加強執法護投資虛擬資產穩發展

Enhancing enforcement and investment protection for healthy development of virtual assets



下文摘錄自9月30日香港《文 匯報》:

本港警方和澳門司警合力打擊 虛擬資產交易平台JPEX涉嫌詐騙

案,在兩地拘捕4人,檢獲或凍結2,400萬元資產,並正追查資產去向;案件至今(9月30日) 共拘捕16人,全部是香港居民,連日來被凍結 的資產接近1億元。

虛擬資產具有去中心化、高風險的特點,加強 跨境執法合作,打擊涉及虛擬資產的投資騙案, 彰顯雖遠必追的決心,對防範騙案氾濫起阻嚇之 效。虛擬資產監管是全球嶄新課題,需要監管機 構、行業持份者和市場參與者攜手合作,平衡監 管和發展的需要,強化投資保護,以利虛擬資產 市場穩健有序發展。

根據警方披露,JPEX 案是近年涉案受害人最多、損失金額最大的騙案,警方至今接獲2,417人報案,損失金額逾15億港元。警方相信損失

還不止15億元,呼籲未報案的受害人盡早與警方聯絡。由於犯罪集團將毀滅大量文件及資料,相關加密貨幣在短時間內轉移到多個電子錢包及不同的海外加密貨幣交易平台,而且加密貨幣錢包具匿名性,警方在追截款項及調查中遇到不少困難,形容調查「非常龐大、非常複雜、非常困難」。

因此,緝拿本案幕後主腦、追討被騙巨款,其中一個途徑是進行跨境執法合作。港澳警方合力 追查JPEX案,拉開跨境打擊虛擬資產騙案的序

本港警方亦曾表示,經情報分析及與不同地方的交易平台接洽交流情報後,警方暫已凍結價值約500萬港元加密貨幣資產,並且仍將繼續與世界各地的虛擬資產交易所(VASP)合作,爭取追回更多虛擬資產,正等待部分交易平台回覆。

警方亦會盡全力透過國際警務協作機制和其他

框架,緝拿已潛逃海外的涉案嫌犯歸案。

去年10月,國際刑警組織在新加坡成立一個致力打擊加密貨幣犯罪的團隊。國際刑警組織秘書長Jurgen Stock表示:「加密貨幣正在成為全世界的主要威脅,在缺乏法律框架的情況下,加密貨幣對執法框架構成了挑戰。」

打擊虛擬資產罪行已成國際警務合作共識,本 港警方積極尋求國際刑警組織協助,提升破案效 率,更傳遞明確信息,對企圖利用虛擬資產騙財 之徒形成震懾作用,防範此類騙案重演。國際清 算銀行 (BIS) 呼籲各國政府依「相同業務、相 同風險、相同規範」原則對虛擬資產進行監管, 確保虛擬資產業務符合相對應傳統業務的法律要 求,避免虛擬貨幣倒閉波及傳統金融業、造成金 融合機。

香港數字資產持牌協會表示,JPEX事件引起香港和國際媒體的廣泛關注,再次提醒建立一個穩健的監管環境,能夠促進虛擬資產和Web3.0



▲ 虎擬咨產監管早全球嶄新課題 🤄

資料圖片

生態系統健康發展,確保虛擬資產平台的完整性 及保護市場參與者和投資公眾。

本港處於發展虛擬資產的起步階段,監管者、 業界、投資者都在探索之中,監管應側重減少風 險、保護投資者、維護市場穩定,各方朝此方向 尋求共識,建立清晰的監管規則和執行機制,增 強虛擬資產的信用和信譽,從而更有利協助產業 發展壯大。



The Hong Kong Police Force and the Macao Judiciary Police conducted a joint operation to crack down on the suspected fraud case of

the virtual asset platform JPEX, arresting four people, seizing or freezing HK\$24 million of assets and tracing the whereabouts of the assets. A total of 16 persons have been arrested in the case so far, all of them Hong Kong residents, and close to HK\$100 million of the assets have been frozen over the past few days.

Virtual assets are decentralised and highly risky. Strengthening cross-border law enforcement cooperation to combat investment fraud involving virtual assets demonstrates the determination to hunt down frauds even though they are far-flung, and is a deterrent to fraud. The regulation of virtual assets is a new global issue and requires the cooperation of regulators, industry stakeholders and market participants to balance the needs of regulation and development, and to strengthen investment protection, so as to facilitate the healthy and orderly development of the virtual asset market.

According to the police, the JPEX case involves the largest number of victims and the largest amount of

losses in recent years. Police said they had received 2,417 complaints against the trading platform involving more than HK\$1.5 billion in alleged losses. The police expected the loss to be more than HK\$1.5 billion and urged victims who had not yet reported their cases to contact the police as soon as possible. As the criminal syndicate would destroy a large number of documents and information, the cryptocurrencies involved would be transferred to different digital wallets and overseas cryptocurrency trading platforms within a short period of time, and both buyers and sellers can hide their identities, the police have encountered a lot of difficulties in the interception of money and investigation, describing the investigation as "very large-scale, very complicated and very difficult".

