

增處罰升阻嚇力 打擊僭建更高效

Enhance the deterrent effect of penalties to combat UBWs more effectively

社評
雙語道

原文

下文摘錄自9月23日香港《文匯報》：

早前「世紀黑雨」引發多處山泥傾瀉，港島豪宅紅山半島有4間獨立屋，被揭發涉及僭建和非法佔用政府土地。屋宇署及地政總署於9月22日開展聯合行動，發現85間臨海獨立屋中，約70間初步懷疑有僭建物，約40間獨立屋初步懷疑有非法佔用政府土地，情況極為嚴重。紅山半島僭建問題引起社會廣泛關注，政府必須嚴正執法，同時要積極檢視現行法例打擊僭建的不足之處，必要時透過修例，增強執法阻嚇力。

黑雨之後，有專業人士對照政府的圖則和紅山半島的航拍照片，指涉及僭建的遠不止4間獨立屋，政府9月22日的行動，發現更多懷疑僭建物，可見紅山半島僭建相當普遍。

事實上，本港現行法例對僭建和非法佔用政府土地的罰則不算輕。以僭建為例，對於無合

理解辦而沒有遵從清拆令的業主，一經定罪最高可處罰款20萬元及監禁一年，並且罪行持續的每一天可另處罰款2萬元；非法佔用政府土地者，不遵守地政總署通知，首次定罪的最高罰款額為50萬元及監禁6個月，並且每一天可另處罰款5萬元。

為何罰則不輕，但僭建問題仍然普遍？一方面，政府巡查次數不多，助長業主的僥倖心理，今次紅山半島僭建事件也因百年一遇的黑雨才被揭發；另一方面，執行上有難度、時間長。政府現時發出清拆令的也僅是4間獨立屋，其餘的會按照「風險為本」處理，待接獲投訴及有證據後再跟進。紅山半島新發現懷疑有僭建的獨立屋，政府要逐一搜集證據，需時難以估算。加上部分業主不合作、拒不開門，政府要向法庭申請手令入屋搜證，程序更長。

待政府發出清拆令之後，業主只要拆除，一

般無須負上刑責；業主不拆除，只會被「釘契」，業主復原後則可以賣樓。已證實僭建的紅山半島72號屋，早在2001年曾因僭建被「釘契」，清拆僭建後於2006年解除「釘契」並轉手。現時紅山半島僭建、佔用官地如「公開的秘密」，證明法例阻嚇力不夠。

審計署調查報告曾指出，政府在確認舉報至發出清拆令的時間太漫長，待清拆的僭建物堆積如山。按發展局2018年提交立法會的數據，等待拆除的僭建物高達2萬多個。曾有立法會議員笑指，本港需100年才能完成處理已累計的逾80萬宗僭建個案。

要改變僭建氾濫、視法律如無物的現狀，關鍵在於強化打擊僭建的法律力度，簡化處罰過程。例如政府可以訂立法例，只要確認有僭建物，就直接按照其規模實施處罰，有關罰款應更具阻嚇力，且只需透過簡易程序定額罰款，無須上法庭，提高處理僭建的效率。



◆紅山半島有獨立屋涉嫌僭建。 資料圖片

譯文

Unauthorised Building Works (UBWs) and unlawful occupation of government land were discovered in four houses of Redhill Peninsula, a luxury housing estate on Hong Kong Island, in the wake of the landslides caused by the "once-in-a-century" black rainstorm earlier. The Buildings Department (BD) and the Lands Department (LandsD) launched a joint operation on 22 September and found that among the 85 houses on the waterfront, about 70 were suspected of having UBWs and about 40 were suspected of unlawful occupation of government land, which is a very serious situation. The problem of UBWs at Redhill Peninsula has aroused widespread concern in society. The Government must enforce the law rigorously and, at the same time, proactively review the inadequacies of the existing legislation in combating UBWs, and where necessary, amend the legislation to enhance the deterrent effect of law enforcement.

Having compared government plot plans and satellite images of Redhill Peninsula after the black rain, some professionals claimed that much more than four houses were suspected of UBWs, and the Govern-

ment's operation on 22 September discovered even more suspected UBWs, which showed that UBWs are quite common at Redhill Peninsula.

