



香港法律翻譯學會有限公司  
HONG KONG INSTITUTE OF  
LEGAL TRANSLATION LIMITED



香港公開大學  
THE OPEN UNIVERSITY  
OF HONG KONG

## CPD Seminar Legal Bilingualism and Legal Translation

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<b>Date:</b>	14 <sup>th</sup> August, 2010 (Saturday)	
<b>Location:</b>	Serena Yang Lecture Theatre, The Open University of Hong Kong, 30 Good Shepherd Street, Homantin, Kowloon, Hong Kong	
<b>Time:</b>	Morning Session: 9:30 am – 12:45pm (3 CPD points) Afternoon Session: 2:15 – 5:30pm (3 CPD points)	
<b>Language:</b>	Cantonese	
<b>Fees:</b>	<u>Enrolment:</u>	<u>Lunch and Refreshments:</u>
	HK\$500 per session for non-HKILT members	HK\$65 for lunch (Please refer to the attached lunch ticket for details.)
	HK\$300 per session for HKILT members	Refreshments will be served during breaks.

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### **HIGHLIGHT:**

For more than a decade since the implementation of a bilingual legal system in Hong Kong, the use of English has remained dominant over Chinese in the legal profession. With an aim to promote legal bilingualism, the Hong Kong Institute of Legal Translation and the Open University of Hong Kong have co-organised a seminar titled “Legal Bilingualism and Legal Translation”. The seminar has been approved with 6 CPD points by the Law Society of Hong Kong. It will be conducted in 2 sessions. The morning and afternoon session each consists of two talks given by different renowned speakers. Legal practitioners, translators and the general public interested are welcome to enrol in this seminar.



- **The Development of a Bilingual Legal System in Hong Kong**
- Speaker: The Hon. Madam Justice Chu, Judge of the Court of First Instance, High Court



- **Where there is a difference of meaning in two authentic texts: The Court’s Interpretation Strategies of Bilingual Legal Texts**
- Speaker: Dr. Ho Koon Ki Tommy, Barrister, Associate Head of College of Humanities and Law of HKU SPACE



- **Culture and the Language of the Law**
- Speaker: Dr. Neoh Anthony Francis, SC, JP



- **Use of Plain Language in Legal Drafting and Legal Translation**
- Speakers: Dr. Poon Wai Yee Emily, Associate Professor of OUHK, Chairlady of HKILT  
Dr. Lau Kit Hung, Solicitor, Vice Chairman of HKILT

### **REGISTRATION AND ENQUIRIES:**

For registration, please complete the attached enrolment form and return it with a crossed cheque in full amount of the required fees (payment for lunch should be made by a separate crossed cheque) to:

Dr. Poon Wai Yee Emily, Associate Professor, A0716, The School of Arts and Social Sciences, The Open University of Hong Kong,  
30 Good Shepherd Street, Homantin, Kowloon, Hong Kong

For Enquiries, please contact Dr. Poon Wai Yee Emily at Tel: 27685710, Fax: 23913184 or Email: epoon@ouhk.edu.hk

## **DETAILS:**

### **Morning Session:**

#### **9:30 – 11:00      The Development of a Bilingual Legal System in Hong Kong**

*Speaker: The Hon. Madam Justice Chu*

The talk reviews the development of the Hong Kong legal system from one in which English was the only language of the law to one in which both Chinese and English may be used for court proceedings. Noting the increasing use of Chinese in proceedings at all levels of court, the talk will also consider how far Hong Kong has progressed towards a bilingual legal system.

#### **11:15 – 12:45      Where there is a difference of meaning in two authentic texts:**

##### **The Court's Interpretation Strategies of Bilingual Legal Texts**

*Speaker: Dr. Ho Koon Ki Tommy*

Section 3 of the Official Languages Ordinance (Cap. 5) provides that the official languages in the Hong Kong Special Administrative Region are Chinese and English. Legal documents are in many cases drafted in both official languages. Section 10B of Interpretation and General Clauses Ordinance (Cap 1) provides that insofar as Ordinances are concerned, both English and Chinese language texts shall be equally authentic and are presumed to have the same meaning. Where there is a difference of meaning in the two authentic texts which the rules of statutory interpretation ordinarily applicable do not resolve, the meaning which best reconciles the texts, having regard to the object and purposes of the Ordinance, shall be adopted. This talk will conduct a survey on how the Court applies section 10B as an interpretation strategy of bilingual legal texts. The Court does not seem to have confined the guidelines in section 10B to the interpretation of Ordinances only but has liberally applied the same to the interpretation of other legal texts as well. The speaker will also explore the possibility of using section 10B as an interpretation rule for the Basic Law using Article 105 as an example.

### **Afternoon Session:**

#### **14:15 – 16:15      Culture and the Language of the Law**

*Speaker: Dr. Neoh Anthony Francis, SC, JP*

In this talk, Dr. Neoh will explore how culture has given rise to the language used in the law in Imperial, Republican and Present Day China (including the HKSAR, Macau SAR and the Province of Taiwan), the challenges facing the use of Chinese in the law in the HKSAR. He will develop the talk in terms of the historical development of the legal system in Imperial China and how the legal systems were later developed and their reception of Western legal concepts, traditions and institutions into the legal systems of the various places listed above.

