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Panel on Administration of Justice and Legal Services

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 20 December 2011**

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

Purpose

This paper provides background information on the proposed construction of the West Kowloon Law Courts Building ("WKLCB") and summarizes the major issues raised by the Panel on Administration of Justice and Legal Services ("the AJLS Panel").

Background

2. According to the Judiciary Administration ("JA"), in order to provide adequate and appropriate court facilities for the proper administration of justice in Hong Kong, the Judiciary had carried out a comprehensive review of the Judiciary premises and mapped out a long-term accommodation strategy¹ for the next decade that would meet the operational needs of the Judiciary. During the 2009-2010 legislative session, the AJLS Panel was consulted on the following two major works projects arising from the review conducted by the Judiciary -

(a) construction of additional courtrooms and associated facilities in the High Court Building; and

(b) construction of WKLCB.

3. According to JA, the purposes of constructing WKLCB are to -

¹ As a result of the comprehensive review, the Judiciary proposed three major works projects, namely :- (a) Construction of additional courtrooms and associated facilities in the High Court Building, for which funding approval of the Finance Committee of the Legislative Council ("LegCo") was obtained in February 2010; (b) Proposed construction of WKLCB; and (c) relocation of the Court of Final Appeal to the former LegCo Building, for which the Administration's formal agreement was obtained in April 2009.

- (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.

Major issues raised by the AJLS Panel

4. At the meeting of the AJLS Panel held on 26 April 2010, JA briefed members on the proposed construction of WKLCB, including the project scope, proposed use of the vacated space of the relocated courts and tribunals, anticipated benefits and delivery mode of the project. The major issues and concerns expressed by members are summarized in the following paragraphs.

Design of the proposed WKLCB

5. Having regard to the inadequacies in the existing accommodation and facilities of courts and tribunals, members expressed support for the proposed construction of WKLCB in principle. Members, however, stressed that the design of the new law courts building should reflect the importance, independence and dignity of the court. Members also considered it important for the Judiciary to learn from the deficiencies in the design and layout of existing court buildings in planning the WKLCB project. JA assured members that in the invitation and selection of tenders, emphasis would be placed on the criterion that the design should reflect the dignity of the court and independence of the Judiciary.

6. Some members were concerned that the adoption of the "Design and Build" ("D&B") approach for delivery of the project would compromise the quality of design of WKLCB. The Administration advised that the D&B delivery mode was considered suitable for the WKLCB project as it could help achieve the Judiciary's objective of early completion of the project. In addition, the D&B approach also included appropriate apportioning of design-related risks to the contractor, and ensured buildable solution and better cost control, as compared with other modes

of project delivery such as open design competition or separate design by a consultant.

7. Members may wish to note that at the meeting of the Finance Committee ("FC") held on 30 April 2010, some members called on the Administration to consult the public on the designs of public works projects which would be of wide public interest, including WKLCB.

Facilities of the proposed WKLCB

8. Members shared the views of the Law Society of Hong Kong that car parks should be made available at the proposed WKLCB for the public and legal representatives, and there should be a canteen/café in the new courts building to cater for the needs of court users. JA advised that it was liaising with the Government Property Agency ("GPA") on the provision of car parking spaces in WKLCB for legal representatives and institutional court users. However, the suggestion of providing a canteen/café in WKLCB was not in line with the prevailing Government policy of generally not providing such facilities in its accommodation, which was recommended by the Director of Audit for better utilization of space. The GPA had also advised that the provision of canteen facilities at the proposed WKLCB was not justified given its convenient location.

9. Some members considered that the AJLS Panel had not been provided with adequate information on the WKLCB project. In response to the Panel's request, JA subsequently provided a supplementary information paper [LC Paper No. CB(2)1609/09-10(01)] which set out the detailed requirements of the Judiciary for the proposed WKLCB project (including principles for the building design, and requirements for its location and surroundings, courtrooms/tribunals therein, as well as other court associated facilities), and how the proposed facilities in the new courts building compared with the existing facilities in the law courts buildings to be re-provisioned.

Location of the proposed WKLCB

10. Members stressed that the new law courts building should be conveniently located, easily accessible by public transport, and located at a place with spacious surroundings. JA advised that the new law courts building was conveniently located and easily accessible via different means of public transport. The Judiciary considered the selected site suitable for meeting the operational needs as it was strategically located, and the area and plot ratio of the site would allow the Judiciary to optimize the utilization of the space. Mr IP Wai-ming, however, pointed out that it was inconvenient to access the proposed WKLCB from the Cheung Sha Wan Station or Nam Cheong Station. He suggested that

consideration be given to constructing a pedestrian subway through Sham Mong Road connecting the Nam Cheong Station with Fu Cheong Estate to provide a sheltered pathway to WKLCB.

