

Professionalization of Legal Translators and Interpreters in Hong Kong

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I. Introduction

In many common law jurisdictions¹, legal translators and interpreters are well-recognized as professional. However, it is not the case in Hong Kong. In my view, it is necessary to recognize legal translators and interpreters as professionals. This paper will examine the reasons for the need of establishing a system recognizing the professionalism of legal translators and interpreters in Hong Kong and explore ways to achieve it. In this paper, common law jurisdictions, for discussion purposes, refer to the United Kingdom, United States, Australia, Canada and Singapore.

II. Role of legal translators and interpreters today

i. Legal translators

The definition of translator, according to The Cambridge Dictionaries Online², is “a person whose job is changing words, especially written words, into a different language.” In real life nowadays, people involving in translation work may not have the job title of translator. They may be called communication officers, editors, language consultant, language service provider, or sometimes secretaries, personal assistants, etc. They may be asked to work on various types of translation-related works, such as, editing, proofreading, revision, transcription, subtitling, voiceover, localization, desktop publishing and terminology work.³

¹ The common law jurisdictions in the present day include England and Wales, Northern Ireland, Ireland, United States (except Louisiana), Canada (except Quebec), Australia, Kenya, New Zealand, South Africa, India, Malaysia, Brunei, Pakistan, Singapore, Hong Kong, and many other generally English-speaking countries or Commonwealth countries (except Scotland, which is bijuridicial, and Malta), see *Wikipedia, the free encyclopedia*, Common Law, http://en.wikipedia.org/wiki/Common_law#Common_law_legal_systems_in_the_present_day, retrieved on 5 December 2010.

² Cambridge English Dictionary Online, <http://dictionary.cambridge.org/dictionary/british/>, retrieved on 5 December 2010.

³ Chan, L. J., *Information Economics, The Translation Profession and Translator Certification*, Dissertation for the award of Doctor of Philosophy, PhD program in Translation and Intercultural

Translation, broadly speaking, can be divided into two major types: literary translation and document translation. Literary translation refers to the translation of literary works, such as novels, plays and poems, whilst document translation refers to the translation of various kinds of documents which are largely based on factual information, such as brochures and newsletters of community organizations, government policy papers and reports, legal documents, business correspondence. Translators doing document translations are required to maintain a high level of accuracy while maintaining the natural flow of expression in the target language. Legal translation is a kind of document translation. Legal translators are required to equip with translation skills with a high level of accuracy.⁴

According to Šarčević, legal translators traditionally acted as a mediator between text producers and receivers in a sterile triadic relationship. It was not until the twentieth century that the legal translator succeeded in converting his passive role in the communication process into an active one, finally emerging as a text producer with new authority and responsibility. In real life, legal translators nowadays may have various titles. For instance, legal translators at the International Court of Justice at The Hague are called legal secretaries because they are actually involved in the administration of justice. In the European Union, legal translators are interdisciplinary specialists called lawyer-linguists who are responsible for revising, harmonizing, and coordinating all language versions.⁵

ii. *Legal interpreters*

The definition of an interpreter, according to The Cambridge Dictionaries Online, is “someone whose job is to change what someone else is saying into another language”⁶.

Of legal interpreters, according to Keratsa, legal interpreters perform their vocation in several legal settings. Broadly speaking, their mission as agents of languages and

Studies, Universitat Rovira i Virgili, Spain, 2008, 38.

⁴ Ko, L., NATTI Accreditation for Translators in Australia: Theoretical Underpinnings and Practical Implications, *Translation Watch Quarterly*, Vol. 1, Inaugural Issue, December 2005, 46-58, at 49.

⁵ Šarčević, S., ‘The Changing Role of the Legal Translator’, in *New Approach to Legal Translation*, Kluwer Law International, 1997, 87.

⁶ Cambridge English Dictionary Online, <http://dictionary.cambridge.org/dictionary/british/>, retrieved on 5 December 2010.

cultures determines the outcome of legal procedures.⁷

III. Meanings of “profession” and “professional”

i. “Profession”

The definition of profession differs according to the type of profession and is highly subjective and context controlled⁸. Classically, there were only three professions: Divinity, Medicine, and Law. The main milestones which mark an occupation being identified as a profession are:

1. It became a full-time occupation;
2. The first training school was established;
3. The first university school was established;
4. The first local association was established;
5. The first national association was established;
6. The codes of professional ethics were introduced;
7. State licensing laws were established.⁹

With the rise of technology and occupational specialization in the 19th century, other bodies began to claim professional status: Pharmacy, Veterinary Medicine, Nursing, Teaching, Librarianship, Optometry and Social Work, all of which could claim, using these milestones, to be professions by 1900.¹⁰

Although professions enjoy high status and public prestige, not all professionals earn high salaries, and even within specific professions there exist significant inequalities of compensation; for example, a trial lawyer specializing in tort litigation on a contingent-fee basis may earn several times what a prosecutor or public defender earns.

