

**For information**

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

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

**PURPOSE**

On 24 June 2010, Dr Hon Priscilla M F Leung (“Dr Leung”) wrote to the Chairman of the Panel on Administration of Justice and Legal Services (“the Panel”) to request further discussion of the captioned project by the Panel. On the instruction of the Chairman of the Panel, the Clerk to Panel referred Dr Leung’s letter to the Judiciary for response. This paper aims to provide the Judiciary’s response to Dr Leung’s letter.

**DISCUSSIONS OF THE SHAM SHUI PO DISTRICT COUNCIL ON  
THE PROPOSED USE OF SITE SIX IN SHAM SHUI PO**

2. The Judiciary consulted the Sham Shui Po District Council (“the DC”) on the proposed construction of the West Kowloon Law Courts Building (“WKLCB”) on 27 October 2009. The DC was supportive of the proposed WKLCB project; and the view that the selected “Government, Institution or Community” (“G/IC”) site at the junction of Tung Chau Street and Tonkin Street West (“the selected Site”) was easily accessible by public transportation was expressed.

3. Dr Leung’s letter dated 24 June 2010 expressed that the discussions at subsequent DC meetings held on 12 January 2010 and 29 June 2010 might bring about changes and new development to the considerations relating to the site selection of the proposed WKLCB.

4. From available records of the two DC meetings, it is noted that the proposed development of Site Six in Sham Shui Po ("Site Six") was discussed at the DC meetings held on 12 January 2010 and 29 June 2010. At the DC meeting held on 12 January 2010, the DC passed a motion regarding the proposed development of Site Six. The motion requested the Administration to shelve the plan for housing development of high density, and instead provide integrated community and commercial facilities of low density, at Site Six; and to identify another site in Sham Shui Po for the development of public housing. An extract of the relevant parts of the minutes of meeting is at **Annex A** for reference.

5. The development of Site Six was discussed again at the DC meeting held on 29 June 2010. The DC was consulted on an option to swap part of the proposed public housing development at Site Six with the proposed Government Complex at the junction of Fat Tseung Street West and Sham Mong Road. In the course of the discussion, two DC Members passed comments on the possibility of constructing at Site Six the proposed WKLCB as part of the community facilities thereat and with a view to releasing the selected Site for public housing development. A verbatim record of the relevant discussion is at **Annex B** for reference.

## **THE JUDICIARY'S RESPONSE**

### **Site Environment and Location**

6. Dr Leung recapitulated in her letter that the selected Site is surrounded by high-rise buildings and compares less favourably in this respect with Site Six, which is near the waterfront of the West Kowloon reclamation area. An aerial photo showing selected Site, Site Six and the surrounding areas is at **Annex C** for reference.

7. The Judiciary is of the view that the selected Site is more suitable, in terms of both its environment and location, for the development of the WKLCB for the following reasons:

- (a) (i) The selected Site is conveniently located and is easily accessible via existing means of public transport. It is within ten minutes' walking distance from either the Nam Cheong or Cheung Sha Wan MTR station, and is served by over 20 bus routes which cover extensive areas in the



territory. Further, the Site is located within the cluster of “G/IC” areas including existing schools, and plenty of communal facilities such as post office, community halls, banks, supermarkets and dining places could be found in the vicinity of the selected Site.

