

社評
雙語道

從嚴打擊「黑工」 維護勞工市場秩序

Tackling illegal employment rigorously to maintain labour market order

原文

下文摘錄自10月11日香港《文匯報》：

香港文匯報早前報道有懷疑非法勞工（「黑工」）入住疑似無牌床位寓所，揭發有「蛇頭」提供輸入「黑工」「一條龍」服務。入境處、民政事務總署10月10日展開跨部門執法行動，拘捕兩名懷疑「黑工」，並調查無牌寓所事宜。政府針對社會關注的「黑工」和無牌寓所問題，反應果斷、行動迅速，值得肯定。面對勞動力市場人手短缺，政府在適當引進外勞的同時，加大打擊「黑工」力度，可以切實維護本地工人和合法外勞的權益，維護本地勞工市場秩序。

根據入境處年報，去年拘捕的「黑工」有1,180人，大多數在被遣返原居地被檢控，並處以罰款或監禁。媒體發現有人組織「黑工」

入住無牌寓所，其中涉及多方面的違法行為，包括違反逗留條件，最高刑罰為罰款5萬元及監禁5年；「黑工」的幕後組織者，更可能犯有普通法下的協助及教唆犯罪，最高可判處監禁7年；無牌寓所經營者則涉嫌違反《床位寓所條例》，最高罰款10萬元及監禁2年。執法人員展開跨部門執法，展現了全方位打擊違法行為的決心。

要切實打擊「黑工」，需要加大執法力度，判處具阻嚇性刑罰。「黑工」之所以有市場，關鍵在於個別僱主貪心，企圖僱用「黑工」降低成本。事實上本港對僱用「黑工」的刑罰可謂頗重，根據《2021年入境（修訂）條例》，僱主僱用不可合法受僱的人，最高刑罰由原來的罰款35萬元及監禁3年，大幅提高至罰款50萬元和監禁10年。高等法院曾頒布判刑指引，

指聘用「黑工」的僱主須被判即時入獄，但未有定下量刑起點，過往案例不少只是判刑幾個月，個別僱主仍鋌而走險。與此同時，「黑工」行為較隱蔽，要有效打擊要靠線報。有立法會議員建議，政府應設立鼓勵性舉報機制，開設投訴熱線，更有效提升打擊力度和阻嚇力，相關建議值得政府積極考慮。

政府早前已宣布實施「建造業輸入勞工計劃」和「補充勞工優化計劃」，包括售貨員、侍應生等26個非技術或低技術工種的外勞都可以來港工作。本港失業率維持低位，勞動力不足是不爭事實，需要輸入適量外勞解決人手不足之困，同時亦要保障本地工人的就業權益。如果任由「黑工」氾濫，勢必衝擊本地勞工市場正常秩序，損害本地工人和合法外勞的權益。因此，政府必須加大打擊「黑工」的執法



◆ 入境處拘捕「黑工」及其僱主。 資料圖片

力度，加強巡查，多做宣傳教育，提醒僱主切勿以身試法，確保本地勞工市場健康穩定發展。

譯文

The Wen Wei Po reported earlier that some suspected illegal workers had stayed in suspected unlicensed bedspace apartments, revealing that "snakeheads" provided "one-stop" services for the importation of illegal workers. The Immigration Department and the Home Affairs Department launched an inter-departmental operation on 10 October, arresting two suspected illegal workers and investigating the issue of unlicensed apartments. The Government's decisive and swift response to the community's concerns about illegal workers and unlicensed apartments is commendable. In the face of a manpower shortage in the labour market, the Government has stepped up its efforts in combating illegal employment whilst appropriately importing workers from outside the HKSAR, so as to safeguard the rights and interests of both local workers and lawful imported workers, and to maintain the order of the local labour market.

1,180 illegal workers were arrested last year, according to the Immigration Department's annual report, most of whom were prosecuted and fined

or imprisoned before being repatriated to their places of origin. The media found that some people had organised illegal workers to stay in unlicensed apartments, which involved various offences, including breaching conditions of stay, which is subject to a maximum penalty of a fine of \$50,000 and imprisonment for five years; the organisers of illegal workers may even be guilty of aiding and abetting the commission of an offence under the common law, which is liable to a maximum penalty of seven years' imprisonment; and the operators of unlicensed apartments are suspected of breaching the Bedspace Apartments Ordinance, which is subject to a maximum penalty of a fine of HK \$100,000 and imprisonment for two years. The inter-departmental enforcement action demonstrates the determination to combat offences in all aspects.

