

附件三：最後一次聆訊的陳詞

For presentation before

Committee for Termination of Appointment – Meeting on 5/11/2007

Mr. Chairman and Members of the CTA,

1. Before I go to my presentation today I owe it to the Committee to briefly explain my physical condition. At the sitting of the Committee on 15th October, 2007 I was not feeling well, one of the causes being the pressure on me resulting from this series of hearings. I went to see the doctor immediately after the hearing. Drugs and rest were prescribed and the doctor said I was not fit to attend hearings.

2. At the follow-up last Friday, 2nd November, 2007, my doctor said my condition has improved but I am still not fit for attending hearings and must be re-assessed in two weeks' time. I know the doctor must be right, because as I was doing my revision and preparing for today's hearing I could feel the pressure building up and affecting my ability to cope with the task I was undertaking. But I am anxious to make the best use of time, to present all the relevant facts and the complete picture to the Committee in substantiation of my defence to the accusations against me. So despite my condition I will try to do the best I can to carry on with the hearing, even though I am doing so against medical advice. However, I can only pledge to do the best I can. Depending on how my condition goes, I may have to discontinue at any time.

Next I wish to talk about the transcript of these proceedings which play an extremely important role in keeping everyone abreast of what the CTA has heard. In my recent reading of the transcript for the various sessions, I noticed that on certain occasions it seems that some important word or sentence was missing here and there – word or sentence that I have specially made note of and written down immediately after a hearing. This has made me feel very uncomfortable and has been causing me stress. Whilst recording of these proceedings is already being done by the University, I reckon that it will not prejudice any party concerned if I am allowed to make my own recording by a simple tape-recorder just in case I need to refer to it. I now specifically ask Mr. Chairman for permission to do so.

4. So much for my own house-keeping. Now to the hearing proper.

5. I have been reading and re-reading the transcripts in the past two weeks in preparation of my defence to all the accusations that have been leveled against me. The more I read on, the more uncomfortable I felt. Yet that was really an understatement. In fact, to me it is 越睇越痛心. My heart bled as I read on – it bled for the University, an institution with which I have spent over a decade of my life. It bleeds when I see an up-and-coming school of the University being run by a person such as Dr. Simon Wong.

6. I will be showing you the reason why I am making such a statement.

7. It has not been quite clear to me how these proceedings are meant to be conducted in terms of procedure. Mr. Chairman and members of the Committee will recall that quite early in these proceedings, Mr. Andy Lee and Dr. Simon Wong have risen to speak and completed their speeches, only to interject later on when they considered that it fitted their purpose to add a substantial amount of supplemental new materials, and to make before the Committee new submissions that were 10 times longer than what they had already completed earlier on.
8. The role of Dr. Simon Wong has been particularly obscure. He started as the complainant and ought logically be giving evidence as a witness to substantiate his complaint against me. Yet what he had mainly done was to interject without explanation 200 odd pages of materials henceforth unknown to this Committee, and made it necessary for time to be spent to decipher any accusation that may be contained or implied within them. This was followed by a 40-page “submission”. Direct evidence to support his accusations is noticeably lacking.
9. In the last couple of sessions I was pressed by Mr. Chairman to complete my “final presentation” of my case. Mrs. Chu, Secretary to the Committee topped it off by putting that in writing by her letter of 3rd October, 2007. In fact I am just starting to adduce evidence before the Committee in answer to those accusation of Dr. Simon Wong that can be identified.
10. Today I will start by dealing with one of Dr. Simon Wong’s accusations, or those of his allegations relating to my e-mail dated 29th February, 2004 entitled “Message from the Head”.
11. The facts of the incident are:
 - (a) On 25/2/2004 there was a staff meeting at which there was a general discussion on the arrangement for guest speakers to give lectures on the subject of “bullying” in schools. The formal notes of meeting read like this: *“In response to the issue of bullying at school, Nancy reported that a talk on ‘bullying’ would be arranged for students taking CEED3070 & 3080. The payment of guest speaker would follow the guidelines issued by the School.”*
 - (b) On 28/2/2004 there was a telephone conversation between Dr. Y and myself. She told me that she noticed, after the meeting, that a certain full-time lecturer had proposed to invite a part-time lecturer of the University to give lectures to certain classes in the capacity of “guest-speaker” on a subject which it was the full-time lecturer’s own duty to lecture on, and to pay the part-time lecturer at the rate of “guest-speakers”. Dr. Y asked me if this is allowed under the rule of the University. I told her this was not allowed. She said she felt embarrassed to tell the colleague in her face that such practice was against University rules, as they were both on the same substantive rank but for Dr. Y’s acting role at that particular time during the period of my sick leave, and she did not wish to harm the working relationship between her colleagues and herself by the things that she had to do as a temporary supervisor during her acting appointment. Fully understanding her position and feeling, I told her that

to make things easier for her I would issue an e-mail to the colleagues to remind them of the obvious breach of University regulations in so doing. She was very thankful that I agreed to do it.

