



# 改善「散工」福利 保障僱員權益

## Improve benefits of "casual workers" to protect employees' rights and interests

原文

摘錄自2024年2月2日香港《文匯報》：勞顧會於2月1日就檢討《僱傭條例》下「連續性合約」規定（俗稱「418」規定）達成共識，將有關規定放寬至四星期總工時滿68小時便被視為以「連續性合約」受僱，可享有一系列僱傭福利。相關修訂有助加強保障較短工時「散工」的權益，政府應盡快開展相關的法例修訂工作，爭取盡快落實。

與此同時，政府應該看到，本港在保障僱員權益方面還存在一系列短板，有必要全面檢討僱傭政策，跟上全球更加重視保障僱員權益的營商步伐，尤其是要適應新技術的發展令法例與時俱進。商界亦應該看到，和諧的勞資關係有利於締造良好的營商環境，令大家都得益。

根據現行規定，僱員如受僱於同一僱主工作4星期或以上，而每星期工作滿18小時，便被視為以「連續性合約」受僱，可享有一系列僱傭

福利，例如法定假日薪酬、有薪年假及疾病津貼等。但過往有僱主為了逃避提供福利，刻意安排員工於第四周的工作時數少於18小時，是名副其實的走「法律罅」。特區政府在去年的施政報告中提出檢討「418」規定，現在將規定改為四星期合計滿68小時就可享受福利，條件較過往寬鬆，有助加強保障較短工時僱員的權益，新規定在保護僱員權益上邁進了一步。

但應該看到，本港在保障僱員權益上仍然存在一些短板，例如工時過長、產假和待產假短，加班補助、節假日補助等方面都沒有足夠保障，被指本港對僱員保障較內地和海外地區有所不足。其實，近年特區政府在提升僱員權益上做了不少工夫，在強積金對沖安排等方面取得了突破，但仍需要更系統、更全盤地考慮保障僱員權益的政策。

修改「418」規定的初衷是為了更好保障工時較短的僱員，但近年「零工經濟」發展迅速，

而且形式愈來愈複雜多樣。參考自僱人士的相關統計數據。2019年本港有超過22萬名自僱人士，至2021年已有逾28萬名自僱人士。開網約車、送外賣等新工作形式，仍然得不到僱員權益保障。加上現在愈來愈多企業推行「在家辦公」，有些老闆因此推行「假自僱」，逃避給予僱員福利待遇。

事實上，因應新興經濟模式，世界各地陸續修訂保障「散工」權益的條例。以內地為例，近年已要求企業為外賣員購買社會保險。美國紐約市將網約車司機工傷賠償基金的範圍擴大，讓網約車司機可獲工作者賠償保險、身故賠償及視力護理等醫療福利。相對而言，本港確有必要以更具前瞻性的思維，跟上整體經濟模式進步的步伐。

對於新的方案，有資方代表表示「無奈接受」，認為新規定對較多聘請「散工」的餐飲、清潔、建築等行業影響較大，這種想法是



◆外賣員等自僱人士難以得到僱員權益保障。  
資料圖片

只看到付出的一面，沒有看到獲益的一面。尤其是現時不斷強調要提升本港服務業質素，這就更需要改善僱員福利待遇，吸引更多人才入行，如此才能令整個行業得益。近年本港勞動人口不斷下降，政府推出多項應對措施，吸引各階層人士投入勞動力市場，有助於改善勞工不足的問題。

譯文

The Labour Advisory Board reached a consensus on 1 February 2024 on the review of the "continuous contract" requirement under the "Employment Ordinance" (commonly known as the "418" requirement), which was relaxed such that a person who has worked a total of 68 hours in four weeks would be regarded as being employed under a "continuous contract" and would be entitled to a range of employment benefits. The amendment will help enhance the protection of the rights of "casual workers" with shorter working hours. The Government should expeditiously commence the relevant legislative amendment and strive for its implementation as soon as possible.

At the same time, the Government should recognize that there is still much room for improvement in the protection of employees' rights and benefits in Hong Kong. There is a need to conduct a comprehensive review of the employee policy to keep up with the global pace of business that attaches greater importance to the protection of employees' rights and benefits, especially keeping the law abreast of the times by adapting to the development of new technologies. The business community should also see that harmonious labour relations are conducive to creating a favourable business environment and benefiting ev-

eryone.

