrooms not only imposes constraints on the deployment of judicial resources, but also prevents the Judiciary from appointing more permanent Magistrates and deputy Judicial Officers 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.

10. Having regard to the operational needs of the four Courts and Tribunals and in order to meet the possible increase in demand for court services at the magistracy and tribunal level, it is proposed to increase the total number of courtrooms from 20 to about 30. With the additional courtrooms proposed for the WKLCB, and the conversion of three additional courtrooms for the Eastern Magistrates' Courts upon the relocation of the Coroner's Court and the Obscene Articles Tribunal (see paragraph 15 below), the total number of courtrooms at the magistracy and tribunal level will be about 107, representing an increase of about 14% over the existing level of 94. This provision would be able to cater for the operational needs at this level of court for the decades ahead.

To provide adequate ancillary facilities to support court operation

11. The existing Courts and Tribunals are in lack of adequate and up-to-standard ancillary facilities to support efficient court operation. For instance, there is no proper conference room for the Judicial Officers and the

staff to hold discussions, nor a mini-library for keeping law books, judgments, legal publications and voluminous reference materials for use by the Judicial Officers. The registries are severely under-provided and the staff are working in a congested environment. Space is also grossly inadequate for the proper storage of active court case files which are now scattered in various premises, including some temporary accommodation outside the Judiciary's purview. The situation is most undesirable for the smooth functioning of the court and registry services.

12. To address the above inadequacies, improvements to the provision of facilities in the WKLCB are much needed to meet the present-day court services requirements from different court users, including the Judicial Officers, staff, litigating parties and the legal profession, user departments to be accommodated in the WKLCB, the press and members of the public; and to enhance productivity and operational efficiency of the courts.

Project Scope

13. The space requirements of the WKLCB are about 18,000m² in net operational floor area. The major facilities proposed for the building are provided in **Annex A**.

PROPOSED USE OF THE VACATED SPACE OF THE RELOCATED COURTS AND TRIBUNALS

Coroner's Court and Obscene Articles Tribunal in Eastern Law Courts Building

14. The Eastern Magistrates' Courts ("EMC"), one of the seven Magistrates' Courts, are the only Magistrates' Courts on Hong Kong Island. Besides hearing court cases at the magistracy level of the Hong Kong Island, the EMC also handles exclusively all the committal proceedings, which are in general proceedings for the committal of the accused to the Court of First Instance on indictable offences. The caseload of the EMC is high, accounting for about 24% of the total caseload at the magistracy level. The provision of only eight courtrooms in the EMC is grossly inadequate to meet the existing demand for court facilities to cope with the caseload on Hong Kong Island. Expansion is badly needed to enhance services provided on Hong Kong Island, in particular to reduce waiting time for case hearings.

15. At present, there is no purpose-built Care and Protection courtroom in the EMC due to limited space available. It is proposed that when the Coroner's Court and Obscene Articles Tribunal, which are in need of expansion, are re-provisioned to the WKLCB, the space vacated will mainly be used for the much needed expansion of the EMC. The additional provision may include additional courtrooms (tentatively three) for summons cases and Care and Protection cases, and associated facilities such as consultation rooms and offices in order to enhance services at the EMC.

16. Part of the vacated area would also be used to relieve the congested accommodation for the office and the data centre of the Information Technology Management Section of the Judiciary which are currently located in the Eastern Law Courts Building.

Small Claims Tribunal in Wanchai Tower

17. The District Court, Family Court and Small Claims Tribunal are currently located in Wanchai Tower which is a joint-user building under the purview of the Government Property Agency. Since the District Court, Family Court and Lands Tribunal (which is located at 38 Gascoigne Road, Jordan) are under the purview of the Chief District Judge ("CDJ"), it is proposed to relocate the Lands Tribunal to the premises where the District Court and Family Court are located upon re-provisioning of the Small Claims Tribunal to the WKLCB. This will enable the CDJ to flexibly deploy courtrooms, judges and supporting staff in the light of the caseload situation and operational needs of the three Courts/Tribunal.

18. At present, there is no room for expansion for the District Court and Family Court, and the waiting times of these two courts are lengthening. Without the provision of additional courtrooms, there are constraints in deploying existing and engaging additional temporary judicial resources to help shorten waiting times even if there are strong operational grounds to do so. The vacated courts in the Small Claims Tribunal would provide the much needed space for additional courtrooms and associated facilities for the District Court, Family Court and the relocated Lands Tribunal.

