



中華人民共和國香港特別行政區

Hong Kong Special Administrative Region of the People's Republic of China



油尖旺區議會 Yau Tsim Mong District Council

莊永燦 議員 FRANCIS CHONG LL.B.(London)
District Councillor

2008至2011年度油尖旺區議會

對改善行人專用區的建議

1) 前言：

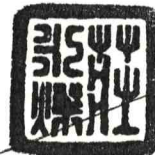
- 1) 10名區議員（包括本人）在上次（第5次）區議會會議中提呈一份文件，要求政府改善旺角西洋菜街行人專用區的管理。
- 2) 該份提呈在第5次會議中進行了詳細討論。
- 3) 本人在7月12日應蘋果日報邀請，在蘋果網上論壇，就該份提呈文件所引發的爭論，參與辯論（附件1）。
- 4) 後來公民黨的毛孟靜於信報提出她的論據（附件2）和去信區議會提出抗議（附件3）。
- 5) Hong Kong Magazine 於7月29日發電郵給本人提出一連串問題（附件4）。
- 6) 本人於7月30日以電郵作出詳盡回應（附件5）。
- 7) Hong Kong Magazine 再進一部提問，本人亦於7月31日作出回應（附件6）。

2) 詢問及討論：

就10位議員（包括本人）對行人專用區的建議、運輸署、食環署、警務處、地政署、民政事務署等部門的立場是什麼？政府是否願意制定一套方案界定專用區的空間應由那些人士佔用，及佔用的位置和佔用的時段？

3) 文件提呈：

本文件提交2008年8月28日區議會會議供全體議員討論。




提呈人：莊永燦 議員

2008年8月4日

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是誰搞起MK風波？

旺角係少數能夠保持活力嘅舊區，新一代會叫佢做 MK。不過最近 MK 嘅行人專用區，就發生咗一場風波，事緣一啲區議員覺得，經過咗八年，行人專用區已進入「無政府狀態」，向政府發出「最後通牒」，要掃蕩晒區內啲街頭表演、宣傳攤檔、政治集會…… 主持：楊卓華



1



有份發「最後通牒」嘅包括區議員莊永燦，佢話旺角行人專用區已陷入「無政府狀態」，咁樣講係咪誇張咗？



油尖旺區議員
莊永燦

一啲都有誇張，行人專用區最早原意係西洋菜街一帶人煙稠密，人車爭路，險象環生，所以變成行人專用區……但今日大家見到，呢個路面上發生的活動好多：電訊商、美容公司等喺度推銷產品；食肆擺佢地嘅招牌易拉架出嚟，仲見到有政治團體長期佔用地方。

但你以上所講嘅，正正係香港嘅文化……文化發展係渾然天成，有乜嘢叫違反原意？



毛孟靜

2

步行區原意係讓行人漫步，而事實上我哋亦見到好多市民假日喺嗰度漫步，點解會覺得咁家係違反原意？



發展到嘅家呢個地步，漫步嘅市民
唔係隨便做嘅俾人嘅表演區。

莊：如果步行街嘅商業活動，發展到嘅家呢個地步，漫步嘅市民
就會受到滋擾，條馬路並唔係劃咗做唔使交租嘅消費區。

「好戲量」
助理藝術總監
馮世權



我聽番之前會議紀錄，油尖旺區
議員蔡少峰話睇過我哋嘅表演，話係一個精
神病患者，搵街上面嘅人做女朋友，又話我哋
同觀眾互動環節，就好似妓女喺街上面拉
客咁，好誇張……



莊：原意並冇預計到嗰度變咗表演場地，
呢點你當我啱先，咁若果市民有咁
嘅（反對）聲音，政府應該評估有冇
更合適嘅場地作表演用途。

■行人專用區嘅街頭表演，不乏市民圍觀。

3



你嘅家話嗰度係「無政府狀態」，你有冇數字反映區內罪行或
意外比其他地區多？

莊：我收到一些居民投訴，我相信其他
區議員都收到，但冇實質數字。

毛：據我理解，你哋除咗用道德審查姿態批評年輕人表演外，
亦話長駐嘅法輪功攤位係近乎三級，係不雅，令人不安。
區議會幾時開始有咁多道德審查？

莊：法輪功長駐街上，用一啲極之……有啲
係暴力，形象上（用作暴力嘅展示）……



如果問你，街頭劇社、
商業擺檔同法輪功三
者之中，你係咪認為
法輪功壞處最多？

莊：係。佢哋長期佔地方，唔使
租金，擺喺商店面前，展示
圖片。另外，所展陳嘅文章
內容或標語內容，好多係攻擊
中央政府。

好似 04 年有二三百人圍觀專
用區內一個港大學生會嘅論壇，唔通
政府又要管制佢哋（類似活動）？



若果我坐喺行人專用區彈
結他，假設你係定規則嘅
人，容唔容許？



莊：如果只係我一個人話事，我會走番去行人區嘅原意，
係俾人漫步嘅，我認為（彈結他）唔適當。

直斥其非

委任副局長、政治助理？不知道。但本子裏頭沒談，不等於不可以做。正如《基本法》沒列明市民可返工返學，不等於我們就不

准返工返學。之謂普通法精神。一般說來，What is not forbidden is allowed.

