

(TRANSLATION)

**Subcommittee on Places of Public Entertainment
(Exemption) (Amendment) Order 2011**

**Factual Information Requested by Members at the
Subcommittee Meeting on 2 February 2012**

This paper sets out the factual information requested by the Members at the Subcommittee Meeting on 2 February 2012 in relation to licensing and prosecution matters under the Places of Public Entertainment Ordinance (“PPEO”) (Cap. 172).

Details of Successful Prosecution Cases

2. In the past five years, the Administration has taken 16 successful prosecutions against unlicensed keeping or using places of public entertainment. The relevant details are at **Annex 1**.

Details of Rejected PPE Licence Applications

3. In the past five years, a total of 34 PPE Licence applications have been rejected. The relevant details and the reason for rejection were provided in Annex 2 of the Administration’s written response for the meeting of 17 January 2012 (LegCo Paper No. CB(2)940/11-12(01)). As requested by the members at the meeting on 2 February 2012, we have added a column to the table on the nature of premises where the applications were made for. The revised table is at **Annex 2** of this paper.

Details of a case of Unlicensed Keeping or using a Place of Public Entertainment in May 2010

4. In May 2010, the Food and Environmental Hygiene Department had taken enforcement actions in accordance with the PPEO. A total of 13 persons were arrested. After considering the strength of evidence and public interest, one of these arrested persons was prosecuted in accordance with section 4 of the PPEO. That person was found guilty in a magistrates’ court and the relevant verdict is at **Annex 3** (in Chinese only). That person has

lodged an appeal against the judgement and the case will be heard in the Court of First Instance on 20 March 2012.

5. The Administration's responses in relation to the other follow-up actions arising from the Subcommittee meeting on 2 February 2012 will be provided vide a separate paper.

Home Affairs Bureau
Food and Environmental Hygiene Department

February 2012

Successful Prosecution against Unlicensed Places of Public Entertainment in 2007 to 2011

Year	Nature of Place Involved	Activity Involved	Convicted person is keeper / user	Convicted Person	
				Organization	Individual
2007	Shopping Centre	Stage Performance and Music Video	User	✓	
2008	Container	Entertainment Machine Centre	keeper		✓
2008	Commercial Centre	Dancing	User		✓
2008	Shopping Centre	Amusement Ride	Keeper	✓	
2009	Premises on Ground Floor	Entertainment Machine Centre	Keeper	✓	
2009	Shopping Centre	Entertainment Machine Centre	User	✓*	
2009	Shopping Centre	Entertainment Machine Centre	Keeper	✓	
2009	Wetland Farms	Entertainment Machine Centre	User		✓
2009	Shopping Centre	Stage Performance	Keeper	✓	
2010	Football Court	Stage Performance	User		✓
2010	Shopping Centre	Entertainment Machine Centre	Keeper	✓*	
2010	Industrial Building	Stage Performance (Music)	User	✓	
2010	Public Open Space in a square	Exhibition	User		✓
2010	Exhibition Centre	Concert	User		✓
2010	Shopping Centre	Bazaar	Keeper and User	✓	
2010	Shopping Centre	Stage Performance	Keeper and User	✓	

Remark: ✓* Cases with same offender

Annex 2

**Details of Rejected Applications for
Places of Public Entertainment Licences in 2007 to 2011**

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2007	Dance party within a night club	Night club	Dance Party	Buildings Department raised objection because the means of escape arrangement was not satisfactory.
2007	Addition of a Family Amusement Centre within a convenience store	Convenience store	Amusement Ride	Food and Environmental Hygiene Department raised objection because sanitary fittings were not provided.
2007	Chinese Theatrical Performances	Government land	Drama	Lands Department raised objection for temporary occupation of government land.
2007	Popular Music Show	Delineated area of pedestrian precinct	Musical Performance	Transport Department had reservation on the proposed traffic arrangement.
2007	Commercial Promotion	Car park of shopping plaza	Exhibition	Buildings Department did not accept the proposed loading/unloading location of the building.
2007	Tourism Promotion	Delineated area of a street	Exhibition	Lands Department could not process the application due to insufficient time allowed for processing.

