



# 戴耀廷選委資格必須被撤銷



## 中英社評 >>>

全國港澳研究會成員兼民建聯成員季靈剛，昨日分別向特首選舉管理委員會及廉政公署和警方舉報，指控港大法律學院副教授戴耀廷涉嫌妨礙司法公正及選舉舞弊，要求展開調查及取消戴耀廷的選委資格。

有關舉報，是基於以下的事實：在本次特首選委會選舉中，反對派取得約325席，戴耀廷亦以高教界選委身份名列其中；他日前提出要發動「捆綁式」投票，任何一位特首候選人，只要答應當選後便撤銷對立法會議員劉小麗、姚松炎、羅冠聰、梁國雄的司法覆核，三百多名反對派選委便會集體把選票投給該候選人，令其勝算大增，有機會問鼎特首之位。

戴耀廷此議一出，各方嘩然，當日發起「佔中」的「黑手」居然伸到了特首選舉的頭上，伸到了「一國兩制」和人大「釋法」的「紅線」上，也可謂膽大包天和猖狂至極矣。

事實是，戴耀廷提出的這一「選票交易論」，最少在三個方面已經觸及到憲制和法治的底線，隨時可能已構成違法罪名，絕非一般議論而已。

其一是立會議員在就職時必須依法宣誓，完整、準確、嚴肅、誠懇說出全部誓詞，違者未就任者不能就任、已就任者也要離任，這既是全國人大常委會日前「釋法」作出的決定，同時在特區



高等法院也立下了梁頌恆、游蕙禎二人的案例，因此在法律和司法上已再無任何爭議的餘地。

在本港，一宗已進入司法程式的案子，相關人士不可以接觸或企圖影響證人，傳媒也不可以公開討論案情；如今戴耀廷竟公開提出要以選票換取撤銷對劉小麗等四人的司法覆核，明顯是企圖妨礙司法公正，在行動上已構成藐視法庭罪，司法當局又豈可聽之任之、不予處理？

其二是戴耀廷提出的選票「交易」，明顯是以政治壓力和公眾壓力對三百

多名反對派選委施壓，把他們捆綁到「選票換撤控」這一政治交易上，不許他們按自己意願投票，而要按照戴耀廷的指揮投票，如此不是明目張膽的賄選舞弊又是什麼？選管會對此又是否能夠不聞不問？

其三是根據基本法規定，特首必須效忠中央人民政府及香港特區，必須負責在港落實和執行基本法，而人大「釋法」等同基本法，作為特首候選人，又豈可以身試法、知法犯法，以否定人大「釋法」來換取選票？

如果真有特首候選人作此糊塗想法

，則即使贏得了選舉、也不可能會得到中央的任命。因此，任何一位特首候選人不僅不應被此「交易」騙倒或嚇倒，而且必須挺身而出，向選管會和廉署舉報受到威脅和恐嚇，要求禁制有關言論再公開散播。

在此「三罪俱發」下，戴耀廷這一「法律黑手」的選委身份已受到重大質疑，褫奪其選委資格已成當務之急，絕不能再任由其以選委之名而行反對特首依法選舉之實，法庭和廉署對其妨礙司法公正和賄選之事亦應依法作出追究。

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▲◀全國港澳研究會成員兼民建聯成員季靈剛（小圖），日前分別向特首選舉管理委員會及廉政公署和警方舉報，指控港大法律學院副教授戴耀廷涉嫌妨礙司法公正及選舉舞弊

## WORDS AND USAGE

### Pervert the course of justice (phrase)

●An offence committed when a person prevents justice from being served on him/herself or on another party.（妨礙司法公正）

Examples:

- 1.In UK, the maximum sentence a judge can impose on a defendant convicted of perverting the course of justice is life imprisonment.
- 2.The two police officers were charged with perverting the course of justice by fabricating evidence in the trial.

### Uproar (noun)

●a situation in which a lot of people complain about something angrily or make a lot of noise.（喧嘩，鼓噪，嘩然）

Examples:

- 1.The book caused an uproar in France.
- 2.The whole hall was in uproar after the announcement.

### Not by any means, by no means (idiom)

●Absolutely not; certainly not; not at all.（絕非，一點都不）

Examples:

- 1.This isn't the last we'll hear of it by any means.
- 2.I'm by no means angry with you.

