

沒有一個真誠尊重法治的社會會容許暴力

中英社評

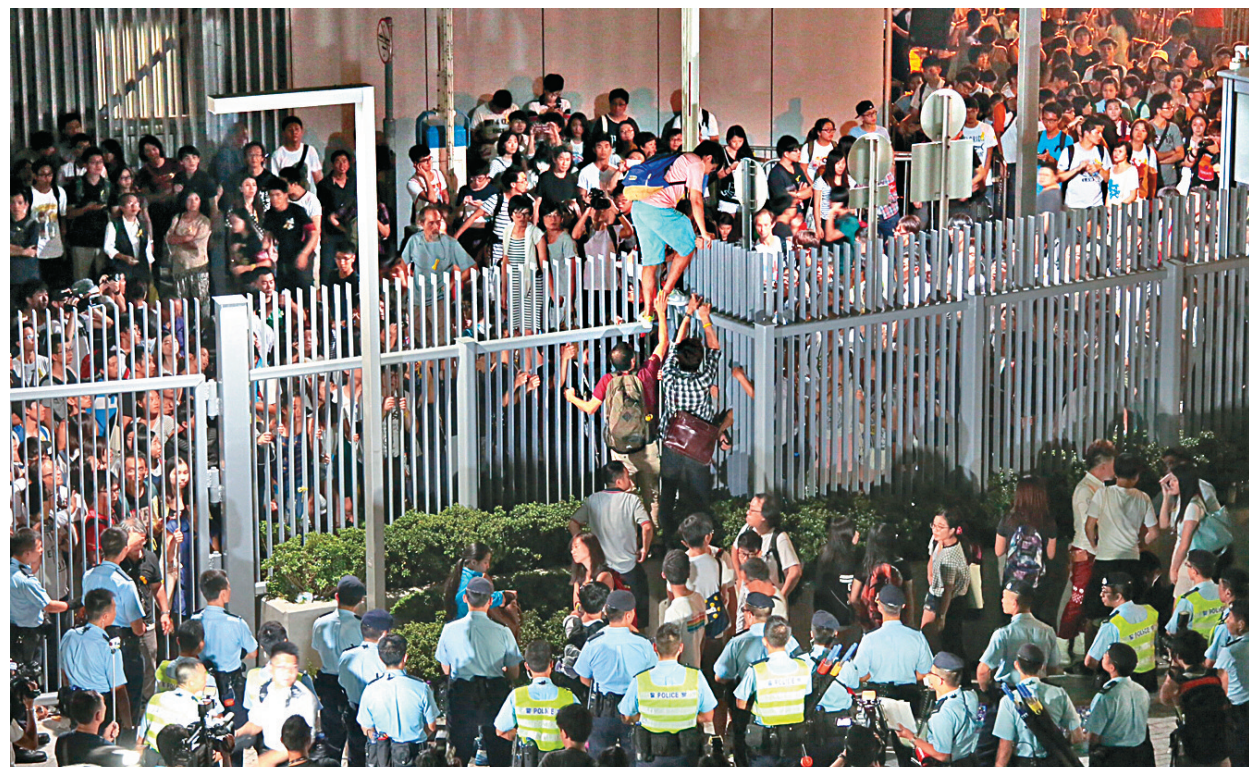
終審法院昨日就黃之鋒、羅冠聰、周永康三人衝擊「政總」的上訴案作出裁決，三人上訴得直，維持社會服務令和緩刑原判，不必再入獄服完餘下的刑期。

終院首席法官馬道立在判詞中提到：「公民抗命」概念在本港是「可承認」的，被告如因「良心驅使」或「真誠信念」而作出犯罪行為，法庭可考慮其「犯罪動機」。「馬官」又指出：上訴法庭強調在香港目前的情況下，阻嚇性懲罰對涉及暴力和大規模非法集結案件相當有必要，這一看法是適當的，符合上訴庭須為未來判刑作出指引的職責。

