

第八章 解委會的聆訊過程



在整件解僱事件中，「解僱委員會」(Committee of Termination of Appointment, CTA) 作出的解僱決定，是基於黃志漢院長的供詞和呈交的文件。因此，黃院長說話的可信性，以至「解委會」處理事件是否合法、合理，便成為最終解僱我的決定是否適當的關鍵。這一章我將探討「解委會」的成立和處理事件的手法，我會在第十章從不同角度探討黃院長的供詞。我更會展示相關報告、文件及對話的錄音謄本等，希望能在這裏和讀者一起分析和反思這事件。

《解委會報告》全文共有十頁，有關聆訊過程(Hearing Process)部分共五頁。我把《解委會報告》全文內聆訊部分的原文放在本章右頁，左頁則是事件真相的剖析和我的回應。

我在文中提及的事件，都有電郵、備忘、信件或文件作佐證，請參閱相關章節的內容。

在整件事件中，我察覺到一些特別而且具有深遠意義的問題，值得我們深入思考，我會把這些問題放在下一章和大家一起探討。

1. 公開聆訊要求被拒

校方是於 2007 年 3 月成立「解僱委員會」的。當「解委會」開始聆訊時，我曾要求主席黃英豪律師進行公開聆訊，但遭黃律師拒絕。其後，黃律師承諾這不是秘密會議，日後聆訊完畢後，我們可以把事件公開。以下是報告中有關該段對話的錄音謄本（報告第 3 頁第 7 段）：

因為確實對學校嚟講都係極之少有，咁我係了解到呢，即係可能外界，特別喺校園裏面，係有一啲嘅聲音呢，係想即係聽到呢度裏面嘅一啲嘅結果。……呢一個recording，呢個transcript 呢，如果萬一，即係將來係係某一啲嘅情況下係……係可以call 番出嚟嘛，係作為即係一個某一啲證據，咁所以呢，實際就有話所謂即係保密呀，或者秘密會議呢個。

CTA 09/03/07 Transcript p4 L7-15

咁因為，因為香港即係社會上呢，就即係呢個絕對唔係秘密會議嚟嘅，……係一個next process呢，counsel都可能call番出嚟，……就想即係呢度裏面嘅資料公開。

CTA 09/03/07 Transcript p5 L12-19

在聆訊開始時，主席黃律師亦有為會議過程進行錄音。就這兩點，我當時感到非常欣慰，並期望這個「解委會」能夠為我討回公道，為浸會大學這所「守護及彰顯公平、公正、誠信這些核心價值」的高等學府的聲譽作出努力。

2. 「解委會」成員身分的轉變

對「解委會」在這件事件中擔當的角色和發揮的功能，我是充滿期待的。我期望「解委會」能夠以公平、公正為原則，查明事件真相，還我公道，挽回浸大的聲譽。但在「解委會」聆訊的過程中，我已發現解委會成員的身分已有令人質疑之處。

根據《解僱指引》(*Policy Guidelines*)，「解委會」成員應包括校董會屬下的「人事委員會」（下稱「人委會」）內的五位成員，而這五位「人委會」成員中，其中兩位必須為非大學僱員 (layman)。下面是《解僱指引》中的有關條文（詳細條文見附件(一)）：

HONG KONG BAPTIST UNIVERSITY
Personnel Committee of Council
Committee of Termination of Appointment
A Report on Mrs. Tammy Lai