19. As regards the to-be-vacated Lands Tribunal Building, it is a graded historic building under the purview of the Antiquities and Monuments Office. Agreement has been obtained from the Administration to take up the Building for the use of heritage conservation.

Tsuen Wan Law Courts Building (“TWLCB”)

20. The existing TWLCB is located at 70 Tai Ho Road, Tsuen Wan and has been in use since 1971. In view of the prime location of the TWLCB at Tsuen Wan Town Centre with convenient public transportation, the Social Welfare Department has planned to convert the vacated building/site for provision of social welfare facilities.

ANTICIPATED BENEFITS OF THE PROPOSALS

21. The anticipated benefits to be brought about by the WKLCB and the consequential accommodation proposals set out in paragraphs 14 to 19 above are set out in paragraphs 22 to 33 below.

Improved Court Waiting Times

22. The provision of the proposed additional courtrooms is essential and imminently required to facilitate engagement and deployment of judicial resources to help shorten the waiting times for court cases. The additional court lists brought about by the additional courtrooms (representing an increase of about 14% over the existing level) will considerably assist in shortening court waiting times if needed. Details are provided in **Annex B**.

Provision of Essential Facilities for the Administration of Justice

23. The accommodation proposals would enable the provision of the essential facilities for the administration of justice. Examples are:

- (a) Separate access will be provided for the Judicial Officers, the staff, the general public and the defendants which is a mandatory requirement in the design of a law courts building;
- (b) Exclusive access and secured waiting rooms will be provided in the future West Kowloon Magistrates’ Courts for juvenile defendants;
- (c) Purpose-built jury retiring rooms with direct access to the courtrooms for jurors to perform their deliberations after the conclusion of the hearings will be provided in the Coroner’s Court; and

- (d) To facilitate better workflow for the efficient administration of justice, registration rooms will be provided in the Small Claims Tribunal for registration of litigation parties and checking of requisite documents that are currently conducted inside the courtrooms.

Provision of Adequate and Up-to-standard Facilities to Enhance Court Services

24. Court services would be enhanced with the provision of adequate and up-to-standard facilities as set out below:

Courtrooms

25. Facilities provided in, and setting of, the courtrooms to be constructed under the WKLCB would be improved in the following areas:

- (a) The courtrooms will be suitably equipped with advanced technological installations, such as closed-circuit television, audio-visual presentation systems, enhanced acoustic and audio systems to facilitate court operation;
- (b) Sufficient seating capacity will be provided for various parties involved in a trial, including parties and their legal representatives, witnesses, defendants, the Police, Court Clerks, the press and the public;
- (c) Sufficient space will be provided for the Judicial Officers, legal representatives and staff for placing bundles of documents and voluminous reference materials to facilitate court hearings;
- (d) The sizes of most courtrooms in the Courts and Tribunals concerned are currently underprovided and inadequate for the effective operation of courts. Hence, it is planned to provide courtrooms of varying sizes from 70m² to 240m² in the WKLCB to allow more operational flexibility and optimize utilization of the courtrooms; and
- (e) To further enhance the flexibility in the deployment of courtroom resources, it is planned to equip some of the

courtrooms which are designated for civil cases with facilities (such as defendants' docks, separate and direct access from the cell custody areas of the Police and Correctional Services Department) for hearing of criminal cases.

Facilities for Judicial Officers

26. Proper library and conference facilities will be provided for the Judicial Officers. In view of the existing undesirable situation that some of the Magistrates' chambers in the Tsuen Wan Magistrates' Courts are unsatisfactorily located in the vicinity of the public-accessible court lobby areas, all chambers of the Judicial Officers in the WKLCB will be located within the restricted staff area with appropriate level of security.

Facilities for litigating parties and legal professionals

27. Sufficient consultation rooms and interview rooms will be provided to facilitate the legal professionals to discuss the court cases with their litigating parties. Further, changing facilities will also be provided for the legal professionals attending court hearings in the WKLCB.

Facilities for user departments and voluntary agencies

28. To facilitate the various user departments to be accommodated in the WKLCB in interviewing their clients, sufficient interviewing/consultation facilities will be provided at the Probation Office area of the Social Welfare Department, the area of the Duty Lawyer Service, and the cell areas of the Police and Correctional Services Department.

29. A meeting room will also be provided to facilitate voluntary agencies to render assistance and advice to their clients.

