



## **PROPOSED CONSTRUCTION OF A DISTRICT COURT BUILDING AT CAROLINE HILL ROAD**

### **SUBMISSIONS**

1. The Law Society makes the following submissions on the Judiciary Administration's proposed construction of a new District Court Building at Caroline Hill Road.

### **GENERAL COMMENTS**

2. The existing accommodation for the District Court and the Family Court in the Wanchai Tower and the Lands Tribunal at the Gascoigne Road Kowloon have reached their capacity limits. The courts are also in constant shortage of supporting facilities. In view of the heavy caseloads and demands for compatible technological facilities to support court hearings and remote hearings, we agree to the imminent need for a new District Court Building ("DCB").
3. There are, however, a few capacity and logistical issues that the Judiciary Administration may consider in the design of the DCB.

### **COURTROOMS, CHAMBERS AND RELATED FACILITIES**

#### **District Court ("DC") and Lands Tribunal ("LT")**

4. In anticipation of the increasing demands in the accommodation and the operational needs of the courts and the tribunal in the future, we agree that more courtrooms are required.
5. We agree that the new DCB should also have courtrooms of different sizes, and that there should be more small-sized courtrooms than usual or mega-sized courtrooms. Small-sized courtrooms are suitably useful for e.g.

interlocutory hearings – as those should be disposed of relatively swiftly. That helps save space for more courtrooms or other purposes.

6. We ask that there should be sufficient interview rooms in the new DCB for criminal practitioners to see their clients in detention cells.
7. We envisage that more virtual civil interlocutory proceedings will take place in the future, either through telephone or video-conferencing facilities. As such, the new DCB shall be designed and housed with the requisite technology to meet the above demands. We also suggest that the number of courtrooms with technological facilities should be increased. This could accommodate the needs for expansion of capacity for remote hearings in the future.
8. We appreciate that efforts are made to provide for video conferencing rooms for litigants and legal representatives, and we ask that sufficient video conferencing rooms to be provided.
9. We also suggest that facilities which support video legal visits (i.e., video conferencing with persons in custody) be made available at the new DCB. Similar facilities have already been put in place in the High Court. Provision of the same in the new DCB will help save transportation time and costs of practitioners for legal visits at the new DCB. That would also facilitate communication of persons in custody with their legal representatives e.g. taking of instructions therefrom. In this regard, the Judiciary Administration may wish to consult the Correctional Services Department in the design and the provision of any remote official visit systems for legal visits.
10. We consider that a sufficient number of dispute resolution rooms and breakout rooms must be provided for not only the Family Court but also other general civil litigation cases. That helps cater for inter alia the needs arising from (Pilot) Case Settlement Conferences (currently in practice in the DC and introduced by the Judiciary) for general civil litigation.

### **Family Court (“FC”)**

11. According to the statistics from the Judiciary, the DC received a total of 25,942 non-family civil cases and 22,386 family cases in 2019.<sup>1</sup>

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<sup>1</sup> Hong Kong Judiciary Annual Report 2019,

Considering the caseload of family cases being similar to that for non-family civil cases, and in anticipation of the increasing caseload for the FC, we suggest the number of courtrooms for FC should be increased on par with the number of courtrooms for criminal and general civil .

12. To maximize spaces for more courtrooms, we suggest that, say at least 2 to 3 courtrooms for the FC should be bigger; and for the rest, they could be smaller in size. The size of the public gallery could be reduced as most if not all hearings are not open to public. However, inside a FC courtroom, two to three benches for legal representatives would be required.
13. We take the view that chambers for Judges and Judicial Officers (“JJOs”) in the FC are insufficient and will not meet the operation needs in the future. This is particularly relevant when, e.g. a Master system in the FC is in the pipeline; and when more Deputy Judges could be appointed to expedite the handling of court cases and to shorten the waiting time for hearings. We suggest that the number of chambers for JJOs to be increased..
14. There should be a matching increase in the number of support and clerical staff for the FC. The Judiciary Administration should take this into account when designing and allocating offices for support and clerical staff in the FC.
15. Currently, the demands for consultation rooms in the FC is huge. We estimate that each courtroom should have 2 consultation rooms for meetings.
16. We welcome any proposals that take into account the dispute resolution facilities including the dispute resolution rooms and breakout rooms . These will encourage parties to engage family mediations or Mediator-assisted FDR scheme which could help e.g. divorcing parties resolve conflicts (through mediation or otherwise). For the use of these rooms, there should be some flexibility. E.g. if the breakout rooms are unoccupied, those rooms can be turned to and be used as consultation rooms.
17. The waiting areas of the current FC are often crowded and the seats available are only limited. On some occasions, it is inconvenient or even embarrassing for parties and their legal representatives to converse in the waiting areas, in particular when sensitive or emotive matters are brought

up. The design and the sizes of the waiting areas in the FC in the new DCB should take the above into account.