As a matter of fact, the penalties for UBWs and unlawful occupation of government land under the existing laws of Hong Kong are not light. Take UBWs as an example, an owner who fails to comply with a removal order without reasonable excuse is liable upon conviction to a maximum fine of \$200,000 and one year's imprisonment, and to a further fine of \$20,000 for each day that the offence continues; a person who unlawfully occupies government land and fails to comply with a notice issued by the LandsD is liable on the first occasion on which the person is convicted of the offence, to a fine of \$500,000 and to imprisonment for 6 months, and to a further fine of \$50,000 for each day during which the offence continues.

Why is the problem of UBWs still prevalent even though the penalties are not light? On the one hand, the Government's infrequent inspections have fuelled the mentality of owners to count on luck, and the UBWs at Redhill Peninsula were discovered only because of the once-in-a-century rainstorm. On the other hand, there are difficulties in enforcement and it

takes a long time. At present, the Government has only issued removal orders for four houses, while the rest will be dealt with under a "risk-based" approach and will be followed up upon receipt of complaints and evidence. It is difficult to estimate the time required for the Government to collect evidence against each of the houses at Redhill Peninsula with suspected UBWs. In addition, as some owners are uncooperative and refuse to open their doors, the Government needs to apply to the court for a warrant to enter the premises to search for evidence, which is an even longer procedure.

After the Government issues an order for the removal of UBWs, the owner will not be held criminally liable as long as he/she removes the UBWs; if the owner does not remove the UBWs, an encumbrance will be constituted on the property title, and the property cannot be transacted until the removal order of UBWs is complied with. House No.72 at Redhill Peninsula was imposed an encumbrance in 2001 because of the UBWs, but the encumbrance was lifted in 2006 after the removal of the UBWs and the property was sold to another owner. The UBWs and occupation of government land at Redhill Peninsula is now an open

secret, proving that the deterrent effect of the law is insufficient.

The Audit Commission's investigation report once pointed out that the time between the Government's confirmation of the report and the issuance of an order for the removal of UBWs was too long, and there was a backlog of the UBWs. According to the data submitted by the Development Bureau to the Legislative Council in 2018, as many as 20,000 UBWs are to be removed. A LegCo member once laughed that it would take 100 years to deal with the accumulated 800,000 cases of UBWs in Hong Kong.

The key to changing the current situation where UBWs are rampant and some owners have no regard for law, lies in strengthening the law against UBWs and streamlining the process of imposing penalties. For example, the Government can enact legislation to impose penalties directly according to the size of the UBWs once they are confirmed, the fines should be high enough to be deterrent, and a fixed penalty can be imposed through summary proceedings, so as to enhance the efficiency of handling the UBWs.

◆ Tiffany

「低頭」三種含義 不一定是玩手機

英語世界

現代人很喜歡埋頭手機，成為低頭族。十多年前，澳洲一所字典公司就把phone（電話）和snub（冷落、怠慢）兩個英文字合起來組成了動詞phub，意思是只顧用手機，忽略了身邊的人和事。新字很快成為流行語，現在已是正規字，收編在各字典中。把注意力只放在手機的低頭族被稱為phubbers。說Stop phubbing，是勸人不要只顧滑手機，Don't be a phubber，就是說不要做低頭族。

沒有智能手機的年代，也許低頭不是什麼壞事，可以是垂頭休息，亦可以是埋頭苦幹，英文常用的短語put/get/keep one's head down（低著頭），雖然都是說垂下頭來，卻有着不同意義。

首先，疲倦時需要休息，把頭垂下，所以put one's head down意思是某人躺下來睡覺或者打盹小睡，亦可說get one's head down。

He has been working continuously for more than ten hours. He has to rest and put his head down.

他已經持續地工作超過十小時，他必須休息，躺下來睡個覺。

I am not feeling well. I need to put my head down for a few hours.

我有點不舒服，我要去小睡幾個小時。

You'd better get your head down. It's already midnight.

你還是去睡吧。已經是午夜了。

另一個意義卻截然相反。有工作或任務要完成，不能怠慢，這時把頭垂下不是睡覺休息，而是要開始工作，埋頭苦幹，這裏說的get one's head down是集中精神、全力以赴。如果工作已經開始了，但未完成，仍需垂頭專心努力，亦可以說keep one's head down，即是要繼續埋首工作。這時get/keep one's head down有埋頭苦幹，集中精神的意思。

Exams are near. You should get your head down and start revision.

快要考試了。你應該開始集中精神，溫習了。

It was quite difficult at the beginning but they kept their heads down and finally won the match.