Facilities for staff

30. Adequate space will be provided in the registries to improve the staff's working environment. Appropriate storage space will also be provided for proper keeping of court case files and safe custody of articles submitted for classification in the Obscene Articles Tribunal.

Facilities for the press

31. A press room of appropriate size and sufficient seating capacity in courtrooms will be provided for the press.

Facilities for the public

32. Major facilities proposed for the public include:
- (a) Sufficient counters will be made available to members of the public;
 - (b) Ample waiting areas in court lobbies and registries will be provided for the public;
 - (c) A dedicated Information and Enquiry Centre will be provided in the Small Claims Tribunal to facilitate unrepresented litigants to obtain relevant information;
 - (d) Since the procedures and proceedings of the Coroner's Court involve grieving members of the deceased's families with intense emotions, a purpose-built waiting room with appropriate design will be provided for the deceased's family members;
 - (e) Adequate facilities for the disabled (e.g. toilet facilities and wheelchair spaces for the public inside courtrooms) will be provided to facilitate their access to the court premises;
 - (f) Baby-care facilities will be made available to enhance communal facilities to care for children; and
 - (g) To better serve the needs of the public, vending machines, public phones and ATM machines will also be provided in the WKLCB.

Re-distribution of Caseload among the Seven Magistrates' Courts

33. Upon completion of the WKLCB, the caseload among the seven Magistrates' Courts will be re-distributed. The WKLCB will handle the cases mainly from the districts of Mong Kok, Cheung Sha Wan, Sham Shui

Po, Kwai Chung and Tsing Yi. This will rationalize the use of judicial and court resources in the light of the more evenly distributed caseload among the seven Magistrates' Courts. It will also bring about an improved average court waiting time, and reduced social costs when cases are dealt with in the nearby Magistrates' Courts (refer to paragraphs 13 to 15 of **Annex B**.)

PLANNING AND TECHNICAL ISSUES

Site and Planning Parameters

34. A site of around 7,509m² located at the junction of Tung Chau Street and Tonkin Street West has been identified for the WKLCB. The site is designated for "Government, Institution or Community" ("G/IC") use on the draft South West Kowloon Outline Zoning Plan No. S/K20/23. The proposed use of the site for a law courts building is considered appropriate.

35. The site is easily accessible via existing means of public transport along Tongkin Street West and is within ten minutes' walking distance from either the Nam Cheong or Cheung Sha Wan MTR stations. A plan showing the proposed location of WKLCB is at **Annex C**. With the strategic location of the selected site, it would be practicable to list at the WKLCB many cases in the West Kowloon and north-west region of the New Territories.

36. Regarding the planning parameters of the identified site, the Administration has advised that a reference plot ratio of 6.0 and maximum building height of 80mPD could be adopted for the development of the WKLCB.

Development Concept

37. The design of the new courts building will be commensurate with the independent and dignified image of the court. The following will be taken into consideration in building design:

- (a) Separate access to the building will be provided for the Judicial Officers, the staff, the general public and the defendants;
- (b) Sufficient and appropriate security installations and provisions will be provided to enhance security of the building;

- (c) Separate access and waiting facilities will be provided for juvenile defendants attending the courts; and
- (d) The setting and design of the facilities will be more user-friendly.

38. The development of the project will address a number of issues including but not limited to visual impact, air ventilation, traffic, security control and integration with the neighbourhood. Suitable building massing and configuration will be adopted to achieve optimal visual impact and to enhance air ventilation. Pedestrian passages will be provided at ground level and future connection to the neighbourhood by elevated walkways will be looked into. The building will also conform to Government's policy on energy conservation, and appropriate energy efficient and green features will be provided.

Delivery Mode

39. The Architectural Services Department ("ArchSD"), being the works agent for this project, recommends adopting the "Design and Build" ("D&B") approach for delivery of the project. This approach requires the contractor, who is involved at early design stage, to design and construct the building in accordance with the Employer's Requirements.

40. Having regard to the nature of the WKLCB project, ArchSD considers that the project is suitable for the D&B delivery mode for the following reasons:

- (a) A form of design competition among tenderers will be required during tender stage and hence there will be incentive to attract quality design that is commensurate with the image of a court building;
- (b) The D&B approach includes appropriate apportioning of design-related risks to the contractor, ensured buildable solution, and opportunities for innovative proprietary construction systems and modules; and
- (c) The duration for project delivery by D&B mode will be shorter as compared with other modes of project delivery, such as open

design competition or separate design by a selected consultant through bidding process and subsequent construction by a contractor through tendering process.

