

ITEM FOR PUBLIC WORKS SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 703 – BUILDINGS Law and Order – Judiciary 31LJ – West Kowloon Law Courts Building

Members are invited to recommend to Finance Committee the upgrading of **31LJ** to Category A at an estimated cost of \$2,723.1 million in money-of-the-day prices for the construction of West Kowloon Law Courts Building.

PROBLEM

We need to construct a new law courts building in the West Kowloon region to meet the growing court services requirements and achieve greater operational efficiency.

PROPOSAL

2. The Director of Architectural Services, with the support of the Judiciary Administrator, proposes to upgrade **31LJ** to Category A at an estimated cost of \$2,723.1 million in money-of-the-day (MOD) prices for the construction of West Kowloon Law Courts Building (WKLCB).

/PROJECT

PROJECT SCOPE AND NATURE

3. We propose to construct the WKLCB to re-provision and co-locate the existing Tsuen Wan Magistrates' Courts, Small Claims Tribunal, Coroner's Court and Obscene Articles Tribunal, which are now located in different buildings¹. The proposed WKLCB will provide a total net operational floor area ("NOFA")² of about 16 500 m². The proposed scope of **31LJ** comprises the provision of the following facilities –

(a) West Kowloon Magistrates' Courts

- (i) 16 courtrooms;
- (ii) three witness protection rooms;
- (iii) 32 witness waiting rooms;
- (iv) six secured waiting rooms (for juvenile cases);
- (v) 16 consultation rooms;
- (vi) two changing rooms (for lawyers); and
- (vii) a registry.

/(b)

1 Currently, the Tsuen Wan Magistrates' Courts are located in the Tsuen Wan Law Courts Building, the Small Claims Tribunal in the Wanchai Tower, and the Coroner's Court and the Obscene Articles Tribunal in the Eastern Law Courts Building. All four Courts/Tribunals are under the purview of the Chief Magistrate. We informed the LegCo Panel on Administration of Justice and Legal Services on 20 December 2011 the proposed use of the vacated space of the relocated courts and tribunals (LC Paper No. CB(2)584/11-12(02)).

2 NOFA is the floor area actually allocated to the users of a building for carrying out the intended activities. Unlike the construction floor area which takes into account all areas within the building structure envelope, NOFA does not include areas for toilets, bathrooms and showers, lift lobbies, stair halls, public/shared corridors, stairwells, escalators and lift shafts, pipe/services ducts, refuse chutes and refuse rooms, balconies, verandas, open decks and flat roofs, car parking spaces, loading/unloading areas, mechanical plant rooms, etc.

(b) *Small Claims Tribunal*

- (i) 12 courtrooms;
- (ii) 12 consultation rooms;
- (iii) 16 interview rooms;
- (iv) 10 registration rooms;
- (v) an information and enquiry centre; and
- (vi) a registry.

(c) *Coroner's Courts*

- (i) three courtrooms;
- (ii) three jury retiring rooms;
- (iii) two witness waiting rooms;
- (iv) a consultation room;
- (v) a jury assembly room;
- (vi) a meeting room for research teams³;
- (vii) a waiting room for the deceased's family; and
- (viii) a registry.

/(d)

3 As per existing practice, the research teams, mainly comprising university students, conduct researches and collect information relating to cases of the Coroner's Court for the Court's consideration.

(d) *Obscene Articles Tribunal*

- (i) a courtroom;
- (ii) a consultation room;
- (iii) a viewing room for the public⁴; and
- (iv) a registry.

(e) *Other Facilities*

- (i) chambers and a library for Judicial Officers;
- (ii) offices for support staff;
- (iii) a centralized accounts office;
- (iv) facilities for the Police, including eight interview rooms within the Police area (for detainees' meeting with lawyers);
- (v) facilities for the Correctional Services Department (CSD), including four interview rooms within the CSD area (for detainees' meeting with lawyers);
- (vi) facilities for the Social Welfare Department (SWD), including seven interview rooms within the SWD Probation Office area (for social workers' meeting with their clients and family members);
- (vii) facilities for the Duty Lawyer Service (DLS), including 13 interview rooms within the DLS area (for duty lawyers' meeting with defendants);
- (viii) a press room;

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4 The viewing room for the public is required for members of the public to search the repository of the articles submitted and to view the articles.

- (ix) waiting areas for the public;
- (x) a convenience store; and
- (xi) miscellaneous facilities, including baby-care and toilet facilities, facilities for the disabled and basement carpark.

A site plan, perspective drawings, sectional drawings, layout plans and a barrier free access plan for the project are at Enclosures 1 to 8. Subject to funding approval of the Finance Committee, we plan to start the construction works in April 2012 for completion by the end of 2015.