⁷ Keratsa, A., Court Interpreting: features, conflicts and the future, *Translatum Journal*, 2005, Issue 5, <http://www.translatum.gr/journal/5/court-interpreting.htm>, retrieved on 10 December 2010, 1.

⁸ Wong, T.C., *A Comparative Study on the Credentialing (Certification) of Legal Translators*, 2010, Hong Kong Institute of Legal Translation (HKILT), <http://www.hkilt.com/>, retrieved on 5 December 2010, 3.

⁹ *Wikipedia, the free encyclopedia*, Profession, <http://en.wikipedia.org/wiki/Profession>, retrieved on 5 December 2010.

¹⁰ *Ibid.*

The ranking of established professions, for instance, in the United States shows Surveying first¹¹, followed by Medicine, Actuarial Science, Law, Dentistry, Civil Engineering, Logistics, Architecture and Accounting.¹²

Nowadays it is commonly agreed that professions include the following:

- Accountants
- Actuaries
- Advocates
- Architects
- Dentists
- Engineers
- Interpreters
- Lawyers
- Librarians
- Nurses
- Pilots
- Pharmacists
- Physicians
- Professors
- Teachers¹³

According to Alan Bullock & Stephen Trombley, a profession arises when any trade or occupation transforms itself through "the development of formal qualifications based upon education, apprenticeship, and examinations, the emergence of regulatory bodies with powers to admit and discipline members, and some degree of monopoly rights."¹⁴

According to Carte, there is a list of traits that characterize profession: (1) theoretical knowledge, (2) autonomy, (3) service mission, (4) ethical code, (5) public sanction

¹¹ George Washington, Thomas Jefferson, and Abraham Lincoln were all land surveyors before entering politics.

¹² Supra n. 9.

¹³ Ibid.

¹⁴ Bullock, A. & Trombley, S., *The New Fontana Dictionary of Modern Thought*, London: Harper-Collins, 1999, 689.

(legal restrictions on who can practice), (6) professional association, (7) formal training, (8) credentialing, (9) sense of community, and (10) singular occupation choice (practitioners remain in the same occupation throughout their careers).¹⁵

Brante also states that “professions are non-manual full-time occupations which presuppose a long specialized and tendentious also scholarly ... training which imparts specific, generalizable and theoretical professional knowledge, often proven by examination.”¹⁶

Definitions of profession commonly agree that professionals develop a specialized knowledge base from which professionals have the ability to apply that knowledge in individual, non-routine circumstances; and that they have a strong ethical to do what is best for their clients. In addition, according to Wasley, professionals usually work together to determine the standard of credentialing.¹⁷

Referring more specifically to the interpreting profession, Witter-Merithew identifies the following standards that must be met for an occupation to be considered a profession:

1. A profession is an established field of expertise governed by standards of performance and behavior to which practitioners comply.
2. A profession is a field of expertise that consists of a body of knowledge and skills that require academic pursuit to master
3. A profession has a mechanism for testing and determining who is qualified to function as a practitioner and assumes responsibility for monitoring conformance to standards.
4. A profession has a mechanism for self-examination, contrast of perspectives, evolution of theory and practice and a system for publishing/disseminating this information.¹⁸

¹⁵ Carte, M. , Occupation to profession continuum- status and future of AAHPERD, in *Journal of Physical Education, Recreation and Dance*, 1990, 61(3), 106-09.

¹⁶ Brante, T., ‘Professional Types as a Strategy of Analysis’ in Burrage, M. & Torstendahl, R. (eds), *Professions in Theory and History*, Sage Publications, London, 1990, 79-93.

¹⁷ Wasley, P., *Teachers who Lead: The Rhetoric of Reform and the Realities of Practice*, Teachers College Press, New York, 1991, 16.

¹⁸ Merithew, W., *Power and powerless: Interpreting as a profession*, Proceedings of the Second Annual Institute for Court Interpreters, Administrative Office of the Courts, Court Interpreting, Legal

According to Mikkelson, a number of different terms are used to describe the manner in which individuals document their authorization to practice a profession or occupation: licensure, certification, accreditation and registration are the most common ones.¹⁹

ii. “Professional”

A professional is a member of a vocation founded upon specialised educational training.²⁰

The word ‘professional’ traditionally means a person who has obtained a degree in a professional field. The term professional is used more generally to denote a white collar working person, or a person who performs commercially in a field typically reserved for hobbyists or amateurs.

In western nations, such as the United States, the term commonly describes highly educated, mostly salaried workers, who enjoy considerable work autonomy, a comfortable salary, and are commonly engaged in creative and intellectually challenging work. Less technically, it may also refer to a person having impressive competence in a particular activity.

Because of the personal and confidential nature of many professional services and thus the necessity to place a great deal of trust in them, most professionals are held up to strict ethical and moral regulations.

According to Wikipedia, the criterion for being a professional include the followings:

1. A professional is a person that is paid for what they do. Qualifications have little to do with being a professional as the world's "oldest profession" is strictly a monetary gain career. An amateur maybe more qualified than a professional but they are not paid, thus they are an amateur.
2. Expert and specialized knowledge in field which one is practicing professionally.