- (ii) In terms of accessibility, the nearest MTR station to Site Six is the Nam Cheong MTR station which is within ten minutes’ walking distance (about the same walking distance as that for the selected Site). However, the walking distance between Site Six and the Cheung Sha Wan or Lai Chi Kok MTR station is more than ten minutes, and there are only 12 bus routes serving Site Six. Compared to the selected Site, Site Six is less accessible by means of public transport.
- (b) (i) To the southeast of the selected Site and across Tonkin Street West, there is the Fu Cheong Estate which comprises 15 blocks of 14-storey to 40-storey apartments.
- (ii) As regards Site Six, it is located in the vicinity of many high-rise apartments. To its northwest and across Hing Wah Street West, there are the Hoi Lai Estate which comprises 12 blocks of 38-storey to 40-storey apartments; and an extensive area of private residential developments including the Aqua Marine, Pacifica, Liberte and Banyan Garden, which comprise in total 25 blocks of 52-storey to 66-storey apartments.
- (c) (i) To the northeast of the selected Site is the dual two-lane West Kowloon Corridor.
- (ii) To the southwest of Site Six there is the dual three-lane West Kowloon Highway with the Airport Express and Tung Chung Line located underneath (at grade). The total traffic flow is much heavier than the West Kowloon Corridor alone. The resultant environmental impact should not be underestimated.
- (d) (i) To the southwest of the selected Site is a designated Local Open Space (“LOS”) with an area of about 5,000m<sup>2</sup> (about

two-third the size of the selected Site of 7,509m<sup>2</sup>). This area of open space for leisure and recreational use will serve as a landscape buffer between the WKLCB and the nearby schools.

- (ii) As regards Site Six, despite that it is located closer to the waterfront of the West Kowloon reclamation area, there is an extensive area designated for use as cargo working area, wholesale market and industrial office between Site Six and the waterfront to the south. On the opposite side of Site Six to the north, industrial buildings for the use of wharf godown are located.

8. The Judiciary cannot see any reason to abandon the selected Site and choose Site Six in preference to the selected Site.

### **Site Utilization**

9. The area of the selected Site is about 7,509m<sup>2</sup>. With the proposed space requirement of about 18,000m<sup>2</sup> Net Operational Floor Area (“NOFA”) for the WKLCB and the adoption of a reference plot ratio of six, the Judiciary would be able to optimize the utilization of the selected Site.

10. As regards Site Six, its area is about 44,800m<sup>2</sup> (almost six times that of the selected Site). Based on the proposed space requirement of about 18,000m<sup>2</sup> NOFA, Site Six is too large for the WKLCB. If the Judiciary is required to share Site Six with other users, it is not in a position to comment as to whether such shared use is acceptable or not because it is not known which the other users would be.

### **Urgency for the WKLCB**

11. In view of the inadequacies of the existing Courts/Tribunals to be reprovisioned to the WKLCB as detailed in both the discussion paper and the information paper on the WKLCB project considered by the Panel in April and May 2010 respectively, there is a pressing need for improvements to the provision of facilities so as to meet the present-day court services requirements from different court users, and to enhance productivity and operational efficiency of the courts. The proposed WKLCB is targeted for



completion in 2014/15. The Judiciary cannot afford any delay in the completion of this new law courts building.

12. Site Six would be available for development only from 2015 the earliest, as it has been designated as the works area for the Express Rail Link until then. In addition, lead time would be required for preparing the requisite technical assessments for obtaining approval from the Town Planning Board ("TPB") for any proposed development on Site Six which is zoned as a Comprehensive Development Area ("CDA").

13. The Judiciary considers that the timing of availability of Site Six renders it unsuitable for the development of a law courts building which needs to be ready for operation from 2015.

#### **The Need for TPB Approval for Change to Approved Land Use**

14. As advised by the Planning Department, the use of the selected Site for the development of a law courts building in the South West Kowloon Outline Zoning Plan ("OZP") No. S/K20/24 was approved by the Chief Executive in February 2010 after consultation with relevant parties including the DC. The designated zoning of Site Six as a CDA was also approved in the same OZP.

15. In accordance with prevailing policy, any proposed change to the approved land use needs to be submitted to the TPB with strong justifications for its approval. The Judiciary cannot see any grounds for seeking TPB approval to change the approved land use of Site Six from CDA to G/IC in the circumstances described in paragraphs 7 to 13 above.

#### **The Motion Passed by the DC**

16. It is noted that the DC meeting on 12 January 2010 passed a motion which requested the Administration to shelve the plan for housing development of high density, and instead provide integrated community and commercial facilities of low density, at Site Six; and to identify another site in Sham Shui Po for the development of public housing.

