

第十章 陳述謊言應否接受處分？



在第八及第九章裏，我分析了「解委會」處理事件的手法和過程中出現的問題，也略略探討了黃院長的供詞。由於「解委會」對我作出的解僱決定，主要以黃院長的供詞和對我的指控為依據，因此，這一章我會集中分析黃院長陳詞中的謊言及他在我大病復工後，對我的主觀批判。

1. N 導師有沒有要求發放未完合約的比例酬金？

「解委會」在報告中指出，我沒有與我的下屬 N 導師會面，沒有解決這位已在 2004 年 12 月底自動辭職、對我作出投訴的 N 導師的申訴。其實，這位 N 導師在離職前三個月，即 2004 年 8 月，已向黃院長呈交辭職信。2004 年 8 月 31 日，黃院長告訴我 N 導師向她辭職，又說我「趕走她」，更要求院長向她發放她不應領取的未完合約的比例酬金。

2004 年 9 月，N 導師向黃院長呈交投訴我的信件，黃院長也接受了 N 導師的投訴。後來黃院長曾多次就 N 導師的辭職及要求陳詞，但其中多次前言不對後語，甚至屢次說謊。

圖 10.1 是 2004 年 8 月 31 日黃院長和我的對話紀錄：

I have to deny Mr. Wong's above account of what happened except in so far as it is not inconsistent with my record of the conversation as follows:

Mr. Wong: says you are forcing her to leave, she wants to resign but also wants us to pay her gratuity. Do you wish to see her?

T. Lai: *If she says I want to force her to leave, let her formally grieve me. It is better to have it down in black and white.*

Mr. Wong: *If Nancy really resigns, would you ask her to stay?*

T. Lai: *I have only worked with her for a few months and I am not aware that her performance has been so outstanding as to warrant my asking her to stay.*

Mr. Wong: says you are forcing her to leave, she wants to resign but also wants us to pay her gratuity. Do you wish to see her?

圖 10.1：2004 年 12 月 9 日我向吳校長發出的信件中，記錄了 2004 年 8 月 31 日我和院長有關 N 導師向黃院長要求發放未滿合約的比例酬金的對話。

然而，黃院長在「解委會」第三次聆訊（2007 年 4 月 16 日）中，竟然用肯定的語氣說：

咁亦都佢從來冇問過我 pro rata 嘅 gratuity，到今日為止，都有攞過任何 gratuity，佢由 day one 開始都有問過。

CTA 16/04/07 transcript p12 L11-12

話我八月三十一號已經講話 NY 要攞 gratuity，嘎，根本係個 lie，一個謊言。

CTA 16/04/07 transcript p12 L 13-14

嘎。剛才話……阿黎太話八月三十一號我已經講呢樣嘢呢，咁係非常之無稽，因為我自己都完全未聽過佢問我攞呢個 pro rata 嘅 gratuity。

CTA 16/04/07 transcript p30 L 4-5


為了證明我說的是真話，我在「解委會」第四次聆訊中，呈交了一份在 2007 年 4 月 14 日簽署，具有法律效力的誓章（圖 10.2）。我更同時預備了另一份誓章，並通過「解委會」主席，誠意邀請黃院長也同樣作出宣誓（圖 10.3），但他一直沒有回應。

DECLARATION

I, Wong, Chi Fong Tammy holder of H. K. I/C No. [REDACTED]

solemnly and sincerely declare that:

- I am an employee of the School of Continuing Education, Hong Kong Baptist University.
- On 31st August, 2004 at the office of Mr. Wong Chi Hon Simon at the School of Continuing Education, Hong Kong Baptist University, Mr. Wong did tell me that Ms. N [REDACTED] Y [REDACTED], then an employee of Hong Kong Baptist University, asked him about the payment of gratuity to her.



And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance.

Declared at Sha Tin District Office
in the Hong Kong Special Administrative Region
this 23 day of MAY 2007
through the interpretation of
of the said interpreter having been also first declared that he/she had truly, distinctly and audibly interpreted the contents of this document to the declarant, and that he/she would truly and faithfully interpret the declaration about to be administered to him/her. ✓

Before me,
CHEUNG O-mah, Elizabeth
Commissioner for Oaths

Tammy Lai
(signature of declarant)

✓ I, [REDACTED], solemnly and sincerely declare that I well understand the English and Chinese languages and that I have truly, distinctly and audibly interpreted the contents of this document to the declarant, and that I will truly and faithfully interpret the declaration about to be administered to him/her.

Declared at
in the Hong Kong Special Administrative Region
this
day of
Before me.