Translating and Bilingual Services Section Publication, 1990, No. 4, 71-77.

¹⁹ Mikkelson, H., *Court Interpreting at a Crossroads*, Annual Conference of the National Association of Judiciary Interpreters and Translators (NAJIT), Monterey Institute of International Studies, May 1999, <http://www.acebo.com/papers/crossr~1.htm>, retrieved on 5 December 2010, 7.

²⁰ *Wikipedia, the free encyclopedia*, Professional, <http://en.wikipedia.org/wiki/Professional>, retrieved on 5 December 2010.

3. Excellent manual/practical and literary skills in relation to profession.
4. High quality work in (examples): creations, products, services, presentations, consultancy, primary/other research, administrative, marketing or other work endeavors.
5. A high standard of professional ethics, behavior and work activities while carrying out one's profession (as an employee, self-employed person, career, enterprise, business, company, or partnership/associate/colleague, etc.). The professional owes a higher duty to a client, often a privilege of confidentiality, as well as a duty not to abandon the client just because he or she may not be able to pay or remunerate the professional. Often the professional is required to put the interest of the client ahead of his own interests.
6. Reasonable work moral and motivation. Having interest and desire to do a job well as holding positive attitude towards the profession are important elements in attaining a high level of professionalism.
7. Participating for gain or livelihood in an activity or field of endeavor often engaged in by amateurs; having a particular profession as a permanent career; engaged in by persons receiving financial return.
8. Inappropriate treatment and relationships with colleagues. Special respect should be demonstrated to special people and interns. An example must be set to perpetuate the attitude of one's business without doing it harm.
9. Professional Attire - Including but not limited to, dress slacks, long-sleeve button down shirt, tie, dress shoes, etc.
10. Professional is an expert who is master in a specific field. In Britain and elsewhere, professionalism is often designated by Royal Charter.²¹ The Institute of Chartered Accountants in England and Wales (ICAEW)²² and The Institution of Royal Engineers²³, are examples.

²¹ *Wikipedia, the free encyclopedia*, List of organizations in the United Kingdom with a Royal Charter, http://en.wikipedia.org/wiki/List_of_organisations_in_the_United_Kingdom_with_a_royal_charter, retrieved on 20 April 2011.

²² The Institute of Chartered Accountants in England and Wales (ICAEW) was established by a Royal Charter in 1880. It has over 130,000 members. See *Wikipedia, the free encyclopedia*, Institute of Chartered Accountants in England and Wales, http://en.wikipedia.org/wiki/Institute_of_Chartered_Accountants_in_England_and_Wales, retrieved on 20 April 2011.

²³ The Institution of Royal Engineers was established in 1875. In 1923, it was granted its Royal Charter

IV. Professionalization of the sector of legal translators and interpreters in some common law countries

Many common law countries have their own system or organization giving formal recognition, acceptance or approval on the professionalism of legal translators and interpreters. Generally speaking, recognition by a professional association is customary in common law countries, such as USA, UK and Canada, where it focuses on the candidate's linguistic competency. For other countries not within the common law jurisdiction, for instance, China, a civil law country, recognition by a government body or quasi-government body is usually employed, where it focuses on the moral integrity of the candidates.²⁴

i. United States

In the United States, two major professional translator organizations in the United States are the American Translators Association (ATA) and the National Association of Judiciary Interpreters and Translators (NAJIT), formerly known as the Court Interpreters and Translators Association (CITA).

CITA was founded in New York in 1978. In 1988 the organization changed its name to NAJIT.²⁵ As of 2010, NAJIT's membership of nearly 1200 professionals includes practicing judiciary interpreters and translators as well as attorneys, judges, Ph.D. linguists, educators, researchers, students, administrators, as well as managers of non-profit community language bureaus and for-profit language agencies.

ATA was founded in 1959 and is the largest professional association of translators and interpreters in the U.S., with over 11,000 members in more than 90 countries. ATA's primary goals are to foster and support the professional development of translators and interpreters and promote the translation and interpreting professions.²⁶ Certification is awarded based on a specific language pair and direction (i.e. from or into English). It

by King George V. See *Wikipedia, the free encyclopedia*, The Institution of Royal Engineers, http://en.wikipedia.org/wiki/Royal_Engineers#The_Institution_of_Royal_Engineers_.28InstRE.29, retrieved on 20 April 2011.

²⁴ *Supra* n. 8, 15-16.

²⁵ National Association of Judiciary Interpreters and Translators (NAJIT), <http://www.najit.org/>, retrieved on 4 December 2010.