#### **16:30 – 17:30      Use of Plain Language in Legal Drafting and Legal Translation**

*Speakers: Dr. Poon Wai Yee Emily and Dr. Lau Kit Hung*

Law is difficult even for the vast majority of native English speakers and it is no different for native-speaking Chinese, whether they are lawyers or not, if it is translated using similar convoluted structures as in the English text. The root of the problem lies in the old drafting style. The speakers propose that there should be a commitment to plain language drafting in statutes, judgments and legal documents and in this session, Dr. Poon and Dr. Lau will explore the possibility of applying plain language in the legal context. The primary objectives of this strategy are to educate the public about the general concept of law and to enable the law practitioners to advise their clients more efficiently in Chinese and thereby developing among legal practitioners the consciousness of using Chinese as legal Chinese, whether it is for writing legal documents or being used as the trial language. These objectives should be achieved on two fronts — simplification of legal English and plain language translation.

## **NOTES:**

### **(1) Attendance policy for accredited CPD courses**

With effect from 1 November 2008, a practitioner should not claim any CPD points if he is absent (excluding scheduled breaks) for more than 30 minutes for a course of 3 hours or more in duration.

Where a course participant both arrives late and leaves early in the same course, the grace period or partial award of CPD points will not apply. In such cases, no CPD points will be awarded for attendance at that course.

When attending courses, practitioners should notify the provider that they will claim CPD points and should make sure that their attendance at the entire course is noted by signing in **and** out of the course.

Please visit [http://www.hklawsoc.org.hk/pub\\_e/cpdcourse/info%5C11.asp](http://www.hklawsoc.org.hk/pub_e/cpdcourse/info%5C11.asp) for more details.

### **(2) Mandatory CPD Training Records**

Participants are reminded to update their Mandatory CPD Training Records with the CPD points for the course and to keep them up-to-date.



**CPD Seminar**  
**ENROLMENT FORM**

**COURSE APPLICATION**

Course Title: LEGAL BILINGUALISM AND LEGAL TRANSLATION  
Date: 14<sup>th</sup> August, 2010  
Time:  Morning Session [9:30am - 12:45pm] |  Lunch [12:45pm - 2:15pm]  
 Afternoon Session [2:15pm - 5:30pm] | HK\$65 per head  
Fee per session: HK\$500 for non-HKILT Members (Please refer to the attached lunch ticket for details)  
HK\$300 for HKILT Members  
Venue: Serena Yang Lecture Theatre, The Open University of Hong Kong, 30 Good Shepherd Street, Homantin, Kowloon, Hong Kong

**PERSONAL PARTICULARS**

Last Name: (Dr/Mr/Ms/Miss)\*  
Given Name:  
HKID Card No.:  
HKILT Member:  No  Yes Membership No.:  
Occupation:  Solicitor Solicitor No.: Year of Admission:  
 Barrister  
 Trainee Solicitor First / Second year\*  
 Others, please specify  
Company Name:  
Company Position:  
Contact Phone No.: (Home) (Work) (Mobile)  
Email: (Receipts for all fees will be sent via email.)  
Correspondence Address:  
Signature: Date:

**PAYMENT**

I enclose a crossed cheque (Bank: Cheque No: ) payable to "Hong Kong Institute of Legal Translation Limited" or 「香港法律翻譯學會有限公司」 to cover the enrolment fee of HK\$ and a crossed cheque (Bank: Cheque No: ) payable to the Institute to cover the lunch fee of HK\$65. Please send the enrolment form, the enrolment fee, the lunch ticket (if any) and the lunch fee (if any) to Dr. Poon Wai Yee Emily, Associate Professor, A0716, The School of Arts and Social Sciences, The Open University of Hong Kong, 30 Good Shepherd Street, Homantin, Kowloon, Hong Kong.

Remarks: All fees are non-refundable. Enrolment will be accepted on a first-come-first served basis as seats are limited.

**NOTE**

Please be reminded that a place will only be confirmed upon receipt of full payment of the enrolment fee and the enrolment form. The completed enrolment form together with the appropriate fee must reach us at least 7 days before the commencement date of the Seminar unless otherwise stated. An official receipt will be provided via email.

\* Delete as appropriate



CPD Seminar  
LUNCH TICKET

Name:

*Last Name* / *Given Name*

Venue: *G/FIOU club / Canteen*

Date: *14<sup>th</sup> August, 2010*

Time: *12:45pm - 2:15pm*

‡ Please submit this lunch ticket together with ‡  
‡ a cheque of HK\$65 to Dr. Poon Wai Yee Emily. ‡

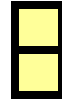
※ MENU ※

雜菌忌廉湯

主菜

請選擇以下其中一項：

- A. 蝦慕士龍脷卷忌廉汁  
B. 意式雞扒·香草鮮茄汁



飲品

熱飲 (奶茶, 咖啡 或 檸水/茶)

甜品

三色鮮果碟

Enjoy your lunch!

Please note that the menu is subject to change and availability without further notice.