Commissioner for Oaths (signature of interpreter) ✓

*Please delete where appropriate
HAD 35/06/03C

圖 10.2：我就黃院長說 N 導師要求發放未完全合約的比例酬金的誓章。

STATUTORY DECLARATION
OF
WONG CHI HON SIMON
院長沒有就此作宣誓

I, WONG CHI HON SIMON, of Hong Kong Baptist University, Kowloon Tong, Kowloon, Hong Kong, do hereby solemnly sincerely and truly declare and say as follows:-

- I am the Dean of School of Continuing Education, Hong Kong Baptist University.
- Ms. N [REDACTED] Y [REDACTED], an ex-employee of Hong Kong Baptist University, had never consulted or otherwise asked me about the question of gratuity.
- I do not know how Mrs. Tammy Lai, my sub-ordinate staff in the Hong Kong Baptist University, came to have information about Ms. N [REDACTED] Y [REDACTED] asking me about gratuity.
- I did not tell Mrs. Tammy Lai on 31st August, 2004 about Ms. N [REDACTED] Y [REDACTED] asking me for gratuity.

And I make this declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Ordinance, Laws of Hong Kong.

DECLARED by Wong Chi Hon Simon)
at)
this 14th day of April, 2007)

Before me,

圖 10.3：我邀請黃院長作的誓章

在我呈交的誓章中，就 2004 年 8 月 31 日與黃院長會面的記錄如下：

On 31st August, 2004 at the office of Mr. Wong Chi Hon, School of Continuing Education, Hong Kong Baptist University, Mr. Wong did tell me that Ms N, then an employee of the Hong Kong Baptist University, asked him about the payment of gratuity to her.

最後，在「解委會」第七次的聆訊（2007 年 6 月 18 日）中，黃院長的回應是：

Member Lee: 即係佢……冇攞到 pro-rata gratuity 嘅？

Member Fung: 有冇提出過？

Wong: 佢好後期，差唔多就走嗰個時候有提出過……

CTA 18/06/07 transcript p 58 Line O-R



假如黃院長一直憑良心說實話，為什麼就同一件事的陳述，前後會截然不同？假如黃院長沒有說謊，為什麼他不敢就自己的供詞宣誓？

2. 到底 N 導師何時辭職？

黃院長說話前後不一致，還可見於其他例子，甚至最重要而且有文件紀錄的資料，他的陳詞都是每次都不同的。就辭職的日期，便出現不同時間、不同場合、不同內容的多個版本。究竟黃院長的陳詞有多可信，實在令人懷疑。下面是黃院長就 N 導師辭職的日期所作的陳詞。附表列出了黃院長的陳述。(圖 10.4 至圖 10.9 是有相關的文件)

	陳詞紀錄	呈辭日期
1.	黃院長在 2004 年 8 月 31 日對我說，N 導師向他投訴我，指我「趕她走」，要辭職，並要求黃院長向她發放她不應領取的未完合約的比例退職金。	似未辭職
2.	2004 年 9 月 2 日黃院長給我的電郵 (圖 10.4) : Just to want you know that N Y has tendered her resignation effective from 1 Dec 2004. 02/09/04 e-mail to TL	似乎是 1/9/04
3.	2005 年 6 月 18 日，我接到一份由黃院長撰寫，沒有撰寫日期的文件《Record of Events》(圖 10.5) : Ms. N ... following her resignation on <u>30 Aug 2004</u> Record of Events by Simon Wong	30/08/04
4.	在 2006 年 4 月 20 日「第二紀調會」上，黃院長說 (圖 10.6) : And Ms N was formerly employed as a senior lecturer in the TED and Ms.Y resigned on <u>24 August 2004</u> 0/04/06 2 nd CoE hearing	24/08/04
5.	2006 年 7 月 6 日，在呈交法庭的 Affidavit of Simon Wong Chi Hon (圖 10.7) : Ms. N, then a senior instructor of the TED, having joined the School on 2 nd June 2003 (but who subsequently resigned from her post on <u>31st December</u> against ... Affidavit of Simon Wong Chi Hon p 3 Paragraph 9	31/12/04
6.	在 2007 年 6 月 18 日的「解委會」第七次聆訊中，黃院長說 (圖 10.8) : At the time when N Y lodged her complaint against Mrs. Lai and tendered her resignation – that <u>around the end of August and the beginning of Sept, 2004</u> CTA 18/06/07 Transcript p 17 L S to U	大約是 08/04 底到 09/04
7.	在 2007 年 6 月 18 日「解委會」的第七次聆訊中，黃院長說 (圖 10.9) : In fact, I received the 1 st written complaint from N against TL on 3-9-2004, following her resignation on <u>30/10/04</u> CTA 18/06/07 Transcript p 39 L J to K	30/10/04

寄件者: "Simon C.H.Wong" <schwong@hkbu.edu.hk>
 收件者: <tlai@hkbu.edu.hk>
 傳送日期: 2004年9月2日 PM 06:57
 附加檔案: schwong.vcf
 主旨: [REDACTED]

Dear Tammy,

Just want to let you know that N[REDACTED] Y[REDACTED] has tendered her resignation effective from 1 December 2004. I still need your Assessment Report for further follow up action.