BACKGROUND

- 1 Under the University's Term's of Service for Academic & Equivalent Administrative Staff (Terms of Service A"), Clause 1.3 provides that "a substantiated appointee may be removed from appointment on grounds of misconduct, inefficiency or other good causes by the Committee on Termination of Appointments, to be formed upon the recommendation of the President & Vice-Chancellor, and as constituted by the Chairman of the Personnel Committee of Council, comprising 5 members of the Personnel Committee (of whom 2 must be lay members) and to be chaired by one of the lay members.
- 2 In February 2007, the Committee on Termination of Appointment (CTA) was formed in response to a recommendation made by the President & Vice-Chancellor ("P/VC") to the Chairman of the Personnel Committee ("PC") of Council in a letter dated 5 February 2007, to investigate into the case of Mrs. Tammy Lai ("Mrs. Lai") of the School of Continuing Education (SCE) and to consider if Mrs. Lai should be removed from appointment in accordance with Clause 16.3 of the relevant Terms of Service A.
- 3 The recommendation of the P/VC was based on a Report (attached at Annex 1) presented to him from a Committee of Enquiry ("CoE") set up in November 2006 to investigate into the conduct of Mrs Lai, upon the request of Dr .(Hon) Simon Wong ("Dean Wong"), Dean of School of Continuing Education ("SCE"), due to complaints received from Ms. N, Senior Lecturer in Teacher Education Division. On the basis of the findings and analysis presented in the CoE Report, the P/VC agreed that there was adequate evidences in support of making a recommendation to initiate the process of removal of appointment of Mrs. Lai in accordance with Clause 16.3 of the Terms of Service A and the Policy Guidelines & Procedures Governing the Removal from Appointment of Substantiated Academic and Equivalent Administrative Staff ("Policy Guidelines").

The CTA membership as, constituted by the Chairman of PC, is as follows:

The Committee of Termination of Appointment shall be constituted by the chairman of the Personnel Committee of Council, comprising 5 members of the Personnel Committee of which at least 2 must be chaired by one of the layman.

《解僱指引》第6.1項

在 2007 年 3 月「解委會」開始聆訊時，馮美基女士以校董會成員身分被委任為「人委會」成員，然後再以「人委會」成員身分，獲委任為「解委會」其中一位非浸大僱員的成員。

馮校董的校董會成員身分在 2007 年年底屆滿，意即自 2007 年底起，馮女士再不能以校董會成員身分出任校董會屬下的「人委會」，亦不能以「人委會」成員身分出席「解委會」。而根據 2007 年 12 月 24 日浸會大學網頁上所載資料，馮女士則為大學員工。以此推論，在 2008 年 3 月 4 日所簽署的《解委會報告》中，簽署的成員就只有黃英豪律師是唯一的非浸大員工。那麼，這份違反《解僱指引》規定的報告又是否有效？

2008 年 4 月 13 日，我向校董會主席王英偉先生以書面提出以上疑問。翌日，有關網上公布即被改動，指出校董會是根據 *Ordinance 18(1)* 委任馮女士及李教授為「人委會」成員的。而在三個月後，根據 2008 年 7 月 7 日的大學網頁所載，馮女士和李教授已非「人委會」的成員。

馮女士和李教授作為「解委會」的主要成員，其身分的轉變影響了「解委會」的合法性，但在 2008 年 3 月 4 日簽署的《解委會報告》中，對於委員會成員的身分及有關轉變竟然隻字不提（見《解委會報告》第 2 頁），究竟是無心之失，還是存心隱瞞？

3. 究竟誰才是「解委會」成員？

除了成員身分隨時轉變，令人質疑「解委會」的合法性外，「解委會」的成員數目也令人產生疑問（報告第 3 頁第 7 段結尾部分）。

根據《解僱指引》，「解委會」成員共有五名，以下為有關條文：

The Committee of Termination of Appointment shall be constituted by the chairman of the Personnel Committee of Council, comprising 5 members of the Personnel Committee of which at least 2 must be chaired by one of the layman.

