

社評
雙語道

杜絕消費欺詐 切除商界毒瘤

Crack down on bad apples and eliminate consumer fraud

原文

下文摘錄自9月8日香港《文匯報》：

消委會公開點名銅鑼灣四間藥店，譴責其以俗稱「斤變兩」、「兩變錢」等卑劣的營商手法，騙取市民和遊客的金錢。這些藥房背後的主腦屢勸不改，更有藥店被譴責後「改頭換面」繼續經營，這種有組織的欺詐行為，成為香港商業信譽的一個毒瘤。執法部門必須從嚴執法，要深入調查、嚴謹搜證，用更嚴重的罪名和更高刑罰的法律手段來嚴懲幕後主腦，才能以儆效尤，維護香港的營商環境和良好聲譽。

涉事的藥店均位於銅鑼灣，明顯是做遊客生意，而相關的投訴也在今年復常通關後大幅上升。單計今年首8個月，已錄得49宗相關投訴，超越去年全年的26宗，涵蓋本地市民和來自內地、新加坡等地的遊客。更為惡劣的是，涉事藥房在被消委會約見時，要麼拒絕會面，要麼答應會改善營商手法和妥善處理投訴個案，但隨後消委會仍然繼續收到對涉事藥店的投訴，反映這些藥店死性不改。甚至有藥店改頭換面，以新的名稱在原來位置繼續經營，企圖撇清與之前被投訴個案的關係。

本港有購物天堂的美譽，有賴於各商戶明碼實價、誠實待客、童叟無欺的良好商譽，才能不斷

吸引遊客來港消費。但所謂「一粒老鼠屎搞壞一煲粥」，少數不法商人存心以欺詐手法騙取金錢，會令遊客對香港留下極壞的印象，打擊本港聲譽。

要打擊這類罪案，香港早已有法可依。根據《商品說明條例》，任何人在營商或業務過程中將虛假商品說明應用於任何貨品，即屬違法，一經定罪，最高可被判罰款50萬元及監禁5年。海關過往也多次採取執法行動，拘捕以「斤變兩」手段犯案的店員。但這種現象仍然長期存在，證明背後仍有人可以獲取巨大利益，必須要以更強而有力的執法行動去打擊。

首先是要嚴懲幕後主腦。海關以《商品說明條例》執法，拘捕的對象一般都僅是前線店員，因為是店員直接與顧客溝通，而藥店的董事、股東藏匿幕後，只要推說不知情就難以對其入罪。對此，海關應該聯同警方等執法部門，深入調查店員和董事、股東的關係以及他們的聯絡紀錄、金錢往來紀錄等等，從而找出證據嚴懲幕後主腦。

其次是要研究以更嚴重的罪名處理相關案件。《商品說明條例》自2013年7月修訂以來，判刑最重的案例是監禁21個月零27天，與其最高刑罰監禁5年相去甚遠。而從涉事藥店的犯案手法來看，



位於銅鑼灣的涉事藥店之一。資料圖片

相關藥店長年累月有系統地犯案，明顯不是一時為之，也不是店員的個人行為。有理由相信，幕後主腦有培訓店員如何對答和迅速處理藥品，並給店員高提成吸引其犯案。有法律意見認為，這已經是一種有組織的欺詐行為。警方如果能深入調查，找出罪證，控以《盜竊罪條例》第16A條「欺詐

罪」，則最高可判處監禁14年。以卑劣的銷售手法欺騙顧客，嚴重損害香港聲譽。極少數不法之徒為了一己之私，令全香港變成輸家，此種罪行相當惡劣、人人喊打。執法部門應該細心研究法例，採取切實的執法行動嚴懲這類行為的幕後主腦，杜絕類似行為再次出現。

譯文

The Consumer Council has publicly named four pharmacies in Causeway Bay and reprimanded them for their unscrupulous sales practices that forced residents and tourists to shell out 10 to 16 times more than they thought they would pay. The malpractices use misleading pricing units, such as from "catty" to "tael", and from "tael" to "mace". The persons in charge of these pharmacies have been impervious to repeated advice, and some pharmacies have even changed their names and continued to operate as usual after being reprimanded. This kind of organised fraud has become a cancer on Hong Kong's commercial reputation. Law enforcement agencies must enforce the law strictly, investigate the cases thoroughly, collect the evidence rigorously, and punish the culprits behind the scenes with more serious offences and heavier penalties, so as to serve a warning to others and to safeguard Hong Kong's business environment and good reputation.