- (c) On the same day I prepared a draft of my email dated 29/2/2004 and sent it back to the two executive officers who assisted me in my administrative duties at that time. I told one of them, namely, Miss H, to pass the e-mail to Dr. Y for her comments and approval, to see if it suited her purpose as we had discussed.
- (d) On 1/3/2004, the email was sent out as drafted by me to all lecturers of the School of Continuing Education.
- (e) On 10/3/2004 the lectures in question originally planned to be given by guest speakers were reported to have had to be cancelled because the guest speaker concerned was not available on the day scheduled for it [Notes of Meeting of 10/3/2004].

12. What did Dr. Simon Wong try to make out of such happenings?

13. Dr. Simon Wong told the Committee there was a “white terror” caused by the issue of the email and Dr. Y was terrified. He said

咁其實喺黎太寫完個 e-mail 之後呢，acting head 好緊張，走上嚟同我講，佢話佢有 break the news to 黎太，話黎太下邊有啲線人去報料……

14. At the 3rd hearing session of the CTA, Dr. Wong told the CTA,

“However, since she was on a prolong sick leave, she should have trusted and respected the judgment of the Acting Head and the views of staff member who were present at the staff meeting” [Transcript 3. P.12, L22-25]

15. Then he proceeded further to tell the Committee

咁佢亦都口頭上話畀我聽……佢係 approve 咗呢個……呢樣嘢嘅，嘎，approve 咗。亦都話畀我聽呢件事，喺個 staff meeting discuss 過，咁大家都冇異議。嘎，咁所以當時我係嘅感覺就係話，即係 acting head …… acting head 都 approve 咗喇，即係點解黎太要喺病嘅時候 interfere 呢？

16. Mr. Chairman and members of the CTA will note that those are the **accusations** of Dr. Simon Wong. For all the time that he has been sitting before this Committee, he has been pointing fingers. But where is the direct **evidence** that supports or substantiates such accusations?

17. THERE IS NONE. Or none that Dr. Simon Wong is prepared or dares to adduce.

18. Instead, and as Mr. Chairman and members of the CTA can see, Dr. Simon Wong is telling the Committee one story after another of what he said he had heard from Dr. Y at some undisclosed date and time.
19. I ask the CTA to take it from me that the facts were as I now tell the Committee. In fact it is not open to Mr. Chairman and members of the Committee not to accept my evidence in this regard, for the simple reason that there is no direct evidence before you to contradict the evidence that I have given, which I did from personal knowledge of the happenings as a party directly involved in them.
20. On the other hand, Dr. Simon Wong purported to give evidence on the same matter. Authoritative as he has been trying to persuade Mr. Chairman and members that he is as he appeared before the CTA, he is nobody and **MUST BE DISREGARDED** when it comes to evidence on what happened at the material time. He was simply not there. As far as the facts go, irrespective of the truth or otherwise of the things he talked about, or which he claimed to be quoting somebody, what he said does not carry any weight at all before a tribunal which administers justice and not just exercises authority.
21. Then there is his accusation against me on management style based on his own one sided interpretation of some parts of the e-mail in question. His said of the subject matter of the e-mail:-

“However, since she was on a prolong sick leave, she should have trusted and respected the judgment of the Acting Head and the views of staff member who were present at the staff meeting” [Transcript 3. P.12, L22-25]
22. I perfectly accept that it is normal for a supervising officer to pass judgment on or criticise the performance of his subordinates. Naturally the whole purpose of having supervision is to make sure that a subordinate performs; and if he does not do it up to the expected standard, that he improves. Accordingly, judgment or otherwise criticism has to be timely, otherwise it becomes merely 秋後算賬 and has no positive side to it at all.
23. Now even 秋後算賬 is not to be totally detested in certain circumstances, provided that the judgment or criticism is properly and fairly made based on facts or factual circumstances.
24. And what were the actual factual circumstances?
25. I now produce and lay before Mr. Chairman and members of the CTA this simple statutory declaration by Miss H, the Executive Officer who formerly assisted me in my administrative duties. She has confirmed under oath the part that she played in the logistics leading up to the issue of the e-mail in question.