Therefore, one of the ways to arrest the mastermind behind this case and recover the huge amount of money defrauded is cross-border law enforcement cooperation. The Hong Kong Police Force and Macau Judiciary Police work collaboratively to investigate the JPEX case, kicking off a cross-border crackdown on virtual asset fraud. The Hong Kong Police added that after analysing intelligence and exchanging information with trading platforms in different places, the Police had frozen cryptocurrency assets worth about HK\$5 million for the time being, and that the Police would continue to cooperate with Virtual Asset Service Providers (VASP) all over the world in order to recover more virtual assets, and were waiting for replies from some of the trading platforms. The Police would also endeavour to arrest, through international police cooperation mechanisms and other frameworks, suspects who had absconded overseas.

In October last year, Interpol set up a team in Singapore to combat cryptocurrency crimes. "Cryptocurrencies are becoming a major threat around the world, and in the absence of a legal framework, they pose a challenge to law enforcement frameworks," said Jurgen Stock, Secretary General of Interpol. The fight against virtual asset offences has become a consensus in international police cooperation, and the Hong Kong Police Force has sought Interpol's assistance to enhance the efficiency of crime detection and sent a clear message to deter those who attempt to use virtual assets to defraud the public, and to prevent the recurrence of this type of fraud. The Bank for International Settlements (BIS) has called on governments to regulate virtual assets according to the princi-

ple of "same business, same risk, and same regulation" to ensure that virtual asset businesses comply with the legal requirements of their traditional counterparts and to prevent the collapse of virtual currencies from affecting the traditional financial industry and causing a financial crisis.

The Hong Kong Licensed Virtual Assets Association said that the JPEX scandal had attracted widespread media attention in Hong Kong and internationally, reminding us once again that the establishment of a robust regulatory environment can facilitate the healthy development of virtual assets and the Web 3.0 ecosystem, ensure the integrity of virtual assets platforms, and protect market participants and the investing public. As Hong Kong is in the early stages of developing virtual assets, regulators, the industry and investors are all in the process of exploration. Regulation should focus on risk mitigation, investor protection and market stability, and all parties should seek consensus in this direction to establish clear regulatory rules and enforcement mechanisms to enhance the credit and credibility of virtual assets, which will be more conducive to helping the industry grow and de-

◆Tiffany

「背酒桶」沒好事事情搞砸「行踏板」



事情弄垮了、計 劃不成功、決策失 誤、執行出錯,要

問責的時候,要有人承擔責任和指責,即是說 有人要背黑鍋,香港俗語説「孭鑊」。英文亦 有相似的説法,但背的不是鍋或鑊,而是桶或 罐,英文説 carry the can,意思跟背黑鍋差不 多。

這用語 carry the can (攜桶/罐) 的確實出處已不可考,但大多相信來自以前軍隊的習慣。軍人喜歡喝啤酒,軍營每次都會選出一個士兵負責運送啤酒,這士兵要背起一大桶啤酒,供給營內士兵飲用。倘啤酒滴落漏出,浪費了,這個士兵就難免要受到責難,背起酒桶的人就是負責人,所以 carry the can是承擔責任、承受指責的意思。

另有一個說法,指can是裝了炸藥的罐,用於 開礦,攜帶炸藥罐的礦工當然身負重任,一旦 發生了意外,他們要負起罪責,攜罐即是負 責。現在說某些人carry the can,就是說他們要 為失誤或失敗負起責任,接受指責。

很多時候,發生的問題或者出現的錯誤不一定是個人責任,亦不是某人的直接責任,在這些情況下 carry the can就不只是為事情出錯而負責,亦有為他人受罪,背黑鍋的意思。

The property was trespassed and damaged by several teenagers but the one who got caught carried the can.

闖進那物業造成損毀的少年有數名,但當中 只有一人被捕,他要背起所有責任。

The secretary carries the can for her boss whenever there is a mistake.

It was team work and I can't see why a particular player should carry the can for the defeat.

每當事情出錯,秘書都要替上司背黑鍋。

這是團隊工作,我看不到為什麼某一個隊員 需要為落敗負責。

引咎辭職可說"walk the plank"

出了錯,產生嚴重後果,要承擔責任,有時不只是受到責難,有職位在身的可能要因此離職或下台,背上黑鍋、「被辭職」、失去職位,英文可以說walk the plank(行踏板)。

用語中用的 plank 是木板、長形的板條,也可以用 gangplank,即是放在兩艘船中間的跳板,或者是放在船隻與陸地之間,上下船用的踏板。

據說 plank walking 是以前海盜懲罰囚犯的方法。海盜懲罰或解決囚禁在船上的人質,會把一條長木板或踏板放置在船邊,伸出海中,然後用布蒙上人質雙眼,命令人質走上木板,從船一端向前行,直至掉到水中溺斃。現在 walk the plank 指受到懲罰,在失敗或失誤之後,承擔結果,被迫辭職下台。

The chairman has to walk the plank once he is found breaking the rules.