The pharmacies involved are all located in Causeway Bay, obviously targeting the market segmentation of tourists, and the number of related complaints has also increased substantially after the resumption of normal travel this year. In the first eight months of this year alone, 49 relevant complaints have been recorded, exceeding the 26 complaints in the whole of last year, involving both resi-

dents and tourists from Chinese Mainland and Singapore. Worse still, when the persons in charge of the pharmacies were requested to meet the representatives of the Consumer Council, some refused to do so. Even though some promised to improve their sales practices and properly handle the complaints, the Consumer Council continued to receive complaints against those pharmacies concerned, reflecting that the malpractice persists. Some even continue to run the business in the original location but under a new company name, in an attempt to break off the relationship with previous complaint cases.

Hong Kong's reputation as a shopping paradise is attributed to the goodwill of the merchants in terms of offering clear prices and treating customers of different ages honestly, which has continuously attracted tourists to consume in Hong Kong. However, as the saying goes, "one rotten apple spoils the barrel". Even a small number of unscrupulous businessmen intentionally obtain benefits by fraudulent practices, it will leave tourists with a very bad impression of Hong Kong and deal a blow to the reputation of Hong Kong.

Hong Kong has already put in place legislation to combat this kind of crime. Under the Trade Descriptions Ordinance, any person who applies a false trade description to any goods in the course of trade or business commits an offence and is liable on conviction to a maximum fine

of \$500,000 and imprisonment for five years. In the past, the Customs and Excise Department (C&ED) repeatedly took enforcement actions and arrested sales clerks who committed crimes by changing "catty" into "tael". However, the persistence of the malpractice proves that some people behind the scenes can reap huge profits, and tougher enforcement actions must be taken to combat the problem.

First of all, the culprits behind the scenes must be severely punished. The C&ED usually arrests the frontline sales clerks in enforcement of the Trade Descriptions Ordinance, because it is the clerks who communicate directly with customers, while the directors and shareholders of the pharmacies hide behind the scenes, and as long as they plead ignorance, it is difficult to incriminate them. In this regard, the C&ED should cooperate with the police and other law-enforcement agencies to conduct in-depth investigations into the relationship between the shop clerks and the directors and shareholders, as well as their records of contact and money exchanges, etc., so as to find evidence to severely punish the culprits behind the scenes.

Secondly, it is necessary to study whether such cases can be charged with more serious offences. Since the amendment of the Trade Descriptions Ordinance in July 2013, the heaviest sentence handed down in a case was

21 months and 27 days of imprisonment, which is a far cry from the maximum penalty of five years of imprisonment. From the modus operandi of the pharmacies involved, it can be clearly drawn that the pharmacies concerned have been committing the offences systematically over a long period of time, and it is not a one-off act, nor is it the personal behaviour of the sales clerks. There is reason to believe that the culprits behind the crime have trained the shop clerks how to answer questions and process the medicines quickly, and offered them a high commission to attract them to commit the crime. There is legal advice that this is already a form of organised fraud. If the police can conduct an in-depth investigation and find evidence of the offence, they can charge the persons in charge with the offence of fraud under section 16A of the Theft Ordinance, which carries a maximum penalty of 14 years of imprisonment.

Deceiving customers with despicable sales practices seriously damages Hong Kong's reputation. A handful of law-breakers, for their own selfish purposes, have turned Hong Kong into a loser. This is a very serious offence and everyone should detest it. Law enforcement agencies should carefully study the law and take practical enforcement actions to severely punish the culprits behind the malpractice, so as to prevent its recurrence.