Simon

圖 10.4：在 2004 年 9 月 2 日黃院長給我的電郵中，N 導師的呈辭日期似是 2004 年 8 月 31 日

9. By a letter dated 8th September 2004 ("SW-1", p.01-04), Ms. N[REDACTED] Y[REDACTED] ("Ms. Y[REDACTED]"), then a senior instructor of the TED, having joined the School on 2nd June 2003 (but who subsequently resigned from her post on 31st December 2004 against the backdrop set out below), set out her grievances and complaints against the Applicant being her immediate supervisor. In her letter, Ms. Y[REDACTED] requested a "face-to-face 3rd person mediated session" with the Applicant in order to resolve those grievances and complaints, a request which was, at least on the face of it, reasonable. I received this letter on 9th September 2004.

NY 呈辭日期是 31/12/04?

圖 10.5：在 2006 年 7 月 6 日黃院長呈交的法庭誓章中，N 導師辭職的日期是 2004 年 12 月 31 日

Ms. N[REDACTED] Y[REDACTED] Grievance against Mrs. Tammy Lai

Record of Events:

- Ms. Y[REDACTED] submitted a written grievance complaint against Mrs. Lai on 9 September 2004 (Attachment 1), following her resignation on 30 August 2004. Ms. Y[REDACTED] was appointed Senior Lecturer in the Teacher Education Division of SCE on 2 June 2003.

NY 呈辭日期是 30/08/04?

圖 10.6：2005 年 6 月 2 日，我收到黃院長寫的 Record of Events，裏面記錄 N 導師的辭職日期是 2004 年 8 月 30 日

that there was any such hidden agenda. The truth is simple and straightforward. At the time when N[REDACTED] Y[REDACTED] lodged her complaint against Mrs Lai and tendered her resignation - that's around the end of August and the beginning of September 2004 - she had not made any request for payment of pro rata gratuit and, of course, no such payment was ever approved by me or actually made. I say this as to refute the

NY 呈辭日期是八月尾至九月上旬?

圖 10.7：2007 年 6 月 18 日，黃院長在「解委會」聆訊中說，N 導師的呈辭日期是八月尾至九月上旬

As members of the committee are aware, there was a previous committee of enquiry which was also set up -- which was set up also upon my request -- upon the dean's request. And that first COE was to investigate the alleged misconduct of Mrs Lai in connection with and arising from her handling of a number of incidents which resulted in the written complaint on 8 September 2004 against her by Miss N[REDACTED] Y[REDACTED]. And Miss N[REDACTED] Y[REDACTED] was formerly employed as a senior lecturer in the Teacher Education Division of the School of Continuing Education, and Miss Y[REDACTED] resigned on 24 August 2004

HKBU/20.4.2006/BT261087/MBZ 73 COE/TammyL

NY 呈辭日期是 24/08/04?

圖 10.8：黃院長在 2006 年 4 月 20 日「第二次紀調會」中指 N 導師的辭職日期是 2004 年 8 月 24 日

In fact, I received the first written complaint from N[REDACTED] Y[REDACTED] against Mrs Lai on 3 September 2004, following her resignation on 30 October 2004. After reading the first complaint letter from [REDACTED] I told [REDACTED] that I might ask her to provide more evidence to support, justify her complaint against Mrs Lai when deemed necessary.

NY 呈辭日期是 30/10/04?

圖 10.9：黃院長在 2007 年 6 月 18 日的「解委會」聆訊中，指 N 導師的辭職日期是 2004 年 10 月 30 日



3. 一次詭異的會面

黃院長除了在 N 導師的辭職日期和有沒有要求發放未完全約的比例酬金方面說話前後不一致外，更就關調查報告的一次會面，作出了令人費解的陳述：

他和我討論調查報告，但他並不在場。

在「解委會」第三次聆訊中（即 07 年 4 月 16 日），黃院長有以下的陳述：

係，多謝，主席。……其實我嗰日同阿 Mrs Lai 嘅會面呢就我並不在場嘅，咁主要呢我都係……即係go through 番我submit 咗喺呢度個個……即係個個investigation report……

CTA 16/04/07 Transcript p 11 L8-10

在「解委會」第四次聆訊（即 2007 年 5 月 14 日）中，我請黃院長及校方確定 2007 年 4 月 16 日的錄音謄本，是否如實記錄了黃院長當日的陳詞。當時李副校長及黃院長立刻確認了錄音謄本如實記錄了黃院長的講話。