《解僱指引》第6.1項

Chairman: Dr. Kennedy WONG, Member of Council and Deputy Chairman of PC
Member: Ms. May FUNG, Member of PC
Prof. Albert Lee, Member of PC and Chair Professor of Department of Chemistry
Prof. LEUNG Mee Lee, Member of Council and PC and Professor of Department of Physical Education
Prof. LIU Liang, Member of Council and PC and Dean of Chinese Medicine
Secretary: Ms. Alice CHU, Assistant Director of Personnel

I. THE HEARING PROCESS

5. CTA commenced hearing of the case on 9 March 2007. In accordance with the procedures as described under Paragraph 6 of the Policy Guidelines, Mrs. Lai was informed in writing on 9 February 2007 allegations made against her as set out in the CoE Report, her right to appear before CTA, to present her own defence in person, and to call witnesses, In accordance with the Policy Guidelines, Mrs. Lai was invited to provided any evidences and names of the witnesses intended to be called to the CTA Secretary on or before 1 March 2007, i.e. 7 working days before the CTA meeting. As as 1 March 2007, CTA had not received any notification from Mrs. Lai about her intention to fall witnesses, nor received names of any witnesses from her.. Neither had the University notified CTA of their intention to call witnesses.
6. Both Mrs. Lai and the University had submitted documentary evidences to CTA. In accordance with the Policy Guidelines, evidences should be submitted to CTA 7 working days before the meeting, i.e. on or before 1 March 2007. Lists of documents submitted by Mrs. Lai and the University are set out in Annex 2. It can be seen in Annex 2 that in addition to admitting evidences submitted in accordance with the Policy Guidelines, CTA had also accepted submission of evidences out of time by the parties. This is because most of the documentary evidences which were submitted by the parties out of time had previously been submitted to the CoE, and these documentary evidences were not new evidences which were caught the other party by surprise. Accordingly, the submission of those evidences out of time would not prejudice any party, and the CTA decided to accept those submissions out of time.
7. CTA conducted 13 hearing sessions (comprising 15 half-day sessions of average about 3 hours duration) during the period from 9 March to 5 November 2007. Mrs. Lai and Mr. Andy Lee (“Mr. Lee”), Vice-President (Administration) & Secretary and Chairman of CoE and Dean Wong attended the above hearing sessions. All hearing sessions were taped-recorded, with transcripts prepared by independent professional service providers.

至於李兆銓副校長在「解委會」的身分，《解僱指引》亦有以下的規定：

The Chairman of the Committee of Enquiry /the President & Vice-Chancellor, as the case may be, shall be responsible for preparing evidences of the case in question and may call any witnesses. Evidences and names of the witnesses to

《解僱指引》第6.2.5項

由此可見，李副校長作為「**新**第二紀調會」的主席，本身並非「解委會」的成員。他應該負責陳述指控，呈交文件，而不是參與調查和聆訊。但在「解委會」聆訊中，李副校長卻出席所有聆訊。這不禁令人質疑，到底李副校長在「解委會」的身分是什麼？為什麼「解委會」秘書可以將所有檔案、錄音謄本、溝通備忘副本交與李副校長？

除了李副校長外，全程出席聆訊的還有黃志漢院長。黃院長在「解委會」的角色是證人，負責回答「解委會」成員的問題，他更曾被指出他的陳詞中的謊言。既然黃院長不是「解委會」成員，為什麼「解委會」秘書會將所有檔案、錄音謄本、溝通備忘副本交與黃院長？到底黃院長的身分是什麼？為什麼作為一位證人，卻可以得到「解委會」的所有檔案呢？

以上有關「解委會」成員的質疑，實在令人懷疑，整個「解委會」根本就是別有內情，或未審先判。這更令人質疑，解僱的聆訊過程和決定，是否早已存在不公平、不公正的元素。



討論議題(七)

人事委員會成員身分可否隨時改動？

4. 以無關的文件作出指控

「解委會」的成立，令我滿以為校方會更公正地處理這次事件，並會兌現庭外和解的承諾，重新公平、公正地展開調查。但結果卻發現，所謂聆訊和調查只是舊酒新瓶，我看到的，仍然是一些無關的文件和無力的指控。

在2006年底，法庭「司法覆核」完結後，校方雖然以承諾「第一紀調會」的決定無效作為庭外和解的條件，但事後卻沒有給我復職。相反，黃院長卻要求成立「**新**第二紀調會」。

Transcripts of all hearing sessions were provided to Mrs. Lai, Mr. Lee and Dean Wong in about 3 to 12 days after each hearing session.