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2007	Exhibition on Space Technologies	Delineated area of a street	Exhibition	Buildings Department raised objection as the sketches submitted by the applicant did not indicate the positions of exits and routes, and did not submit the certificate/information on the stability of the temporary structure prepared by an Authorized Person.
2007	Exhibition of Pictures	Delineated area of a street	Exhibition	The relevant District Office raised objection due to the footpath ramp.
2007	Concert and Show	Industrial building	Concert	Hong Kong Police Force raised objection due to the following reasons – (1) The activity was not in compliance with the conditions imposed by the Town Planning Board; (2) Complaints on illegal parking and noise nuisance had been received previously; and (3) Collection of crowd on the roof might cause structural or fire safety hazards.

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2007	Performing Arts Show	Delineated area of pedestrian precinct	Stage Performance	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.
2007	Cycling Performance	Delineated area of a street	Sports Performance	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.
2007	Activities for AIDS Day	Delineated area of pedestrian precinct	Exhibition	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.
2007	Countdown Activities	Delineated area of a street	Stage Performance	Hong Kong Police Force raised objection as the proposed activity at the proposed location would result in traffic congestion and the Fire Services Department raised objection as the activity would obstruct the emergency vehicular access of the neighbouring building.
2007	Activities for AIDS Day	Delineated area of pedestrian precinct	Exhibition	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2007	Christmas Activities	Delineated area of pedestrian precinct	Exhibition and Stage Performance	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.
2008	Exhibition on Space Technologies	Delineated area of a street	Exhibition	Buildings Department raised objection as the sketches submitted by the applicant did not show a sufficient number of emergency exits and the escape routes clearly.
2008	Street Drama	Delineated area of pedestrian precinct	Drama	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.
2008	Demonstration Activities	Delineated area of pedestrian precinct	Exhibition and Stage Performance	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2008	Music Carnival	Golf centre	Stage Performance	As the applicant would use large speaker systems and music instruments, Environmental Protection Department predicted that the applicant could not ensure the noise produced would not exceed the levels acceptable to the nearby residents. Hong Kong Police Force raised objection as the same applicant had previously held a similar event in Ma On Shan and many complaints on noise were received.
2008	Promotion Activities	Delineated area of a street	Sporting Contest and Performance	Hong Kong Police Force raised objection as the emergency vehicular access had been obstructed.
2008	Charity Sale	Delineated area of pedestrian precinct	Bazaar	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.
2008	Fashion Show	Delineated area of a street	Stage Performance	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2008	Street Performance	Delineated area of a street	Musical Performance	Hong Kong Police Force and Lands Department advised that the application could not be processed as another organization had applied to conduct activities at the same place and time.
2008	Anti-narcotic Activities	Lok Ma Chau Control Point	Stage Performance	Hong Kong Police Force raised objection due to obstruction of flow of pedestrians.
2008	Charity Activities	Park	Sporting Contest	The proposed venue was managed by the Leisure and Cultural Services Department and no licence was required.
2008	Concert	Delineated area of a street	Concert	Hong Kong Police Force raised objection due to the obstruction of flow of pedestrians.
2008	Dancing Shows	Delineated area of a street	Dancing Performance	Lands Department advised that the proposed venue had been allocated for other organizations and Hong Kong Police Force raised objection due to obstruction of the flow of pedestrians.

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2008	Performing Art Activities	Delineated area of a street	Musical Performance	Lands Department advised that the proposed venue had been allocated for other organizations and Hong Kong Police Force raised objection due to obstruction of the flow of pedestrians.
2008	Sports Activities	Park	Sporting Contest	The proposed venue was managed by the Leisure and Cultural Services Department and no licence was required.
2008	Music Activities	Pier	Musical Performance	Lands Department advised that the proposed venue had been allocated for other organizations and Hong Kong Police Force could not process the application because some other organizations had applied to conduct activities at the same place and time.
2010	Public Sharing Activities	Delineated area of pedestrian precinct	Exhibition	Lands Department advised that the application could not be processed as the proposed venue had been allocated to other organization.
2010	Exhibition and Charitable Activities	Shopping centre	Exhibition	The applicant did not submit the application before the deadline.

