



# 法官辦案無畏無懼 維護香港法治精神

## Judges administering justice without fear or favour to uphold the rule of law

原文

摘錄自1月23日香港《文匯報》2024年法律年度開啟典禮於1月22日舉行，終審法院首席法官張舉能致辭時指，司法機構十分重視維護國安的重任，強調無論別人對司法制度提出怎樣的說法或評論，法官均會繼續以「無懼、無偏、無私、無欺」精神，公正有效地主持正義。香港司法機構頂住反華勢力制裁恐嚇的巨大壓力，嚴格按照基本法和香港國安法的規定，以事實為依據、以法律為準繩，遵循法定程序秉公獨立辦案，對涉國安案件作出客觀公正的處理，彰顯了司法公義，增強各界對本港良好法治的信心。

維護香港法治精神和司法制度是堅持「一國兩制」應有之義。自香港國安法頒布實施以

來，香港社會秩序迅速恢復，法治正義得到伸張，迎來由亂到治、由治及興的重大轉折。香港司法機構根據基本法和香港國安法的規定，對涉國安案件作出客觀公正的處理，部分要案經法庭審訊和裁決，已成為「鐵案」，包括國安第一案重判唐英傑，以及駁回黎智英挑戰香港國安法的覆核，作出多個明確香港國安法具有凌駕性的裁決，有力維護了基本法和香港國安法的權威。

過去幾年，有別有用心之徒肆意抹黑香港國安法和香港司法制度，攻擊香港司法機構濫用國安法權力進行「政治審判」；美西方政客公然叫囂對香港國安法法官實施制裁，明目張膽破壞香港法治精神、干預香港司法制度，企圖影響香港法官和司法人員秉公辦案。

難能可貴的是，香港法官和司法人員恪守司法誓言，竭誠盡責地履行職務，嚴格根據法律原則，維持司法公義。去年和今年香港在「世界正義工程」法治指數中的排名均維持高位，今年在142個司法管轄區中排名第23位，比排名第26的美國高三位。張舉能指出，法官必須能夠在不受干擾或非正當壓力下對案件作出判決及在判詞中解釋其決定，這點對司法獨立至關重要。

尊重法治是香港社會的核心價值，香港司法機構和司法制度備受推崇。律政司司長林定國在同一場合致辭時強調，沒有絲毫證據顯示司法機構獨立的司法權在涉及國家安全的案件中受到損害，「香港的法官和司法人員竭誠盡責地履行職務，應該『以他們為榮』。」從中央



◆ 2024 法律年度開啟典禮。資料圖片

到特區政府、香港社會各界堅定支持法官和司法人員無畏無懼、獨立公正履職，依法維護國家安全，絕不會因外部勢力的威脅恫嚇而有絲毫動搖，確保在法治軌道下推動「一國兩制」實踐行穩致遠。

譯文

Speaking at the Ceremonial Opening of the Legal Year 2024 on 22 January, Chief Justice Andrew Cheung Kui-nung said the Judiciary attached great importance to its duty to safeguard national security and emphasised that judges would continue to administer justice fairly and efficiently, without fear or favour, self-interest or deceit, whatever might be said or written about our legal system. The Hong Kong Judiciary has withstood immense pressure of sanctions and threats from anti-China forces and has handled national security cases objectively and fairly in strict accordance with the Basic Law and the Hong Kong National Security Law, on the basis of facts and the law, and in accordance with the statutory procedures. This has demonstrated judicial justice and strengthened the confidence of all sectors in the rule of law in Hong Kong.

Upholding the spirit of the rule of law and safeguarding the judicial system in Hong Kong is an essential aspect of the "One Country, Two Systems". Since the implementation of the Hong

Kong National Security Law, social order in Hong Kong has been rapidly restored, and justice and the rule of law have been upheld, marking a significant turning point from chaos to order and from stability to prosperity. The Hong Kong Judiciary has handled national security cases objectively and impartially in accordance with provisions of the Basic Law and the Hong Kong National Security Law. Some landmark cases have become "ironclad" after trial and ruling by the courts, including the severe sentencing of Tong Ying Kit in the first case of national security and the dismissal of Jimmy Lai's challenge to Hong Kong's National Security Law. These rulings have clearly demonstrated the overriding authority of the Hong Kong National Security Law, effectively safeguarding the authority of the Basic Law and the Hong Kong National Security Law.