41. To achieve timely project delivery and ensure accurate estimation of project expenditure, it is proposed that the pre-qualification of tenderers and tendering will be conducted before seeking funding approval of the FC of the LegCo.

CONSULTATION

42. We consulted the Sham Shui Po District Council on 27 October 2009 on the project. Members expressed support for the project.

43. We have also consulted the Criminal Court Users' Committee^{Note}, the Civil Court Users' Committee^{Note}, 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 support the project.

FINANCIAL IMPLICATIONS

44. The estimated cost of the project will be based on the tender returns and will be included in the next consultation with the Panel on Administration of Justice and Legal Services ("AJLS Panel") and the submission to the Public Works Subcommittee ("PWSC") scheduled for the second quarter of 2011.

Note: 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.

PROJECT PROGRAMME

45. The proposed tentative project programme is as follows:

- | | | |
|-----|--|-----------------------------------|
| (a) | Invitation of Tender | Fourth Quarter
of 2010 |
| (b) | Consultation with the AJLS Panel
on the design of the project | Second Quarter
of 2011 |
| (c) | Submission to the PWSC of FC | Second Quarter
of 2011 |
| (d) | Funding approval from the FC | Second / Third
Quarter of 2011 |
| (e) | Commencement of construction
works | Third Quarter of
2011 |
| (f) | Completion of project | 2014/15 |

ADVICE SOUGHT

46. Members are invited to give comments on the proposed WKLCB project. Subject to any views from Members, we will proceed to invite tender for the D&B contractor for development of the WKLCB.

Judiciary Administration
April 2010

Proposed Facilities in the West Kowloon Law Courts Building

Facilities	Number Proposed
(A) West Kowloon Magistrates' Courts	
(1) Courtroom	13 – 16 ¹ (size around 70 – 240 m ²)
(2) Witness Protection Room	3
(3) Witness Waiting Room	32
(4) Secured Waiting Room (for Juvenile cases)	6
(5) Consultation Room	16
(6) Changing Room (for lawyers)	2
(7) Registry	1
(B) Small Claims Tribunal	
(1) Courtroom	12 (size around 70 – 180 m ²)
(2) Consultation Room	12
(3) Interview Room	16
(4) Registration Room	10
(5) Information and Enquiry Centre	1
(6) Registry	1
(C) Coroner's Courts	
(1) Courtroom	3 (size around 100 – 180 m ²)
(2) Jury Retiring Room	3
(3) Witness Waiting Room	2
(4) Consultation Room	1
(5) Jury Assembly Room	1
(6) Meeting Room for Research Teams	1
(7) Waiting Room for Deceased's Family	1
(8) Registry	1

¹ Including 1 multi-purpose mega courtroom

(D) Obscene Articles Tribunal	
(1) Courtroom	2 (size around 130 – 180 m ²)
(2) Jury Retiring Room	2
(3) Witness Waiting Room	2
(4) Consultation Room	1
(5) Waiting Room for Adjudicators/Jury	1
(6) Viewing Room for Public	1
(7) Registry	1

(E) Ancillary Facilities	
(1) Interview Room within Police area (for detainees meeting with lawyers)	8
(2) Interview Room within Correctional Services Department area (for detainees meeting with lawyers)	4
(3) Interview Room within Social Welfare Department Probation Office area	6
(4) Interview Room within Duty Lawyer Service area	13
(5) Convenience Store	1
(6) Centralised Accounts Office	1
(7) Press Room	1
(8) Library	1
(9) Baby-care Facility	2
(10) ATM Machine	2
(11) Vending Machine	1 per floor
(12) Coin Phone	2 per floor

**Proposed Construction of the West Kowloon Law Courts Building
Anticipated Benefits on Court Waiting Times**

PURPOSE

The note sets out the anticipated benefits on court waiting times to be brought about by the proposed construction of the West Kowloon Law Courts Building (“WKLCB”).

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.

Judicial Resources

5. The amount of judicial resources that could be deployed to cope with the caseload depends on the number of Judicial Officers 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.

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

Courtrooms

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

8. 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 worthy of note.

PAST EXPERIENCE AND ANTICIPATED BENEFITS

9. 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 proposed WKLCB, 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. Without available courtroom facilities, the Judiciary is not in a position to take any effective measures to shorten the waiting times for cases even if there are recurrent resources to engage temporary judicial resources to deal with the upsurge in caseload.