²⁶ American Translators Association (ATA), <http://www.atanet.org/>, retrieved on 4 December 2010.

provides objective evidence of a translator's competence in that language combination. Further, it began attracting more members, and many of its regional chapters and affiliated organizations have large contingents of legal translators among their membership.²⁷

As to court interpreters in the United States, with increasing regulation and restriction of entry into the court interpreter profession, court interpreters' status and working conditions have gradually improved, though not as rapidly as they would like. According to Arjona, the advent of the Federal Court Interpreter Certification Examination raised standards and led to an increase in the pay rates of interpreters in the U.S. District Courts.²⁸ For example, the State of Oregon introduced certification requirements in 1996, at which time courts were paying anywhere from \$13 to \$25 per hour. Now, the standard pay for certified interpreters is \$32.50 per hour, and many state agencies and other employers have raised their rates to stay competitive with the courts.²⁹

Further, according to Farrell, in recognition of the stressful nature of court interpreting, a small but growing number of jurisdictions now have regulations in place requiring at least two interpreters to be assigned to cases slated to last longer than two hours.³⁰ Colin and Morris also states that nowadays, duties such as document translation and tape transcription are increasingly assigned to certified interpreters who have been qualified to perform these specialized tasks, rather than to bilingual clerical staff with no training.³¹ Enlightened court administrations no longer expect court interpreters to perform unrelated duties, such as filling out paperwork, working at the counter in the clerk's office, and escorting defendants to other offices.

ii. *Canada*

In Canada, the two major professional translator organizations are the Canadian Translators, Terminologists and Interpreters Council (CTTIC) and the Society of

²⁷ Supra n. 19, 2.

²⁸ Arjona, E., Language planning in the judicial system: A look at the implementation of the U.S. Court Interpreters Act, *Language Planning Newsletter*, 9 (1), 1983, 1-6.

²⁹ Supra n. 27.

³⁰ Farrell, J., NJ interpreter takes the heat for advocating team interpreting, in *Proteus*, VI(2), Spring 1997, 3-4.

³¹ Colin, J. and Morris, R., *Interpreters and the Legal Process*, Winchester, UK: Waterside Press, 1996, 86-87.

Translators and Interpreters of British Columbia (STIBC).

CTTIC was founded in 1970 and is the legal successor of the Society of Translators and Interpreters of Canada (STIC), which was incorporated in 1956. It is now a federation of nine provincial and territorial bodies, two of which, the Association of Translators and Interpreters of Ontario (ATIO) and the Ordre des traducteurs, terminologues et interprètes agréés du Québec (OTTIAQ) (formerly Société des traducteurs du Québec), are its founding members. CTTIC is a member of the FIT (Fédération Internationale des Traducteurs).³²

STIBC was incorporated in 1981. It is a non-profit professional association and an affiliate of the CTTIC. STIBC first developed a credentialing examination for legal translators and court interpreters in the early 1980s³³. Eventually the credentialing was adopted for the entire country. It is now the CTTIC overseeing the credentialing.

iii. United Kingdom

In the United Kingdom, two major professional translator organizations are the Chartered Institute of Linguists (IoL) and the Institute of Translation & Interpreting (ITI) of United Kingdom.

IoL was founded in 1910. It serves the interests of professional linguists throughout the world and acts as a respected language assessment and recognised awarding organisation delivering Ofqual (Office of Qualifications and Examinations Regulator) accredited qualifications.³⁴

IoL now has around 6,500 Fellows, Members and Associate Members. It aims to:

- promote the learning and use of modern languages
- improve the status of all professional linguists
- establish and maintain high standards of work
- serve the interests of all linguists
- ensure professional standards amongst language practitioners through its Code of Conduct.

³² Canadian Translators, Terminologists and Interpreters Counsel (CTTIC), <http://www.cttic.org/mission.asp>, retrieved on 4 December 2010.

³³ Society of Translators and Interpreters of British Columbia (STIBC), <http://www.stibc.org/>, retrieved on 4 December 2010.

³⁴ The Chartered Institute of Linguists, <http://www.iol.org.uk/>, retrieved on 1 December, 2010.

IoL acts as a forum for linguists in all areas of professional and academic life and its authoritative journal, *The Linguist*, contains articles of academic and practical interest. It is also actively involved in language issues at both a national and an international level.³⁵

The Institute of Translators and Interpreters (ITI) was founded in 1986 as the only independent professional association of practising translators and interpreters in the United Kingdom. With its aim of promoting the highest standards in the profession, ITI serves as a meeting place for all those who understand the importance of translation and interpreting to the economy and society, particularly with the expansion of a single European market of over forty languages and the growth of worldwide communications. ITI offers guidance to those entering the profession and advice not only to those who offer language services but also to their customers.³⁶

Both IoL and ITI provide certification examinations of various language pairs and are working together on the establishment and administration of the new designation of Chartered Linguist.

iv. *Australia*

The major professional translator organization in Australia is the National Accreditation Authority for Translators and Interpreters (NAATI).³⁷ It was founded in 1977 and is the national standards and accreditation body for translators and interpreters in Australia. It is the only agency that issues accreditations for practitioners who wish to work in this profession in Australia. Its accreditation is the only credential officially accepted by employers for translation and interpreting in Australia.

NAATI's primary purpose is to strengthen inclusion and participation in Australian society by assisting in meeting its diverse and changing communication needs and expectations, through setting, maintaining and promoting high national standards in

³⁵ Ibid.