JUSTIFICATION

4. The proposed WKLCB will bring about the following benefits.

To provide additional courtrooms to meet operational needs

5. Currently, there are a total of 94 courtrooms at the magistracy and tribunal level (20 of which are located in the four Courts and Tribunals concerned). 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 in the future.

6. The proposed WKLCB will provide 32 courtrooms. Together with the proposed provision of additional three courtrooms for the Eastern Magistrates' Courts⁵ upon relocation of the Coroner's Court and the Obscene Articles Tribunal to the WKLCB, the total number of courtrooms at the magistracy and tribunal level will increase by 16% to 109, which would be able to cater for the operational needs at this level of court for the decades ahead.

/To

5 The number of additional courtrooms at the Eastern Magistrates' Courts will be finalized subject to further study. The construction cost of the additional courtrooms will be funded under block allocation **Subhead 3101GX** "Minor Building Works for items in Category D of the Public Works Programme" of the Capital Works Reserve Fund.

To address the inadequacies of facilities at the existing Courts/Tribunals

7. The existing accommodation of the Courts and Tribunals concerned is grossly inadequate, lacking many basic facilities which are essential in a law courts building of present-day standard for proper administration of justice. The major problems are set out below.

(a) *Tsuen Wan Magistrates' Courts*

The existing building lacks some of the essential facilities. For example, there is no Care or Protection Court⁶, and the Magistrates' chambers are not provided with separate access, which is necessary for operational and security reasons. Also, there is no separate access or waiting area for juvenile defendants attending the courts, no consultation room for litigating parties and their legal representatives, and no facility for the disabled.

(b) *Small Claims Tribunal*

- (i) The courtrooms are sometimes unable to accommodate all litigants and witnesses;
- (ii) there are insufficient interview rooms for the Tribunal Officers to interview parties, and most interviews have to take place in the courtrooms, which renders the courtrooms not being utilized optimally by Judicial Officers in hearing cases;
- (iii) there is no consultation room available for 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)

6 The Care or Protection Court is a designated court for dealing with children or juveniles under the age of 18 in need of care and protection orders pursuant to Section 34 of the Protection of Children and Juveniles Ordinance (Chapter 213).

(c) *Coroner's Court*

- (i) There is no consultation/witness waiting room or waiting room for the deceased's family members and the jury; and
- (ii) there is no waiting area for the public, and the registry counters are small and congested.

(d) *Obscene Articles Tribunal*

Articles submitted to the Tribunal (including magazines, comic books, video cassette tapes and video compact discs, etc.) are stored in the Viewing Room for viewing by the public. However, the existing Viewing Room is too small for accommodating sufficient cabinets and steel cupboards for proper storage and custody of the articles.

8. 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, the plan of setting up an information and enquiry centre in the Small Claims Tribunal⁷ cannot be taken forward in the existing premises due to lack of space.

9. The proposed WKLCB will provide a total NOFA of about 16 500 m². This can provide sufficient spaces for accommodating the necessary facilities.

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⁷ Having reviewed the existing operation of the Small Claims Tribunal, in view of the fact that no legal representation is allowed in the Tribunal, the Judiciary considers it necessary to set up an information and enquiry centre in the Tribunal to provide procedural assistance to parties.

To provide adequate ancillary facilities to support court operation

10. 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 conference room for meetings, nor a 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 storage of active court case files which are now scattered in various premises. The proposed WKLCB will provide the necessary ancillary facilities to meet the present-day court services requirements of different court users and enhance operational efficiency of the courts.

11. The proposed WKLCB will be located at a site of about 7 509 m² at the junction of Tung Chau Street and Tonkin Street West in Sham Shui Po⁸. The site is easily accessible via public transport along Tonkin Street West. It is served by over 20 bus routes which cover extensive areas in the territory: north to Ma On Shan in the New Territories; south to Aberdeen on Hong Kong Island; west to Tsuen Wan in the New Territories and the Hong Kong International Airport on Lantau Island; and east to Tseung Kwan O in the East New Territories region. It is within ten minutes' walking distance from either the Nam Cheong or Cheung Sha Wan MTR station.

FINANCIAL IMPLICATIONS

12. We estimate the capital cost of the project to be \$2,723.1 million in MOD prices (please see paragraph 13 below), broken down as follows –

/(a)

8 The site is surrounded by a variety of buildings of different heights and also a local open space (LOS). On one side of it, there is the Fu Cheong Estate which comprises 15 blocks of 14 to 40-storey apartments. On the other side, there is an LOS which will serve as a landscape buffer between the WKLCB and the nearby schools. There are a number of housing estates in the vicinity of the site. Within these premises, plenty of communal facilities such as post office, community halls, banks, supermarkets and dining places could be found.