8. Mrs. Lee and Dean Wong presented their case on 9 March 2007, followed by Mrs. Lai who presented on the same day, and continued on 22 March, 16 April, 14 & 25 May and 8 June. Neither the University nor Mrs. Lai called any witnesses at the conclusion of the meeting on 8 June or at any time before that. The University then made their final submission on 18 June and 20 August (from 3:19 pm to 4:44 pm.) and, the University's case was thereby concluded. Mrs. Lai started her final submission at about 4:56 p.m. and on 20 August (from 3:19 p.m. to 4:40 p.m.), and the University's case was thereby concluded. Mrs. Lai started her final submission at about 4:56 p.m. on 20 August, and continued on 27 August, 28 & 29 September, 15 October and 5 November. Detailed schedule of CTA hearing is set out in Annex 3.
9. At the hearing session held on 15 October 2007, Mrs. Lai informed the CTA that she would still need 12 more hours to finish her final presentation on the case. A hearing session originally scheduled to be held on 16 October 2007 had been called off upon request from Mrs. Lai who presented a medical advice from her doctor stating that '*it is not appropriate for her to attend activities like hearing for the time being*'. Taking into account Mrs. Lai's said request made at the hearing session held on 15 October 2007 for 12 more hours, further hearing sessions were then scheduled for the whole day of 5 & 6 November 2007. Mrs. Lai attended the hearing session on 5 November 2007 and presented to CTA another medical advice from her doctor stating that '*she is not fit to attend hearing for the coming two weeks*'. The Chairman of CTA had suggested adjourned the hearing on the basis of the medical advice, but Mrs. Lai decided to continue with her presentation and declared that she would accept full responsibility for doing so against advice from her doctor. Mrs. Lai continued to make her final submission until 11:30a.m. and then requested to adjourn the hearing. CTA decided to accommodate her request. The morning session was adjourned at 11:33 a.m. Further hearing sessions originally scheduled for the afternoon of 5 November and for the morning and afternoon of 6 November 2007 were called off upon Mrs. Lai's request.
10. Taking into account the fact that the hearing on the case had entered the final submission stage, and the fact that the University had closed its case, CTA decided to invite Mrs. Lai to make her final submission in writing. In making this decision, CTA considered that Mrs. Lai was well capable of making written presentation, as evidenced by written opening skeleton submission provided by her to CTA on 9 March 2007 (see Annex 2), and that it would be an appropriate arrangement for her given her health condition then as advised by her medical doctor. As the University had already completed their final submission and did not intend to respond to Mrs. Lai's final submission, CTA considered that the arrangement of written final submission would not prejudice either party.

在 2006 年底「**新**第二紀調會」開始時，黃院長就兩年多前，即 2004 年 7 月到 10 月發生、他認為是 *inappropriate* 及 *unacceptable conduct* 的七項事件，提交了四十份文件，但這些文件都是與該七項事件完全沒有關係的。

及至 2007 年 3 月成立的「解委會」，亦只是建基於「**新**第二紀調會」的報告而作出調查和聆訊，而調查的事件及範圍，仍然是「**新**第二紀調會」所述的七項事件。

與「**新**第二紀調會」的情況一樣，黃院長及李副校長仍然沒有在「解委會」中指出哪一份文件是哪一項指控的佐證。假如他們有充分理據指控我，為什麼仍然未能明確針對某項指控提出佐證？難道是黃院長及李副校長，以至「解委會」成員，都不知道我違反了哪一項紀律規條，因此找不到相關的證據？

事實上，黃院長呈交的所謂「證據」，即該四十份文件，連同其他二百多頁文件，也是直至「解委會」第二次聆訊後才交到我手中。當我細閱《解委會報告》時，才在第 2 頁第 6 段結尾發現有這樣的一句：

In other words, they were not new evidences which would have caught the other party by surprise.