跟着，我指出在謄本第十一頁有些不尋常的地方，我提出並希望黃院長作為指控證人要說真話，講事實，我作為被告才可以回應。我也要求校方作出合邏輯的分析，我才可以再作回應。我的要求是完全合情、合理的。我說：

頭先我講嘅就係譬如 page 11，我……我……我其實係話，我……我希望佢哋兩位係 confirm，即係話「呀，呢個係 transcript，係一個 correct recording，佢唔會再修正，佢唔會再澄清，佢唔會再修改。即係發現好似 page 8 嗰度就係：「我同 Mrs Lai 嘅會面呢，我並不在場。」呢啲係 hard facts 嚟嘅。咁點解要聽完我講嘅古仔，先至去澄清，究竟在唔在場啫。

CTA 16/04/07 Transcript p11 L8-10

黃院長是否到場是一個「事實」，如果黃院長是講事實的話，他理應立刻回應。但當天他一直沒有就此作答，而李副校長則替他說話如下：

Mr Andy Lee：唔好要我再講多一句喇。就係其實呢……就係，有冇講過呢，就應該factually，就聽錄音帶就得㗎喇。

Chairman：係。

Mr Andy Lee：不過有冇澄清係另外一件事嘅，其實我哋覺得校方就唔應該响今個會澄清嘅，應該响下一次呢，我有機會喇，一次過陳述呢，就响個個陳述個處澄清埋嘅。

CTA 16/04/07 Transcript p 29 L 6-12

由於黃院長沒有就「究竟他在上述會面中有沒有在場」的問題立即作出回應，結果「解委會」當日花了頗長時間討論，而主席也答應以後會作全面的回應。這項討論最後是這樣結束的：

Ms Leung： 我諗係啱大家時間。

Chairman: 係，我明白。我就……咁喇，Mrs Lai，我哋明白你嘅感受係點，但係你已經即係將你個requests同埋你剛才都講咗，…… 諗亦都即係希望繼續你嘅即係submission，咁校方我相信會有機會作個全面回應。

CTA 16/04/07 Transcript page 35 l 19-23

當時，黃院長及李副校長堅決不回應這簡單的問題。黃院長並沒有直接回覆，還要左閃右避，而李副校長還替他說話；更甚的是，主席黃英豪律師竟沒有立即要求黃院長澄清這不合邏輯的陳詞，試問這是釐清事實的正確方法嗎？

到底在討論調查報告當日，黃院長是否在場？究竟他有沒有和我討論過調查報告？假如他有和我討論那份調查報告，到底又在什麼地方，用什麼方法來討論？但既然他肯定自己不在場，那麼，最合邏輯的解釋就是：黃院長不在場，因此根本沒有和我談那份調查報告。

在第五次聆訊中，「解委會」主席黃英豪律師就這個問題作出以下的回應：

即係，即係剛才已經講得好清楚，因為Mrs. Lai，嗱，而家我哋睇過個Transcript，院長嗰日係有咁樣講過，佢話即係當日會面並不在場。但係呢個會面，因為即係大家都知道就會面可以通過電話，係咪呀？因為而家開會都可以用電話，可以通過視像會議，即係我舉個例子，呢啲純粹係，咁所以就當然我哋而家就take呢過transcript as it is 係咪呀？

CTA 25/05/07 Transcript p.4 L C-E

黃院長作為陳詞的人，沒有站出來回應，反而要黃律師替他開脫。更令人摸不著頭腦的是，作為「解委會」主席的黃英豪律師，竟然能夠用如此牽強的說法來解釋黃院長不合邏輯的陳詞，我再三思量後得出的結論是：黃英豪先生真不愧為律師哩！

4. 以主觀批評作指控我的佐證

為了解僱我，黃院長花了不少心思批評和指摘我，但其中大部分都是他個人對我的主觀評語，有些甚至是虛假的陳述。

在 2007 年 6 月 18 日「解委會」第七次聆訊中，黃院長提供了四十一頁文件，就他於 2005 年 3 月 11 日提出對我的 unacceptable 及 inappropriate conduct 的七項事件作出陳述。然而，黃院長就這七項事件作出的陳述和對我的指摘，都是他的個人感受和主觀批評，有些陳述甚至是虛假失實的。

在該四十一頁的陳詞中，N 導師的名字出現了 285 次。該文件指我不服從上司指令，沒有執行我的職責。但黃院長重重複複提出我沒有成功與 N 導師會面的例子，單在 6 月 18 日的聆訊中，已提出了 32 次「to meet with N」。到底為什麼 N 導師的個案那麼特別，要黃院長不斷重複？還是黃院長根本找不到其他的例子，只好不斷以同一事件充撐一下？