³⁶ Institute of Translators and Interpreters (ITI), <http://www.iti.org.uk/>, retrieved on 1 December 2010

³⁷ The National Accreditation Authority for Translators and Interpreters (NAATI), <http://www.naati.com.au/>, retrieved on 4 December 2010.

translating and interpreting, and implementing a national quality-assurance system for credentialing practitioners who meet those standards.³⁸

NAATI credentialing provides quality assurance to the clients of translators and interpreters and gives credibility to agencies that employ practitioners who are credentialed appropriately.

The NAATI Translator test is open to candidates from any disciplinary background, provided that they “have general education to degree or diploma level” or “demonstrated work experience attested to by an employer, or evidence of relevant post-secondary studies.”³⁹

v. *Singapore*

Like Hong Kong, Singapore is an Asian country. It is a multi-racial and multi-lingual country. The Singapore government recognises four official languages: English, Malay, Chinese (Mandarin), and Tamil.⁴⁰

English is the most dominant language in Singapore, unlike neighbouring countries Malaysia and Indonesia, where Malay is the dominant language. The forms of English spoken in Singapore range from Standard English to an English-based creole known as Singlish. Amongst Singaporeans, English has the largest number of speakers. This is followed by Mandarin Chinese, Malay and Tamil. The spelling and vocabulary used are primarily those of British English. The use of English became widespread in Singapore after 1965 when it was implemented as a first language medium in the education system. At school, children are required to learn English and one of the three other official languages as a mother tongue. Indeed, as of 1987, English was declared the official first language of the Singapore education system.⁴¹

The major translator organizations in Singapore are the Singapore Translators Association (STA) and the Singapore Interpreters and Translators' Union (SITU). The role of STA is to spearhead the translation industry's development, establish and promote industry standards and create public awareness of the industry.

³⁸ Ibid.

³⁹ Supra n. 4, 47.

⁴⁰ *Wikipedia, the free encyclopedia*, Singapore,

<http://en.wikipedia.org/wiki/Singapore#Languages>, retrieved on 5 December 2010.

⁴¹ Ibid.

SITU has been from time to time working with academic institutions in Singapore, for instance, the Nanyang Technological University (NTU) to develop short and customized courses for working adults who wish to enter the translation industry. For instance, in May 2005, an interpretation and translation forum was organized by SITU in collaboration with the Nanyang Technological University (NTU), the International Enterprise (IE) Singapore which is the lead agency under the Ministry of Trade and Industry responsible for promoting the overseas growth of Singapore-based enterprises and international trade. The forum unveiled measures to lift the local translation and interpretation industry, which was worth \$8million annually and employed about 1,000 full-time and freelance translators and interpreters.⁴²

At present, the Nanyang Technological University (NTU) offers a Graduate Diploma in Translation and Interpretation in English and Chinese. The program is open to university graduates and those with equivalent qualifications.⁴³

V. Professionalization of the sector of legal translators and interpreters in Hong Kong

Despite the facts that many common law countries have developed or are in the process of developing their own legal translators recognition systems, such as Australia and United States; or introducing a number of new initiatives to strengthen and further develop the existing recognition system, such as United Kingdom and Canada, Hong Kong has done virtually nothing on recognition of legal translators.⁴⁴

Nowadays, the only association offering credentialing or giving recognition of the professionalism of translators in Hong Kong is the Chartered Institute of Linguists (IoL) Hong Kong Society. However, IoL does not offer any legal translators credentialing, as its competency tests do not include tests on the legal aspects of translation. In the past, the Hong Kong Translation Society (HKTS) had once launched two translation certification examinations. Yet, due to insufficient number of candidates, these two

⁴² National Trades Union Congress (NTUC), NTUC Online, News 20 May 2005, *A Boost for the Translation and Interpretation Industry*, http://www.ntuc.org.sg/ntucunions/news/news_200505f.asp, retrieved on 5 December 2010.

⁴³ Nanyang Technological University (NTU), <http://www.hss.ntu.edu.sg/GDTI/Pages/Background.aspx>, retrieved on 5 December 2010.

⁴⁴ *Supra* n. 8, 11.

examinations ceased to operate in 1994.

As to legal interpreters in Hong Kong, the only organisation giving formal credentialing is the Hong Kong Judiciary.

i. The Chartered Institute of Linguists (IoL)

The Hong Kong Society (HKS) of the Chartered Institute of Linguists (IoL), is the only association offering credentialing for translators in Hong Kong. It was established in 1984 and is committed to promoting professional language use in Hong Kong. It organizes professional development functions for local members, and publishes a newsletter and an academic journal.⁴⁵

IoL qualifications are internationally recognized. For example, using the Membership of the Chartered Institute of Linguists (“MCIL”) qualification, a large number of members in Hong Kong have successfully entered postgraduate study programmes in local and overseas universities. The Civil Service Bureau of the Hong Kong SAR Government and its subvented bodies have also considered MCILs, on the basis of the Final Diploma in English and Chinese, favourably for certain degree-entry civil service grades in specialized fields for which language skills in English are one of the requirements.