在那個網上場合，「好戲量」的馮世權請教區議員，「是否不在漫步的人就不是人？」……。

還幸區議會就此事未操生殺大權。言論自由呢？表達自由呢？純講聲浪吵耳，香港有噪音法例管制。歸根究底，香港人必須挾公民權利以自重，在所有的公共空間如是，為什麼旺角行人專用區要特殊處理？啊因為「步行街」的原意是讓行人漫步。：。重重複複，整個議題，迹近無事生非。抑或，有區議員另有政治任務？

另一些話，同樣似是而非，但由權威的口中吐出，霎時的說服力可達爆炸程度。曾蔭權及其身邊友好謀臣，縱使未至於忙不迭地是其所是，非其所非，就是不敢非其非。

非其所非，與非其非的分別，大家都注意得到。

說的，自然是副主席習近平最近訪港的話，呼籲特區的行政、立法及司法機關應「互相理解、互相支持」。

這種現代政治用語，就像「磨合」、「團隊」、「共同陣線」一類詞彙，不去深究，乍聽幾乎就似順理成章。

但文明社會由行政、立法及司法三種分立的理念來自西方，重點在個「分」字。分立，也就是獨立。司法獨立之重要，眾所周知，許多人看到電視上習副主席訓話時，一時未想到耳。但行政與立法，何嘗不應以獨立精神操作之？兩者之間，或有人與物與事的連繫，但精神上，仍應以獨立個體處理。

三種分立的理想，不但是互相監察，且是互相制衡。若把調子改為互相「理解及支持」，就隨時淪落成「老友記拍膊頭」的道理，以團結合作之名，彼此擴張包庇，更深化本土官場已有的馬房文化，「唯威唯理」直氣壯地勾肩搭背。什麼監察都丟到天不吐

文明社會在在不能放棄的，是權力架構之間的Checks and Balances，制約與平衡，簡稱制衡。

舊時，西方社會的三權，是教廷、貴族與平民。但在法國大革命前後，已有英國學人提出新聞界作為第四種，跟後來的行政、立法、司法平分秋色。習近平的香港訓話，是佛洛伊德式的說漏了嘴，抑是反映根深柢固的中共權力集中思維，抑是根本就是有的放矢，要求香港推行政專政和諧社會？他的「原意」為何，沒有人知道。也不可以託曹蔭權去查問，因為諒他也不敢問。

慶幸仍有大律師公會站出來，糾正習近平的講法，重申司法獨立的重要。大家聽了，都覺得很是一回事。可憐的，是香港記者協會自九七以來，年復一年警告本地媒介受強烈北風吹襲，新聞招牌如何墜頭缺鈣，如何受到政治利益的馴服，大家聽了，習以為常，不很覺得是一回事。

也許司法事宜，關乎拉人封鎖，「實際」得多，而傳媒的什麼威力，即使殺人，也是殺人於無形，不痛不癢，無厭無嗔。今日沒了某報，明日沒了某刊，後日沒了《鏗鏘集》，或若有所失一段時間，失了（一點）知情權，但彷彿總是跟日出日落的生活無關，不等於失業、失戀。

有包容才有和諧

不必慶幸習近平只呼籲三種互相理解支持，沒提第四種的新聞界。他的原意，大概不是特別尊重新聞自由，而是在香港，根本沒提的需要。香港傳媒面對政府，絕大部分不都是乖乖地「理解與支持」的嘛？

且聽聞香港不日會出現「非官方的官方電台」，那敢情好，聽起來偽裝技巧高。而香港電台，殺台就算了吧。

聽得耳朵生繭的，以前是「穩定壓倒一切」，如今是「建設和諧社會」。但和諧的定義，是只得一過聲音，單聲道？錯了。我不以粗糙為成就，粗暴為威風，不等於我不能容忍我眼中的粗暴粗糙行為，要除之而後

一些話，聽上去似是而非，必須非其非，直斥其非。譬如說，乍聽「合作」、「和諧」這類字眼，但覺不只正，簡直假貼，或會不加思索全單照收。就忘了和而不同，agree to disagree的理念，不再包容，只要人人同一個腔調，即使涎臉擦鞋、卑躬屈膝、全身缺鈣，