黃院長在陳詞中用了不少的形容詞描述他對我的感受和批評，以至他口中別人或我下屬對我的感覺。這些純粹是主觀評價，無法幫助釐清事實真相。他在該洋洋數十頁的文件中，更用了不少負面的形容詞來形容我，表列如下：

形容詞	次數	形容詞	次數
high handed	5	belligerent	5
intimidating	11	white terror	1
vindictive	3	impulsive	4
contentious	2	confrontational	9
defensive	13	hardly promote	1
empty gesture	3	bombarded	1
interrogation	2	disturbed	2
point-blank	1	hostile	7

表 10.1：黃院長在 2007 年 6 月 18 日的「解委會」中對我使用的形容詞（約 70 次）

每個人基於自己不同的性格、好惡、背景、經驗、和對方的交情等，都可以對別人作出主觀的評價，但主觀的評價並不等於事實。但黃院長卻可以利用他的主觀批評，作為指控我的佐證。以下是黃院長陳詞的錄音謄本節錄：

■ 指摘我對他回應：

I attempted to resolve the conflict between Y and Mrs Lai in an informal and collegial manner. Unfortunately, Mrs Lai, as usual, responded very impulsively, defensively and in a non-trusting manner.

CTA 18/06/07 Transcript p 8 Li

Mrs Lai was asked whether she would have a face-to-face session with N, and Mrs Lai replied that such a meeting was not necessary. This was in open defiance of my repeated advice and directive as a supervisor.

CTA 18/06/07 Transcript p9 L L-M

■ 指摘我沒有見N導師：

Mrs Lai was totally lack of insincerity in meeting with N . That email put through a very negative message and would hardly promote goodwill. Mrs Lai stated in her email as follows: “I have been asked to call you to see me, although I am fully aware that you had not previously made any request on your initiate. Please let me have a schedule of your available timeslot for the next two weeks. I will confirm the meeting time with you once I have received all relevant documents from the Dean.”

CTA 18/06/07 Transcript p10 L N-R

I must stress that, despite my repeated advice and directive as her supervisor, Mrs Lai refused to have a face-to-face discussion with NY, and Mrs Lai adopted a defensive and even hostile attitude towards me and NY. Because of this attitude, I concluded that it was not appropriate -- not an appropriate time to disclose the second complaint letter to Mrs Lai before Mrs Lai could sit down and have a talk peacefully with NY. I was of the view that disclosure of the...

CTA 18/06/07 Transcript p12 L H- L

As I said earlier in these submissions, I have tried many times to urge Mrs Lai to meet with N in order to resolve the grievance issues, but in vain. In view of the confrontational attitude of Mrs Lai, I could not foresee any fruitful result would be produced if I forced a meeting between NY and Mrs Lai to discuss the matter.

CTA 18/06/07 Transcript p 14 L D-E

■ 指摘我撰寫的電郵

This email (08/09/04)was again characteristics of her belligerent attitude, rather than attempting to resolve the problem calmly, rationally and collegially.

CTA 18/06/07 Transcript p 9 L D-

As members can see (08/09/04/ e-mail), she expressed her refusal to meet with N in a point-blank manner.

CTA 18/06/07 Transcript p10 L J



Mrs Lai expressed her view that the personnel office is an impartial university unit, that understands respect and observe proper procedures and due process. Can you please refer to her email of 20 September 2004 at page 168 of the bundle. She, again, used very strong words, and adopted a hostile attitude in her email.

CTA 18/06/07 Transcript p14 LH-J

I must stress that, despite my repeated advice and directive as her supervisor, Mrs Lai refused to have a face-to-face discussion with N, and Mrs Lai adopted a defensive and even hostile attitude towards me and N

CTA 18/06/07 Transcript p12 L J

Can you please refer to her email of 20 September 2004 at page 168 of the bundle. She, again, used very strong words, and adopted a hostile attitude in her email. For example, "I know that although the allegations are unfounded, the need to divert my time and energy from more productive and worthwhile matters to tackle this distasteful and harassing issue will evitable add to my stress, especially since the allegations are potentially damaging to my reputation as the Head of Teacher Education. I reserve the right to file for damages against Mrs NY and those aiding or abetting when the matter is clear."

CTA 18/06/07 Transcript p14 L H-N

In this regard, members are invited to read through page 178 and 179 of the bundle. Page 178 of the bundle was the letter which Tammy Lai -- Mrs Lai sent to me on 13 November 2004. And page 179 of the bundle was the email from Mrs Lai to N on 1 December 2004. It can be seen from both documents that Mrs Lai maintained a legalistic and contentious attitude towards me, and even a hostile attitude towards her subordinate, NY.