17. The Judiciary considers that the motion in question is a separate issue that does not concern the Judiciary.

18. The Judiciary has already been allocated the selected Site which it considers suitable in all respects for developing the proposed WKLCB, including land use, site area, accessibility, strategic location and site environment. In addition, we have fully consulted within the Administration and among institutional court users and the legal professional bodies, and all parties consulted have not raised any objection to the proposed development of the WKLCB at the selected Site. The Judiciary cannot see any reason to give up the selected Site and is not interested in bidding for part of Site Six for the construction of the WKLCB.

#### **ADVICE SOUGHT**

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

Judiciary Administration  
July 2010

2010 年 1 月 12 日深水埗區議會就有關第六號地盤發展計劃  
討論的會議記錄撮要

(c)深水埗區房屋用地、社區/康樂設施規劃及西北九龍填海區第 6  
號地盤「綜合發展區」發展計劃(深水埗區議會文件 01/10)

2. 主席歡迎房屋署、規劃署和康樂及文化事務署(康文署)的代表出席會議。
3. 羅如琨先生介紹文件 01/10 內有關這項發展計劃的目的及背景，以及深水埗區未來十年整體房屋用地的規劃。
4. 黃佩儀女士介紹文件 01/10 內有關區內現有的社區、康樂及文化設施。
5. 何樂素芬女士介紹文件 01/10 內有關 6 號地盤的發展計劃、高架天橋須與高鐵項目融合的地基打樁工程，以及由顧問公司進行的空氣流通評估初步結果。
6. 林家輝先生表示，在本年一月七日立法會議員接見深水埗區議員的會議上，議員曾就 6 號地盤興建公屋的計劃向立法會議員反映兩項意見：(i)深水埗沿海地區高樓大廈林立，須全力保護 6 號地盤這僅餘的通風口；(ii)6 號地盤適合興建中型表演場地，以回應深水埗區議會多年的訴求。另外，他認為高架行人通道樁柱的深度與高鐵隧道的深度應有很大距離，因此高架行人通道的打樁工程應由地鐵公司負責。深水埗區議會可透過地區設施委員會申請撥款，進行高架行人通道的打樁工程。因此並不一定須要房屋委員會(房委會)撥款。
7. 陳偉明先生提出以下意見：(i)規劃署就區內未來十年房屋用地提供的資料並不全面，沒包括石硤尾邨及蘇屋邨，有誤導市民之嫌；(ii)民建聯的立場非常清晰，就是要求擱置 6 號地盤的公屋發展計劃，並在區內另覓位置興建公屋，以落實公屋輪候人士三年上樓的承諾；(iii)要求在 6 號地盤興建社區設施，例如大會堂。
8. 盧永文先生提出以下意見及查詢：(i)深水埗區議會在二零



零九年九月一日的會議上，已清楚表示反對在 6 號地盤興建公屋，政府須反思是否繼續進行計劃；(ii)高架行人通道的興建是否必須與公屋計劃網綁在一起；(iii)支持在區內另覓地方興建公屋，而其他十七區共同承擔落實三年上樓的承諾；(iv)建議在 6 號地盤興建社區配套建設、商業設施，甚至低密度住宅。

9. 沈少雄先生提出以下查詢：(i)區內的社區中心/會堂的使用率已達七成以上，康文署會怎樣提升社區中心/會堂的設施，以配合社區需求；(ii)康文署拒絕深水埗區興建大會堂的要求時，考慮了什麼因素；(iii)由於文件提到「區內所有未發展的用地均已有規劃及指定用途，換地作公屋發展實不可行」，區內是否還有地方興建大會堂；(iv)若 6 號地盤最終不興建公屋，是否還需興建高架行人通道的延展部分。