Magistrates' Courts

Overall waiting times

10. In the past decade, the caseload for the Magistrates' Courts ranged from about 282,300 to about 382,000 per year. The caseload has become steady in recent years at about 330,000 per year in 2008 and 2009.

11. On waiting times, the target waiting times for charge cases for defendants in custody and defendants on bail are 30 to 45 days and 45 to 60 days respectively. The waiting times for these two categories of charge cases had increased from 25 days and 31 days respectively in 2002 (which is the lowest record in the past decade), to 47 days and 64 days respectively in 2007 which had exceeded the targets. The waiting time for summons cases had increased from 50 days, which is the target waiting time, in 2003 to 95 in 2007.

12. With the deployment of additional temporary judicial resources in the form of eight substantive/temporary Judicial Officers

from the latter part of 2007 (representing a 16% increase in judicial resources for the magistracy level at that time), the waiting times for charge cases for defendants in custody and defendants on bail were improved from 47 days and 64 days respectively in 2007, to 43 and 55 days respectively in 2009 which were well within the targets. The waiting time for summons cases was considerably improved from 95 days in 2007 to 78 days in 2008 and further to 63 days in 2009. The above improvements were made amidst an increase of caseload at the magistracy level during that time. There is little doubt that the additional judicial resources contributed significantly to these improvements.

Waiting times for individual Magistrates' Courts

13. There has been an uneven distribution of caseload, representing the number of cases first brought up in the court for plea, among the seven Magistrates' Courts. This is due to the practice that the prosecuting departments generally determine which Magistrates' Court a case should be submitted on the basis of the location where the offence has occurred.

14. Having regard to the uneven distribution of the caseload and the need to list cases within a reasonable waiting time, cases for trial need not necessarily be listed at the Magistrates' Court where the first plea was entered. The Judiciary would take into account the caseload and waiting times of the respective Magistrates' Courts in the listing process. The overall general situation is that due to the much heavier caseload at the Eastern and Kowloon City Magistrates' Courts, they would not be able to cope with all the cases in the respective courts. Hence, it is necessary to list some of the cases for trial at other nearby Magistrates' Courts in order to keep waiting time within a reasonable level. Examples are that many cases from the Eastern and Kowloon City Magistrates' Courts are listed for trial at the Kwun Tong and Tsuen Wan Magistrates' Courts.

15. It is planned that upon completion of the WKLCB when more courtrooms are available, the caseload of the Magistrates' Courts will be re-distributed. The WKLCB will handle the cases mainly from the districts of Mong Kok, Cheung Sha Wan, Sham Shui Po, Kwai Chung and Tsing Yi. The anticipated benefits would include a more evenly distributed caseload having regard to the available judicial resources, an improved average court waiting time, and reduced social costs when cases are dealt with in the nearby Magistrates' Courts.