Under the existing requirement, an employee who has been employed continuously by the same employer for four weeks or more, with at least 18 hours of work each week, is regarded as being employed under a "continuous contract", and is entitled to a range of employment benefits, such as statutory holiday pay, paid annual leave and sickness allowance, etc. However, in the past, some employers deliberately arranged for their employees to work less than 18 hours in the fourth week in order to evade the provision of benefits, which was in fact taking advantage of the "loopholes in the law". The initiative was announced in 2023 Policy Address and the relaxed requirement of 68 hours in four weeks helps to enhance the protection of the rights and interests of employees with shorter working hours, a step forward in the protection of employees' rights and interests.

However, it should be noted that there are still some weaknesses in the protection of employees' rights and benefits in Hong Kong, such as long working hours, short maternity leave and paternity leave, insufficient protection in overtime compensation and holiday compensation, and so on, and that Hong Kong's protection of employees is inadequate when compared with that in the Mainland and overseas regions. In fact, the Gov-

ernment has made significant strides in recent years, including breakthroughs in areas like the "offsetting" arrangement of the MPF. However, a more systematic and holistic consideration of policies is necessary to ensure the protection of employees' rights and benefits.

The amendment of the "418" requirement was originally intended to better protect employees with shorter working hours. However, the "gig economy" has been developing rapidly in recent years, with increasingly complex and diverse forms. Regarding the statistics on self-employed persons, there were over 220,000 self-employed persons in Hong Kong in 2019 and more than 280,000 by 2021. The rights of employees in new forms of work, such as drivers of online ride-hailing services and riders of takeaway delivery, are still not protected. In addition, more and more enterprises are implementing "work from home" programmes and some employers have resorted to "false self-employment" to evade employee benefits.

In fact, in response to the emerging economic model, legislation to protect the rights and benefits of "casual workers" has been amended in different parts of the world. In the Mainland, for example, enterprises have been required to take out social insurance for delivery riders in recent years. In the United States, New York City has

expanded the coverage of the Black Car Operators' Injury Compensation Fund to entitle drivers of online hailing services to employee compensation insurance, accidental death benefits, vision coverage, and other medical benefits. In contrast, there is a need for Hong Kong to adopt a more forward-looking approach to keep pace with the progress of the overall economic model.

Regarding the new amendment, some employer representatives have expressed their "reluctant acceptance", believing that the new requirement will have a greater impact on the catering, cleaning and construction industries, which employ more casual workers. This kind of thinking only sees the cost, not the benefits. This is particularly so now that emphasis is constantly being placed on upgrading the quality of the service industry in Hong Kong, and it is all the more necessary to improve the welfare benefits of employees and attract more talents to join the industry, for only in this way can the industry as a whole benefit. In recent years, the labour force in Hong Kong has been declining. The Government has introduced a number of measures to attract people from all walks of life to join the labour market, which is conducive to ameliorating the problem of a labour shortage.

◆ 琬璇

## 新年少生氣 身心更健康

英語世界

負面情緒，例如焦慮、緊張、憤怒等等都會影響健康，不少醫學研究

指出憤怒令血壓增高、心律加快，容易導致中風、心血管疾病發作的幾率因而倍增，俗語說「氣到爆血管，鬚到血管爆」，並非胡說亂道。英文亦有 burst a blood vessel 的說法，即是爆血管，亦是說生氣、發怒。

這英文用語 burst a blood vessel 當中，burst 是動詞，爆裂的意思，而 blood vessel 是血管，字面就是爆血管，跟中文一樣，是比較幽默地形容一個人極端憤怒，有時甚至失控、大叫。

She almost burst a blood vessel when she heard that her son got hurt in school.

她聽到兒子在校內受傷後，非常生氣，憤怒到血脈貫張。

The boss will probably burst a blood vessel if we fail to meet the deadline. We had better hurry up.

如果我們不能如期完成工作，老闆定會氣沖頭上，暴跳如雷。我們還是趕緊把工作完成。

On hearing what actually happened, they nearly burst a blood vessel and immediately decided to launch a complaint.

聽到實情之後，他們怒不可遏，差點爆血管，立刻決定作出投訴。

### 鬚到嘔白泡 貌似狂犬症

另一個意思相似的用語是 foam/froth at the mouth，其中 foam/froth 是動詞，是冒出泡沫的意思，mouth 是嘴部。嘴冒泡沫、口吐白沫，說的可以是生病、受傷時的狀態，但亦可以象徵火冒三丈、大發雷霆。氣憤的時候，唾液、口水分泌會增多，不過，這用語相信是源自動物患病時的樣子，狗隻一旦患上狂犬症類的疾病，會口吐

白沫、樣貌兇惡，看似非常憤怒，因此 foam at the mouth 就用作比喻大怒、氣憤，表現得十分不高興。

Don't try to talk to him now. You can see that he is foaming at the mouth.