10. 譚國僑先生認為市民最關心通風及社區設施問題。他提出以下意見及查詢：(i)在規劃標準上，規劃署對於闊 200 米的通風廊有何意見；(ii)文件提出的社區設施並非區內市民所需；(iii)興建大會堂需要多少空間；(iv)對於興建大會堂的訴求，政府為何至今沒有明確回應；(v)若在地盤上先進行高鐵有關工程，日後是否還有空間進行其他建設。

11. 莊志達先生提出以下意見及查詢：(i)由於「綜合發展區」可作住宅及商業用途，規劃署應考慮把土地用途改為「政府 / 機構 / 社區設施用地」，才可避免興建公屋；(ii)在文件內看不到區內尚有空置而未有規劃的「政府 / 機構 / 社區設施用地」；(iii)全港十八區除深水埗外，是否還有其他區沒有大會堂；(iv)深水埗區內休憩用地的人均標準是否符合標準。

12. 陳鏡秋先生提出以下意見：(i)房屋署在程序上一直有偷步之嫌；(ii)深水埗區已有十四個公共屋邨及六個居屋屋苑，未來還有多個公屋重建項目相繼完成；雖然區議會支持「三年上樓」的承諾，但不應由深水埗區獨力承擔；(iii)希望政府抓緊 6 號地盤這機遇，為本區興建一個大會堂；(iv)文件提及批發市場附近仍有很多「綜合發展區」及「住宅(甲類)」用地，政府可考慮在這些用地興建公屋。

13. 王桂雲女士表示，由接見市民的經驗得知，對公屋及居屋的需求很大，況且政府停建居屋多年，導致對公屋的需求更大。她認為仍有需要在本區興建公屋及居屋，以照顧低收入家庭。

14. 覃德誠先生提出以下意見：(i)在二零零九年九月一日的會議上，他曾和莊志達先生提出臨時動議，表明反對在 6 號地盤興



建任何住宅樓宇；(ii)文件資料不夠詳盡，例如未有說明區內仍未發展的「綜合發展區」及「住宅(甲類)」用地可提供多少個公屋單位；(iii)文件提及《西南九龍分區規劃大綱草圖 S/K20/23》(大綱草圖)的「說明書」指定 6 號地盤須作出租公營房屋發展；他從未聽聞大綱草圖的「說明書」，要求規劃署一次過發放所有資料；(iv)微氣候的研究報告過於簡單。

15. 何樂素芬女士綜合回應如下：

- (i) 建議的高架行人通道將會便利區內居民前往西鐵站。根據規定，設施的興建須由提出工程項目的部門負責。由於房屋署是提出興建公屋的部門，所以高架行人通道將由房屋署負責興建。
- (ii) 根據大綱草圖，6 號地盤從一九九八年開始已規劃為「綜合發展區」地帶；而大綱草圖的「說明書」則指定作出租公營房屋發展。房屋署現正根據這規劃用途發展公屋。
- (iii) 根據港鐵的報告，高鐵隧道的深度約為 30 米。由於本區是填海區，高架行人通道的樁柱需要深至 40 多米，因此有必要與工程一併進行。
- (iv) 顧問公司已透過電腦軟件，為區內多個地點進行測試，結果顯示 6 號地盤的公屋發展計劃對附近屋苑的環境影響輕微。

16. 莫炳超先生綜合回應如下：

- (i) 每區的土地發展已在該區的規劃大綱草圖中列出，而每次大綱草圖刊憲時，規劃署都會把副本交給區議會。大綱草圖上土地的用途具法律效力，除非向城市規劃委員會(城規會)申請，否則不得隨意更改。
- (ii) 深水埗區內空置的住宅用地大部分已有發展計劃，而長沙灣蔬菜批發市場及宏昌工廠大廈/宏昌大廈/臨時家禽批發市場的住宅用地因現有用途未能搬遷，在短期內不能發展，因此只屬長遠發展用途。6 號地盤面積很大，因此在區內不可能找到相同面積的住宅用地交換。況且，任何土地用途修訂也須向城規會提出足夠理據申請。