那在所不惜。只要打倒非我一族異見異舉，社會就和諧得很。

旺角行人專用區近年不時出現「異見異聲」：民主派中人經常在那兒開壇論政，倒屐批曾；年輕的藝術家，由戲劇至魔術至音樂，迹近定期作街頭表演。我叫那個空間做民主街，年輕人將其標識為藝術街，有區議員卻一口咬定，那應該只是一條步行街。

於是，有油尖旺區議員認為，上述在行人專用區上演的民間舉措，包括一些商業推銷行為，均屬濫用，因為違反了專用區讓行人輕鬆漫步的「原意」。其中劇社「好戲量」的演出，「似精神病患者」，而法輪功的標幟，內容「三級」，「令人不安」……。

不符普通法精神

跟一名涉事的區議員，及「好戲量」的表一起參加網上討論。無法不問：那街頭「主論壇」呢？區議員答，應先向警方申請，一切有所規管。主持人繼問：若是闖下話事有人在專用區內彈結他，准不准？支吾兒摸癢一番後，答案是不准！因為仍是違反設立行人專用區的「原意」。

XXX的原意這話，近年聽得多了，XXX通常說的是《基本法》。你說，基本法

道聲 雙叉

毛孟靜

各位油尖旺區議會議員：

此份文件以供參閱。

油尖旺區議會秘書處



公民黨 旺角行人專用區

附件 ③

致油尖旺區議會全體議員：

反對取消旺角行人專用區

油尖旺區議會數名委任議員聯同大部份油尖旺建制派民選區議員於 6 月 26 日提案要求政府當局加強規管旺角行人專用區，更聲言「若行人專用區的管理沒有改善，寧願取消。」

公民黨對於油尖旺區議員上述提案表示遺憾。公民黨認為行人專用區不單大大改善了旺角人車爭路的情況，更已發展成為香港獨特文化——有劇團免費表演、街頭音樂、雜技表演、各類型宣傳活動，當然更有不少民主論壇。

我們認為旺角行人專用區秩序井然，行人享受購物樂趣之餘，亦可欣賞各式各樣街頭活動，是渾然天成的「西九民主文化街」。公民黨堅決反對無理的監管，更強烈要求政府保留行人專用區。公民黨於日前舉行「反對取消旺角行人專用區」簽名運動，在兩天內共收到 1762 名市民的簽名。

我們現向相關議員提出以下兩點訴求：

1. 議員們須用心聆聽市民的意見，並維護市民使用旺角行人專用區的權利；
2. 盡快撤回上述 6 月 26 日之提案。

公民黨九龍西支部主席

毛嘉祥

2008 年 7 月 24 日

Questions on the pedestrian zone

June Ng <junen@asia-city.com.hk>

2008年7月29日 下午 2:52

收件者: francischong123@gmail.com

附件 (4)

Dear Mr. Chong,

My name is June Ng and I'm a staff writer of HK Magazine. I'm now working on a feature regarding the pedestrian zone in Sai Yeung Choi Street. I learnt from the District Council website that you and nine other district coucillors are urging a better management of the area. So there are a few questions that we hope you could answer.

- 1) What are the problems you observed from the area? And which one is the most serious one?
- 2) You say the area can be more polished and decorated to show our local characteristics, how so? And what is the local characteristics of that pedestrian zone?
- 3) There're many street performances going on and many regard them as an expression on true Hong Kong culture, what's your opinion?
- 4) Have you received complaints from local residents and shop owners of the area about nuisance? What are the causes of the nuisance? Can they represent the opinion of the majority?
- 5) They say they rather have the trial cancelled if the management hasn't improved, what's your opinion?
- 6) So from your experience and opinion, any practical suggestions to the Transport Department and the Police?

It would be great if you could reply the above enquires by Wednesday so we can include your valuable opinion in our story. Looking forward to hear from you soon.

Regards,

June Ng

Staff Writer

HK Magazine

Asia City Publishing Ltd.,

301 Hollywood Centre,

233 Hollywood Road,
Hong Kong

Tel: (852) 2850-5065

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莊永燦 <francischong123@gmail.com>

2008年7月30日 下午 5:06

收件者: edwardleung.ytmdc@gmail.com, waikeungchan@hotmail.com, dabtktdab.org.hk,
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[隱藏內容]

2008年7月30日 下午 5:06

收件者: June Ng <junen@asia-city.com.hk>

Dear June,

附件 (5)

Thank you for your email of 29 July.

The paper concerning the management of Sai Yeung Choi Street Pedestrian Zone ('the Zone') was presented by seven elected district councillors, including myself, and three appointed district councillors to the District Council for discussion on 26 June 2008. The concern was that the Zone was misused by some road-users and the Government appears to be unable to do anything about it due to the lack of any regulation governing the use of the Zone. The councillors did not advocate for the abolition of the Zone; they advocated for a proper regulation of the use of the Zone. Surely, in their view, the existence of a law was better than no law.