Year	Case	Nature of Place Involved	Activity Involved	Rejection Reason(s)
2010	Charity Sale and Countdown Activities	Delineated area of a street	Bazaar and Performance	Fire Services Department advised that the proposed activity at the proposed venue would obstruct emergency vehicular access. Environmental Protection Department advised that the proposed activity might cause noise issues. Transport Department raised objection as the proposed activity might cause impact to the traffic.
2011	Music Activities	Delineated area of a street	Musical Performance	Fire Services Department raised objection as the proposed activity at the proposed venue would obstruct emergency vehicular access.

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ESS 43427/2010

香港特別行政區
東區裁判法院
傳票編號：2010 年第 43427 號

香港特別行政區政府

訴

李耀基

主審裁判官：林嘉欣
審訊日期：2011 年 4 月 11 日及 5 月 25 日
裁決及判刑日期：2011 年 6 月 29 日
裁斷陳述書日期：2011 年 8 月 1 日

裁斷陳述書

控方以傳票方式，檢控被告人一項「無牌使用公眾娛樂場所」罪，即違反香港法例第 172 章《公眾娛樂場所條例》第 4(1) 及 (2) 條。控罪指：「2010 年 5 月 29 日，被告人無根據《公眾娛樂場所條例》批出的牌照，在香港銅鑼灣勿地臣街 1 號時代廣場鐘樓下的地方，使用公眾娛樂場所舉行兩件藝術品的展覽。」

2. 被告人否認控罪，審訊後被定罪，判處罰款 2,000 元。被告人不服定罪，現提出上訴。審訊時，李祖詒大律師代表他。

控方案情

3. 2010 年 5 月 29 日，「香港市民支援愛國民主運動聯合會」（以下簡稱「支聯會」）在香港銅鑼灣時代廣場鐘樓旁的空地，舉行「六四」21 周年紀念活動。當天早上 8 時 30 分起，支聯會人員便在現場設置帳篷，擺放桌、椅，準備當天的活動。

4. 約早上 11 時，支聯會人員（包括被告人）從一輛停在時代廣場對面的貨車，卸下多塊巨大的組件，並逐一搬到鐘樓旁的空地。接着，他們把該些組件拼合成「民主女神」雕像¹（約重 200 公斤）和「六四屠城」浮雕²（約重 450 公斤）。

5. 在現場接受食環署職員查問時，被告人承認，是上述活動的負責人，並不斷就該活動用揚聲器公開發言（說話內容見證物 P3A 及 P3B）。

¹ 高 14 呎 9 吋；其底座為 5 呎 6 吋 x 4 呎 10 吋（見證物 P6，照片 1 至 3）。

² 高約 8 呎，闊約 20 呎（見證物 P6，照片 4 至 6）。

6. 關於使用時代廣場舉行涉案的活動（包括公開展覽上述「民主女神」雕像及「六四屠城」浮雕），支聯會或被告人均沒有申請任何牌照或獲發任何牌照（見證物 P8，第 7 段）。

辯方案情

7. 被告人選擇不作供，亦沒有傳召辯方證人。

8. 被告人過往沒有刑事紀錄。關於他的良好品格，本席已對自己作出適當的指引。

證據評估及分析

9. 舉證責任在控方，控方必須在毫無合理疑點下，證明控罪的每一元素。

10. 對於本案的事實，辯方基本上沒有爭議。受爭議的事項，主要屬法律觀點。本席感謝控、辯雙方詳盡的書面陳詞，及就有關案例、典籍的研究和分析，對法庭提供了莫大的幫助。

11. 辯方認為，《公眾娛樂場所條例》（第 172 章）第 4(1) 條中「使用」(use) 一詞，所涵蓋的範圍太廣泛，可令駐足觀賞展覽的市民，

甚至純粹路經現場的行人或站在該處等候友人的公眾，也干犯該罪行。因此，第4(1)條過份及不合理地限制被告人的言論和集會自由，違反了《基本法》及《香港人權法案條例》（第383章）內的相應條文。

12. 本席認為，辯方的論點過於極端。單純透過「使用」一詞的字面意思 (literal meaning) 來詮釋第4(1)條，是不恰當的。本席認同控方的觀點，法庭演譯任何法例條文中字、詞的意義時，應同時考慮使用該字、詞應用的背景 (context) 和法例的目的 (objective) 及宗旨 (purpose)。其實，關於如何詮釋第4(1)條中「使用」一詞，《釋義及通則條例》（第1章）第19條提供了清晰的指引：

「條例必須當作有補缺去弊的作用，按其真正用意、涵義及精神，並為了最能確保達致其目的而作出公正、廣泛及靈活的釋疑及釋義。」

"An Ordinance shall be deemed to be remedial and shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Ordinance according to its true intent, meaning and spirit."