《解委會報告》指呈交的並不是什麼令人感到意外的新證據，因為這些文件早在「**新**第二紀調會」時，黃院長已通過秘書向我發放。但問題的癥結是，這些文件能夠作為指控我的佐證嗎？這些文件與七項事件是怎樣拉上關係的？這些文件有什麼違規的地方呢？將這些文件作為證據，又是否合理、合法呢？

最後，這些文件中包括一些我及其他人士的私人通訊，我下屬具名的個人私隱資料等，將這些資料發放給毋須知道 (*no need to know*) 的人士，又是否有侵犯個人私隱之嫌呢？



討論議題 (八)

校方有沒有審查我們的私人通訊？

11. Mrs. Lai was invited, vide a letter of 13 November 2007, to provide her final submission in writing by
12. 26 November 2007. Mrs. Lai wrote to CTA on 15 November 2007 in writing by 26 November 2007. Mrs. Lai wrote again on 19 November 2007, informing that her condition, according to an attached medical advice from her doctor, had improved to the extent that she could attend normal hearing.
13. CTA, by its letter dated 21 November 2007, informed Mrs. Lai that CTA had decided to extend the time for presentation of her written submission to the end of November 2007. She was also informed that on the basis of her written submission, CTA would decide whether it would be necessary to hold further hearing sessions before concluding on the case, and that if CTA did not receive any written submission from her by the end of November 2007, CTA would assume that she had given up her right of making any final submission. CTA would then conclude on the case on the basis of submission/ presentation that had been made by both parties thus far.
14. Mrs. Lai did not provide any written submission by 30 November 2007, insisting that the arrangement was not proper and appropriate, and was depriving her of the right of making presentation in person and calling of witnesses. CTA noted that Mrs. Lai had not exercised her right of calling witnesses in accordance with the Policy Guideline, as pointed out in paragraph 5 above, and as enquiry on the case had already entered the final submission stage, CTA did not consider it appropriate to allow calling of witnesses at that stage.
15. Following further exchange in correspondence between CTA and Mrs. Lai in December 2007 and January 2008, CTA decided to offer further opportunity for Mrs. Lai to make her final written submission. Taking into account the Chinese New Year holidays, Mrs. Lai was invited, vide a letter of 17 January 2008, to provide her written submission by 20 February 2008. Mrs. Lai was also informed that further extension of time for written submission would not be considered, and if CTA did not receive any written submission from her by the specific time, CTA would assume that she had given up her right to make any final submission. CTA would then proceed to conclude on the basis of submissions/ presentation that had been made respectively by her and the University thus far.
16. Mrs. Lai did not provide any written submission by 20 February 2008, insisting on her right to continue to present her case in person and call witnesses. CTA noted that she made a complaint to the Equal Opportunities Commission in late January 2008, alleging that CTA had discriminated her on the ground of disability by insisting the provision of her final submission in writing, instead of orally.

5. 謊話連篇校方竟全盤接受

黃院長指控我「行為不檢」，卻無法提出充分的證據，這固然令人難以信服；更難得的是，黃院長謊話連篇，「解委會」卻全盤接受，更令人懷疑解僱決定是否公平和公正。

聆訊期間，黃院長在收到「解委會」給他的錄音謄本及檔案後，將他原本對我的指控作多番修改。在第七次聆訊中，黃院長陳述了長達四十一頁紙的指控，其中包括更多的謊言和更多的主觀及涉及人身攻擊的批評。在第十三次聆訊中，我向「解委會」提交了一位已離職同事的誓章，揭穿了黃院長的其中一個謊話。

謊話揭穿了，結果換來的卻不是真相大白，而是「解委會」採取逃避態度，從此不再聆訊，更甚的是全盤接納了黃院長對我的指控，並且以此撰寫報告。（請參閱附件三：最後一次聆訊全文）

