

添美道佔路者有「治外法權」？

中英社評

自去年九月違法「佔中」發生以來，金鐘添美道政府總部及立法會大樓對開空地和行人道上，出現了大批由「佔領者」搭建的帳篷；而「佔中」結束迄今已逾半年，這些帳篷不但沒有清拆，反而愈建愈多，嚴重阻塞大樓出入口通道及行人路，情況之「誇張」，令人側目！

而更為嚴重的是，在政改方案下月就要付諸表決的關鍵時刻，激進反對派及暴力分子已經公開揚言，屆時將會發動「十萬人」包圍立法會及發起二次「佔中」，眼前不斷增加的帳篷以至近日蓋搭的木屋，就是為日後的行動作準備。也就是說，「佔領區」日後將會成為進一步抗中亂港和阻撓依法普選的「指揮中心」、成為違法衝擊、暴力衝突的「火藥庫」，後果非常嚴重。

對此，建制派立法會議員及各界人士已強烈要求特區政府有關部門正視有關情況，依法辦事、果斷執法，從速拆除所有搭建在路旁的僭建物，確保大樓安全及行人權利，不能任由這些「路霸」繼續為所欲為，為害社會。

事實是，眼前佔路「奇景」，可以說不可能為任何法治社會所包容。據不完全统计，目前搭建在添美道一帶的彩色塑料帳篷，大大小小已達百多個，加上一批近日開始出現的木屋，整個地區彷彿已經成了佔領者的「天下」，他們喜歡什麼時候入住就什麼時候入住，喜歡搬來什麼東西就搬來什麼東西，喜歡張貼什麼標語就張貼什麼標語，而且，沒有人能夠清楚說出：目前集結在那裡的到底是些什麼團體？成員有多少人？帳篷和木屋內存放的又是些什麼東西？……整個「佔領區」，彷彿成了特區治安和法律都不能進入和生效的「治



▲金鐘添美道政府總部及立法會大樓對開空地和行人道上，出現了大批由「佔領者」搭建的帳篷 資料圖片

外法權」之地，就差還沒有掛起「途人與狗不得進入」的「警告牌」！

事實是，本港是法治之區，長期以來，政府有關部門對違法建築、非法佔用公地以至隨街擺賣都有一套明確的法規，而且執法甚嚴，私人物業在圖則以外搭建一些花架、晾衣架以至圍封露台，在法律上都已屬違法，建築部門隨時可以勒令限時拆卸及告上法庭。別的不說，當日曾參與特首競逐的候選人唐英年就因寓所僭建地庫而「陰溝裡翻船」。

同樣，現任特首梁振英也「本縣曾經此苦」，只因家中花園私下搭建了一個花棚，就被反對派「追殺」到如今。但眼前，就在梁振英眼皮底下，大批違法違規的帳篷、木屋、儲物倉以至花棚花架，卻可以大模斯樣、肆無忌憚地搭建在政府總部及立法會大樓對開的行人路上，試問執法部門是按什麼準則執法

的？有法必依的法治精神又何存？

對此，有「佔領者」辯稱，帳篷只是搭在公眾地方而非私人物業，個人沒有「得益」，云云。這真是一派胡言。行人路當然是公眾地方，但正因為是公眾地方，全港市民應該都有權使用，為何現在卻被佔領者「據為己有」，在兩幢大樓內辦公的官員、議員和公僕出入要蒙受不便，市民前往兩幢大樓辦事更要繞路和小心翼翼，否則隨時可能招來佔領者的滋擾以至攻擊，試問市民的行動自由和人身安全有何保障？

事實是就在昨天，一批市民因不滿「路霸」惡行，前往添美道「踩場」及向警方遞交請願信，要求警方立即採取清場行動，期間與佔領者發生激烈衝突。而立法會議員是相關道路的直接使用者，他們已強烈要求警方執法，不能對違法佔路惡行「眼開眼閉」、變相縱容。

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Occupiers of Tim Mei Avenue enjoy extraterritoriality?

Since the start of the illegal Occupy movement last September, a large number of tents have been erected by "occupiers" on the open space and a section of pedestrian walk along Tim Mei Avenue, opposite to the Central Government Offices and the Legislative Council (Legco) compound. Over half a year has passed already since the Occupy movement came to an end, these tents have not been removed but more and more have been erected, seriously obstructing the passages to the buildings and the pedestrian walk. The scene is so chaotic that it is really disgusting.

What is more serious is that, at this crucial moment when the political reform package is about to be handed over to the Legco for voting next month, radical opposition and violence elements have already spread the word that they would then mobilise 100,000 supporters to besiege the Legco compound and launch another Occupy movement. For this, the growing number of tents and wooden huts recently built in the area are seen as a preparation. In other words, this "occupied zone" later will become the "command centre" for further moves to resist against China, make trouble in Hong Kong and obstruct universal suffrage in accordance with the law, and thus also become a "gunpowder magazine" for illegal charges and violent conflicts, provoking serious consequences.