賽事開始時，他們陷入困境，但他們一直埋頭努力，終於贏得比賽。

To revive business, everyone in the company keeps their heads down and works harder than before.

為使生意復甦，公司內每個人都埋首苦幹，比以前加倍努力。

低著頭另一個意義，就是艱難的時候，或者在危險的情況下低調一點，不引起注意、默默避過麻煩，keep one's head down或get one's head down會用來表達這種行事作風，意思是保持低調，不引人注意，避開人們的注意力和目光，置身事外，以逃避矛盾、衝突等等麻煩事。

He kept his head down when his name was mentioned in the scandal. He didn't respond in the public or in social media.

當那個醜聞提及他的名字時，他沉潛，置身事外，不公開回應，也不在社交媒體回話。

When her colleagues are not helpful, she keeps her head down and does her job on her own quietly.

當同事們不大願意幫忙時，她低頭保持低調，一個人靜靜地完成工作。

The best strategy now is to get your head down and avoid arguing with your parents. Explain to them at a later stage.

當前最好的策略是保持低調，不要與父母爭拗，遲些才向他們解釋。

一個人低下頭來，可以有各種原因，在不同情況下put/get/keep one's head down，有不同解釋，可以是小睡休息，也可以是埋頭苦幹，又或者是低調行事，避開麻煩。這些時候低著頭，便有別於低頭族低頭只顧玩手機了。



◆ 低下頭來，可以有各種原因：小睡休息，埋頭苦幹，又或者是低調行事避開麻煩。
網上圖片

◆ Lina CHU (linachu88@gmail.com)

濫用「存在」造句生硬

恒大譯站

筆者以前談過，近數十年來大家喜歡濫用「存在」來做及物動詞，代替「有」後接名詞，已經積非成是。例如，「因為存在考試這種制度，所以沒辦法，必須得學習」，這句的「存在」改為「有」會自然得多。「存在」的濫用問題其實並非如此簡單，現在續談。

中文本來有這樣一個句式：「地方+狀態動詞+事物。」語法書常舉「台上坐着主席團」作例句，換作普通句式是「主席團坐在台上」。

「存在」是狀態動詞，可以用於這個句式，但留意句首應為表示地方的詞語。第一段的例句那種大行其道的「新興」用法似乎是從英文來的，例如「There exists a risk of oil spill」，而這個英文句式其實屬於正式語氣或文學風格，並不常用，使用頻率遠遠不及「存在」的及物動詞用法。

處處有「存在」其實很奇怪

「存在」遭嚴重濫用，其用法已經超出「有」甚至超出動詞範圍。例如，「如果你實行這個制度，不存在不知道有人在管道內」，這句的「不存在」應該改為「不可能」，若勉強當「不可能」解讀，則至少要在句尾加上「的情況」，使「不存在」後面的部分變成名詞詞組。

不知不覺間，「存在」已經進軍名詞領域了。「存在」的名詞用法，源頭可追溯到英文的「entity」，若所指事物無法歸類，「存

在（entity）」便可派上用場，例如「神是超出人類理解能力的存在」。不過，純粹從語法角度看，這句的「存在」確實可以刪去。很多人受這個用法影響，本來所指事物可以歸類，也被用上「存在」。例如「九陽一派認為，九陽神功增益奇快、生生不息，是無敵的存在」，「存在」可具體寫為「功法」；「論演技，她或許是這個節目中最強的存在」中的「存在」其實是「人」，這兩句的「存在」若直接刪去會較為簡單明瞭。

以下這句「存在」則更應刪去：「她們把你的存在當作一種提高自己身份的資源。」

考考讀者，「邵雍在命理界裏是神一般的存在」這句可以怎樣修改？答案：可以把「是神一般的存在」改為「是神一般的人」或「有神一般的地位」。

「存在」的名詞用法有其他英文源頭，相信大多數使用者不自知用了「英式中文」。例如，「某國企圖增加在區內的軍事存在」的「存在」源於「presence」，可改為「實力」；「劉翔絕對是現象級的存在」這句中，「現象級的存在」整個詞組其實就是「phenomenon」，可改為「出類拔萃的人」，甚至連「人」也刪掉。

最後請看這句：「對於人體來說，水是僅次於氧氣的存在。」其中的「存在」究竟源於什麼，我也說不上來，大概可以這樣修改吧：「論人體的重要，水僅次於氧氣。」

但願所有濫用的「存在」都不再存在。

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