Over the past few years, certain individuals with ulterior motives have wilfully discredited Hong Kong's National Security Law and Hong Kong's legal system, accusing the Judiciary of abusing its power under the National Security

Law for "political trials". Politicians in the US and the West have openly threatened to impose sanctions on Designated National Security Law Judges, blatantly undermining Hong Kong's spirit of the rule of law and interfering with Hong Kong's judicial system, in a bid to influence judges and judicial officers in their impartial handling of cases.

What is remarkable is that Hong Kong's judges and judicial officers have upheld their Judicial Oath, discharged their duties faithfully and conscientiously, and administered justice in strict accordance with the principles of the law. Last year and this year, Hong Kong maintained its high ranking in the World Justice Project Rule of Law Index, and this year, Hong Kong ranked 23rd out of 142 jurisdictions, three places higher than the United States, which ranked 26th. Chief Justice Andrew Cheung pointed out that judges must be able to decide cases and explain their decisions in judgments without interference or illegitimate pressure, which was of cardinal importance to judicial independence.

Respect for the rule of law is a core value of the Hong Kong community, and the Hong Kong Judiciary and judicial system are highly regarded. In his speech on the same occasion, the Secretary for Justice, Mr Paul Lam Ting-kiok, emphasised that there was not even one iota of evidence that the Judiciary's independent judicial power had been compromised in cases involving national security, and that "we should be grateful to, and proud of, our Judges and Judicial Officers who have continued to do their jobs faithfully in accordance with the Judicial Oath, as is always the case." The Central Government, the HKSAR Government and all sectors of the Hong Kong Community firmly support that the judges and judicial officers discharge their duties independently and fairly without fear and in accordance with the law to safeguard national security, and will not be swayed in the slightest by threats and intimidation from external forces, so as to steadfastly and successfully implement "One Country, Two Systems" within the framework of the rule of law.

◆ 瑣珠

## 放下「短斧」止干戈 和睦共處修舊好

英語世界

戰爭、紛爭都不是好事，影響了生活，阻礙了進步，適當時候要摒除偏見，停止爭吵，製造有利環境，英文短語 bury the hatchet 和 mend fences 說的就是放下敵意，修補關係，是言歸於好，重修舊好的意思。

首先說 bury the hatchet, hatchet 是短柄小斧頭，是用作砍伐的工具，北美洲的印第安人用這種小斧作為武器，所以 pick up the hatchet (拾起斧頭) 即是動干戈、開戰，而 bury the hatchet 埋藏斧頭，意味息干戈、停戰。印第安人有不同部落，不時有零星衝突，後來其中的五個部族講和，簽署了聯盟，成立 Iroquois Confederacy 易洛魁邦聯，結束戰爭，宣布和平。據說按照印第安人的習俗，停止爭鬥後，領袖拋出手上的斧頭，埋在地下，象徵釋出善意，表示和解停戰。17世紀時，易洛魁邦聯共同對抗了當時到達美國的歐洲移民。後來 bury the hatchet 埋藏武器，這個傳統做法，成了常用語，用在日常生活，比喻握手言和，放下敵意，停止爭拗，成為朋友，或者描述原本敵對的雙方放下歧見，言歸於好。

For the sake of the company, the two of you should bury the hatchet and work together. 為公司着想，你們兩人應該化干戈為玉帛，共同合作。

To restore peace in the region, the conflicting countries have to bury the hatchet and talk peacefully.

為恢復區內和平，交戰的國家必須停止戰鬥，進行和談。

We don't agree totally, but we can still bury the hatchet and cooperate.

我們的見解並不完全一致，但是我們仍可放下歧見，精誠合作。

**尊重鄰居空間 維護和睦關係**

另一相似的用語是 mend fences (修補籬

笆)，亦有言歸於好、重修舊好的意思，古有劃界為盟的典故，劃好邊界，彼此和睦共處。fence 是籬笆、圍欄，其實代表了尊重鄰居的空間，可以令大家融洽相處，對於維持鄰舍關係很重要。

十七世紀時，英文已有諺語 Good fences make good neighbours. (籬笆完善才有好鄰居)，強調了圍欄的重要性。圍欄破壞了，象徵關係破裂了，有分歧或矛盾，mend one's fences with someone 修補與某人的圍欄，就是修補或重建與某人的關係，冰釋前嫌，和平相處，營造和諧氣氛。

十九世紀，美國參議員 Sherman 發表演說的時候說 I have come home to look after my fences. (我回來是為了打理好圍欄)，傳媒解讀為他在表示自己正在建立關係，爭取支持者，所以 fences 可以指個人、工作或政治上的各種人脈聯繫，fence mending 是試圖修復關係，或者是改善關係的行為。

It has been a long time since you had that quarrel with your parents. It's time you mended your fences with them.