17. 黃佩儀女士綜合回應如下：

- (i) 興建和營運文娛中心涉及高昂的工程費用及長遠財政承擔。為確保資源得以妥善運用，政府在規劃新設施時，須審慎考慮各項因素，包括全港現有設施及其使用率、有關地區的整體規劃、文化界的意見、社區的整體需求及政府的相關文化政策等。深水埗區內共有 7 個社區中心/會堂可作小型演出之用。政府並已着手改善一些社區會堂的設施作表演活動之用。康文署 13 個演藝場地均歡迎跨區租用，其中葵青劇院及荃灣大會堂均為可提供 900 至 1 400 個座位的大型演藝場地，而從深水埗區乘坐港鐵半小時內便可到達。此外，石硤尾的賽馬會創意藝術中心設有黑盒劇場，可供藝團作小型演出之用。將來西九文化區內亦會提供一系列不同大小和用途的演藝設施。屆時整個西九龍區包括深水埗，將有更多文娛設施供市民享用。
- (ii) 文娛中心的提供並非單以人口決定。根據規劃署的《香港規劃標準與準則》，藝術場地的提供應按需求而定，而是否存在需求則由民政事務局及政府有關部門評估和提供意見。在衡量需求時，會考慮下列因素：(1)現有由公營和私人機構提供的同類及相關藝術場地，以及這類設施的使用率；有關方面應審慎評估擬提供的新藝術設施，以確保其與鄰近地方的現有設施互相協調；(2)藝術政策和其他影響藝術場地需求的政策；(3)藝術組織及其他設施提供者擬定的新藝術場地發展計劃和進度；以及(4)社區團體、藝術界和設施提供者的意見。
- (iii) 因應深水埗區未來的發展，政府會密切注意本區對文化表演場地的需求以及鄰近地區文化設施的使用情況，並會在規劃整體文化設施的過程中審慎考慮上述因素。

18. 張永森先生表示，感到三個政府部門聯手把工程項目「硬上馬」。他提出以下意見：(i)根據立法會文件，「三年上樓」的承諾大致已做到，因此他看不到部門的擔憂；(ii)不應由深水埗區獨力承擔「三年上樓」的政策；(iii)規劃署就區內未來十年房屋用地提供的資料並不全面，沒包括蘇屋邨、石硤尾邨、白田邨、元州邨及富昌邨；(iv)微氣候研究的電腦數據並沒考慮到附近的貨倉、蔬菜批發市場及家禽批發市場將來可能興建的建築物，因此結果未必準確；(v)考慮深水埗區是否應興建大會堂時，不應提升到全港文娛設施的層面來衡量；(vi)不理解為何公屋的興建要與



高架行人通道的興建網綁在一起；(vii)可因應「綜合發展區」的用途而興建社區設施或低密度商業設施，例如商場。

19. 羅錦有先生提出以下意見：(i)希望部門懸崖勒馬；(ii) 6 號地盤興建公屋是規劃失誤，只是官員不肯承認；(iii)希望署長級官員出席區議會解釋這項計劃；(iv)單靠社區會堂的小型節目未必能提高本區居民的文化質素。

20. 譚國僑先生提出以下意見：(i)希望透過討論改善本區的居住情況，以及不希望造成公屋居民和私樓居民對立；(ii)若不興建公屋，最理想是在 6 號地盤興建大會堂；(iii)若不興建公屋而興建私人樓宇或其他建築物，他更擔心會造成屏風效應；(iv)他處理的個案顯示，居民對公屋的需求仍然很大；(v)希望部門認真考慮議員的意見。

21. 何樂素芬女士回應表示，發展項目的公共設施及配套設施可對社區起優化作用。署方已致力改善項目的設計，盡量對周邊環境不產生負面影響。若地盤不能作公屋發展，最可惜的是高架行人通道將不能落實興建；再重新研究其他可行用途，將會拖慢土地資源的運用。