終院最終裁定，黃之鋒等三人案件並無清楚顯示監禁是「唯一選擇」，裁定三人維持原判；但將來所有涉及暴力及大規模集結的案件，將會按照上訴庭制定的新指引判刑。

有關裁決主要傳遞了這樣一個信息：黃之鋒等人的行為雖涉暴力，但入獄並非必然；以後再有同類案件，法庭將會按照上訴庭裁決判刑。

就終院這一裁決，律政司昨晚發表「聲明」，指出黃之鋒等三人被檢控是基於他們強行進入政府總部前地及導致十人受傷的行為，而不是基於他們的信念。「聲明」亦歡迎終院明確未來類似的案件，即使暴力程度相對較低，也不會被容忍，被告也會被判即時監禁入獄。



「雙學三丑」當年發動非法「佔中」，號召支持者衝擊政總 資料圖片

律政司在「聲明」中還重申：黃之鋒等三人被定罪，並非因為他們行使公民權利，而是因為他們當時的擾亂秩序、有威嚇性及挑撥性的行為，構成非法集結的罪行，違反法律。事件涉及暴力，「沒有一個真誠尊重法治的社會會容許使用暴力。」

黃之鋒等人「佔中」前夕衝擊「政總」的案件，當日裁判法院法官判三人社會服務令及緩刑；律政司不服上訴，提出刑罰覆核，上訴庭改判即時入獄；再經終審法院昨日裁定維持原判。從司

法角度而言，案件已告一段落，再無可供爭議之處。

但是，在社會上，在各階層市民中，看法並非如此。事發當日，黃之鋒、羅冠聰、周永康三人帶頭翻越圍欄，強行進入「政總」前地，又「嗷咪」鼓動其他集會人士與他們一起衝擊，因而被控參與非法集結及煽惑他人參與非法集結罪。有關事實，在「三級審訊」中均有清楚提及，證明犯罪事實是確鑿的，三人應為此負上刑責也是清楚無疑的。

原審法官當日判三人「社服」及緩

刑，社會嘩然；律政司其後上訴覆核刑期，三人改判入獄，各界均認為合理合法，三人罪有應得，亦對社會發出了清楚信息。但終院昨日「往者已矣，來者可追」，強調黃案之前法院對「公民抗命」與非法集結、暴力行為之間的「比重」未有清晰指引，因而開釋三人，市民也就只好「立此存照」和「以觀後效」了。市民尊重司法獨立，更希望司法和法治作為穩定社會、明辨是非的支柱作用不會動搖。

2018-2-7

No society which truly respects the rule of law would allow the use of violence

The Court of Final Appeal yesterday ruled **in favour of** Joshua Wong Chi-fung, Nathan Law Kwun-chung and Alex Chow Yong-kang who appealed against their imprisonment verdicts, and sustained the initial community service and suspended prison sentences for them. They don't need to go back to prison to serve the remaining jail terms.

Chief Justice Geoffrey Ma Tao-li said in the judgment that the concept of "civil disobedience" is recognised in Hong Kong and if a defendant committed a crime "driven by his conscience" or out of his "sincere beliefs", the court could take into consideration his "motives". Chief Justice Geoffrey Ma also pointed out that it was appropriate for the Court of Appeal to say that, in the circumstances now prevailing in Hong Kong, it is now necessary to emphasise deterrence and punishment in large scale unlawful assembly cases involving violence, and it is **consistent with** its responsibilities for the Court of Appeal to provide guidance for sentencing matters.

The Court of Final Appeal eventually ruled to sustain the initial sentences on the trio as in their cases it is not clearly shown that imprisonment sentencing is the "only choice", but also pointed out that in future all cases involving violence and large-scale unlawful assembly will be dealt with following the Court of Appeal's new sentence guidelines.

The ruling delivers such a message: although the behaviour of Joshua Wong Chi-fung and the other two was violent, it was not necessary to imprison them. But similar cases in future will be given imprisonment sentences following the guidelines set by the Court of Appeal.

In regard to this ruling by the Court of Final Appeal, the Department of Justice issued a statement last night, pointing out that "The three defendants were charged because of their acts, not their beliefs, in forcing their way into the Forecourt of the Central Government Offices, resulting in the injuries of 10 persons." The statement also welcomes the Court of Final Appeal's clarification that similar cases in future involving violence, even a relatively low degree, will not be **condoned** and may justifiably attract sentences of immediate imprisonment.