### Trade sth for sth else (idiom)

●To exchange something for something else.（交換，交易）

Examples:

- 1.I'd like to trade a watch for a camera.
- 2.I will trade you my office desk for a conference table.

### Strike a deal (idiom)

●If two people strike a deal, they promise to do something for each other that will give them both an advantage.（達成交易）

Examples:

- 1.The book's author has struck a deal with a major film company.
- 2.The two sides finally struck a deal after weeks of negotiations.



## 走出校園 >>>

## 晚晴園見證孫中山南洋事跡

實地考察是學習中國歷史的良方，近年頗為流行。考察中國歷史遺蹟，除了到兩岸四地外，也可到海外，新加坡便有孫中山南洋紀念館，是孫中山的故居，也是同盟會策劃反清革命之地，觀畢深信「華僑為革命之母」並非虛言。

穿過中山公園，便來到孫中山南洋紀念館。與兩岸四地的中山公園相比，獅城這座最具現代感，不看圖名，很難想像這裏就是中山公園。園內水池中有一石碑，直刻新加坡建國總理李光耀的題字：「孫中山，一個改變中國命運的人。」公園地上有八塊石碑，以中英文介紹孫中山1900年7月至1911年12月間在新加坡的活動，可在進館前了解孫中山與獅城和紀念館建築物的關係。

孫中山南洋紀念館位於大人路12號，樓高兩層，建於1902年，為英國殖民地時期建築，名為「晚晴園」，語出晚唐詩人李商隱《晚晴》詩：「深居俯夾城，春去夏猶清。天意憐幽草，人間重晚晴。並添高閣迥，微注小窗明。越鳥巢乾後，歸飛體更輕。」樓前有孫中山先生馬褂裝坐像，體積小於兩岸四地的同類銅像。

先從樓外花園談起，園內有另一尊孫中山銅像，為持杖立像。其旁有「烈士樹」，三字由汪道涵題寫。這棵百年老樹在孫中山到來前已經存在，「親睹」孫中山和革命志士在園內的活動。其旁又有「仁心果」，三字由辜振甫題寫，該果又名人心果，是孫中山在南洋從事革命活動時愛吃的六種熱帶水果之一。據介紹，「其果肉如同血紅的人心，象徵孫中山先生和中國、南洋的革命同志，為改造國家的命運，獻出他們一顆顆火紅熾熱的心。」兩樹由汪辜會談的主角題字，把兩岸和獅城連接起來，很有意思。

（孫中山南洋紀念館·一）  
理大專上學院客席講師 梁勇



◀孫中山南洋紀念館植有「烈士樹」  
梁勇攝

## Benny Tai must be deprived of his membership on the Election Committee

Timothy Kwai Ting-Kong, a member of the Chinese Association of Hong Kong & Macao Studies and of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), yesterday complained with the Electoral Affairs Commission (EAC), Independent Commission Against Corruption (ICAC) and police respectively, accusing Benny Tai Yiu-ting, an Associate Professor of Law at the University of Hong Kong, of allegedly **pervverting the course of justice** and committing a corrupt conduct at elections, and demanding an investigation and deprival Tai of his Election Committee membership.

The complaint is based on the following facts. In the election of the Election Committee, the opposition camp gained 325 seats, with Tai winning out under the higher education sector. Days ago, he proposed that that opposition members on the Election Committee should all cast their votes to a chief executive candidate who would promise to scrap a judicial review sought by the government to disqualify Lau Siu-lai, Edward Yiu Chung-yim, Nathan Law Kwun-chung and Leung Kwok-hung as legislators, so as to increase his/her chance of winning out as next CE.

Tai's proposal immediately created a public **uproar**. The "Black Hand" starting Occupy Central some time ago now has stretched so far as to manipulate the CE election and to touch the "red line" of "one country two systems" and the Basic Law interpretation by the Standing Committee of the National People's Congress (NPC). He could be said audacious and savage in the extreme.

In fact, such a proposal for "vote trading" by Tai at least in three respects touches the bottom line of the constitutional system and the rule of law, possibly constituting a criminal offence. It is **not by any means** just some general argument.

Firstly, a legislator-elect must completely, accurately, seriously and sincerely read the whole of the Oath as required by the law upon taking office. Otherwise, those who have yet to take office cannot do so, and those who have taken office must leave. This is a decision made by the NPC Standing Committee in its Basic Law interpretation earlier. The High Court in the SAR has already set the case with Sixtus Leung Chung-hang and Yau Wai-ching. Therefore, in this regard there is no room for controversy legally and judicially.