如按照上述指引來詮釋第4(1)條，便不會出現辯方所指，連途人也會犯法的荒謬情況。關於第172章的立法目的和背景，控方已在其2011年4月4日的書面陳詞第14至20段中清楚闡述。

13. 第 4(1) 條的大前題是「無牌照經營或使用公眾娛樂場所」。
《公眾娛樂場所規例》(第 172A 章)第 162 條訂明，任何人如欲經營或使用劇院或戲院以外的公眾娛樂場所，須於娛樂活動開始前不少於 42 日，向發牌當局提交申請。正如控方所指，只有舉辦娛樂活動的人，才有能力於活動開始前，申請牌照。純粹於活動當日到場參觀或欣賞的公眾(甚至路經活動場地的途人)，根本不會亦不可能於事前申請牌照。很明顯，第 4(1) 條的目的，是針對娛樂活動的舉辦者，而並非到場的觀眾或路過的途人。

14. 本席也認同控方的論點，相對於被告人的言論和集會自由，第 4 條對娛樂活動舉辦者所施加的管制(即不能無牌照使用公眾娛樂場所)是合理(rational)、相稱(proportionate)、必要(necessary)的。道理很明顯，因為娛樂活動的舉辦者，有責任維持場地的秩序和保障現場觀眾的安全。假如沒有第 4 條，活動舉辦者使用公眾娛樂場所時，便不受發牌機制的規管及缺乏安全監察，因而影響公眾安全和秩序，後果可能相當嚴重(1992 年除夕³蘭桂坊意外就是一次慘痛的教訓)。

15. 基於上述理由，本席認為，第 4(1) 條並沒有違反《基本法》或第 383 章。

宣讀口頭裁決時，本席把年份弄錯，說了「1991 年元旦」，現更正。

16. 本席認同控方的立場，第 4(1) 條中「使用」的罪行，包括任何人使用任何可容納公眾的場所，舉辦或進行 (presents or carries on) 公眾娛樂活動。

17. 關於被告人的角色，他於案發當天，清楚向食環署人員承認，是涉案活動的負責人，並不斷就該活動公開發言。身為陪審員，本席認為，毫無疑問，被告人是該活動的舉辦者之一。

18. 基於上述理由，本席認為，控方已舉證至毫無合理疑點。本席裁定，被告人罪名成立。

19. 本案的展覽活動，絕對符合第 172 章中「娛樂」的定義⁴，但這並不表示，法庭對該展覽活動的性質作出分類。涉案的兩件大型雕塑展品，明顯屬藝術作品。至於它們背後的意義，是「娛樂」，還是代表嚴肅的歷史，各人自有判斷。其實，「展覽」就是把展品置於人前，讓人觀賞，其定義沒有半點含糊。至於舉行展覽的目的，就本案而言，根本沒有關係，亦不重要。在本案，法庭只須考慮活動的型式，而無須考慮活動的

「娛樂」 (entertainment) 包括：

(a) 音樂會、歌劇、芭蕾舞、舞台表演或其他音樂、戲劇或劇場方面的娛樂；

...

(c) 下述任何一項或多於一項的展覽：圖畫展覽、攝影展覽、書刊展覽、手稿展覽，或其他文件或事物展覽；（強調重要性）

...