黃院長作為大學的高層管理人員，竟然在「解委會」聆訊中屢次說謊，顯然是 **misconduct in Public Office**，有損大學誠信，令大學蒙羞。在此我不禁問：假如我所犯的所謂「過錯」需要受到解僱的處分，那麼黃院長的謊言，又是否應該受到紀律處分？（請參閱第十章：陳述謊言應否接受處分？）

但更令人感到遺憾的是，「解委會」竟然以黃院長的謊言作為依據，不但接受他對我的指控，更撰寫報告和作出解僱我的決定。這不禁令我懷疑，吳清輝校長及管理階層，是否默許下屬用謊言作為佐證？

6. 不知何時何日召開的會議

「解委會」的聆訊是決定我應否被解僱的關鍵，作為將要被解僱的僱員，我只能夠信任它的獨立性和可信性。但我卻發現，「解委會」在決定解僱我之前召開的所謂「會議」，根本是子虛烏有的。（報告第 2 頁第 7 段前部分）



16. CTA considered that it had all along followed the procedures as stipulated in the Policy Guideline. Ample opportunities had been given for Mrs. Lai to present her case in person. The decision of inviting her to provide her final submission in writing was considered by CTA to be appropriate under the circumstances. CTA was of the view that it had not discriminated against her on any ground, but rather, it had offered to accommodate her request for adjournment. Most importantly, CTA considered that the arrangement for accepting written final submission instead of oral presentation would be beneficial to her, because, comparing to oral presentation, she could have time to think carefully before putting it in writing, and she would be at liberty to seek advice from her friends, family members or even professional advisors before finalizing and submitting the written final submission to CTA. In any event, even if Mrs. Lai did not treat it as 'beneficial' to her, still the arrangement would not prejudice her or indeed any party because the University had already completed their final submission and had no intention to respond to her final submission, and CTA had not precluded the possibility of holding further hearing sessions after taking into account Mrs. Lai's final submission. This is the reason why CTA made the direction that Mrs. Lai shall submit written final submission instead of presenting it orally.
17. As Mrs. Lai had not provided any further written submission by 20 February 2008, CTA decided to conclude on the case on the basis of presentation / submissions that had been made by Mrs. Lai and the University.

「解委會」在 2007 年 3 月成立，至 2008 年 3 月呈交報告，期間共進行了十三次聆訊。詳情如下：

會議次數	召開日期	會議次數	召開日期
第一次	09/03/07	第九次	27/08/07
第二次	22/03/07	第十次	28/09/07
第三次	16/04/07	第十一次	29/09/07
第四次	14/05/07	第十二次	15/10/07
第五次	25/05/07	第十三次	05/11/07
第六次	08/06/07	第？次	Brief meeting
第七次	18/06/07	第？次	商議會議？
第八次	20/08/07	第？次	商議會議？

根據「解委會」在 2008 年 1 月 17 日的來函，該會曾召開了一次「brief meeting」，決定多給我四個星期提交書面結案陳詞。究竟這 brief meeting 是何時舉行的？有沒有錄音？有沒有會議紀錄？但我在所有文件中也找不到任何有關的會議資料。

另外，按道理，「解委會」在正式解僱我之前，應該召開商議會議，討論並議決是否解僱我的問題。而在所有文件中，我也同樣找不到有關的會議資料。

然而，就在「解委會」要我呈交書面結案陳詞的期限（即 2008 年 2 月 20 日）屆滿十個工作天後，「解委會」向校長呈交了解僱報告，而我亦在當日被解僱。我不禁問：解僱的決定是如何作出的？這影響大學誠信及形象、既嚴肅且重重的決定，是否經過嚴謹的商議？還是，校方由始至終根本找不到我任何違規的事件和證據，但為了逃避面對黃院長更多的謊言，只好草草結案？原來，這「解委會」只是幌子，實情是未審先判？



討論議題(九)

究竟有沒有商議會議？



討論議題(十)

會議紀錄有何用途？



討論議題(十一)