In Hong Kong, when a case is in the course of a judicial proceeding, relevant

persons must not contact or attempt to influence witnesses and the media must not openly discuss the case. Now Tai has gone so far as to propose to **trade votes for** scraping the judicial review against Lau Siu-lai and the other three. This is obviously an attempt to pervert the course of justice and commits contempt of court in action. How can the judicial authority allow this to go unchecked and not deal with it?

Secondly, by proposing to use votes to **"strike a deal"**, Tai apparently use political and public pressures to press on the over 300 opposition members on the Election Committee, binding them to such a political deal as to "trade votes for scraping the lawsuit". In this way they are not allowed to cast their votes at their own wills but have to vote as ordered by Tai. What else is it if this is not an overt corrupt conduct at elections? How could the Electoral Affairs Commission (EAC) turn a blind eye and a deaf ear to this?

Thirdly, according to the Basic Law, the CE must pledge allegiance to the Central People's Government and the Hong Kong SAR, be responsible for implementing and executing the Basic Law. A Basic Law interpretation made by the NPC Standing Committee is equivalent to the Basic Law in effect. So how could a CE candidate possible defy the law and consciously go against the law to deny the Basic Law interpretation by the NPC Standing Committee in exchange for votes?

Even if there is some CE candidate who indeed harbours such silly thought, in case he or she wins out in the election, the Central Government cannot possibly make the appointment. Therefore, any of the CE candidates not only should not be cheated or scared by such a "deal" but must step forward bravely to complain to the EAC and ICAC for being threatened and intimidated and demand to prohibit the spread of such talks.

With all such "three offences", the Election Committee membership of such a "Black Hand of Law" as Tai becomes highly doubtful. It is an urgent priority to deprive him of his membership on the Election Committee. Absolutely he must no longer be allowed to oppose the CE election in accordance with the law in the name of a member on the Election Committee. The court and ICAC must also launch an investigation in accordance with the law into his suspected perverting the course of justice and committing a corrupt conduct at elections.

29 December 2016

## 「自食其果」的各種英文表述



## 時事英語 >>>

聖誕假期，拙文《特朗普操弄「一中」政策是在玩火》中提到與中文諺語「搬起石頭砸自己的腳」意思相近的英文詞語是to backfire on oneself。

To backfire on someone是一個片語動詞（phrasal verb），《牛津英文詞典》關於backfire的解釋是：（Of a plan or action）have an opposite and undesirable

effect to what was intended，即某一計劃或行動產生適得其反的結果。如果某人針對他人的計劃或行動結果反噬自己，就是backfire on oneself，若其旨在害人，則是「害人反害己」。如：His plot backfired on himself（他的陰謀以害己告終）。

與此意思相近的是to shoot oneself in the foot，字面上的意思是「開槍射自己的腳」。槍是用來射敵的，結果反而打中自己，這不就是「搬起石頭砸自己的腳」、「自食其果」麼？不過，與to backfire on oneself相比，這個成語含義

較廣，也有「自己給自己找麻煩」、「自討苦吃」的意思，即「害己」不一定先要「害人」。如：The government seems to have shot itself in the foot over this issue（看來政府在這個問題上是在自討苦吃）。

此一成語起源於於第一次世界大戰（World War I, 1914-18），最初的確是「自殘」的意思。當時，前線的條件苦不堪言，交戰的同盟國和協約國雙方的一些士兵便想出開槍打自己身上非致命部位（最普遍是腳）的辦法來脫離前線。但在現今的英文運用中，普遍使用的

是該成語的引申含義。

與backfire同義的另一個單詞是boomerang。該詞源自澳洲土著（Australian Aborigines）打獵的武器「回力鏢」，它扔出去後會飛回投擲者身邊。英文將boomerang引申作為動詞，有自食其果的意思。《牛津英文詞典》說：if a plan boomerangs on somebody, it hurts them instead of the person it was intended to hurt，即：如果一項旨在傷害他人的計劃沒有達到目的反而傷害自己，就叫做害人反害己。

這些詞語都與中文的「自食其果」同義或近義，可靈活運用在不同的語境。

亦 然