The Department of Justice reiterates in its statement that Joshua Wong and the other two were convicted not because they exercised their civil liberties, but because of their disorderly, intimidating, or provocative

conduct at the time which constituted the offence of unlawful assembly and contravened the law. The incident involved violence and "no society which truly respects the rule of law would allow the use of violence."

Having convicted Joshua Wong and the other two defendants after trial, the Magistrate Court initially sentenced them to community service order and suspended imprisonment respectively. Not satisfied, the Secretary for Justice appealed against these sentences, and the Court of Appeal sentenced them for immediate imprisonments. The Court of Final Appeal yesterday ruled to sustain the original sentences. From a judicial viewpoint, this case is closed, and will not be **contested**.

However, society and citizens may hold a different view. On that day when the incident happened, Joshua Wong, Nathan Law and Alex Chow took the lead to climb over the fence to force their way into the Forecourt of the Central Government Offices, and also called through loudspeakers other participants in the assembly to join their action. As a result they were charged for taking part in or inciting others to take part in the unlawful assembly. Such facts were clearly presented in the trials at three levels. This proves the particulars of offense are solid and conclusive, and it is beyond doubt that they must **be subject to** criminal liability.

The community service order and suspended imprisonment sentences initially given to the trio by the judge at the Magistrate Court had caused an uproar in society. The Secretary for Justice later appealed against the sentences and the original verdicts on them were changed to imprisonment. Various social sectors all regarded the imprisonment sentences reasonable and legal, which the trio deserved and which also delivered a clear message to society. But the Court of Final Appeal yesterday "let bygones be bygones", stressing that there was no clear guidelines for courts before the trio's case to "weigh" "civil disobedience" in unlawful assembly and violent behaviour and letting the trio go. Citizens have no choice but to keep this for future reference and see how similar cases will be dealt with. Citizens respect judicial independence but more hope the role of judiciary and rule of law as a pillar for stabilising society and distinguishing between right and wrong won't be shaken.

7 February 2018

WORDS AND USAGE

In favour of sb; in sb's favour (idiom)

● On the side of, as of a legal ruling. (支持，有利於)

Examples:

1. Most analysts expect the lawsuit to be decided in favor of the plaintiff.
2. The court ruled in Mrs Adams' favour.

Be consistent with sth (phrase)

If a fact, idea, etc. is consistent with another one, it seems to match it. (符合，與……一致)

Examples:

1. These results are consistent with the findings of the previous study.
2. Her injuries are consistent with having fallen from the building.

Condone (verb)

To accept or allow behaviour that is wrong. (容忍，寬恕)

Examples:

1. If the government is seen to condone violence, the bloodshed will never stop.
2. By his silence, he seemed to condone their behavior.

Contest (verb)

● If you contest a formal statement, a claim, a judge's decision, or a legal case, you say formally that it is wrong or unfair and try to have it changed. (辯駁，爭辯)

Examples:

1. His children are contesting the will.
2. We will certainly contest any claims made against the safety of our products.

Be subject to sth (idiom)

● Affected by or possibly affected by something. (受……支配，遭受，經受)

Examples:

1. Anyone caught trespassing is subject to a \$500 fine.
2. If only law-enforcement officers were subject to criminal liability while others were not, this would be unfair to the officers.

走出校園

「價值教育」應融入課堂

近期有中學校長就浸大學生辱罵老師一事發文，剖析獨到。其文可歸納為兩點，一是她把近年的「佔中」、旺角暴亂等事件歸因於「價值教育」失敗，二是大多數輕生的中學生均對自己的學業感到無助和無助，他們看不到前景，更看不到未來，因而選擇自殺。本文就上述兩點，加以申論。

