

社評  
雙語道

# 修例加強處罰 杜絕職安事故

## Proposed Penalty Increase Necessary to Prevent Occupational Accidents

原文

下文摘錄自2022年5月23日香港《文匯報》：

政府向立法會提交草案，建議提高職安健相關罪行的罰則。勞工及福利局局長羅致光在網誌表示，過去10年因工業意外而死亡的個案，維持在每年約20宗，並無下跌趨勢，加上罰則已沿用超過20年，部分明顯嚴重違規而導致死亡的個案，處罰明顯過輕，有需要修例，加強阻嚇力。工業意外一宗也嫌多，完善法例、加重處罰、保障打工仔安全是全球趨勢，本港當然要與時俱進，透過修例促進政府、僱主、僱員共同合作，為打工仔打造安全、健康的工作環境。

根據現行勞工法例，持責者如被定罪，視乎罪行的嚴重性，可被判處最高罰款2,000元至50萬元，以及監禁3個月至12個月。但根據勞工處的公報，2008年至2018年10年間，共有38宗因違反《職業安全及健康條例》被定罪的致命個案，共導致39人死亡，平均處罰只是28,000多元；多年來，沒有人因違反《職業安全及健康條例》被判即時入獄，只判緩刑，在2019年的969個被定罪被告中，屢犯者約佔34%。損失一條打工仔人命只罰數萬，更不用入獄，難怪勞工界人士批評，本港保障職安健的法例軟弱無力，與時代嚴重脫節，難以令違法者痛改前非，亦無足夠動力促使僱主提升僱員的職業安全保障。

國際上不少國家或地區高度重視職業安全，不斷完善職安健法例，明確規定各方責任，更對違例者嚴厲處罰。新加坡的最高罰款額折合近300萬港元，澳洲則約為2,200萬港元，英國更不設罰款上限；在監禁方面，澳洲及新西蘭的最高監禁刑罰同為五年，英國、新加坡則為兩年，美國及加拿大則略省則為一年。

本港作為經濟發達、社會文明的國際都會，當然要順應重視職業安全的國際趨勢。此次修例建議，就違反極嚴重職安健的違法行為，勞工處可透過「可公訴罪行形式」，檢控違例僱主，由較高層級的法院審理案件，最高罰款額訂為1,000萬元；若公司經循可公訴程序定罪，要求法庭在量刑時須參考被定罪公司於案發日的相關財政年度的營業額，以協助法庭評估被告的運作規模和財政能力，作出阻嚇性的罰款。這些修例正是參考了其他地方行之有效的辦法，增強本港職安健條例的刑罰阻嚇力。

修例提升職安健法例的罰則，最根本目的是防範工業意外重演，政府、勞、資三方都責無旁貸提升工業安全，僱主要合理地增加人手，保證工期及增加安全設備，僱員要嚴格按照安全指引操作，政府更要加強安全教育、巡查、執法，確保工作場所、人員操作符合職安健法例規定，盡最大努力消除安全隱患、杜絕職安事故。



◆職業安全是近年受重視的議題。圖為職安健學院展示改良版梯台的實習場。

資料圖片

譯文

The Government has introduced to the Legislative Council a bill proposing to increase the penalties for occupational safety and health offences. In his blog, Secretary for Labour and Welfare Law Chi-kiang wrote that the number of fatalities due to industrial accidents had remained at about 20 annually with no sign of decline. He pointed out that the penalties - which had not been reviewed for more than two decades - were too lenient for significantly serious non-compliance offences causing death, and that it is necessary to amend the relevant legislations to enhance the deterrent effect. Even one industrial accident is too many. It is therefore a global trend for governments to enhance legislations and penalties to protect the work safety of employees. Hong Kong must keep abreast of the trend, and through legislative amendment, facilitate the Government, employers and employees to work together to create a safe and healthy work environment for all workers.

According to the existing labour law in Hong Kong, depending on the seriousness of the offence, duty holders are liable to a maximum fine

of \$2,000 to \$500,000 and imprisonment for 3 to 12 months on conviction. Nevertheless, according to the figures released by the Labour Department, between 2008 and 2018, there were 38 convicted cases of violation of the Occupational Safety and Health Ordinance, which resulted in 39 deaths, and the average penalty was only about \$28,000. Over the years, no one was given an immediate custodial sentence for violating the Ordinance. Only suspended sentences were imposed. Among the 969 defendants convicted in 2019, 34 per cent were repeat offenders. In each of these cases, the defendant responsible for the life lost was only fined a dozen thousand dollars without having to go to jail. That is why the occupational safety and health laws in Hong Kong were criticised by some members of the labour sector as weak, impotent, divorced from reality, and incapable of helping offenders rectify their mistakes. The existing laws also failed to motivate employers to enhance the occupational safety of their employees.

Many countries or regions around the world attach great importance to occupational safety. They work continuously to improve their occupational safety and health legislations, which state ex-

PLICITLY the responsibilities of all stakeholders and impose serious penalties on offenders against the laws. Offenders in Singapore and Australia are subject to a maximum fine of about HK\$3 million and a fine as high as HK\$22 million respectively, whereas in the United Kingdom, there is no limit on the maximum fine. As for imprisonment, persons convicted in Australia or New Zealand are subject to a maximum term of imprisonment of five years; the imprisonment term is 2 years in the United Kingdom and Singapore; and about one year in the United States and Ontario, Canada.