It is necessary to step up enforcement and impose deterrent penalties to effectively combat illegal employment. The key to the existence of a market for illegal workers lies in the greed of individual employers who seek to reduce costs by hiring illegal workers. As a matter of fact, the penal-

ties for employing illegal workers in Hong Kong are quite heavy. According to the Immigration (Amendment) Ordinance 2021, the maximum penalty for employers employing persons who are not lawfully employable has been substantially increased from a fine of \$350,000 and three years' imprisonment to a fine of \$500,000 and 10 years' imprisonment. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. However, the guidelines did not specify a sentence starting point, and in many past cases, the employers were only sentenced to a few weeks' imprisonment; therefore, some individual employers still took the risk. In the meantime, illegal employment is relatively hidden and effective crackdown relies on whistleblowing. Some Legislative Council members suggested that the Government should establish an incentive reporting mechanism and set up a hotline for complaints, so as to effectively enhance the crackdown efforts and deterrence, which merit active consideration by the Government.

The Government has earlier announced the im-

plementation of the Labour Importation Scheme for the Construction Sector and Enhanced Supplementary Labour Scheme, under which unskilled or low-skilled workers in 26 job categories, including salespersons and waiters, can come to work in Hong Kong. As the unemployment rate in Hong Kong remains low, it is an indisputable fact that there is a shortage of labour. It is necessary to import an appropriate number of workers to solve the problem of manpower shortage, whilst at the same time protecting the employment rights and interests of local workers. If illegal workers are allowed to flood in, the normal order of the local labour market will be undermined and the rights and interests of both local workers and legal imported workers will be jeopardised. Therefore, the Government must step up enforcement against illegal employment, strengthen inspections, conduct more publicity and education, and remind employers not to break the law, so as to ensure the healthy and stable development of the local labour market.

◆ Tiffany

科技提供靈感 人類主導創造

恒 大 譯 站

上次提到，人工智能對翻譯的基本原則提出了質疑——如果機器能夠實現高度的準確性，那麼，長期以來一直是翻譯理想的等值觀念（equivalence）又應如何對待？或者，在跨文化交流中，是否應該採用其他價值觀取代等值？譯者應否或能準確複製原文，抑或進行修改？

從傳統的角度來看，翻譯研究長期圍於關注語言問題。上世紀八十年代，出現了一次「文化轉向」（Cultural Turn），專注研究翻譯與文化。與此同時，翻譯工具主義，即翻譯僅僅是重現原文內容的工具，受到了質疑：逐漸傾向消解原文和譯文的二元對立，翻譯從對原文的依賴中解放出來，其實可以通過譯者的創造性語言運用而轉化。

這又帶出了一些問題：語言構成的文本，甚至於概念擴大至人類的思維，是否可以有效地進行無中介的傳輸？如果翻譯因人而異，譯者作為中介者的角色是什麼？

譯者可發揮主動性

現時的翻譯研究還有一個趨勢，把注意力集中於「譯者轉向」（Translator Turn），着力探討譯者的角色和翻譯的過程，也就是譯者的意圖和主體性對產生目標文本的影響，重點在於創造行為，以及源於譯者的產生譯文文本的能力和意識。

換句話說，就是譯者的主動性。這主動性驅使譯者介入，賦予譯者在傳遞過程中改變或「改進」原文文本的權利，令他們可以充當中介者來「創造」目標文本。在手法方面，譯者通常利用創作翻譯（transcreation）和本土化（localization），特別適用於廣告、電子遊戲等領域，旨在滿足受眾的需求。

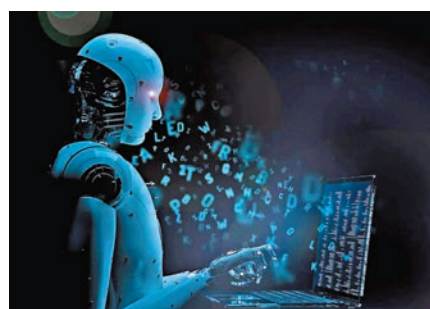
有趣的是，著名象徵派詩人查里斯·波德賴爾（Charles Baudelaire）在他的《藝術之鏡》（1859）

中對攝影有這樣的評論：「如果讓攝影在某些功能上對藝術做出增補，它很快就會完全取代或破壞藝術。這要多虧愚昧的大眾，他們是攝影的自然盟友。所以，是時候讓攝影重拾它真正的職能，即是作為科學和藝術的僕人，但是一個非常謙卑的僕人……然而，如果我們容許它去侵犯或擾亂一些難以觸摸的領域和想像的世界，或者那些價值完全取決於加入了人類靈魂的東西，對我們來說，那就更糟糕了！」

