

「佔中」庭審高峰 市民盼伸正義

中英社評

有關79日違法「佔中」的法院審訊進入「高峰期」，事件主要策劃者、組織者戴耀廷等九人昨日開始在西九龍裁判法院進行預審，預計需時四天，然後進入正式審訊程序。

違法「佔中」發生在2014年9月，在相隔三年零三個月後，市民終於可以見到戴耀廷、陳健民等始作俑者將會被帶上法庭，面對司法審訊與法律制裁。

在此之前，因參與違法「佔中」、「佔銅」、「佔旺」而被檢控及判刑的被告已有數十人，他們多是因暴力衝擊、拒捕、襲警等罪名獲罪。戴耀廷、陳健民等人，當然不會襲警，也沒有使用暴力，他們在事件中扮演的是什麼角色？起到的是什麼作用？應當承擔的又是什麼法律後果和責任？全港市民都在「拭目以待」。

根據基本法明文規定，本港司法獨立，審訊不受干涉，市民絕對無意、也無力對法庭和法官作出任何干預和施加影響，但公道自在人心，市民對戴耀廷等九名「佔中首惡」的審訊仍持有一定的看法與「期望」。各被告罪刑大小與刑責輕重，決定權當然在法庭與法官，但市民要求的公平、公義與維護社會治安，顯然也並非是與法治精神相悖的非分要求。

昨日進行預審的案件，案中九名被告，是港大法律學院副教授戴耀廷，中文大學社會學系講師陳健民，教會牧師朱耀明，特區立法會議員陳淑莊、邵家



有關79日違法「佔中」的法院審訊進入「高峰期」，事件主要策劃者、組織者戴耀廷等九人，首項控罪為「串謀作出公眾妨擾」。圖為違法「佔中」引致交通大亂。

臻，特區立法會前議員李永達，社民連副主席黃浩銘，香港專上學生聯會前常委張秀賢及常務秘書鍾耀華。

戴耀廷、陳健民及朱耀明，被控「串謀作出公眾妨擾罪」，另外，三人與陳淑莊、邵家臻、鍾耀華、張秀賢及黃浩銘同被控「煽惑他人作出公眾妨擾」及「煽惑他人煽惑公眾妨擾」的罪名；李永達則被控「非法煽惑他人阻礙行車道」。

市民記憶猶新，79日違法「佔中」，源起於戴耀廷、陳健民及朱耀明三人

在報上發表的署名文章及電子傳媒講話，三人是發動「佔中」的「共同體」，案中被告以「串謀」罪，市民不會感到意外。

三人與另外五名被告，再同被控以「煽惑他人」及「煽惑他人煽惑」罪，觀乎79日違法「佔中」過程，也是事不離實、歷歷在目。

然而，在預審過程中，代表戴耀廷、陳健民等九人的辯方律師卻提出：首項控罪「串謀作出公眾妨擾」與第二項控罪「煽惑他人作出公眾妨擾」控罪內

容近似。前者是指控各被告發起在中環堵路，後者則指各被告發起用佔路方式對社會構成妨擾，首項罪名內容，已包含第二項罪名內容，因此「毋須分開檢控」。

看來，戴耀廷等人今日還千方百計在一些控罪的法律用語和程序上來做文章、鑽空子，企圖減輕或洗脫他們在79日違法「佔中」事件中的法律責任。市民相信司法公正，違法者必受法律制裁。

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WORDS AND USAGE

Perform a/the function (idiom)

● To have a particular job or purpose. (起作用，發揮功能)

Examples:

1. The front teeth perform a cutting function.
2. Anything which performs the functions of money is money.

Criminal liability (legal term)

● The liability that arises out of breaking a law or committing a criminal act. (刑事責任)

Examples:

1. Liability insurance does not cover criminal liability.
2. Families of some victims of the crash have launched a lawsuit against the railway owner, claiming criminal liability.

Presumptuous (adj.)

● (of a person or their behaviour) failing to observe the limits of what is permitted or appropriate. (冒失的，非分的，放肆的)

Examples:

1. I hope I won't be considered presumptuous if I offer some advice.
2. It would be presumptuous of me to decide what she wants.