你與父母吵架後，至今已過了很長時間，是時候與他們言歸於好了。

The chairman made an inappropriate comment in the meeting. Now he is trying to mend fences with the members.

主席在會議上作出了不適當的評論，現在他正努力與各成員修補關係。

To resolve the crisis, she has to mend fences and communicate with people in different sectors. 要解決這個危機，她必須與各界人士對話，修補關係。

這些用語的實際意思都在字面意思之外，只要知道出處就不難理解，bury the hatchet 埋藏的並不是斧頭，而是敵意、爭鬥，mend fences 修補的並不是真的是破壞了的圍欄，而是破裂了的關係，所以說的是和解、言和。

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## 翻譯更「美味」 助推夜經濟

恒 大譯站

疫情過後，各行各業百廢待舉，香港政府深明港人消費模式已改弦易轍，有見及此，便積極提倡刺激本地消費的政策，遂於2023年中開始舉辦一連串「香港夜繽紛」活動("Night Vibes Hong Kong" Campaign)，包括「一條廟街 萬種地道體驗」(Temple Street — Endless Authentic Encounters)、「品牌萬千 繽紛耀展」(The 57th Hong Kong Brands and Products Expo)、「水上煙花 閃亮西九繽紛聖誕」(WestK Christmas Fests)等等。

香港華洋雜處，中西薈萃，如在推廣文化活動時提供更優質的中英翻譯文本，或許有助來自各方旅客更易掌握資訊，並可有助推動本土經濟。筆者親身走訪了以上「聖誕夜繽紛」三項活動，既是各適其適，又是精彩萬分，但是，在個別商戶的營銷上，如能更注意增補一些中英譯文，相信有助消費者更樂於掏腰包、爭消費。

在「食聚廟街」活動中，可見「牛雜」、「魚蛋、燒賣及煎釀三寶」、「魚肉碗仔翅」、「蛇羹」、「點心」、「胡椒餅」、「麻辣串」、「土耳其羊肉」及「巴基斯坦美食」等，應如何翻譯呢？基本翻譯的方法，總離不開「音譯」(Transliteration)、「意譯」(Free/Idiomatic Translation)及「直譯」(Literal Translation)三種。

香港旅遊發展局的官方網頁中，已詳列了以上各種地道美食的英譯，分別是「Beef Offal」(直譯)、「Fish Balls」(直譯)、「Siu Mai」(音譯) and Three Stuffed Treasures (直譯)、「Mock Shark's Fin Soup」(意譯及直譯)、「Dim Sum」(音譯)、「Snake Soup」(直譯)、「Pepper Cakes」(Turkish)、「Spicy Skewers」(直譯)、「Turkish Lamb」(直譯)及「Pakistan Cuisine」(直譯)。

**「翻譯是約定俗成的」**

不知讀者有否察覺，在各樣美食的譯名當中，大部分是直譯的，小部分是音譯的，而只有一個英譯使用了意譯直譯的混譯呢？究其原因，直譯可直接有助接收者立時掌握資訊，而音譯則有助他們扼要了解原文，如兩種譯法也不能派上用場之際，最後才會考慮運用意譯這個難度較高的方法處理原文。

試舉兩例，加以討論。如果要對「點心」加入意譯，可考慮譯為"Dim Sum Delights"或"Delicious Bite-sized Treats"。這些翻譯可試圖捕捉點心所象徵的美味、小巧和多樣性的特點，同時傳達出這種獨特中式美食的讚譽和感受。

此外，如果要對「魚肉碗仔翅」進行更準確的意譯，可以翻譯為「Fish Fillet Imitation Shark's Fin in Bowl」。這個翻譯強調了這道菜是用魚肉製成的仿翅食品，同時以碗盛載，供人品嘗，並將魚肉和魚翅摻在一起，明確地傳達這道菜的特點和概念。

不過，讀者又會發覺，更精準意譯後又不如當初的「音譯」及「意譯直譯的混譯」方法處理來得簡單直接，這是絕對正確的看法。所以，點心就是 Dim Sum，魚肉碗仔翅就是 Mock Shark Fin's Soup，望文生義，一目了然。大概是回歸到「翻譯是約定俗成的」(Translation is Arbitrary)大道理。

在芸芸美食中，曾引起外國人特別關注的中國名菜「夫妻肺片」，又如何處理其英譯呢？筆者賣個關子，讓讀者自行試譯，體驗在翻譯大海中「尋徑達雅之瑰寶」的樂趣！

◆ 關育健

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