

A register analysis of legislative translation in Hong Kong and implications for translator training

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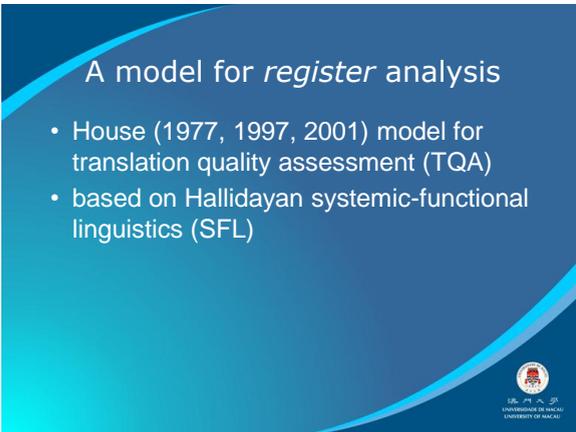
Introduction

- Legal translation in Hong Kong
- Bilingual legislation institutionalised late 1980s in Hong Kong
- Two different legal systems
 - Common law
 - Civil law



A model for *register* analysis

- House (1977, 1997, 2001) model for translation quality assessment (TQA)
- based on Hallidayan systemic-functional linguistics (SFL)

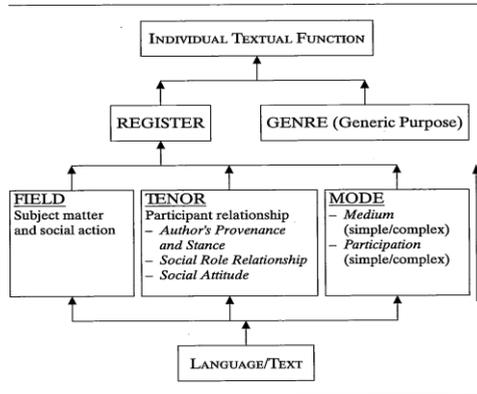


Register

- Variation according to **use** (Halliday & Hasan 1985/89: 41)
- a *variety* of language that is subject to the influences of the given **eco-social context**, e.g., scientific, legal (Crystal 2003: 436).
- The linguistic make-up of a text “captures the relationship between text and **context**” (House 2001: 138)



Table 1. A Scheme for Analysing and Comparing Original and Translation Texts



Sample

three ordinances from the bilingual laws of Hong Kong:

- Chapter 3 Jury ordinance
- Chapter 9 Judgments (facilities for enforcement) ordinance
- Chapter 22 Fatal accident ordinance



Results and discussion

Field – subject matter and social action –
legislation in Hong Kong

- stipulate rights and obligations
- prescribe penalties and situations

No great differences between the English and Chinese versions

Semantically faithful translation



(1) a. In all civil and criminal trials and in all **inquiries** into the idiocy, lunacy, or unsoundness of mind of any person, the jury, if any, **shall** consist of 7 persons except where the court or the judge before whom any such trial or inquiry is or may be heard, orders that the jury **shall** consist of 9 persons. [Chapter 3 Jury Ordinance: English]

b. 在所有民事及刑事審訊，以及就任何人是否白癡、精神錯亂或精神不健全而進行的所有**研訊**中，陪審團(如有的話)**須**由7人組成，但如聆訊或可能聆訊任何該等審訊或研訊的法庭或法官命令該陪審團**須**由9人組成，則屬例外。 [Chinese]

c. In all civil and criminal trials, and in all inquiries about whether any person is idiot, lunatic or unsound in mind, the jury (if any) **must** consists of 7 persons, with the exception that the court or the judge before whom any such trial or inquiry may be heard orders that the jury **must** consist of 9 persons. [back translation of the Chinese version]



Tenor – interpersonal meanings

- authorship – law-making authorities – authoritative, discreet and rigorous
- readership – general public in Hong Kong (English- and Chinese-speaking)

some *shift* in tenor detected



- (2) a. [T]he jury, if any, **shall** consist of 7 persons
[Chapter 3 Jury Ordinance: English]
b. 陪審團(如有的話)須由7人組成。[Chinese]
- (3) a. [A]ny of the powers conferred by this
Ordinance on the Supreme Court **may** be
exercised by any judge thereof. [Chapter
9 Judgments Ordinance: English]
b. 本條例授予最高法院的任何權力，均可由
最高法院任何大法官行使。[Chinese]



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- (4) a. the judgment debtor [...] was not **duly served** with the process of the original court [Chapter 9 Judgments Ordinance:]
b. 被告人[...]並未妥獲送達原訟法院的有關法律程序文件 [Chinese]



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Neologisms in the Chinese translation

English terms	Chinese translations	Ordinance
inquires [noun]	研訊 <i>yan xin</i> 'study [and] trial'	3. Jury
possess [verb]	管有 <i>guan you</i> 'take charge (of) [and] have'	3. Jury
reference [noun]	提述 <i>ti shu</i> 'mention [and] statement'	3. Jury
facilitate	利便 <i>li bian</i> 'benefit [and] make (something) convenient'	9. Judgments
(be) duly served	妥獲 <i>tuo huo</i> 'properly or adequately obtained'	9. Judgments
(be) satisfied	信納 <i>xin na</i> 'faithfully receive'	9. Judgments
dependant [noun]	受養人 <i>shou yang ren</i> 'receive rearing person(s)'	22. Fatal accident
claim [noun]	申索 <i>shen suo</i> 'appeal [and] demand'	22. Fatal accident



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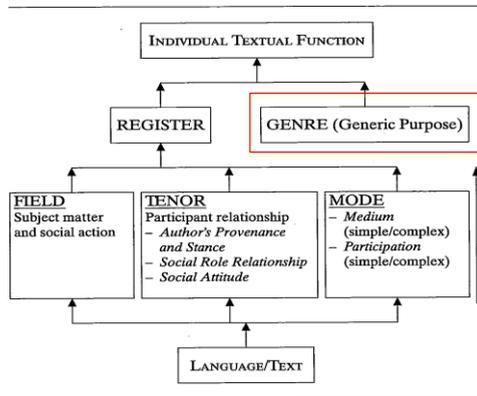
Mode – medium and participation

- simple: written to be read
- one-way communication

no much shift between the English and Chinese versions



Table 1. A Scheme for Analysing and Comparing Original and Translation Texts



Genre – generic

The given register (both E and C) – unmarked legislative texts in Hong Kong – compared with similar genres in:

- the UK
- China

probably closer to the former



Covert versus overt translation

a covert translation operates therefore quite “overtly” in the frame and discourse world provided by the target culture, with no attempt being made to co-activate the discourse world in which the original unfolded (House 2001: 141)

Both *adequate* and *acceptable* translation



(5) a. An action under this Ordinance may consist of or include a claim for damages for bereavement unless, by reason of the act, neglect or default referred to in section 3, any person has recovered, by action or otherwise, a sum in respect of loss of the deceased's society under section 20C(1) of the Law Amendment and Reform (Consolidation) Ordinance (Cap 23). [Ch 22. Fatal accident Ordinance: English]

b. 除非有人已經因為第3條所指的作為、疏忽或過失，循訴訟或其他方式，根據《法律修訂及改革(綜合)條例》(第23章)第20C(1)條就不能再與死者相處而追討得到一筆款項，否則根據本條例提出的訴訟可包括親屬喪亡之痛的損害賠償申索，亦可只是提出該項申索。 [Chinese]



Conclusion

- House’s model of register analysis
- The Chinese translation mainly reproduces the register of the English legislative texts
- Tenor shift, caused by the use of neologism



Thank You!

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