18. Security staff should continually be engaged and deployed in the new DCB, in particular the FC. The proposal to construct the new court building should include in its consideration any facilities to accommodate the presence of security staff in the new DCB. We consider there should be a room on the floors of FC formally designated for security. This not only offers an office for security staff, but also boosts their presence, which on some occasions could help prevent bursts of violence prior to or after the delivery of decisions in high-conflict matrimonial matters. Facilities for security staff are important.
19. Currently, there are pigeon boxes available for use of law firms in the FC. In our views, there ought to be similar arrangements for pigeon boxes in the new DCB. In any event, we suggest that pigeon boxes should continually be provided in the FC for law firms, and that *sufficient number* of pigeon boxes should be made available. The pigeon boxes should be fitted with locks, as they would contain matrimonial papers of confidential and sensitive nature. Where allocation or allotment is required, at the very least, designated plastic drawers that are similar to those currently provided for in the High Court should be arranged to law firms which are placed on the waiting list pending allotment of lockable pigeon boxes.
20. To support remote hearings and/or the use of e-Bundles, the FC should be equipped with relevant IT facilities such as video-conferencing facilities, high speed Wi-Fi etc.
21. We ask (with emphasis) that there should be a room earmarked for the Social Welfare Department so that they can have a ready presence in the new DCB for their staff to answer questions from the parties and to show them the relevant video(s) (if so required / desirable). The room could also offer display of and provides information for the parties in need, including litigants-in-person (e.g., the availabilities of the Specialized Co-parenting Support Centre, their locations and the opening hours; general information on the preparation of the Social Investigation Report etc.). Where possible, it would be relevant to also have a meeting room inside so that the case social welfare officer could have private discussion with the parties, if and when necessary.
22. Furthermore, by way of a general remark, the FC in the new DCB should have a design which offers a calm and soothing atmosphere.

23. Apart from the above suggestions on DC, LT and FC, we also have the following *general* comments on the design of the new DCB.

### **General Layout for Courtrooms**

24. All courtroom layouts and public areas should conform to barrier-free access requirements.
25. There should be sufficient space for box files with wedges or removable wedges to allow box files to be placed in front of legal representatives.
26. The new DCB should have sufficient sockets in particular at the bench for legal representatives with easy access for computers.
27. The bench should have sufficient space for legal representatives to place a larger screen when they are to work with e-Bundles.

### **Judges' Chambers**

28. In the design of chambers for Judges in the new DCB, the following might need to be taken into consideration:
  - (a) The reference books and precedents now in use and kept in the Judges' chambers take up a lot of space. These hard copies references will soon be and should be replaced by electronic formatted references.
  - (b) JJOs of the next generations may prefer those in electronic format.
  - (c) The Judiciary is working towards e-filing. Most if not all court documents will eventually be in electronic format.
  - (d) The above could therefore remove the need for the chambers to house legal references or to warehouse the court files.
  - (e) The Judge's chambers should have adequate IT setup, including at least one desk top computer connected to two big monitors to be placed on the work desk and one portable computer with bigger

monitor to the JJOs for easy access and convenient reading of the electronic court files and documents, e-reference books and e-precedents, and for working on judgments.

### **Court technology (General Comments)**

29. As suggested in various paragraphs in the above, there shall be up-to-date video-conferencing facilities that enable chambers and open court hearings to be conducted on a virtual basis via mobile phone communications, conference calls and Zoom-like conferencing platforms. We anticipate more use of these video-conferencing for not only 3-minute hearings, but also PTR and CMC etc. See also paragraphs 7 and 20 above.
30. Facilities should be made available to facilitate parties' use of their own IT equipment, e.g. simultaneous electronic transcripts and systems for electronic display of documents. Consideration should also be given to the installation of facilities (e.g. multiple independent optic cables) in order to provide and maintain high-speed connections.
31. Conduits and brackets/high platforms for wifi/Bluetooth/Near-Field Communication (NFC) or similar devices should be provided for the courtrooms.
32. The courtrooms should be fitted with infrastructures (e.g. mounting and railings for cameras, appropriate stands/poles/rails for screen) that could easily accommodate virtual hearings.
33. There should be sound proofing and non-reflective walls with green or blue or similar colored walls for virtual background (for remote hearings).
34. Floors should be tiled or allow rollers for robots (if and when available).
35. The installation of and the offer of any court technology should accommodate also those with disabilities.

### **Maintenance**

36. There needs to be a *constant* review and update of the court technology in use.

37. There must be a well-serviced and robust maintenance programme to ensure all IT and court facilities in the new DCB to be kept continually in good working order.