The Final Diploma has been modernized as the International Diploma in Bilingual Communication (IDBC). The diploma is pitched at bachelor’s degree level. IDBC and Diploma in Translation (DipTrans) are popular IoL exams in Hong Kong. DipTrans is recognized to be a qualification at master’s degree level. Members of the public may apply to the Hong Kong Examinations and Assessment Authority to sit for the examinations.

In order to become a member of the Chartered Institute of Linguists, which is one of the more accepted translator certifications in Hong Kong, one needs to meet the following requirements:-

either

- a. a proven degree-level qualification; and
- b. at least three years' professional experience, one of which must have been immediately prior to application, where foreign language skill is a requirement.

⁴⁵ The Hong Kong Society (HKS) of the Chartered Institute of Linguists (IoL), <http://www.iolhks.hk/contact-us-lian-luo-wo-men>, retrieved on 1 December 2010

or

- a. a proven post-graduate qualification; and
- b. at least one year's professional experience (normally immediately prior to the date of application), where foreign language skill is a requirement.⁴⁶

Alternatively, translators wanting to join the Institute may take one of the examinations offered. These examinations do not require a university degree for entry.

ii. *Hong Kong Translation Society (HKTS)*

The Hong Kong Translation Society (HKTS) was founded in 1971. It is the only body for translators and interpreters in Hong Kong with an objective to enhance the standard and professionalism of translation in Hong Kong. It launched Diploma and Advanced Diploma Examinations in Translation in 1991. The Diploma examination was a bilingual test of translation skills. The Advanced Diploma examination was a highly specialized test of a candidate's specific translation skills.⁴⁷ These two examinations ceased to operate in 1994, due to insufficient number of candidates and the costs incurred were not justified.⁴⁸

Again, one of the shortcomings of the two examinations launched by HKTS was that it did not have any competency tests on the legal aspects of translation.

iii. *The Judiciary of HKSAR*

The Judiciary of HKSAR recruits Court Interpreters to perform court interpreting work and certifying/translating documents for court use.⁴⁹

Newly recruits will undergo trainings during the probation period. Training in the probation period includes induction training and on-the-job training. Performance appraisal is competency-based with performance indicators set for various aspects like court interpreting skills, performance on written work, etc. Court interpreters'

⁴⁶ The Chartered Institute of Linguists,

<http://www.iol.org.uk/membership/CriteriaforMembershipOct08.pdf>, retrieved on 1 December 2010.

⁴⁷ Supra n. 8, 8-10.

⁴⁸ Liu, C.C., 'The Hong Kong Translation Society: A concise history, 1971-1999', in Chan, S.W. (ed) *Translation in Hong Kong: Past, Present and Future*, The Chinese University of Hong Kong Press, 2001, 37-72, at 49.

⁴⁹ Supra n. 8, 11-12.

performance will be monitored through performance inspections conducted through the year.⁵⁰

The Court Interpreters recruited by the Judiciary of HKSAR are consisted of two categories, namely, full-time interpreters and part-time interpreters.

a. Full-time Court Interpreters

According to statistics from the Judiciary on full-time Court Interpreters, as at the year of 2010, there were a total of 138 full-time Court Interpreters, including Chief Court Interpreters, Senior Court Interpreters, Court Interpreters I and Court Interpreters II. They were responsible for providing oral interpretation between English and Cantonese and for translation and certification services in the Judiciary. Amongst the 138 full-time Court Interpreters, 132 of them were qualified interpreters in Putonghua. The percentage of full-time Court Interpreters who are qualified to perform Putonghua duties over the last decade has increased from 66% in 2001 to 96% in 2010.⁵¹ Besides Putonghua, some Court Interpreters were qualified in performing interpretation in other dialects, including Chiu Chow, Shanghainese, Hakka, Amoy, Hoklo, Toishan, Hainan and Foo Chow. As at February 2004, amongst the 163 full-time Court Interpreters (in total), 20 of them were qualified in performing Chiu Chow duties, 6 in Shanghainese, 6 in Hakka, 4 in Amoy, 4 in Hoklo, 2 in Toishan, 1 in Hainan and 1 in Foo Chow.⁵²

As at February 2004, the entry qualifications of Court Interpreters, for instance, Court Interpreters II, were as follows:-

- (a) a Hong Kong degree, or equivalent, and Grade E or above in Chinese Language and English Language (Syllabus B) in the Hong Kong Certificate of Education Examination, or equivalent; or

⁵⁰ Ibid.

⁵¹ The figures were provided by the Judiciary of the HKSAR on 3 May 2011.

⁵² Legislative Council of the HKSAR, *LC Paper No. CB(2)1592/03-04(01), Panel on Administration of Justice and Legal Services Performance of Court Interpreters*, February 2004, <http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0322cb2-1592-1e.pdf>, retrieved on 5 December 2010. Despite the writer's best attempts to find out the updated figures of the number of full-time Court Interpreters qualified in performing interpretation in Chiu Chow, Shanghainese, Hakka, Amoy, Hoklo, Toishan, Hainan and Foo Chow, including searching on the internet through the Judiciary website, <http://www.judiciary.gov.hk>, and the Legislative Council of the HKSAR website, <http://www.legco.gov.hk>, yet, as at 1 June 2011, no updated figures were found.