雖然波德賴爾嚴厲地譴責攝影，但他仍然認為攝影還有服務性的功能。我們也不必如此悲觀。人工智能翻譯可能會限制想像，就像人工智能藝術抑制創造力一樣，但我們卻不應該抵制科技，而是擁抱它，尋找和利用它各方面的好處，一如《捕捉瞬間》展示了畫家和攝影師如何超越攝影的極限。

在未來的日子，人工智能只會變得更有用和高效能。雖然人工智能的譯文傾向單調（同質性），未能完全表達隱藏的意義和差異，或者原文微妙之處，但假如能夠充分利用它的速度、「準確性」以及相應的成本效益，可以幫助譯者一臂之力。科技應該作為我們的助手，或者作為提供靈感的工具，為我們服務，而不是妨礙創造力的障礙物。

正如作家蘇珊·桑塔格（Susan Sontag）所說：「攝影揭示，繪畫創建。」在這機器與人的鬥爭中，人類扮演的角色非常重要，始終不可或缺。



◆ 科技應該作為我們的助手，而不是妨礙創造力的障礙物。 資料圖片

「傷口撒鹽」惹不快 更不宜「傷口添辱」

貼 地 英 文

身陷困境、有麻煩的時候，一些旁人不但不能施以援手，還要增煩添亂，甚至乘人之危加以陷害，令情況更加惡劣；又有一些人有意無意地冷嘲熱諷，令人更加難過難堪，用中文說這些人落井下石，或者在傷口上撒鹽，用英文可以說這些人 rub salt in the wound，或者 add insult to injury。

鹽(salt)其實有消炎作用，以前沒有消炎止痛藥，會在受傷流血的傷口(wound)擦上、塗上(rub)鹽防止傷口發炎惡化，本是好事，但是令原來受傷痛楚的傷口更痛，苦不堪言。現在 rub salt in/into the wound（在傷口撒鹽）帶有負面意思，比喻令已經很壞的情況更差，或令已經很傷心的人更感難過。運用這句子時可作些變化，用不同動詞替代 rub，例如 add、put 等等，意思依然是傷口撒鹽，如同落井下石，指一些人做事或說話令困難加深，令不快情緒加劇。

He got hurt in the accident and couldn't go to work for a month. On top of that, he was not able to claim his insurance. It was like rubbing salt in the wound.

他在意外中受傷，一整月不能工作，除此之外，又不能索償保險，有如在傷口上撒鹽。

He has just lost his job. We don't want to add salt into the wound by asking him to pay his debts right now.

他剛剛丟了工作。我們不要落井下石，再迫他償還債務。

You are putting salt into the wound by reminding him of his failure repeatedly. You should instead give him more encouragement.

你重複數說他的失敗，是在他的傷口撒

鹽。你應該給他多些鼓勵才是。

另一句用語 add insult to injury，意思差不多，insult 是侮辱，injury 是損傷，add insult to injury（施加二次傷害），即是在傷口上再加傷害，不單令不好的情況更壞，還令當事人本已不快的心情更難受。這句諺語最早出現在古羅馬寓言作家費德魯斯 Phaedrus 的作品中。他借用了希臘時代伊索寓言的一些題材，寫了不少以動物為主的寓言，其中一篇題為 The Bald Man and the Fly（禿頭男與蒼蠅）。故事中，一個禿頭男人被蒼蠅在頭頂叮了一下，他伸手拍打蒼蠅，打不着，卻拍了自己的頭。蒼蠅嘲笑他：「你這是在自己的傷口加添侮辱，你該如何自處？」

後來，這句諺語出現英語版本。現在，add insult to injury 通常是指別人遭遇不幸的時候，為他製造更多麻煩和不順意的事情，包括嘲笑、批評等等，令他承受更多痛苦不快。這也是雪上加霜、落井下石的意思，與 rub salt in the wound 相似。

The recent TV series has failed to attract a large audience. Critics add insult to injury by accusing it of copying.

近日播出的電視劇集收視不佳，更加被劇評人指責有抄襲之嫌，情況如雪上加霜。

She was defeated in the first round of the tournament. To add insult to injury, she hurt her arm and was unable to play in the next few months.

她在這次比賽首輪出局，兼且禍不單行，她傷了手臂，未來數月都不能作賽。

雖然 rub salt in the wound 和 add insult to injury 源自不同的故事，但意思很類似，也許由於這個原因，兩個用語後來混合，演變出了 add salt to injury，可能不太正統，但當中意思不難理解。

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