## **ANCILLARY FACILITIES**

### **Lawyers' common room with robing facilities and other supports**

38. There should be a common room *for solicitors* and in that common room, sufficient number of lockers and printers should be provided and installed. These lockers could be allocated for use by solicitors (either upon prior application or on temporary basis). There should also be at least 2 printers in the common room (with regular maintenance service to be arranged). This is particularly relevant when parties are negotiating, drafting and printing documents (e.g. Consent Summons) for the Court's proceedings, (e.g. during the court's recess).
39. Apart from a lawyers' common room, there should be a separate robing room *for solicitors and solicitor-advocates* and that lockers should be provided inside the robing room for use of solicitors and solicitor-advocates.
40. Sufficient number of photocopying machines should be made available on different floors of the new DCB for use of legal profession and the general public. Payment arrangement similar to the current one in place at the Wanchai District Court (i.e. payment by Octopus), or by other electronic payment methods, should be considered.

### **Canteen facilities**

41. Currently, there is no canteen or restaurant in the DC. That is inconvenient and (with respect) an apparent omission, especially when legal representatives are required to work over lunch breaks. Catering arrangement similar to that in the High Court (i.e. on-site catering with a cafeteria for the public and a separate restaurant exclusively for legal representatives) should be followed in the new DCB.
42. There should also be vending machines in the new DCB for hot/cold drinks.

## **Offices for support staff/ integrated Accounts Office**

43. It could be preferable to house the administrative offices for filing and accounts departments in a separate wing of the DCB (to be connected by e.g. an escalator or a bridge). This segregation helps coordination of administrative work and also diverts the passenger flow away from the courts. That facilitates access of litigants and court users to courts.

## **Baby care facilities and special passageway for vulnerable witnesses**

44. We ask that the provision of baby care facilities and special passageway for vulnerable witnesses be taken into account in the design of the new DCB.

## **COURT SECURITY AND CROWD MANAGEMENT**

### **Security screening facilities**

45. All users of the new DCB shall pass through security screening at the building entrance. The current arrangement with the High Court Building could be of useful reference.
46. There should be a separate entrance for JJOs.
47. If logistically possible, security checking should be conducted outside the new DCB (in a covered/air-conditioned area). That would reduce congestion and also facilitate foot traffic and easier access to and from courts for court users.

### **Passenger Lifts**

48. At the moment, the lifts at the DC are very congested and queues at the foyer at the DC are often long. While we welcome the proposal to install more passenger lifts with higher speed and larger capacity for commuting between court floors, we note that the previous attempt to do the same at the West Kowloon Magistrates' Court apparently has not been too successful. Careful consideration shall be given to streamline the design, the operation and the allocation of use of lifts, taking into account the experience with the West Kowloon Magistrates' Court.



49. In the design of and the allocation on the use of the lifts, we repeat our suggestion on diverting the passenger flow to another part of the building (see paragraph 43 above). Separate lift arrangement for JJOs should continually be adopted.
50. The Judiciary Administration may also wish to take into consideration any designs which would cater for future expansion and easier addition of lifts, if so required.

**Accessibility, connectivity, and car parks etc.**

51. We note that the new DCB is to be constructed at Caroline Hill Road. That will be located at a distance from the Causeway Bay MTR station. We envisage that there would be only few public transport options from the MTR Station to Caroline Hill Road (and vice versa). It would also be a relatively long walking distance away from the MTR Station. The above would cause much inconvenience to court users accessing the new DCB, in particular during peak hours in the morning and after office hours, and at lunch time.
52. There should therefore be a careful review to improve access to and from the new DCB, as well as the connectivity of the new DCB with proper public transportation and otherwise.
53. The above review should include a study of the current neighborhood of the site of the new DCB. In this regard, we note that the proposed location of the new DCB is already bustling with crowds of pedestrian and children. There are a number of schools and private clubs nearby. On the other hand, there are busy learner-driving in the proximity. The above tend to slow down the traffic in the area. Traffic diversion and relocation of learner-driving should be considered in the planning. We urge the Judiciary Administration to consult the Transport Department early in the planning stage.
54. On connectivity of the new DCB, the Judiciary Administration may among other things liaise with the Government to try to work with the relevant developers, or by itself, to connect the new DCB with the MTR station, serviced by air-conditioned footbridges and/or underground walkways.

55. In anticipation of the caseloads that the new DCB will take on, we suggest that a generous number of car parking spaces should be made available in the new DCB.
56. There should be a proper/large covered entrance or drop off area. There should also be taxi stands at convenient locations which should also enable taxi to have easy access to the new DCB.
57. The design of the new DCB should as much as possible embrace environmentally-friendly initiatives.
58. Lastly and by way of a concluding remark, we ask that, whenever possible, the construction of the new DCB should be expedited and should commence ASAP. The Law Society would be pleased to be continually engaged in further consultation when e.g. the proposed design of the new DCB is available.

**The Law Society of Hong Kong**  
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