(b) a diploma from a registered post-secondary college issued after the date of its registration, or a higher diploma from a Hong Kong polytechnic/polytechnic university, or equivalent, and Grade E or above in Chinese Language and English Language (Syllabus B) in the Hong Kong Certificate of Education Examination, or equivalent; or

(c) a pass in 2 subjects at advanced level in the Hong Kong Advanced Level Examination and Grade C or above in 3 other subjects, including Chinese Language and English Language (Syllabus B) in the Hong Kong Certificate of Education Examination, or equivalent.⁵³

Since 2002, new appointees had been required to pass the Putonghua Examination held by the Government prior to passage of probation bar. Further, all candidates were required to take a translation test and an oral interpretation test conducted by the Civil Services Bureau. They had to pass both tests before they were invited to attend a selection interview.⁵⁴

In general, qualifications obtained by many of the Court Interpreters were higher than the aforesaid entry requirements. As at February 2004, of the 163 Court Interpreters, 53 held Masters' Degree, 81 held Bachelors' Degree and 22 completed Higher Diploma. Amongst them, 10 have LLB qualification, 3 completed PCLL, 3 completed CPE and 2 were called to the Bar. Nine others have law related qualifications like LLB PRC Law; LLM PRC Law; Professional Diploma in PRC Law etc.⁵⁵

b. Part-time Court Interpreters

The Judiciary also maintained a register of part-time interpreters providing interpretation and translation in 36 languages and 17 Chinese dialects. As at February 2004, there were 402 registered part-time interpreters. Where there was a request for interpretation service in court in a foreign language or a Chinese dialect for which a full-time Court Interpreter was not available, the Judiciary would make arrangements for a part-time interpreter to provide the service.⁵⁶

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

Where there was a need to increase the number of part-time interpreters in certain languages or dialects, the Judiciary would place an advertisement in one Chinese newspaper and one English newspaper inviting applications. To qualify as a part-time interpreter for a foreign language, in addition to proficiency in the foreign language concerned, an applicant had to possess a recognized university degree or an equivalent academic qualification and be proficient in either English or Chinese.

As for Chinese dialects, an applicant was required to have attained a secondary level education and be proficient in the dialect required and in Chinese.

All suitable applicants for appointment as part-time interpreters were required to take written and oral entrance tests. Recommendations were sought from the relevant Consulate for appointment of an examiner who speaks the foreign language. If no examiner was available from this source, a registered part-time interpreter with a good record of performance would act as examiner.

In the case of Chinese dialects, a registered part-time interpreter with a good performance record for at least 5 years would be asked to act as examiner. The Senior Court Interpreter in charge of the Part-time Interpreters Unit would be present to observe the oral test.⁵⁷

VI. Reasons for the need of establishing a system recognizing the professionalism of legal translators and interpreters in Hong Kong

i. Growing demand for legal translation and interpretation services in Hong Kong

Since the handover on 1 July 1997, there has been increasing use of Chinese in court proceedings, both criminal and civil proceedings. The use of Chinese in legal proceedings in Hong Kong, takes various forms, such as, provision of certified translation of documents to be used as evidence in trial, preparation of audio tape transcripts of proceedings and their translations, provision of instant court interpreting services for litigants and witnesses giving testimony in courtroom, and provision of certified translation of judgments.

According to the Judiciary of HKSAR, of the judgments delivered in Chinese during the period from 1997 to May 2010, 370 pieces of "Chinese judgments of jurisprudential

⁵⁷ Ibid.

value" were translated into English.⁵⁸ Most of these translations were prepared by the Judgment Translation Unit of the Judiciary of HKSAR and approved by a practicing solicitor or barrister.

Further, on the business sector, the demand for legal translation services has also been increasing. Trades and businesses between Hong Kong and the Mainland has been growing since the handover. Inevitably, more business contracts and agreements are required to be translated into and from English for our China counterparts.⁵⁹ To name a few of these documents, agreements for sale and purchase of shares, licensing agreements, tenancy agreements and employment contracts.

Further, due to globalization and the development of information and communication technology, more economic and social resources have been spent on translation activities by regional and international organizations as well as multinational corporations and listed companies.

For instances, many listed companies in Hong Kong nowadays, for the purposes of complying with the listing rules, Securities and Futures Ordinance and the Companies Ordinance, in particular, the disclosure requirement, issued from time to time notices, circulars and announcements providing company information of significant importance to the shareholders, e.g. capital reorganization, share option scheme, change of director, major transactions, price sensitive information, notice of extraordinary general meeting, etc. These notices, announcements, and circulars are prepared in both Chinese and English and are available on the website of Hong Kong Exchanges and Clearing Limited for shareholders' and investors' information.⁶⁰

ii. *Benefits to various parties in the legal translation profession in Hong Kong*

a. *Legal Translators and Interpreters*

⁵⁸ The Judiciary of the HKSAR, <http://legalref.judiciary.gov.hk/lrs/common/ju/tjpv.jsp?page=19&CL=>, retrieved on 10 December 2010.