In regard to this, pro-establishment lawmakers and personages from various sectors have sternly asked relevant government authorities to **face up to** the problem, deal with it in accordance with the law and resolutely enforce the law to promptly remove all illegal erections by the road so as to protect the buildings' safety and pedestrians' rights and stop those "road bandits" from continuing doing what they want to do harm to society.

As a matter of fact, such an "extraordinary sight" of occupying a road cannot be possibly tolerated in any society with the rule of law. According to incomplete statistics, the number of colourful plastic tents erected along Tim Mei Avenue so far is more than 100.

In addition, there are some wooden huts recently built there. As such, it looks as if the area has become "home" to the occupiers. They move to live in there whenever they feel like it, they move in whatever things they want to move in, and post up whatever posters they want to post. Furthermore, no one can clearly tell what organisations these people belong to, how many members these organisations have, and what there are inside those tents... It seems as if the whole "occupied zone" were an extraterritorial place not to be touched by the SAR's public security and laws, just **short of** putting up the "Pedestrians and Dogs not Admitted" caution board!

But in reality, Hong Kong is a place with the rule of law. Relevant government departments have specific laws and regulations governing illegal construction works, illegal occupying public places and hawking on streets. Law enforcement in this regard is quite strict. In a private property, an attached flower shelf or clothes-drying rack or an enclosed balcony that is not specified in the construction plan is illegal. Construction authority could at any time order the owner to dismantle it within a given period of time or file a lawsuit against the owner. Not to mention others, Henry Tang Ying Yen who ran for the Chief Executive (CE) election in 2012 had failed miserably because his home was exposed to have illegal construction works.

Similarly, incumbent CE Leung Chun-ying also has had a bitter lesson, being **"hunted down"** by the opposition till today for having built a flower shed in the garden of his house. But now, right **under Leung Chun-ying's nose**, a large number of tents, wooden huts, storehouses and even flower stands and flower shelves have been wantonly erected on the pedestrian walk opposite to the Central Government Offices and Legco compound. We should like to know, what rules do the law enforcement departments follow in their law enforcement? Where is the spirit of the rule of law that laws must be strictly observed?

For this, some "occupiers" have argued that the tents are erected in a public place instead of in a private property, that they have no personal gains, and so on and so forth. These are total nonsense. A

pedestrian walk surely is a public place. It is because it is a public place that all citizens are entitled to use it. How come the occupiers could take it for their own use, making it inconvenient for officials, lawmakers and civil servants working in the two buildings to come in and go out of the buildings. Citizens having to go into the two buildings to handle some affairs have to pass by the occupied zone and be careful, or they may be harassed or even attacked by the occupiers. We should like to ask, to what extent are citizens' freedom of movement and personal safety protected?

In fact, it was on yesterday when a group of citizens discontent with the evil deed of the "road bandits" went to Tim Mei Avenue to "challenge" them and hand over a petition letter to the police, demanding the police to clear the site immediately. They ran into violent conflicts with the occupiers. Lawmakers are the direct users of the concerned road, who have sternly demanded the police to enforce the law and not to turn a blind eye on the illegal occupation of road in a disguised form to tolerate the evil deed.

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WORDS AND USAGE

Extraterritoriality (noun) – 也稱為 Extraterritorial rights，即「治外法權」，指外國公民免受犯罪地司法管轄的特權。例如，如果甲國公民在乙國享有「治外法權」，那麼，當甲國公民在乙國犯罪時，乙國無權管轄甲國公民所涉嫌的犯罪案件。治外法權通常是兩國外交談判的結果，對等給與對方的外交人員、來訪首腦及特定人員。但在19世紀時，西方列強曾經迫使中國簽訂不平等條約，單方面給予在華西方僑民治外法權，嚴重侵犯中國主權。

Face up to sth/sb (phrasal verb) – To confront with courage something or someone representing a threat or unpleasantness. (勇敢面對，正視)
Examples: 1. You must face up to the authorities if you have done something wrong.
2. Eventually he faced up to his money problems.

Short of sth (idiom) – without resorting to something. (除...之外，就差...)
Examples: 1. There must be some punishment you can give him short of expelling him from school.
2. Short of yelling, I had no other way of getting his attention.

Hunt down sb/sth (phrasal verb) – To pursue, track and catch someone or something; search for something or someone. (窮追到底，追捕，追獵)
Examples: 1. The panther hunted down the deer.
2. The police hunted the kidnappers down.

(Right) under your (very) nose (idiom) – in a place that you can clearly see. (在...的眼皮下，公然)
Examples: 1. I thought I'd lost my purse, but it was sitting on the table under my very nose.
2. How did Mary fail to see the book? It was right under her nose.