(j) 跳舞派對。

目的。即使展覽活動涉及政治色彩或具歷史意義，法例並沒有豁免申請所需的牌照。

20. 本席強調，法庭判案時，必須保持政治中立，並按法律和證據作出公平、公正的裁決。本席處理本案時，亦堅守同樣準則。根據本案的證據，被告人或其所屬團體，根本沒有向發牌當局申請有關牌照，而並非提出了申請但遭拒絕。換句話說，被告人不守法在先。本席認為，香港是法治之地，任何個人或團體（不論政治背景和立場），只要依法辦事，定必能行使其言論和集會自由的權利。假如遇上行政部門不合理阻撓，法庭也會替他們把守最後一關。



林嘉欣
裁判官

東區裁判法院

定義為--而法官閣下亦都可以睇到其實 use 係總共係有十三個定義, as a noun.
官:係.

MR LEE: As a verb, 佢都係有十七個定義. 第一就係 "the act of using, the fact of being used", 第二個就係 "the action of using something, the fact or state of being used, application or conversion to some purpose". 我相信譚大律師所講嘅 purpose 就係呢個意思, 但係當然 with the greatest respect, 我唔同意係譚大律師呢個意思, 咁我相信大家都明白, 即係我哋都要為各自嘅當事人嘅說法作出陳詞. 咁第二點就係, 辯方邀請法庭睇下《公眾娛樂場所條例》第 11 (10) 條, 就正正係用字嘅問題. 係, 第十一條係講封閉令, 而佢係有嘅 enter or remain, 但係都係 in any place of public entertainment, 當然 in contravention of section 9, 即係 closure 嗰個. 咁如果佢呢度用 enter or remain, 但前面又係 admit, 第二段嘅時候, 呢度明顯地呢個分別係法庭唔應該忽視, 或者法庭都需要考慮. 最低點, 法庭都應該需要考慮.

咁或者我補充一下, 譚大律師頭先話辯方係要夾硬將使用嘅定義用一個匪夷所思嘅方法去翻譯, 我有謂對譚律師呢個睇法作出咩特定嘅回應, 因為譚律師都係好盡力咁幫控方. 但係使用, 我哋辯方所講, 使用一詞係 the natural and ordinary meaning, 一個正常平常嘅人都會聽到使用係咁解. 而控方邀請法庭考慮佢哋覺得使用點解, 我亦都可以好坦白咁講, 你問十個人, 十個人都唔會同意用呢個, 都會話「係咗, 當然係咁解喇」嘅意思. 一個合理嘅解釋, 使用就係使用, 好簡單, 就有話有任何規限.

而當然最重要一點, 就係 the law must be clear, 如果唔係就唔係依法定義, 或者 prescribed by law. 如果用控方咁嘅解釋係唔清楚嘅話, 法庭就更加要考慮到, 控方呢個解釋係咪依法庭定義 prescribed by law. 咁當然嗰啲案例亦都講得好清楚, 咁叫做 prescribed by law, 咁叫做唔係 prescribed by law. 但係控方嗰個解釋係更加違憲, 呢個就係辯方嘅陳詞, 唔該你, 法官閣下.

(結案陳詞後至裁決前的聆訊毋須謄寫)

2011年5月25日

下午12時39分聆訊押後

2011年6月29日

下午2時33分恢復聆訊

被告人出席. 出席人士如前.

官: 以下係本席簡短嘅裁決理由.

舉證責任在控方, 控方必須在毫無合理疑點下, 證明控罪的每一元素.

對於本案的事實, 辯方基本上沒有爭議. 被告人選擇不作供, 亦沒有傳召辯方證人, 被告人過往沒有刑事紀錄, 關於他的良好品格, 本席已對自己作出適當的指引.

本案受爭議的事項, 主要屬法律觀點. 本席感謝控、辯雙方詳盡的書面陳詞及就有關案例、典籍的研究和分析, 對法庭提供了莫大的幫助.

A 辯方認為，《公眾娛樂場所條例》（第 172 章）第 4（1）條中「使用」（use）
B 一詞，所涵蓋的範圍太廣泛，可令駐足觀賞展覽的市民，甚至純粹路經現場的行人或站
C 在該處等候友人的公眾，也干犯該罪行。因此，第 4（1）條過分及不合理地限制被告人的
D 言論和集會自由，違反了《基本法》及《香港人權法案條例》（第 383 章）內的相應
E 條文。