今天的年輕人為何對前景不感樂觀？這可歸因於「價值教育」不足。大多數人認為年輕人應多讀書，進大學才能出人頭地，構成年輕人的想法。可是，他們面對艱深的高中課程而感到進大學無望時，便覺得沒希望了！一定要進大學的想法扼殺了具不同天賦、能力和興趣的年輕人，使他們終日埋頭讀書、補課、準備校本評核及公開試，DSE成績便成為他們的生命與未來！而教師的業績便是有多少人能進入大學？如是則哪裏有時間讓師生討論人生方向？難道老師不想進行「價值教育」嗎？

學生進大學才叫有出息？試問社會上有多少人踏上學術及研究之路呢？勞動市場急需哪些專才呢？近年不少行業都求才若渴。諷刺的是不少大學生畢業便失業！故此，我們應及早讓學生進行生涯規劃，按照他們性向與興趣，選擇入讀合適的專業課程，發展個人專長。現時，職訓局及多所大學的專業進修學院均開辦不同的專業文憑及副學位課程，課程可獲資歷架構及海外認可，加上大部分課程均可銜接大學，可謂「條條大路通羅馬」！讓學生知道成功道路不只一條，而是多元的！年輕人修讀專業課程不但學會一技之長，選學以致用，貢獻社會，所謂「行行出狀元」！

「價值教育」何等重要！學校可把「價值教育」融合到小學的德育課中，中學則可融入生命教育或生涯輔導及規劃課中，亦可融入中文科，當然以母語教學成效最大。關鍵是老師如何選擇合適篇章，啟發學生思考人生與未來路向，探討道德、人文、社會價值等議題。大學更應重視「價值教育」，將「價值教育」融入語文科或通識教育科中，並列為必修科。

香港大學專業進修學院課程經理謝惠芝



▲學校可把「價值教育」融合到小學的德育課中

與狗有關的英文成語

barkers are no biters (大聲咆哮者不咬人)、Dogs that bark at a distance bite not at hand (在遠處咆哮的狗不會近身咬人)。

Better be the head of a dog than the tail of a lion: 直譯是「寧做狗頭，不當獅尾」，與中文裏的「寧為雞頭，不為牛後」意思完全相同，比喻寧願在小地方當個首領自己做主，也好過在大場面聽人支配。常用來形容故步自封。

Be like a dog with a bone: 直譯是「像一隻咬住骨頭的狗」，狗喜歡骨頭，一見到就會咬住不放；用來形容一個人對某件事十分堅持，直到完事前都不肯放手。

Yellow dog: 直譯是「黃狗」，原

指不加入工會或反對工會的工人，現常用來指卑鄙的或可恥的人，如：All politicians are yellow dogs that can't be trusted (政客全都是不能相信的卑鄙勢利小人)。

To put on the dog: 擺排場給別人看。大概100多年前，美國一些有錢人會花很多錢去買一隻稀有品種的小狗來擺闊。當時耶魯大學有學生就造出to put on the dog這一說法來嘲笑那些暴發戶。

To go to the dogs: 意思是每況愈下、愈來愈窮以致徹底破落。如：Many people think this country's going to the dogs (許多人認為這個國家正在墮落)。

The dog ate my homework: 「狗吃了我的家庭功課」。如果有學生在家忘了做作业，第二天跟老師說是狗把他的作業吃了，老師會相信嗎？這當然是一個聊勝於無的「拙劣藉口」了。

It's raining cats and dogs: 形容雨下得很大。

Not a dog's chance: 一點兒機會也沒有 (no chance at all)；北京人會說：「沒門」。

Every dog has his/its day: 意思是風水輪流轉，人人有出人頭地的時候。

祝願各位讀者狗年時來運轉、出人頭地。

亦然

時事英語

再過幾天就是農曆新年了。按中國傳統的十二生肖 (Chinese zodiac signs或 Chinese animal signs)，新的農曆年是狗年 (Year of the Dog)，這裏就介紹一些帶有dog一詞或與dog有關的英文成語和諺語。

A barking dog never bites: 就是中文所說的「會叫的狗不咬人」，通常叫得很兇的狗不會真的咬人。這個成語用來形容愛虛張聲勢帶威脅的人，往往只是嘴上說說，並不會真的採取行動。由此引申出一些諺語，如：Great