Small Claims Tribunal

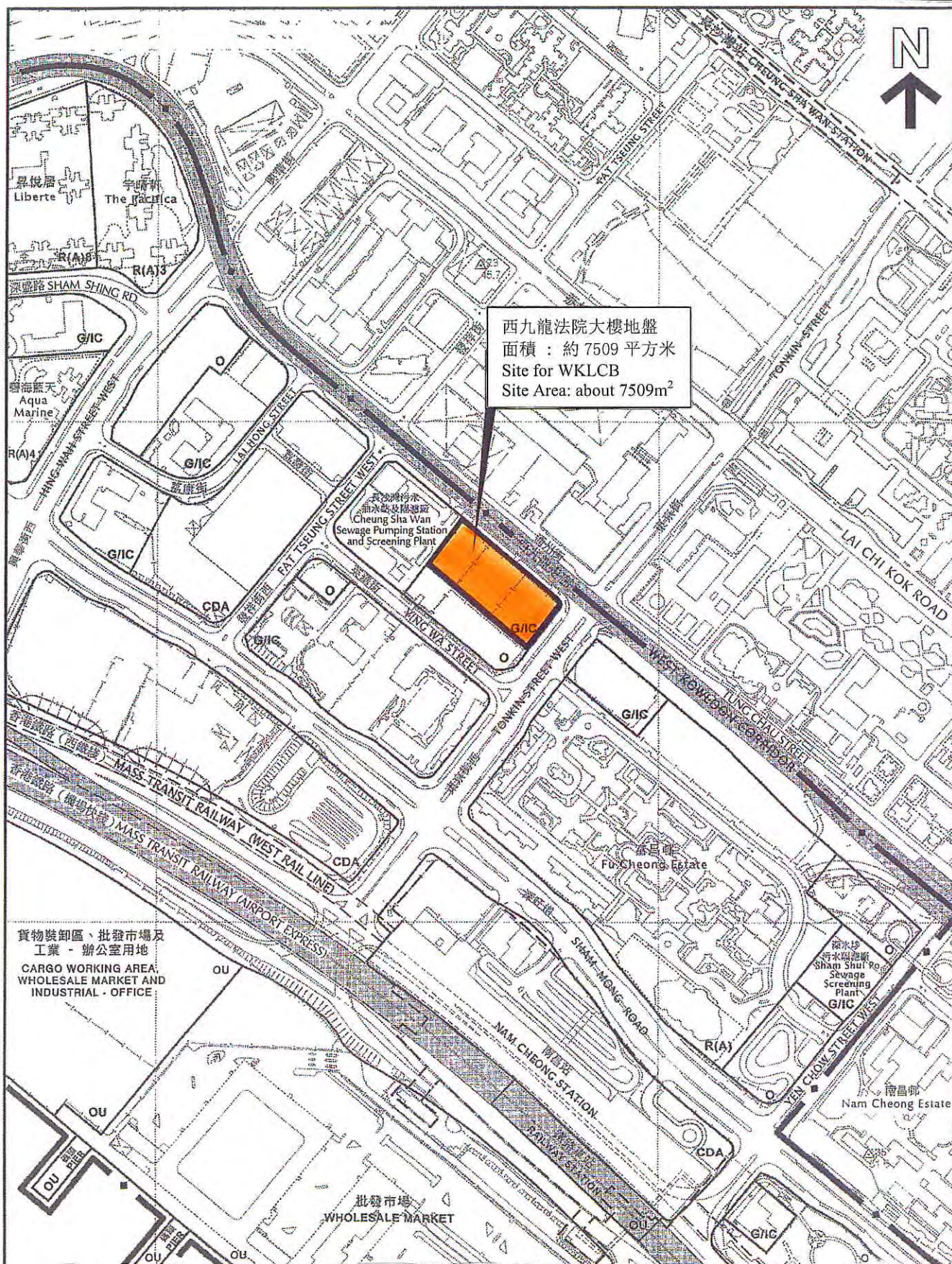
16. In the past decade, the caseload for the Small Claims Tribunal ranged from about 58,000 to about 114,000 per year, with the mean at about 86,000 per year. The caseload in the peak years has stretched the Judiciary's resources way beyond its normal capacity and has significantly lengthened the waiting time of cases from the first call-over hearing to the mention hearing and trials.

17. The caseload for the Small Claims Tribunal has stabilised in recent years, at about 60,000 in 2008 and 2009. Nevertheless, it should be noted that the caseload for the Small Claims Tribunal tends to fluctuate with the state of the economy. The existing eight courtrooms in the Tribunal would allow no flexibility for the Judiciary to deploy additional resources to help reduce waiting times if there is any upsurge of caseload in the future years.

Coroner's Court

18. In the past decade, the caseload for the Coroner's Court ranged from about 180 to about 260 per year, with the mean at about 170 per year. The waiting times for court cases had consistently exceeded the target of 42 days from 43 to 65 for seven years.

19. As Hong Kong's population is aging with increasing reportable deaths caused by corresponding increases in total deaths, it is envisaged that the caseload of the Coroner's Court in the decades ahead may take an increasing trend rather than the reverse. The existing two courtrooms in the Coroner's Court are insufficient to cope with any upsurge in caseload, which may result in waiting times exceeding the target. If more courtrooms were available, the Judiciary would have more flexibility in deploying existing and engaging additional temporary judicial resources to help shorten the waiting time.



西九龍法院大樓地盤
 面積：約 7509 平方米
 Site for WKLCB
 Site Area: about 7509m²

貨物裝卸區、批發市場及
 工業 - 辦公室用地
 CARGO WORKING AREA,
 WHOLESALE MARKET AND
 INDUSTRIAL - OFFICE

批發市場
 WHOLESALE MARKET

興建西九龍法院大樓
 Construction of the West Kowloon Law Courts Building ("WKLCB")

本摘要圖於2009年9月23日擬備，
 所根據的資料為於2009年5月29日
 展示的分區計劃大綱圖編號S/K20/23