26. I invite Mr. Chairman and members to go through the contents carefully and draw your own logical conclusion on whether things did happen as Dr. Simon Wong claimed at least as far as the events surrounding my e-mail dated 29th February, 2004 go.
27. Would Mr. Chairman and members of the CTA now find it funny to be fooled into a “white terror” which (Dr. Simon Wong said) Dr. Y complained of having hung over her by reason of an e-mail issued on her own instructions and the contents of which e-mail she had approved personally?
28. Dr. Simon Wong has clearly and undoubtedly lied about all his contacts with Dr. Y which he told the CTA about, hence his decision to be contented with placing only indirect evidence before the CTA while Dr. Y is at all times available around the campus to give direct evidence; and hence his instruction to me not to contact Dr. Y on this matter [T3, P.22, L.2-4] lest I have the opportunity of triangulation with her.
29. From a wider perspective, I invite Mr. Chairman to deliberate on the question of whether this Dr. Simon Wong is worthy of being a witness at all for any issue in these proceedings.
30. Dr. Simon Wong is perhaps quite accustomed to empty talks and unfounded allegations. Exaggeration may perhaps be a common practice to certain people to achieve special effect for what they try to say. But to blatantly tell lies before a disciplinary tribunal on a serious matter such as the career of a staff must be conduct unbecoming a member of the top management, and is a disgrace to the University.
31. Now I will not call Dr. Simon Wong a liar. There is no longer any such need because the label now glows on his forehead. The thought of Dr. Simon Wong going to such pains to frame me up is simply flattering.
32. Now it can be seen that Dr. Simon Wong’s criticism about my lack of trust and respect for the judgment of the Acting Head [see Paragraph 21 above] clearly cannot stand. It was precisely because of the mutual trust between Dr. Y and myself that I had relied on her judgment about colleagues getting out of hand in the use of guest speakers for lectures that I had agreed to lend a hand by lending her my name for the issue of the e-mail in question to make life easier for her when she completed her acting appointment upon my return from leave.
33. Secondly, Mr. Chairman, would it not be appropriate now for the Committee to ask our star Dr. Simon Wong about the particulars of the accusations that he is leveling against me?
34. When Dr. Simon Wong told the Committee of one of his accusations against me thus:

咁其實喺黎太寫完個 e-mail 之後呢，acting head 好緊張，走上嚟同我講，佢話佢冇 break the news to 黎太，話黎太下邊有啲線人去報料……

Would it not be appropriate for the Committee to ask for the following particulars from him?

- (a) What was the exact date on which Dr. Y went up to Dr. Simon Wong to report?
- (b) Did Dr. Y go to see Dr. Simon Wong to tell him this immediately after she approved and arranged to send out the e-mail in my name to all lecturers of the School of Continuing Education?
- (c) Or did Dr. Y report to Dr. Simon Wong after I wrote the e-mail, and after that she still continued to approve and arrange to send out the e-mail in my name to all lecturers of the School?
- (d) Who were the 線人?
- (e) Did Dr. Y tell Dr. Simon Wong who the 線人 were?
- (f) When Dr. Wong talked about “報料”, what was the “料” that was reported?
- (g) After this email was issued, who benefited from its being issued?

29. And when Dr. Simon Wong also told the Committee about Dr. Y:

咁佢亦都口頭上話畀我聽……佢係 approve 咗呢個……呢樣嘢嘅，嘎，approve 咗。亦都話畀我聽呢件事，喺個 staff meeting discuss 過，咁大家都冇異議。嘎，咁所以當時我係嘅感覺就係話，即係 acting head …… acting head 都 approve 咗喇，即係點解黎太要喺病嘅時候 interfere 呢？

- (a) When Dr. Simon Wong said “感覺…點解黎太要 病 時候 interfere 呢”, did he ask Mrs. Lai for the reason?
- (b) Have Dr. Wong ever carried out any other investigation for the reason?
- (c) Before Dr. Wong chose to use the word “interfere”, had it ever occurred to him that “still so concerned” may be the more appropriate words to be used? i.e. 點解黎太要 病 時候 still so concerned 呢”?
- (d) Did he ask Mrs. Lai why she was so concerned while she was still on sick leave?
- (e) Have Dr. Wong ever carried out any other investigation to find out why?
- (f) Does Dr. Wong realize that without asking any appropriate question of any relevant person, and without doing any proper investigation, to conclude, in the way he did, that Mrs. Lai was “*interfering*” instead of “*being concerned*”, and to give evidence

to the CTA to that effect thereby laying the blame at the door of Mrs. Lai is grossly judgmental and irresponsible?

30. Without investigating into any of these areas and without getting answers to any of these questions, Dr. Simon Wong has passed the judgment that Tammy Lai was to be recommended for Termination of appointment.
31. Would it not be right to ask Dr. Simon Wong now to put on oath what he had done to formulate and substantiate these accusations against me in order to satisfy himself that such accusations can be escalated to the present level that it is on, and to so irresponsibly waste the precious time and effort of so many knowledgeable people in this room, and to waste public money conducting this series of hearings against me.
32. Whether such detestable conduct of Dr. Simon Wong is to be taken up at higher levels or by other authorities may be beyond the terms of reference of the CTA. However, if the CTA is still talking about unduly prolonging these proceedings, would it not be blatantly obvious who the culprit is?
33. Mr. Chairman, I shall be continuing to present evidence along these lines and I implore you and members to bear with me until my full story is told.