現在不是跟他談的時候。你看，他此刻是齜牙咧嘴，十分憤怒的樣子。

The fans frothed at the mouth when they couldn't see their idol in the show.

粉絲們見不到偶像出場，很生氣，恨得咬牙切齒。

美式俗語有另一用語 fly off the handle，形容大發脾氣。當中的 handle 是手柄，這裏說的是斧頭的手柄，fly off 是動詞，意思是飛脫。斧頭手柄鬆了，斧頭脫柄飛了出去，沒法控制，不知道飛往何處，就像人極度憤怒的時候，失去理性，不受控制，用來形容人對某些事物反應激動，震怒，或者突然遇上不快，勃然大怒，情緒失控。

He gets angry easily and flies off the handle over some small matters.

他很容易動怒，常常為一些小事失控抓狂。

He flew off the handle when he discovered that his son had lied to him and cheated him of money.

當他發現兒子向他撒謊，騙他的錢，他怒髮衝冠，勃然大怒。

Remember to stay calm and not to fly off the handle even at times of adversity.

即使遇到逆境，也要記住保持冷靜，不要激動失控。

這些用語其實都反映了憤怒是負面情緒，可以影響健康，令人失去自制能力，做出不理性的行為。所以，我們要時刻保持心境和順，頭腦冷靜，理性分析。龍年來臨，新年伊始，要學會力持鎮靜，放鬆一點，不要輕易動怒。

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## 運動術語各有譯法 文化差異趣味多

恒 大譯站

龍年賀歲 星光熠熠

不少傳奇球星落力獻技，這次不妨談談運動術語翻譯。筆者喜歡留意不同語言的運動術語，細聽各地評述員怎樣描述一場比賽，當中不少評述文化的差異。有些文化準備十分充足（例如香港的），有些較激動（例如拉美的），有些話不多，讓你靜靜欣賞球賽。

### 有否「越位」還看 on 或 off

足球運動裏，較有名的一項犯規是「越位」，不熟悉足球運動的人可能較難看懂。中文足球旁述會描述為「越位」或「右越位」，「越位」的英語是 offside，但「右越位」則較少描述為 not offside，而是 onside，例如 the manager insisted his player was onside before scoring the goal，意思就是「領隊聲稱其球員入球前並非處於越位位置」。假如球員射門「撻Q」（源自桌球術語 cue），只射中網側，英語可以是 fired into/hit the sidenetting，而補射中網側可以是 sent the follow-up into the sidenetting。

足球比賽的正選陣容可以叫 starting 11，而籃球的則是 starting 5，但後備球員是什麼呢？很多不同的團隊運動都有 bench depth 這個說法，中文的運動旁述一般會直接譯作「板凳深度」，意思是後備球員是否水平都高，「板凳深度」對籃球等極消耗體力的運動當然十分重要，所以足球運動裏正在場上的球員是 on the pitch，而在後備席的球員則是 on the bench。把 bench depth 字對字譯成「板凳深度」這種翻譯詞彙的方法可以叫 calquing。

另一個 calquing 筆者覺得十分有趣，就是「手術刀式傳球」（surgical pass），乍聽之下十分奇怪，意思其實是非常精準而且往往繞過幾個對手的傳球。英語 surgical 的這個用法來自 surgical attack，意思是非常精準的攻擊。

### 把握良機 食到「叉燒波」

其實也有不少運動術語是音譯成中文的，而且好些已廣泛普及，難以聯想到其英語詞源，例如「刁時」（deuce）或「叉燒」（chance）。「刁時」是不少拍類運動都有的術語，意指雙方在局尾平手時需以連取兩分的方式決勝，一個類似的規矩是 tiebreaker，尤其是網球運動。「叉燒」則指一個很大的得分機會，由於「叉燒」在中文本有所指，故也會引申出「叉燒波都食唔到」這類說法。

「出界」的描述在語言間也有差異。例如在羽毛球比賽，我們一般只會說 in（界內）和 out（界外）。英語旁述界內球都會說 in，但界外球往往會描述為 it's long（底線出界）或 it's wide（邊線出界）。運動裁判的英文也各有不同，差異主要源於各項運動的起源，有些運動的裁判是 referee，有些是 judge，有些是 umpire。上屆世界盃有一名球證被批執法不公遭「撻柴」，外媒描述為 the referee was sent home，然後有中文媒體直譯為「球證被送回國」，也就真太客氣了。

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