22. 莫炳超先生表示會與有關部門制定 6 號地盤公屋發展的「規劃大綱」，並在下次區議會會議再作諮詢，然後把部門、區議會及市民的意見一併交給城規會考慮。若城規會接納「規劃大綱」，房屋署會根據「規劃大綱」的規範及要求制定「總綱發展藍圖」。

23. 黃佩儀女士重申，深水埗區暫未有土地預留作興建文娛中心的用途，但政府會因應本區的發展，在規劃整體文化設施時審慎考慮(i)本區對文化表演場地的需求；以及(ii)鄰近地區文化設施的使用情況。

24. 張永森先生補充說：(i)希望藉討論，把 6 號地盤運用得最好，以及不希望造成公屋居民和私樓居民對立；(ii)尊重社會有房屋需要，但 6 號地盤並不是最佳選擇；(iii)發展項目的設施未能產生優化作用，最能產生優化作用的是大會堂和低密度發展；(iv)希望規劃署開明地聽取議會的意見。他接著提出一項獲羅錦有先生、盧永文先生、黃鑑權先生，以及林家輝先生和議的臨時動議：「要求擱置西北九龍填海區第 6 號地盤發展高密度房屋計劃，改為興建低密度的社區商業綜合設施，以回應多年地區需要及訴求。並在深水埗區另覓位置興建公共房屋，以落實公屋人士 3 年上樓的承諾。」

25. 莊志達先生提出一項獲梁有方先生和議的修訂動議：把原動議的「社區商業」改為「文化表演場地及康樂休憩」。

26. 張永森先生表示，原動議的「社區」其實已包括「文化表演場地及康樂休憩」的意思。

27. 梁有方先生指出，加上「商業」兩字，無法保證日後地盤的用途，因此他支持莊志達先生的修訂動議。

28. 陳偉明先生提出一項獲鄭泳舜先生和議的修訂動議：把原動議的「商業」兩字刪去。

29. 譚國僑先生提出一項獲梁有方先生和議的修訂動議：「要求修訂西北九龍填海區第 6 號地盤發展高密度房屋計劃，包括興建低密度的社區綜合設施，以回應多年地區需要及訴求。」

30. 陳偉明先生撤回他提出的修訂動議。主席表示接納。

31. 大會就譚國僑先生的修訂動議表決，結果有 7 票支持，15 票反對，1 票棄權。主席宣布修訂動議不獲通過。

32. 大會就莊志達先生的修訂動議表決，結果有 5 票支持，13 票反對，5 票棄權。主席宣布修訂動議不獲通過。

33. 大會就張永森先生的原動議表決，結果有 14 票支持，8 票反對，1 票棄權。主席宣布原動議獲得通過。

34. 主席總結表示，有關在 6 號地盤發展公屋的建議，議員及居民的意見十分清晰，並已在上兩次區議會會議表達了 6 號地盤不作任何房屋發展的要求。是次會議的討論顯示議會的立場並無轉變。他促請各部門慎重考慮議會的意見，日後給予區議會一個滿意的答覆。



**Verbatim record of Relevant Discussion on the Use of Site 6 for a Law Courts Building at the Sham Shui Po District Council's Meeting on 29 June 2010**

**Mr LO Wing Man, Member of the District Council**

As other members of this Council had mentioned, there are alternative sites for building (a public housing estate). The site selected for building the law courts building is in fact suitable for building a public housing estate. Why build the law courts building there? Why not relocate the law courts building to Site Six as it goes well with the community hall, and many other public facilities?

**Mr Law Kam Yau, Member of the District Council**

In fact, Site Six is a very good place for developing community facilities such as special school, just to name a few, or community hall or special school, or even moving the law courts building to this Site as discussed before.

(Link to audio records: <http://www.districtcouncils.gov.hk/ssp/chinese/welcome.htm>)

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### Aerial Photo of the Selected Site of the WKLCB