Originate from sth (phrasal verb)

● To come from something or some place. (源於，來自)

Examples:

1. A lot of our medicines originate from tropical plants.
2. Some of our customs originate from old beliefs.

Tally with sth (phrasal verb)

● For one thing to agree or correlate with another. (符合...，與...一致)

Examples:

1. His story doesn't tally with what I already know.
2. What you just said doesn't tally with what you told me before.

The public hopes justice will prevail as trials of Occupy Central cases enter peak period

Court trials of cases related to the 79-days law-breaking Occupy Central are now entering the "peak period". Pretrial review of cases against major plotters and organisers of the incident – Benny Tai Yiu-ting and other eight suspects – started at the West Kowloon Magistrates' Courts yesterday. The pretrial review is expected to last for four days, to pave way for formal trials of the cases.

The law-breaking Occupy Central took place in September 2014. Three years and three months later, the public eventually sees the initial instigators, Benny Tai, Chan Kin-man and others, be brought to court to face trial and punishment by the law.

By now, several dozen defendants have been prosecuted and jailed for participating in the law-breaking Occupy Central, Occupy Causeway Bay and Occupy Mong Kok, most of whom being convicted of violent assault, resisting arrest and/or assaulting police officers. Such persons as Benny Tai, Chan Kin-man and their ilk surely would neither assault police officers nor resort to violence. So what part have they played in the incident? What functions have they performed? What legal consequences and liabilities should they bear? People all over the SAR are waiting to see.

The Basic Law stipulates in black and white that "The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference." The public has neither intention nor power to intervene in or exercise influence on the courts and judges. However, as justice naturally inhabits people's hearts, the public still has its view and "expectation" of the trials on Benny Tai and other "chief culprits" of Occupy Central. Surely it is up for the court and judge to decide on what criminal offences each defendant should be convicted and what criminal liability each defendant should be held. But the public's demand for fairness, justice and maintaining social order obviously also is neither presumptuous nor contradictory to the spirit of the rule of law.

The nine defendants in the cases for pretrial review yesterday are Benny Tai Yiu-ting – an associate professor of Law at the University of Hong Kong, Chan Kin-man – an associate professor of Sociology at The Chinese University of Hong Kong, Chu Yiu-ming – the minister of Chai Wan Baptist Church in Hong Kong, Tanya Chan and Shiu Ka-chun – members of the SAR's Legislative Council (Legco), Lee Wing-tat – a

former Legco member, Raphael Wong Ho-ming – vice-chairman of the League of Social Democrats (LSD), Tommy Cheung Sau-yin – former standing committee member of Hong Kong Federation of Students (HKFS), and Eason Chung Yiu-wah – former deputy secretary-general of the HKFS.

Benny Tai, Chan Kin-man and Chu Yiu-ming face the charge of "conspiracy to cause public nuisance". In addition, the trio together with Tanya Chan, Shiu Ka-chun, Eason Chung Yiu-wah, Tommy Cheung Sau-yin and Raphael Wong Ho-ming also face two charges: "inciting others to cause public nuisance" and "inciting people to incite others to cause public nuisance". Lee Wing-tat faces one charge of "inciting others to cause public nuisance."

It still remains fresh in people's memory that the law-breaking 79-day Occupy Central originated from signed articles on newspapers and speeches on electronic media by the trio of Benny Tai, Chan Kin-man and Chu Yiu-ming. The trio from the "community" who launched Occupy Central. The public is not surprised that they face the charge of conspiracy to cause public nuisance.

The trio, together with another five defendants, also face the charges of "inciting others to cause public nuisance" and "inciting people to incite others to cause public nuisance". In a review of the whole process of the 79-day law-breaking Occupy Central, this is also tallies with facts still fresh in people's memory.

However, during the pretrial review, defence lawyers representing Benny Tai, Chan Kin-man and the other defendants argued that the first charge of "conspiracy to cause public nuisance" is similar to the second charge of "inciting others to cause public nuisance". Given that the former charges the defendants of instigating road blockade in Central and the latter accuses the defendants of instigating road blockade to cause public nuisance, the first charge already covers the content of the second charge, so there is no need for separate prosecution.