11. Dr Priscilla LEUNG was of a strong view that the selected site for WKLCB was inappropriate. She was concerned that the new courts building would be surrounded by high residential buildings as planned under North West Kowloon Reclamation ("NWKR") Site 6. JA, however, considered the selected site suitable to meet the operational needs of the Judiciary. JA further advised that the Sham Shui Po District Council had been consulted on the proposed construction of WKLCB at the selected site and the District Council was supportive of the proposal. JA stressed that it was the Judiciary's hope that the WKLCB project could commence as early as practicable, and identifying an alternative site would delay the project.

12. On 24 June 2010, Dr Priscilla LEUNG wrote to the Chairman of the AJLS Panel requesting further discussion on the selected site for the construction of the WKLCB and suggesting that NWKR Site 6 might be considered as an alternative site. At the request of the Panel, JA was requested to look into the suitability of NWKR Site 6. Its response to Dr LEUNG's suggestion was set out in LC Paper No. CB(2)2052/09-10(02). JA advised that NWKR Site 6 was considered not suitable for the following reasons:

- (a) NWKR Site 6 was too large for the development of WKLCB;
- (b) according to the Planning Department, NWKR Site 6 had been designated as the works area for the Express Rail Link until 2015. Further, it was not practicable to use NWKR Site 6 for the development of WKLCB with regard to the timing of site availability and the lead time required for the preparation of the requisite technical assessments for obtaining approval from Town Planning Board;
- (c) NWKR Site 6 was less accessible by means of public transport as compared to the site selected for WKLCB; and
- (d) NWKR Site 6 was surrounded by the West Kowloon Highway, an extensive area designated for use as cargo working area, wholesale market and industrial office, and industrial buildings for the use of wharf godown. Such site environment was considered to be not suitable for the development of a law courts building.

13. At the meeting of the AJLS Panel held on 14 October 2010, Dr Priscilla LEUNG reiterated her view that the selected site was inappropriate and Site 6 nearby which was located near the waterfront was more appropriate for the construction of WKLCB. Dr LEUNG considered that as the location of WKLCB involved planning issues, it should be discussed by the Panel on Development in the context of the overall planning of the NWKR Site 6. Members may wish to note that the Panel on Development and the Panel on Housing had held a joint meeting on 10 December 2010 to discuss the planning of the NWKR Site 6.

Project programme

14. Members noted the following project programme as advised by JA in April 2010 -

| | |
|---|------------------------------|
| (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 Public Works Subcommittee ("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 |

15. JA advised the Panel in February 2011 that the invitation of tender for WKLCB would be deferred to March 2011. According to the forecast of submissions to the PWSC for the 2011-2012 legislative session provided by the Financial Services and the Treasury Bureau in October 2011 [PWSCI(2011-12)8], the construction is tentatively scheduled to commence in the second quarter of 2012 for completion in the fourth quarter of 2015. The indicative cost of the proposed project is above \$500 million.

Recent development

16. According to JA, the AJLS Panel would be further consulted on the design of the project in 2011 after the tendering process for the D&B contractor has been completed. JA is scheduled to further consult the Panel on the project at its

meeting on 20 December 2011 before seeking the endorsement of PWSC for approval of FC.

Relevant papers

17. A list of the relevant papers which are available on the LegCo website (<http://www.legco.gov.hk>) is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
19 December 2011

Appendix

Relevant documents on proposed construction of the West Kowloon Law Courts Building

| Committee | Date of meeting | Paper |
|--|------------------------------|--|
| Panel on Administration of Justice and Legal Services ("AJLS Panel") | 26.4.2010 (Item IV) | Agenda Minutes CB(2)1399/09-10(01) CB(2)1399/09-10(02) CB(2)1609/09-10(01) CB(2)2052/09-10(01) CB(2)2052/09-10(02) |
| Finance Committee | 30.4.2010 | Minutes |
| AJLS Panel | 14.10.2010 (Item III) | Minutes |
| Panel on Development and Panel on Housing | 10.12.2010 (Item III) | Agenda Minutes |
| Public Works Subcommittee | 8.11.2011 PWSCI(2011-12)8 | Agenda Minutes |