會議紀錄是給誰看的？

7. 剝奪我出席聆訊的權利

「解委會」在作出解僱我的決定前，究竟有沒有再召開商議會議，至今仍個疑問，但毋須置疑的是，「解委會」竟然以我的健康為由，剝奪我親身出席聆訊的權利。（報告第 2 頁第 7 段前部分）

根據《解僱指引》第 6.2.3 項，被調查的僱員，有親身出席聆訊的基本權利，條文如下：

The staff concerned shall be notified in writing, at least 20 working days before the meeting of the Committee, of all allegations made against him/her, and his/her right to appear before the Committee and present his/her own defence in person, and to answer any questions which may be asked by Committee members, and to call any witnesses.

《解僱指引》第 6.2.3 項

2007 年 11 月 5 日，我違反醫生指示，帶病出席了「解委會」在當日早上的聆訊，繼續我的陳詞，並嚴正地用我一位已離職同事的誓章作證，再一次指出黃院長的謊言。在當天接近中午時，我的身體實在支持不了，唯有向主席要求暫時休會，並請求順延聆訊會議。

2007 年 11 月 13 日，「解委會」來函指令我以書面作結案陳詞。2007 年 11 月 19 日，我致函「解委會」秘書，通知她我經醫生評估，可以再次出席聆訊，並請求「解委會」恢復聆訊。兩天後，即 11 月 21 日，我收到「解委會」覆函，以我的健康問題為由拒絕我的要求，並指令我用書面作陳詞。其後我雖曾多番提出抗議，但「解委會」仍維持原來的決定，定下 2008 年 2 月 20 日為呈交書面結案陳詞的期限。

「解委會」一方面以我的健康為由，強要我改以書面作結案陳詞，剝奪我應有的出席聆訊的權利；但另一方面，又在《解委會報告》中，把我要求順延聆訊，說成是「were called off upon Mrs. Lai's request」（見報告第 3 頁第 9 段最末一行）。假如聆訊和決定的過程是公平、公正的，為什麼要剝奪我出席聆訊的權利？

至於報告中提到的「結案陳詞」(final submission)，根本與事實不符，因為在 2007 年 11 月 5 日我帶病出席的第十三次（即最後一次）聆訊時，我仍然在向「解委會」提出證供和證據，並反駁黃院長作為證人提出的證供（即上文提及我提交一位離職員工的誓章），那麼又何來「結案」？事實上，《解僱指引》中根本沒有指出什麼時候該作「結案陳詞」，更沒有「結案陳詞」的限制。那

麼，「解委會」又憑什麼指聆訊已進入結案陳詞階段，因而不准我親身出席聆訊，更不准我邀請證人出席聆訊，而最終決定解僱我？

 討論議題(十二)

可以以健康為由剝奪出席聆訊的權利嗎？

8. 剝奪我邀請證人出席聆訊的權利

公平和公正的聆訊，應該讓雙方都有陳詞的機會，更要給予雙方邀請證人出席聆訊的權利。但「解委會」的聆訊，卻剝奪了我的權利。(報告第 2 頁第 5 段)

黃院長在十三次聆訊中，屢次以證人身分回答「解委會」的問題，並提出了許多虛假陳述。但當我在 2007 年 11 月 5 日的聆訊中，以一份離職同事的誓章揭穿了黃院長的謊言後，「解委會」不但以我的健康為由，不再讓我親身出席聆訊，更以案件已進入「結案陳詞」階段為由，拒絕讓我邀請證人出席。

如前文所述，根據《解僱條例》和聆訊的進程，所謂「結案」根本不成立。而「解委會」只讓黃院長以證人身分指證我，卻不讓我邀請證人出席，我不禁問，為什麼？難道是擔心黃院長的謊言被進一步揭穿？我更加質疑，「解委會」既不讓我親身出席聆訊，又不讓我邀請證人，這做法又公平、公正嗎？

 討論議題(十三)

可以拒絕我邀請證人出席聆訊嗎？