	\$ million
(a) Site work	6.5
(b) Piling ⁹	176.8
(c) Basement construction	69.0
(d) Building ¹⁰	1,166.7
(e) Building services ¹¹	467.4
(f) Drainage	6.0
(g) External works	23.3
(h) Additional energy conservation measures	31.0
(i) Furniture and equipment ¹²	60.0
(j) Consultants' fees	17.1
(i) quantities surveying services	6.0
(ii) risk management	1.1
(iii) management of resident site staff (RSS)	10.0
(k) Remuneration of RSS	60.0

/(I)

9 Piling works cover H-piles and all related testing and monitoring.

10 Building works comprise construction of the substructure and superstructure of the building.

11 Building services works comprise electrical installations, ventilation and air-conditioning, fire protection system, lifts and escalators, window cleansing equipment, etc.

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

		\$ million
(l)	Contingencies	208.4
	Sub-total	2,292.2 (in September 2011 prices)
(m)	Provision for price adjustment	430.9
	Total	2,723.1 (in MOD prices)

We propose to engage consultants to undertake quantity surveying services, risk management 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 9. The construction floor area (CFA) of **31LJ** is about 60 320 m². The estimated construction unit cost, represented by the building and the building services costs, is \$27,091 per m² of CFA in September 2011 prices. We consider this reasonable as compared with similar projects built by the Government.

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

Year	\$ million (Sept 2011)	Price adjustment factor	\$ million (MOD)
2012 – 13	190.0	1.05375	200.2
2013 – 14	475.0	1.11171	528.1
2014 – 15	760.0	1.17285	891.4
2015 – 16	550.0	1.23736	680.5
2016 – 17	210.0	1.30541	274.1
2017 – 18	92.0	1.37721	126.7
2018 – 19	15.2	1.45296	22.1
	2,292.2		2,723.1

14. We have derived the MOD estimates on the basis of Government's latest set of assumptions on the trend rate of change in the prices of public sector building and construction output for the period 2012 to 2019. The project will be delivered through a design-and-build contract. 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.

15. We estimate the annual recurrent expenditure arising from this project to be \$50.4 million.

PUBLIC CONSULTATION

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

17. We also consulted the Criminal Court Users' Committee¹³, the Civil Court Users' Committee¹³, the Hong Kong Bar Association and the Law Society of Hong Kong in March 2010 on the project. The two committees and the two legal professional bodies generally support the project.

18. On 26 April 2010, the Judiciary consulted the Panel on Administration of Justice and Legal Services (the Panel) on the proposed project. Members expressed support for the project, having regard to the inadequacies in the existing accommodation and facilities of the concerned Courts and Tribunals for reprovisioning to the WKLCB.

19. At the Panel's request, the Judiciary provided on 17 May 2010 a supplementary information paper setting out the detailed requirements for the project, and the comparison of the proposed facilities in the new court building with the existing facilities in the law courts buildings to be reprovisioned.

/20.

13 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.

20. The Panel was consulted on the design of the proposed WKLCB on 20 December 2011, and raised no objection to the submission of the proposal to the PWSC for consideration. On the external design, some Members were of the view that the building looked similar to a commercial office building. In view of Members' comments, an improved external design of the building has been developed (the perspective drawing of the new building is provided at Enclosures 6 and 7).

ENVIRONMENTAL IMPLICATIONS

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

22. During construction, we will control noise, dust and site runoff nuisances to levels within established standards and guidelines through the implementation of mitigation measures as required. These may include the use of silencers, mufflers, acoustic lining or shields and the building of barrier walls for noisy construction activities, frequent cleaning and watering of the site, and the provision of wheel-washing facilities to prevent dust nuisance.

23. At the planning and design stages, we have considered measures (e.g. using metal site hoardings and signboards so that these materials can be recycled or reused in other projects) to reduce the generation of construction waste where possible. In addition, we will require the contractor to reuse inert construction waste (e.g. use of excavated materials for filling within the site) on site or in other suitable construction sites as far as possible, in order to minimise the disposal of inert construction waste at public fill reception facilities¹⁴. We will encourage the contractor to maximise the use of recycled/recyclable inert construction waste, and the use of non-timber formwork to further reduce the generation of construction waste.

/24.

14 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.

24. At the construction stage, we will 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.

25. We estimate that the project will generate in total about 71 600 tonnes of construction waste. Of these, we will reuse about 2 400 tonnes (3.4%) of inert construction waste on site and deliver 62 900 tonnes (87.8%) of inert construction waste to public fill reception facilities for subsequent reuse. We will dispose the remaining 6 300 tonnes (8.8%) 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 \$2.5 million for this project (based on a unit cost of \$27 per tonne for disposal at public fill reception facilities and \$125 per tonne¹⁵ at landfills).