CTA 18/06/07 Transcript p14 LQ-T

After reading through this reply email from Mrs Lai, which was copied to me and Miss Leung - okay, page 179 - I concluded that there was simply no room for discussion between NY and Mrs Lai, because of Mrs Lai's contentious and hostile attitude. NY also told me that she felt very upset after reading Mrs Lai's email. I thus had not taken further steps to arrange a meeting for N and Mrs Lai.

CTA 18/06/07 Transcript p21 L O-Q

I would invite member to read carefully those emails, correspondence exchanged between me and Mrs Lai, and NY and Mrs Lai, which I referred to earlier. It can be seen easily that Mrs Lai was consistently hostile and confrontational at all material times, and there was simply no room for amicable discussion on the matter.

CTA 18/06/07 Transcript p26 L R-U

On the contrary, Mrs Lai chose to adopt a confrontational and defensive approach towards NY and even me, as her supervisor, although all along I

wanted to assist her in resolving the matter in a collegial way. She had completely failed in resolving the matter in a collegial and rational manner. As members are aware, this led to the formation of the first and the second CoE to investigate her conduct and problematic management approach. The valuable time and resources of the university spent during this prolonged process could have easily been avoided if Mrs Lai had been less hostile and belligerent.

CTA 18/06/07 Transcript p 43 L P-S

黃院長對我的指控，純粹是他個人的觀感和主觀的批評，始終未能提供實質的證據。奇怪的是，「解委會」竟然接受這樣的指控，甚至最終決定解僱我。

5. 蓄意說謊及隱瞞事實

在黃院長對我的指控中，包括指我不依學院的規格撰寫 N 導師的工作表現評估報告，沒有依從他的指示會見 N 導師，又沒有和 N 導師做離職會面。這些指控都沒有真憑實據，黃院長甚至在過程中隱瞞事實真相，刻意說謊。

(1) 針對我撰寫的報告附件，指控我不依持續教育學院的格式撰寫 N 導師的工作表現評估報告。

2007 年 6 月 18 日，黃院長對我有以下的指控：

Mrs Lai submitted to me a document purportedly to be an assessment report in the form of unstructured notes. It was incomplete and could hardly be treated as an assessment report at all; page 184 of the bundle.

CTA 18/06/07 transcript P 25 L D- F

有關 N 導師的工作表現評估報告，我是依足持續教育學院的格式撰寫的，只因空間不足，我另外附加了三頁紙，與 N 導師自己填寫自評部分的報告表格，於 2004 年 9 月 21 日呈交給黃院長。但在「解委會」聆訊中，黃院長卻把主要的文件收藏起來，只拿出該三頁附件，以此指控我 *inefficiency* 及 *misconduct*。而事實上，黃院長在 2004 年 11 月 12 日已接納這份報告（圖 10.10），當日還要求我和 N 導師作工作表現評估會面。

Dear Tammy,

I refer to our meeting held at 2:30 pm in my office today in which Ms. L [redacted], Assistant Director of Personnel, was also present. You were informed that the purposes of the meeting were:

- a) To relay to you Ms. N [redacted] request for a copy of your assessment of her performance and your investigation report on a student's (Ms. T [redacted]) complaint against her which you had submitted to me in our meeting on 21 September 2004 at the Personnel Office, and
- b) To follow up on the course of actions mentioned in my letter of 1 November 2004 concerning Ms Y [redacted] s grievances against you.

In today's meeting, you were asked if you would consider going through the performance report with Ms N [redacted] following the normal practice of the School for annual staff assessment. You, once again, decided that meeting with Ms Y [redacted]

圖 10.10 : 2004 年 11 月 12 月黃院長給我的信的節錄

事實上，黃院長在這次「解委會」聆訊提出的事件，全說不上是犯錯的。黃院長過去從來沒有就這些事件作出任何回應，更沒有說我犯錯，但卻突然一反其過往肯定的態度，為要找出指我違規的佐證，便不惜連這些沒有違規的文件也找出來，強加罪名，並加上他的主觀批評來指控我。

(2) 黃院長沒有應 N 導師的要求，安排我們會面是他的失職。

黃院長在聆訊中就我發出過的電郵對我作出以下指控：

After reading through this reply e-mail from Mrs Lai, which was copied to me and Miss Leung - okay, page 179 - I concluded that there was simply no room for discussion between NY and Mrs Lai, because of Mrs Lai's contentious and hostile attitude.