It seems Benny Tai and his ilk are still racking their brains to make an issue of and seek loopholes in some legal terms and procedures related to their charges, in an attempt to reduce or get off their legal liabilities in the 79-day law-breaking Occupy Central incident. The public believes judicial justice, and law breakers must be punished by the law.

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過度使用手機的負面影響

由於Snub是不理睬或冷待人，並含有羞辱對方的意思，所以phub是對人不恭的行為。

近年來，所謂「手機上癮」(smartphone addiction)受到廣泛關注，更有人創造出一個新的英文單詞nomophobia，來形容手機不在身邊時的恐懼感。

該詞由nomo和phobia合成。Nomo是no mobile-phone的縮寫；而phobia是「恐懼症」，常用於合成詞，如xenophobia(排外、恐外症)、acrophobia(畏高症)和claustrophobia(幽閉恐懼症)。Nomophobia即是「無手機恐懼症」，但也有人說這裏的

phobia是誤用，手機不在手上時所引起的應是焦慮而非恐懼，所以應用nomo-anxiety「無手機焦慮症」才對。此說也許有道理，不過按約定俗成的規則，nomophobia已被接受成為新詞。

日前有報道說，韓國首爾大學科學家研究發現，手機上癮的青少年會出現抑鬱(depression)、焦慮、失眠、煩躁和易怒。這是首次有研究證明手機上癮影響健康。

用手機自拍叫selfy (selfie)，有人據此造出一個新詞selfitis來指「自拍成癮」。有報道說，一些學者正在研究selfitis，以訂立衡量自拍成癮程度的準則。

上周，英國傳媒引用一項調查，說英國有四分之一人，天天因擔心手機的電量耗盡而感到焦慮，稱之為「低電量焦慮症」(low battery anxiety)。《華爾街日報》也報道，蘋果公司兩大股東致函公司，要求開發軟體讓家長限制兒童使用手機(to create ways for parents to restrict children's access to their mobile phones)，並要求蘋果研究過度使用手機對心理健康的影響(to study the effects of heavy usage [of smartphone] on mental health)。

隨着過度使用手機的負面影響日益受到關注，法國今年九月起禁止中小學生在校園裏使用手機。亦然

走出校園

百年歷史建築 落馬洲警署

上周談到上世紀五十年代至七十年代的著名景點落馬洲瞭望台，它並非政府認定的歷史建築，但具歷史意義。

而瞭望台旁的落馬洲警署才是歷史文物，擁有逾一百年歷史，被列為二級歷史建築，和瞭望台一起見證了上世紀的歷史。

落馬洲警署位於瞭望台上方，沿斜坡上行可至。警署旁的平台，視野比瞭望台更遼闊，深圳河兩岸景色盡收眼底。

警署建於1915年，擁有超過102年歷史。它樓高兩層，牆身呈灰色，樓貌樸實，位於小山坡上。它本為三級歷史建築，2009年獲提升為二級歷史建築。根據古物古蹟辦事處的定義，二級歷史建築是「具特別價值而須有選擇性地予以保存的建築物」，而這警署正正按原來的功能保存下來，不需要選擇性地作保存，可謂「原汁原味」。

警署掌控了落馬洲的制高點，對打擊邊區非法活動發揮了很大作用。警署平台側面有一個小型魚池，而石級下擺設了「落馬洲警署時間囊」。時間囊在2007年10月由分區指揮官安放，至2015年警署落成百周年時開啓。

於2014年2月，落馬洲山坡發生大火，有機會波及當年已達99年樓齡的警署，令建築物岌岌可危，署內的警員要緊急疏散。

幸好風勢改變，這二級歷史建築才幸免於難。不過，附近的下灣漁民新村卻危機未解，警員遂協助村民疏散，更冒險進村救回村民的愛犬，最後由消防員把大火撲滅。

理大專上學院客席講師 梁勇



▲落馬洲警署是逾百年的二級歷史建築

時事英語

自美國蘋果公司在10年前推出第一部iPhone以來，智能手機(smartphone)已成為人們日常生活不可或缺的一部分。不過，過度使用手機的負面影響已日漸浮現，英文也出現一些新詞語來描述這些影響。

首先有phub這個動詞，由phone和snub合成，指旁若無人埋頭玩手机。心無旁騖只顧自己玩手機的人就是phubber，即「低頭族」或「拇指族」