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Panel on Administration of Justice and Legal Services

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 26 February 2013**

Relocation of the Court of Final Appeal

Purpose

This paper gives an account of the past discussions of the Panel on Administration of Justice and Legal Services ("the Panel") on the relocation of the Court of Final Appeal ("CFA").

Background

2. According to the Judiciary Administration ("JA"), the present CFA Building, located at No. 1 Battery Path, is manifestly inadequate for the smooth and efficient functioning of the Court for the following reasons:

- (a) there is only one courtroom and the courtroom is too small (140 m²) and not ideally designed due to space constraints;
- (b) facilities for Judges and support staff are inadequate;
- (c) facilities for the legal professionals are not satisfactory in that the robing and conference facilities are limited;
- (d) the press room is too small, particularly when reports cover high-profile court cases; and
- (e) facilities for the public are either lacking or inadequate to meet the present-day court services requirements.

3. As the present CFA Building is a declared monument, on-site expansion of the building is not allowed.

Past discussions

4. At the meeting of Panel held on 10 July 2012, the JA briefed members on the proposal to relocate the CFA to the former Legislative Council ("LegCo") Building at No. 8 Jackson Road ("the project"). As required under the prevailing requirements, the project was subject to a Heritage Impact Assessment ("HIA"). The JA's objective was to restore, display and highlight the heritage features of the former LegCo Building. At the request of the Panel, a copy of the HIA report was provided to members after the meeting vide LC Paper No. CB(4) 47/12-13 on 19 October 2012.

5. Members noted the following improved facilities under the project:

Courtrooms

- (a) the number of courtroom would be increased from one to two. The larger one (about 230 m²) would be the venue for hearing substantive appeals. It would be equipped with enhanced services and facilities, including audio-visual presentation systems and acoustic and audio systems. There would be sufficient seats for various parties involved in a substantive appeal hearing, including the legal professional, the press and the public. The smaller courtroom (about 95 m²) would be the venue for hearing leave applications and taxation cases;

Facilities for Judges and support staff

- (b) apart from Judges' chamber, common facilities for Judges (e.g. Judges' retiring room) would be enhanced. Space provision for support staff and ancillary facilities would also be adequately provided. Adequate accommodation arrangements would also be made for the Development Division of the JA. The Development Division, a key task of which was to provide administration support for the Chief Justice ("CJ"), was presently located both at the current CFA building and the High Court;

Facilities for legal representatives

- (c) a lawyers' common room, two robbing rooms and four consultation rooms would be provided. An interview room would also be provided in the cell area;

Facilities for the press

- (d) a press room would be made available for use by reporters; and

Facilities for the public

- (e) waiting areas with sufficient seats would be provided in the court lobby and registry counter. A viewing booth would be provided to facilitate members of the public to search and view court records. Moreover, facilities for the disabled, for both the defendants and the public, would be enhanced, and a baby-care facility would be provided in line with the prevailing practice to enhance communal facilities to care for children.

6. Members further noted that the project would be submitted to the Public Works Subcommittee ("PWSC") and the Finance Committee ("FC") of LegCo in the first quarter of 2013. Subject to the funding support of the FC, the conversion works would start in the second quarter of 2013 for completion by the end of 2014. The relocation of CFA would take place in the first quarter of 2015.

7. Members were of the view that given its great historical value and interest, the future CFA Building should be open as much as possible to the public, provided that the functioning of Court was not adversely affected.

8. Question was raised as to whether the acoustic problem of the courtroom in the present CFA Building would be addressed in the future CFA Building.

9. The JA advised that the intention of the design of the courtrooms in the future CFA Building was to achieve the desired acoustic effect without the use of earphones. The Judiciary might consider installing speakers in the rear of the courtrooms to ensure that the public could hear the proceedings.

10. Concern was raised as to whether the numbers of consultation and common rooms for use by legal professionals in the future CFA Building were sufficient.

11. The JA advised that it had consulted the Criminal Court Users' Committee and Civil Court Users' Committee on 4 May 2012 on the project. The two committees generally supported the project. In response to their comments, the number of consultation rooms for legal professionals had been increased from two to four. A lawyers' common room where legal professionals might consume food which they bought or brought along over lunch if needed had also been added.

12. A representative from the Hong Kong Bar Association hoped that movable seats could be provided in the consultation rooms to cater for more legal professionals if needed.

13. In response to an enquiry as to whether the library at the future CFA Building would be open to the public, the JA replied that whilst the library was intended for use by Judges and judicial officers, consideration would be given to allowing the legal professionals of the litigants to use it.

Latest position

14. The JA plans to seek the views of the Panel on 26 February 2013 on the relocation of CFA, before seeking funding approval from PWSC and FC for the project in the first quarter of 2013.

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