As an international metropolis that is socially and economically well-developed, Hong Kong should follow the global trend and place more importance on occupational safety. The amendment bill introduced by the Government now proposes to allow the Labour Department to prosecute offenders of extremely serious occupational safety and health offences by indictment, so that the cases can be tried at higher levels of court. The maximum fines and imprisonment terms of such offences are proposed to be \$10 million and two years respectively. The bill also proposes to require the

courts to take into account the turnover of the convicted entities during the relevant financial years in considering the sentences. This is to help the courts assess the scales of operation and financial status of the convicted entities, so that a fine with deterrent effect can be determined. It can be seen that the Government made reference to other countries' ways of handling the issue and proposed the above amendments, in hopes of enhancing the deterrent effect of the occupational safety and health ordinances in Hong Kong.

The major purpose of increasing the existing penalties is to prevent industrial accidents from taking place. The Government, employers, and employees all have the responsibility to improve industrial safety. For instance, employers should increase manpower when necessary, ensure construction progress and enhance safety equipment; employees should strictly follow the safety instructions at work; and the Government should step up safety education, inspections and enforcement to ensure that all workplaces and the support personnel comply with the requirements of the regulations, and make its greatest effort in eliminating any safety hazards or work accidents.

## 非正式字幕組 帶來正式矛盾

恒 大譯站

隔星期一見報

疫情期間，戲院關門，許多人留在家中看戲，在合法或非法串流網站看戲變得更普遍，對「字幕組」的工作並不陌生。「字幕組」不是單一官方組織，世界各地都有字幕組，處理的題材包含動畫、戲劇等各式文本。字幕組由無酬譯者組成，這些專業或業餘譯者自發翻譯國外影視作品，將所譯字幕鑲嵌於檔案，放到網絡上讓公眾免費下載。這些翻譯被稱為「非專業字幕」，或「合作式翻譯」及「社群翻譯」。

更貼切的稱呼是「迷字幕」，如fansub group字面意思所示，這些團體由「粉絲」(fan)組成，主要活動為「加上字幕」(sub / subtitling)，字幕組的運作被視為是一種參與式文化(participatory culture)，也就是「迷」透過參與或共同創造的生產模式，以集體智慧來生成字幕，這具體表現在可於片頭看到校正、時間軸和翻譯的分工合作方式。

成員的參與動機往往是出於熱情、對於文本的喜愛，或是希望能增進自己的語言能力，或是看著自己的作品在網絡上傳播，引以自豪。個人的動機轉化成組織內的實踐，即成一種「利他精神下的情感勞動」。因此，字幕組在影視流通的位置曖昧，但其實它不像傳統認知上的盜版純粹是金錢上的交易。字幕組的運作代表著作權體制、國家審查機制和非正式網絡之間的拉扯，因此很難套用非黑即白的邏輯。例

如，字幕組並不喜歡盜版商擅自使用他們的字幕另作販賣用途；再者，這種非正式的流通模式，也可能憑藉優秀品質和聲譽，和正式流通的傳播網絡合作，也不時有聽聞商業力量「收購」網絡字幕組。

然而，由於字幕組間競爭激烈，以至於字幕組內的規範也如同一般正式工作。此外，字幕組內有明確的階級，管理者可以透過虛擬的貨幣決定成員獲取最新最快內容的權限。也就是說，為了維持品質、競爭力並累積聲譽，管理者對於組織內的要求，和一般正式的工作不無相似。這類非正式傳播模式裏的正式工作邏輯，也反映這類非正式傳播模式的矛盾。

字幕組的流通和運作，奠基於影視作品在境內的可得性(availability)。字幕組透過集體合作的運作方式，使境內無法取得的影視作品有機會在境內流通，反映出全球傳播網絡的權力並不均衡，也代表全球和本地之間傳播流通的矛盾。字幕組介乎於國家管制和商業競爭的灰色地帶，給全球傳播網絡帶來干擾(disturbance)，字幕組這種再傳播的過程(或是說干擾)，透過集體合作的經驗和知識，挑戰了著作權和單一文本(fixed text)的概念。

這類非正式傳播的網絡，某程度上壓縮了正式傳播的網絡，但同時也顛覆全球傳播網絡的位階，將媒體流通從一種准許文化(意指經過授權才能流通的影音文化)，轉變為自由文化(free culture)的模式。雖然字幕組的非正式流通看似符合了反西方傳播流通模式，但它流通的優勢內容，是否更加深主流國家的意識形態傳播？甚至免費擴大主流市場的利基和行銷。

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趣談英語

逢星期一見報

BRITISH COUNCIL

LearnEnglish Teens

### Theme park trip

Read Lara's diary about her trip and do the exercises to improve your English skills.

Yesterday was fantastic! We went on our end-of-year school trip to the theme park. I had to get up so early though as the coach picked us up from school at 8 am!! Not funny!!! Can you believe that Dan nearly missed the coach? Typical! He was running down the street shouting and luckily Mr Andrews, the teacher, saw him and stopped the coach. The journey was awful — there was an accident on the motorway so we were in a traffic jam for ages, so we got to the theme park really late and there were already huge queues for all the rides. :( The rides were brilliant! I went on the Abyss and Xtreme which is totally crazy! It goes so fast and I felt really dizzy when it stopped. And guess what? Luisa Martin was sick all over herself! Disgusting!! After lunch we went on the water rides — my favourite! We got so wet and it started raining too! They took a photo of us on the ride and I had my eyes closed and was screaming with my mouth wide open. Such an embarrassing photo and then Kiara bought it and showed everyone — how embarrassing! It was a really good day — so much fun and I can't wait to go again!!



Check your understanding: true or false  
Circle True or False for these sentences.

- Lara didn't enjoy the trip to the theme park.  
True False
- Lara went to the theme park with her family.  
True False
- Lara's coach had an accident on the way to the theme park.  
True False
- Lara thought the rides were fantastic.  
True False
- The weather was perfect all day.  
True False

1. False; 2. False; 3. False; 4. True; 5. False

Answers

To find more English language activities visit [www.britishcouncil.org/learnenglishteens](http://www.britishcouncil.org/learnenglishteens)

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