◆ Tiffany

拗口詞語結構 不可隨便省略

恒 大 譯 站

你知道確定性和可信性的可行性和重要性嗎？筆者以此問作開篇其實沒有確實的意思，只想說明這樣的結構有多拗口。

「性」字用作後綴語素的濫用情況十分常見，也有不少文章提及，但要清楚論述哪些情況屬必要、哪些情況屬可避免則不容易。中文裏的「性」用作後綴語素，源於一些構詞廣泛使用派生變化 (derivational morphology) 的歐洲語言，尤其是英文。派生變化其實很好理解，就是在詞首或詞尾加上一些語素 (語言的最小語義單位)，以改變詞語的詞性 (word class/part-of-speech)，就如從 magic (名詞) 變成 magical (形容詞) 再變成 magically (副詞)。這些詞語該否分別譯作魔術、魔術性、魔術地？

不同語言文化背景的人彼此接觸，進而語言互相影響而演變，其實自然不過。尤其是引用從外語而來的術語時就更難避免使用這類結構，因為術語往往是詞組，譯成中文時把其變成句子，很多時候會不便表達，也可能有違原意甚至衍生歧義。例如若不把 structural change 譯作「結構性轉變」(而譯作「結構上轉變」)，不把 cyclical change 譯作「周期性轉變」(而譯作「定時反覆轉變」)，讀者可能會誤解原意，不知道這是在引用經濟學術語。那直接把「性」字省略又如何？有時候是可以的，但「性」字間隔定語和中心語的功能有時又不可略去，例如 systemic risk「系統性風險」、provide a one-off subsidy「發放一次性津貼」。若只譯作「系統風險」、「發放一次津貼」，實是另有所指。

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見於一般日常的語言使用，使語義愈見含混，令人摸不着頭腦。下文引用一些例子，跟大家考察一下這些用法是否必要。

原文：Companies in general have a sense of uncertainty.

譯文一：企業普遍感到存在一種不確定性。

譯文二：企業普遍認為前景不明/難料/難測。

原文：The company strives to ensure the accuracy, adequacy and reliability of the information.

譯文一：公司致力確保有關資訊的準確性、足夠性和可靠性。

譯文二：公司致力確保有關資訊準確、充分、可信。

原文：The company will explore the feasibility of expanding the existing facilities.

譯文一：公司會探討擴建現有設施的可行性。

譯文二：公司會探討擴建現有設施是否可行。(但 feasibility study 要用作名詞就難免譯作「可行性研究」)

原文：This exemplifies the importance of technological developments in the field.

譯文一：這證明科技發展在有關界別的重要性。

譯文二：這證明新科技在有關界別有多重要。

以上例子說明的是，外來的語法成分有時候可以豐富中文的表意能力，不要濫用便可。這個科技年代的譯者，其實比以往更需要扎實的基礎語言能力，因為科技的便利讓我們更易惰於思考，因循常規說法。想要不落俗套，便要勤於反省。

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跳上水車是發誓戒酒？

英 語 世 界

再沾染酒精飲品。

She never goes to the pub after work. She is on the wagon.

她下班後從不會上酒館。她下定了決心戒酒。禁酒運動如火如荼期間，除了以水車立誓，許多男男女女都簽訂承諾書，正式嚴肅承諾不再沾酒精，所以後來說的 take/sign the pledge (立約為憑)，指的不是其他承諾，與 on the wagon 一樣，亦是下決心答應戒酒，認真地保證不再飲酒。

She probably has signed the pledge. She drinks only juice now when she goes out with friends.

她大抵已經立下誓言決心戒酒。每次與朋友外出消遣，她只喝果汁。

有了 on the wagon 後亦有 off the wagon (下了水車)，指一些人意志薄弱，毀了水車誓言，放棄了酒精一段時間後，堅持不下去，重新染上飲酒的壞習慣。例如：

When his wife died, he fell off the wagon and started drinking again.

他妻子死後，他放棄了戒酒，重拾杯中物。

Remember what the doctor said. You can't get well if you are off the wagon.

緊記醫生的囑咐，如果你放棄戒酒，便不會康復。

了解禁酒運動的歷史後，便會明白為何 on the wagon 是指戒酒，off the wagon 是戒了酒又再染上酒癮。現在 off the wagon 可以引申至酗酒以外的其他不良嗜好，例如吸煙、濫藥、暴食、揮霍等等。

He had wanted to turn over a new leaf but he fell off the wagon. He soon got addicted to smoking and gambling again.

他曾經想改過自新，但他沒有堅持，放棄了。很快就再沉迷吸煙和賭博。

飲酒、吸煙等等不良習慣容易上癮，沒有節制時有損身心，戒掉要多一點決心！

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