安然啓迪

客觀主義（上）

「生存，還是道德？」這是古今千千萬萬個心靈的掙扎。這掙扎有不同的形式，有不同的程度，但本質始終是一樣的。

人類歷史上幾乎所有道德觀念，都是令道德變成人的敵人。我們從小被灌輸的道德觀念是：自己的利益是不道德的，道德和利益是相反的。於是，所有道德教條都不是幫你，而是害你，不是促進你的生命，而是促進你的死亡。但從來沒有人成功解釋：為什麼自我犧牲就是好的呢？

二十世紀美籍俄裔小說家、哲學家安蘭德（Ayn Rand）把幾千年的陳腐腐念連根拔起，開創了獨步天下的客觀主義哲學（Objectivism）。安蘭德問：什麼是道德？人為什麼需要道德？試想像一個堅不可摧的機械人，它能像人類一樣行動，但什麼都傷害不了它一根毫毛。對這個機械人來說，沒有東西是「好」或「不好」的。沒有自己的生命這個終極價值，就不可能有任何價值。人的最高道德標準就是生命，最高道德目標就是追求幸福，而自我犧牲就是最惡劣的行為。

思考乃首要美德

客觀主義認為現實乃客觀地存在，而人的基本生存方式就是用自己的頭腦理解現實，用理智決定行動。因此，思考就是首要的美德，逃避思考就等於逃避生命。人應該有情感，但情感不應是理智的主宰，而應是理智的結果：當你理性地認識到自己靠理智（而非武力或詐騙）取得成功，你便感到幸福。這種理性利己主義（rational egoism）的倫理學，安蘭德大膽稱之為「自私的美德」（the virtue of selfishness）。

那麼，我們是否不應對別人好呢？不是的。沒有人會懷疑荷里活的畢彼特（Brad Pitt）和安祖連娜祖利（Angelina Jolie）夫婦對慈善事業的投入，他們甚至到貧窮國家領養了幾名孩子，而兩夫婦的精神偶像正是安蘭德。當你欣賞一個人的美德，或同情其不幸，當他的幸福會令你快樂，你想愛他或幫助他，這其實是十分自私——因而十分道德——的行為。

相反，「無私的愛」非只不道德，更是不可能的。因為當你無條件、無原因、無分別地愛所有人，當你的愛沒有任何標準、價值和意義，你其實是什麼人都不愛。一個俄國思想家為了實踐這種「無私」的哲學，故意娶了一個又窮、又蠢、又醜的女人為妻，然後跟她說：「我一點也不喜歡你，我是為了犧牲自己令你幸福才娶你的。」結果，那個女人上吊自殺了。

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考察筆記

認識唯一中西合璧寺院——東蓮覺苑

位於跑馬地山光道的東蓮覺苑，是香港唯一糅合中西建築特色風格的寺院。1930年代，何東的第二夫人張靜蓉（法號張蓮覺）出資興建了這座寺院，並取名「東蓮覺」。名字的由來，是取自夫妻二人的名字，即以何東的「東」，以及張蓮覺的「蓮覺」結合而成。

東蓮覺苑的建築是很有特色的。當年，設計師興建這座佛寺時，就利用了山光道的斜坡，將建築物設計成船的外形，寓意是大眾在這裡求佛，就可以渡過人生苦海而到達幸福。

此外，東蓮覺苑是按照傳統佛寺布局興建而成，從中軸線依次開始：有山門、前殿、大雄寶殿；而在後方則是1954年加建的蓮覺紀念樓，均仿效中國宮殿以紅牆黃瓦為色彩。因此，東蓮覺苑體現了傳統佛教的建築特色。

為對建築物行保育工作，於2015年起，東蓮覺苑斥資約億元為寺院進行大規模的翻新工程，預計為期五至十年的工程，即將展開。

考察重點

1. 東蓮覺苑於2009年獲古物古蹟辦事處評為一級歷史建築，同學可到訪參觀時，認識這座歷史建築的特色。

2. 2015年是東蓮覺苑成立80周年誌慶，寺院推出不少慶祝活動。同學在參觀東蓮覺苑的時候，可一併參加有關儀式。

3. 建築師稱東蓮覺苑的建築風格是折衷式主義，屬同類型建築物的，還有景賢里；以及已被拆卸的何東花園、虎豹別墅等。同學可到訪東蓮覺苑，了解這類建築物的特點。

考察貼士

1. 同學可先瀏覽東蓮覺苑的官方網址，以對東蓮覺苑有初步的認識，網址是：<http://tky.buddhistdoor.com/index.php>。

2. 佛寺不僅是歷史建築，寺內還有不少文物，如名人的墨寶和牌匾等。同學在參觀時，必須留意有關資料。

香港文化歷史考察者 徐振邦



▲位於跑馬地山光道的東蓮覺苑，是香港唯一糅合中西建築特色風格的寺院 資料圖片