D 本席認為，辯方的論點過於極端。單純透過「使用」一詞的字面意思（literal
E meaning）來詮釋第 4（1）條，是不恰當的，本席認同控方的觀點，法庭演繹任何法例
F 條文中字、詞的意義時，應同時考慮使用該字、詞應用的背景（context）和法例的目的
G （objective）及宗旨（purpose），其實，關於如何詮釋第 4（1）條中「使用」
H 一詞，《釋義及通則條例》（第 1 章）第 19 條提供了清晰的指引：

G 「條例必須當作有補缺去弊的作用，按其真正用意、涵義及精神，並為
H 了最能確保達致其目的而作出公正、廣泛及靈活的釋義及釋義。」

H "An Ordinance shall be deemed to be remedial and
I shall receive such fair, large and liberal
J construction and interpretation as will best ensure
K the attainment of the object of the Ordinance
L according to its true intent, meaning and spirit."

J 如按照上述指引來詮釋第 4（1）條，便不會出現辯方所指，連途人也會犯法的荒謬情
K 況。關於第 172 章的立法目的和背景，控方已在其 2011 年 4 月 4 日的書面陳詞第 14
L 至 20 段中清楚闡述。

L 第 4（1）條的大前提是「沒有牌照經營或使用公眾娛樂場所」。《公眾娛樂場所規
M 例》（第 172A 章）第 162 條訂明，任何人如欲經營或使用劇院或戲院以外的公眾娛樂
N 場所，須於娛樂活動開始前不少於 42 日，向發牌當局提交申請。正如控方所指，只有
O 舉辦娛樂活動的人，才有能力在活動開始前，申請牌照。純粹於活動當日到場參觀或者
P 欣賞的人（甚至路經活動場地的途人），根本不會亦不可能於事前申請牌照，很明顯，
Q 第 4（1）條的目的，是針對娛樂活動的舉辦者，而並非到場的觀眾或路過的途人。

O 本席也認同控方的論點，相對於被告人的言論和集會自由，第 4 條對娛樂活動舉辦
P 者所施加的管制（即不能沒有牌照使用公眾娛樂場所）是合理（rational）、相稱
Q （proportionate）、必要（necessary）的。道理很明顯，因為娛樂活動的舉辦
R 者，有責任維持場地的秩序和保障現場觀眾的安全。假如沒有第 4 條，活動舉辦者使用
S 公眾娛樂場所時，便不受發牌機制的規管及缺乏安全監察，因而影響公眾安全和秩序，
T 後果可能相當嚴重（1991 年元旦蘭桂芳意外就是一次慘痛的教訓）。

R 基於上述理由，本席認為第 4（1）條，並沒有違反《基本法》或第 383 章。

S 本席認同控方的立場，第 4（1）條中「使用」的罪行，包括任何人使用任何可容納
T 公眾的場所，舉辦或進行（presents or carries on）公眾娛樂活動。

T 關於被告人的角色，他於案發當天，清楚向食環署人員承認，是涉案活動的負責
U 人，並不斷就該活動公開發言。身為陪審員，本席認為，毫無疑問，被告人是該活動的
V 舉辦者之一。

U 基於上述理由，本席認為，控方已舉證至毫無合理疑點。本席裁定，被告人罪名成
V 立。

對該展覽活動的性質作出分類。涉案的兩件大型雕塑展品，明顯屬藝術作品。至於它們背後的意義，純粹是「娛樂」，還是代表嚴肅的歷史，各人自有判斷。

本席強調，法庭判案時，必須保持政治中立，並按法律和證據作出公平、公正的裁決。本席處理本案時，亦堅守同樣準則。根據本案的證據，被告人或其所屬團體，根本沒有向發牌當局申請有關牌照（見證物 PB，第 7 段），而並非提出了申請但遭決絕。換句話說，是被告人不守法在先。本席認為，本港是法治之地，任何個人或團體（不論政治背景和立場），只要依法辦事，定必能行使其言論和集會自由的權利。假如遇上行政部門不合理阻撓，法庭也會替他們把守最後一關。

（餘下聆訊毋須讀寫）

2011年6月29日

下午2時45分聆訊完畢

我等謹此證明，盡我等所知及所能，

上文是上述法律程序的真實紀錄的真實副本。



Leung Chung-ip Malcolm B J'Anson

2011年7月14日