The following is a reply from me to your questions. I haven't discussed my reply with any of the remaining nine councillors. Please treat the following reply as my own.

1. In about the year of 2000, the Zone was carved out from a part of Sai Yeung Choi Street and was designated as a special zone to benefit pedestrians, in order that pedestrians could walk freely without heeding any oncoming traffic. It was on an experimental basis and was to be reviewed once every six months. Gradually, since 2000, activities have increased at the Zone, ranging from commercial activities for promoting products, street performances (e.g. dance, play and music), political propaganda to political forums. In terms of the size of the street being occupied, the commercial activities present the most serious problem. In terms of disturbances, the constant presence of Fa Long Gong displaying propaganda against the Central Government creates an eye-sore.
2. If the Zone can be tidier, more spacious and more leisurely used for pedestrians, it will serve the original intent for the creation of the Zone. The essential characteristics of the Zone are of course a leisure zone for pedestrians.
3. The problem lies in the location. Whether street performances are suitable for the Zone is a matter which the Government should consider and if they are, the Government should decide as to what the policy for who perform first, exactly where and for how long is? The councillors are concerned with the law and order at the Zone. There is no objection from me to street performances taking place at the proper venue. I have my share of doubt that the Zone is a proper venue. What is advocated is that regulations for the proper conduct of such street performances should be in place. Sai Yeung Choi Street is a highly-populated residential area as well as a highly valued commercial area. Whether it is proper to allow street performances to take place at random at the already congested enclosed area is something which the Government should carefully consider.
4. Out of the ten councillors, some of them, specially the councillors who were elected by the residents of Sai Yeung Choi Street, received complaints from local residents and shops owners about the activities and the nuisances generated therefrom. Nuisances take the form of noise from and presence of street performances and political forums, and the soliciting of businesses. They are also caused by the awesome pictures displayed by Fa Long Gong. Local residents and shop owners

of the area naturally feel disturbed and inconvenienced by all kinds of activities at their door-steps. People not living in the area may welcome the activities. Plainly, those activities mean fun to them and they do not have to tolerate the consequences of such activities.

5. If there are still no regulations governing the use of the Zone with the result that one day residents and shop owners have to go on strike to demonstrate against the lack of management of the Zone and street users competing for spaces enter into fights for street spaces, it will be tragic.
6. The Zone was created to deny car users the right to use that part of Sai Yeung Choi Street. Can the car-users complain that the Zone, being public spaces, should be available to them without restriction? I don't think road-users can complain that way. As a community orderly run, we all have to rely on the Government's judgment to decide for us (preferably with proper public consultation) what the proper planning for the use of all public spaces in Hong Kong is. The Zone was and is a zone for pedestrians. It was never intended to be used by political groups to promote their objects, commercial groups to promote their products, or street performers to promote their art. The Transport Department, the Police and other relevant government departments should decide in what the priority the use of the Zone should be set. Should there be priority for the benefits of pedestrians? for the benefit of street performances? for the benefits of the political groups? It would be disastrous if the Zone is allowed to develop into a Government non-intervention area in the most commercially valuable and busiest area in Mong Kok.

Regards,
Francis Chong

2008/7/29 June Ng <junen@asia-city.com.hk>

[1/1]

June Ng <junen@asia-city.com.hk>

2008年7月30日 下午 6:31

收件者: ??? <francischong123@gmail.com>

Dear Mr. Chong,

附件 ⑥

Thanks a lot! So what would be your next action if the government just turn blind eye on it?
It would be great if you could reply me by noon tomorrow.

Many thanks and best regards,

June

[REDACTED]

莊永燦 <francischong123@gmail.com>

2008年7月31日 下午 12:14

收件者: June Ng <junen@asia-city.com.hk>

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alexhau@sunhinghk.com, kopolinghk@yahoo.com.hk, mkn_dc@yahoo.com.hk,

barrywong_ytmdc@yahoo.com.hk, huitakleung@yahoo.com.hk

Dear June,

Thanks for your email of 29 July.

I believe that at the next District Council meeting to be held on 28 August, the matter concerning the management of the Zone will be tabled for discussion.

One must not forget that district councillors carry the duty of evaluating and reflecting public opinion and in so doing, councillors should exercise their individual judgments and say what the public interest is. We are no pressure group. We do not plan action. We have voiced out our concern and the Government should, for the purpose of ensuring good governance, do whatever that is right and proper to protect the public interest. If the Government turns a blind eye, I personally shall be disappointed.

Regards,

Francis Chong

C.C. Other nine District Councillors

2008/7/30 June Ng <junen@asia-city.com.hk>

[REDACTED]