CTA 18/06/07 Transcript P 21 L S-U

黃院長指控中所指的電郵，是我在 2004 年 12 月 1 日，就 N 導師要求黃院長安排我們會面，請 N 導師澄清一些她向黃院長匯報事項的細節。黃院長一直沒有就該電郵對我作出任何回應。直到三年後，即 2007 年，在「解委會」主席再三追問黃院長，在 N 導師要求他安排與我會面後，他有沒有跟進時，他竟反過來指控我的電郵 contentious 及 hostile，然後，以這電郵令 N 導師不安 (upset) 為藉口，將「沒有安排會面的責任」推到「已離開大學三年的 N 導師」身上，還以我沒有和 N 導師會面是犯了校規，提出解僱我。

黃院長又指控我令 N 導師感到 upset，沒有誠意處理有關她的投訴。下面是「解委會」聆訊的錄音謄本：

I was subsequently told by N that **she felt** Mrs. Lai was completely lack of sincerity in both handling the complaint against her by Ms T and ...

CTA 18/6/07 Transcript p35 L-G

N also told me that **she felt** very upset after reading Mrs. Lai's e-mail.

CTA 18/6/07 Transcript p21 LS

N 導師犯了錯，應該先反思自己的問題和過錯，她為自己所做的感到 upset 也是合情合理的。我用嚴謹、認真的態度來處理有關她的投訴，正是負責任的表現，又怎會是 lack of sincerity 呢？

(3) 沒有為 N 導師作 Exit Interview 是「人事部」的失職。

黃院長又把沒有與 N 導師做 exit interview 的責任推到我身上，他在聆訊中這樣說：

On the point about the objective and purpose of my insisting Mrs Lai should meet with NY,, I would like to say that many organisations, including HKBU, conduct exit interviews with all departing staff, which is a good human resources management practice. We should maintain an amicable relationship with departing staff, whether they have or have -- lodged any complaint. I think it would be wrong to say that the staff should be ignored because he or she is leaving the university.

CTA 18/06/07 Transcript p18 LI-K

黃院長沒理由不知道 exit interview 是「人事部」的工作，沒有與離職員工做 exit interview，是「人事部」的失職，但黃院長卻硬把別人的失職算到我的頭上，為的亦不過是為我加添多一條罪名而已。

(4) 在我病假期間，黃院長沒有替 N 導師作工作表現評估報告，反指我失職。

黃院長又指控我沒有完成 N 導師的工作表現評估報告。作為持續教育學院的院長，是批核及制訂政策的管理高層，有關僱員的工作評估報告的撰寫及會面過程，他應該是最清楚的。他在 2004 年 1 月，即我患病休假期間，作為 N 導師的加署上司，竟然沒有撰寫 N 導師的工作評報告，反而要在八個月後要病癒復職的我跟進。但由於我在他訂下的限期後七個工作天才呈交該份報告（因為要等待院長答覆我向他的有關請示），他便反指我 insubordination 及 refuse to perform my duty。黃院長的作法不但無理，更是為達到目的，不顧事實。



(5) 黃院長指我沒有拿出一份根本不可能由我收藏的文件是不負責任。

黃院長應該清楚知道所有持續教育學院僱員的個人資料都是由持續教育學院「人事部」保管的。黃院長指控我請 N 導師自己向人事部申請取閱她的工作表現評估告不負責任，這實在是無理的指控。

黃院長應該知道，學院所有僱員的個人資料，都是由學院「人事部」保管及收藏的。我請 N 導師向「人事部」申請取閱，是合情合理的。可惜的是，「解委會」竟然接納他的無理指控，指我不負責任。

(6) 沒有人物、時間和內容的指控。

黃院長在聆訊中對我還有以下的指控：

During the month of November and December 2004, a few TED teaching staff had come to me to see me, and told me they had been harassed to show support to Mrs. Lai, as she would resume the head very soon, and they were quite annoyed and disturbed.

CTA 18/06/07 Transcript p50 LR- T

上述指控沒有提供人物、時間和內容，又無法指出我做過什麼錯事。假如所述屬實，為什麼不能把詳情說出來？這難免令人懷疑黃院長的指控是他自己編寫出來的。

此外，為什麼黃院長只在聆訊中轉述我下屬的感受，卻不直接邀請這些仍在浸大工作的同事出席「解委會」聆訊？黃院長是我下屬的上司，為什麼他們到聆訊委員會作供，甚至嚇我不能接觸各同事！

黃院長一方面千方百計搜集和陳述我違規的證據，一方面又禁止其他人提出有利於我的供詞，這做法又公平嗎？

不誠實的陳詞，可接受嗎？黃院長的陳詞可信嗎？他這四十頁紙的指控，目的是甚麼？意義何在？我希望知道說謊的陳詞可以作佐證嗎？這樣不誠實，浪費公帑的行政方式，又是否 **misconduct in public office**？需要接受懲罰？「解委會」為甚麼仍接受他的陳詞？如果不是接納黃院長的陳詞而作出結論，你們又是根據誰的陳詞呢？