主席如被揭發違規行事,要立即引咎辭職。

The policy has caused a lot of chaos. The one in charge should be made to walk the plank.

那個政策導致混亂不堪,負責人應當引咎下 台。

The coach finally walked the gangplank as the team ranked bottom of the league.

球隊跌至榜末,教練最終引咎離隊。 背黑鍋不是好事,有些時候事情失敗並不全 是自己的責任,卻要同時為別人承擔罪責,所

是自己的責任,卻要同時為別人承擔罪責,所以 carry the can 有點負面。相比之下,walk the plank亦是為犯錯或失誤擔起責任,被迫退位下台,雖然也不是什麼好事,但感覺上展示了一點勇氣。

AI翻譯雖高效 人類創意難代替

恒大譯站

倫敦泰特現代美 術館(Tate Modern) 最近舉辦一場名為

Capture the Moment:a Journey through Painting and Photography(捕捉瞬間:藝術和繪畫之旅)的展覽,探討現當代攝影與繪畫之間的關係。1822年,法國人約瑟夫·尼斯福爾·尼埃普斯(Joseph Nicéphore Niépce)發明攝影技術,當時有些人認為,在反映現實和捕捉人類世界的形象方面,攝影會比繪畫來得更容易、直接和真實,甚至可以取代繪畫。

《捕捉瞬間》的主題很特別,就是探討和展示現當代藝術家們如何對攝影的挑戰作出反應,維持繪畫的生命力。從十九世紀開始,藝術家們通過他們的創造力,嘗試和開發了各式各樣的藝術流派,有別於當時的攝影,也超越了攝影能力範圍的作品,陸續出現的包括印象派、立體派、超現實主義、達達主義等,後來又開發了寫實主義、概念藝術以及攝影與繪畫的融合,還有擬繪畫的攝影和波普藝術(pop art)等等,把繪畫藝術提升到人類文明的最高峰。

這讓我想到了人工智能(AI)對翻譯的衝擊。人工智能的崛起,挑戰人類的智慧,危及人類創造的本能。在這場人與機器的鬥爭中,人工智能更威脅翻譯工作的存亡,似乎要取代翻譯工作者。

著名畫家巴勃羅·畢卡索(Pablo Picasso)曾經評 論攝影與繪畫之間的關係,他說:「攝影已經達到 了一個層次,能夠使繪畫從所有的文學和故事,甚 至主題解放出來。那麼,畫家們難道不可以從他們 新獲得的自由中獲益,去做其他的事情嗎?」

同樣地,作為翻譯者,我們應如何對待人工智能 的崛起?我們能否好像畢卡索所說的一樣,解放自 己去做「其他的事情」?這些「其他的事情」又是 什麼?答案在於致力於機器無法做到的事情:創 告。

創造力對於翻譯很關鍵

語言必然地涉及不確定性,意義的特點是推延。 在翻譯過程中,我們經常發現詞典提供的字詞, 並不適用於原文的語氣、內涵或其他聯想意義。這 就需要想像力和判斷力去進行選擇,甚或創造新 詞—— 這就是英語所說的 eureka 的時刻,可算是 「頓悟」帶來的喜悦。

術語翻譯和數字的準確性是人工智能翻譯的強項,但它按照已採用的模式生成,因而缺乏靈活操作和思考的能力。雖然高效,但人工智能的翻譯是公式化和毫無色彩的,它的輸出往往限制了人類的創造力,偏向於從刻板的字面層次解決問題。人工智能依賴大型資料集,這意味着它大多提供規範化或「平庸」的翻譯。

另一方面,人手翻譯是非公式化的,正如語言應 用一樣,視乎情況的需要,可以是無定形的,這就 要依靠創造力。因此,創造力對於翻譯工作來説, 實在是不可多得的寶貴資產。

創造力通過想像產生原創,通過新穎和不尋常的 想法開發新事物。哲學家伊曼努爾·康得(Immanuel Kant)把藝術天才視為創造力的典範。他 認為當想像遠離人所擁有的概念,在無限制的相互 作用語境中,將原材料轉化為超越個人理解的產物 時,創造力便得以展現。

人工智能翻譯雖然具備生成的能力,但缺乏想像和解釋的衝動,譯文的特徵是統一和整齊,缺點是淡然無味。翻譯理論家勞倫斯·文圖提(Lawrence Venuti)提出了工具主義(Instrumentalism)一闡釋學(Hermeneutics)軸線,以便區分人手和機器翻譯。他認為「工具主義強調不變、再現或轉移,以及某些組合的不可翻譯性,而闡釋學模型強調變異、解釋和可翻譯性」。人工智能無法進行解釋性的行為,而人工翻譯則可以兼顧和考慮文化、社會歷史背景等重要的元素。