HERITAGE IMPLICATIONS

26. 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.

LAND ACQUISITION

27. The project does not require any land acquisition.

/ENERGY

15 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.

ENERGY CONSERVATION MEASURES

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

- (a) water-cooled chillers (evaporative fresh water cooling tower);
- (b) automatic demand control of chilled water circulation system;
- (c) automatic condenser tube cleaning equipment;
- (d) automatic demand control of supply air;
- (e) demand control of fresh air supply with carbon dioxide sensors;
- (f) automatic demand control for ventilation fans in carpark;
- (g) heat pipes for heat energy reclaim of exhaust air;
- (h) light-emitting diode (LED) type exit signs;
- (i) heat pump for dehumidification;
- (j) service-on-demand control for escalators;
- (k) automatic on/off switching of lighting and ventilation fan inside the lifts;
- (l) building energy management system;
- (m) computerized lighting control system with occupancy sensors and daylight sensors;
- (n) LED down light and spot light; and
- (o) LED lift car lighting.

29. For renewable energy technologies, we will install photovoltaic system for environmental benefits.

30. For green features, we will provide greening on rooftop and vertical greening on building facades for environmental and amenity benefits.

31. For recycled features, we will provide rainwater recycling system for irrigating the greenery.

32. The total estimated additional cost for adoption of the energy conservation measures is around \$31 million (including \$6.3 million for energy efficient features), which has been included in the cost estimate of this project. The energy efficient features will achieve 12% energy savings in the annual energy consumption with a payback period of about 8.5 years.

BACKGROUND INFORMATION

33. We upgraded **31LJ** to Category B in February 2009. We employed contractors to carry out site investigations, utility mapping, topographical and tree surveys in 2009. We also employed a quantity surveying consultant to prepare the tender documents in March 2010. We have charged the cost of the above consultancy services and works (totalling \$2.3 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 contractors and consultant have completed all the above consultancy services and works.

34. All the 43 trees within the project boundary will be removed, including 7 trees to be felled, and 36 trees to be transplanted outside the project site. All trees to be removed are not important trees¹⁶. We will incorporate planting proposals as part of the project, including planting of about 8 trees, 6 890 shrubs and 27 600 ground covers.

35. We estimate that the proposed works will create about 1 192 jobs (1 066 for labourers and another 126 for professional/technical staff) providing a total employment of 23 900 man-months.

Judiciary Administration
January 2012

16 An “important tree” refers to trees in the Register of Old and Valuable Trees, or any other trees that meet one or more of the following criteria –

- (a) trees of 100 years old or above;
- (b) trees of cultural, historical or memorable significance e.g. Fung Shui tree, tree as landmark of monastery or heritage monument, and trees in memory of an important person or event;
- (c) trees of precious or rare species;
- (d) trees of outstanding form (taking into account the overall tree sizes, shape and any special features) e.g. trees with curtain like aerial roots, trees growing in unusual habitat; or
- (e) trees with trunk diameter equal or exceeding 1.0 metre (measured at 1.3 metre above ground level), or with height/canopy spread equal or exceeding 25 metres.

Enclosure 9 to PWSC(2011-12)45

31LJ – West Kowloon Law Courts Building

Breakdown of the estimates for consultants' fees and resident site staff costs (in September 2011 prices)

		Estimated man- months	Average MPS* salary point	Multiplier (Note 1)	Estimated fee (\$ million)
(a)	Consultant fees' for				
	(i) quantity surveying services ^(Note 2)				
	Professional	--	--	--	2.8
	Technical	--	--	--	3.2
				Sub-total	6.0
	(ii) risk management				
	Professional	7	38	1.6	0.7
	Technical	12	14	1.6	0.4
				Sub-total	1.1
(b)	Resident site staff costs ^(Note 3)				
	Professional	300	38	1.6	30.0
	Technical	1180	14	1.6	40.0
				Sub-total	70.0
	Comprising –				
	(i) Consultants' fees for management of resident site staff			10.0	
	(ii) Remuneration of resident site staff			60.0	
				Total	77.1

*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 = \$21 175 per month and MPS point 38 = \$62 410 per month)

2. The consultants' staff cost for quantity surveying services is calculated in accordance with the existing consultancy agreement for the design and construction of **31LJ**. The assignment will only be executed subject to the Finance Committee's funding approval to upgrade **31LJ** to Category A.

3. We will only know the actual man-months and actual costs after completion of the construction works.