6. 最後一次聆訊的陳詞

「紀律聆訊的基本原則是，無論被審訊的同事、主控以至證人，都需要提供實在、正確的資料。『誠實』、『誠信』這核心價值必須得到實踐，『解委會』成員才可倚靠這些資料，在釐清事實真相後，作出公平、公正的決定，公義才得以彰顯。」以上是我在 2007 年 11 月 5 日，違背醫生指示，帶病出席「解委會」聆訊，並作出陳詞。(有關我在最後一次聆訊中的陳詞見附見三)

在這次聆訊中，我以一位已離職同事的誓章（見圖 10.11），再一次指出黃院長有關「白色恐怖」電郵的謊言。(詳情請參閱第三章)

DECLARATION

I, [redacted] H.K. Identity Card No. [redacted]
of [redacted]
solemnly and sincerely declare that:

On Monday 1 March 2004, I was instructed by Mrs Tammy Lai, Head of Teacher Education Division, School of Continuing Education, Hong Kong Baptist University, over the phone to give her email entitled "Message from the Head" to the Acting Head of TED, Dr A [redacted] Y [redacted], for comments. The mail had been sent from Mrs Lai's email account at Hotmail.

After reading the print-out of the email, Dr Y [redacted] indicated that the message could be delivered to the TED colleagues concerned accordingly without any amendments ("照出啦"). The message in the email was then sent out to the TED colleagues concerned through Mrs Lai's HKBU email account. ➤

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance.

Declared at [redacted] in the Hong Kong Special Administrative Region
this [redacted] day of [redacted]
through the interpretation of [redacted]
of the said interpreter having been also first declared that he/she* had truly, distinctly and audibly interpreted the contents of this document to the declarant, and that he/she* would truly and faithfully interpret the declaration about to be administered to him/her*.
Before me, [redacted]
Commissioner for Oaths

[redacted] of [redacted] solemnly and sincerely declare that I well understand the English and Chinese languages and that I have truly, distinctly and audibly interpreted the contents of this document to the declarant, and that I will truly and faithfully interpret the declaration about to be administered to him/her*.

Declared at [redacted] in the Hong Kong Special Administrative Region
this [redacted] day of [redacted]
Before me, [redacted]
Commissioner for Oaths

[redacted] (signature of declarant)

[redacted] (signature of interpreter)

*Please delete where appropriate
HAU 3(S) Rev 1/2002

圖 10.11：已離職同事 AH 的誓章

上述離職同事的誓章正好證明，我在病假期間撰寫的電郵，是經 Y 博士批核才發放的，因此，Y 博士是如何及何時告訴黃院長這是「白色恐怖」？

令人意想不到的，「解委會」聽過我的陳詞後，便以我的健康狀況為理由，突然終止聆訊，要求我以書面作辯。更甚的是，「解委會」竟然拒絕我邀請當時仍在浸大任職的 Y 博士出席聆訊，以指出黃院長更多的謊言。

黃院長作為大學的高層管理人員，在「解委會」聆訊上，屢次說謊，本身就是「misconduct in public office」，更令大學蒙羞。遺憾的是，「解委會」竟然以他的謊言作基礎，全數接受了他對我的指控，並撰寫報告，立刻解僱我。

7. 小結：說謊者才應該接受紀律處分

「紀律調查委員會」的成立，是因為有僱員犯了校規，需要進行紀律處罰。假如僱員真的有違規，上司理應在成立紀律聆訊委員會前，通過不同途徑更正僱員的違規行為。但假如上司本已肯定了僱員的行為，但其後為要解僱該僱員，便可能硬從僱員過往的行為中，找出一些「可能」的缺失，再藉詞「違規」，進行解僱。這樣的話，控方的陳詞定必左閃右避，前後矛盾，缺乏一致性，甚至不惜說謊，歪曲事實真相，以達到解僱的目的。

我們相信，紀律聆訊的基本原則是，由被審訊的同事、主控以至證人，都要提供實在、正確的資料。「解委會」成員在得到這些資料後，才可釐清事實真相，才可以作出公平、公正的決定，彰顯公義。

黃院長在「解委會」的聆訊中，屢次以證人身分，回答委員的提問，並多次提供虛假的回應，甚至說謊，態度左閃右避，供詞前後矛盾；在其四十多頁的陳詞中，大部分都是他的主觀批評，缺乏實質理據；他把別人的失職，作為指控我違規的例子；他要指控我的管理風格有問題，卻只轉述我下屬的個人感受，而不邀請那些仍在浸大工作的同事直接出席「解委會」聆訊。可惜的是，在解委會的聆訊中，委員並沒有分辨謊言，更全盤接受黃院長的陳詞。

黃院長作為大學的高層，為了指控我，不惜屢次在理應是嚴肅、公正的「解委會」中說謊，既影響大學的聲譽，也浪費公帑。他的行為，正正是 misconduct in public office，那他是否應該接受紀律處分？