⁵⁹ Yu, F., *The development of an accreditation system for legal translators in Hong Kong*, 2010, at 2, Hong Kong Institute of Legal Translation (HKILT), [http://hkilt.com/news/52_MA%20project%20\(Vicor%20Yu\).pdf](http://hkilt.com/news/52_MA%20project%20(Vicor%20Yu).pdf), retrieved on 10 December 2010.

⁶⁰ Hong Kong Exchanges and Clearing Limited (HKEx), *HKExnews*, http://www.hkexnews.hk/listedco/listconews/mainindex/SEHK_LISTEDCO_DATETIME_TODAY.HTM, retrieved on 10 December 2010.

One of the parties who would benefit from a system recognizing the professionalism of legal translators and interpreters in Hong Kong if the same were established, is the translators and interpreters.

According to a survey conducted by Andy Chan in 2010, it is found that translator certification can positively enhance the overall image of the translation profession and bring benefits to the translators as follow:-

- getting more job offers;
- receiving higher pay;
- earning the respect of co-workers;
- having a higher sense of self-esteem; and
- being more committed the career as a translator.⁶¹

b. Translation companies

The other party who would benefit from such proposed system is the translation companies. According to the survey conducted by Andy Chan, it is found that most of the translation companies viewed that with translation certification, it could act as an effective “signal” to differentiate good translators from bad ones. It makes easier for them to identify job applicant’s linguistic and subject knowledge, makes the recruitment easier and cheaper, and more time-efficient.⁶²

c. Translation services buyer

From the perspective of translation service buyers, to some extent, the establishment of a system commonly accepted for recognizing the professionalism of legal translator, such as certification, is preferred in the translation market. With certification, translation service buyers can have a choice between services provided by those certified translators (more expensive but better quality) and uncertified translators (whose fees would be lower and can be used for translation for information purposes). And because of clear (and probably less costly) signals, the uncertainty for translation service buyers over quality can be lessened.⁶³

⁶¹ Chan, L. J., Perceived Benefits of Translator Certification to Stakeholders in the Translation Profession: A Survey of Vendor Managers, *Across Languages and Cultures*, 2010, vol. 11(1), 93-113.

⁶² *Supra* n. 60, 103-104.

⁶³ *Supra* n. 3, 191.

VII. Proposed manners of establishing a system recognizing the professionalism of legal translators and interpreters in Hong Kong

To answer the increasing demand for legal translation services in Hong Kong, with reference to the status of recognition of the professionalism of legal translators and interpreters in other common law countries, it is proposed that a system recognizing the professionalism of the legal translators and interpreters in Hong Kong be established. To achieve this, a number of different manners, including, licensing, certification, accreditation and registration are proposed. In the following, each of the proposed ways and the roles of various parties proposed to be involved in establishing the proposed system, will be discussed.

i. Proposed manners

a. Licensure

According to Stejskal, licensure is “a mandatory credentialing process by which a government agency grants permission to persons to engage in a given occupation or profession by attesting that those licensed have attained the minimum degree of knowledge and skills required”.⁶⁴

Taub states that licensure is the most restrictive term. It refers to a government program in which the right both to perform services and to use the occupational title are restricted by law, and generally the license is issued only to individuals who have earned an academic degree and passed an examination.⁶⁵ Medical doctors are a prime example.⁶⁶

Under the licensing system, the tasks and functions or scope of practice of a profession are defined by statute, and these tasks must be legally performed by those who are licensed. Licensing is like creating a monopoly or a legal cartel, and entry of potential competitors is limited.⁶⁷ In fact, licensure has been used in the field of translation in some civil law countries. For instance, the qualification to work as a sworn translator in

⁶⁴ Stejskal, J., *Certification of translators and interpreters: Seminars on standards and certifications in the T&I industry*, 2004, <http://www.jtpunion.org/historie/certif.ppt.>, retrieved on 5 December 2010.

⁶⁵ Taub, A., *Credentialing: The basics*, in *Journal of Health Education*, September/October 1993, vol. 24(5), 261-262.

⁶⁶ *Supra* n. 19, 7.

⁶⁷ *Supra* n. 3, 188-191.

Spain.⁶⁸

However, from the viewpoint of general public, the licensure system has been subject to criticisms over decades. It is perceived as self-serving to those who are able to meet the imposed standards and have received licensure. According to Hogan, “associational policies tend to promote precisely the same harmful effects of licensure [restricting the supply of practitioners; decreasing mobility; increasing the cost of services, etc.] although their effects are probably not as pervasive”.⁶⁹

b. Certification

According to Stejskal, certification is “a voluntary process by which an organization grants recognition to an individual who has met certain predetermined qualification standards.”⁷⁰

Mikkelson states that certification tends to be under the direct control of the profession.⁷¹ It may be voluntary; at any rate, the use of the title is not restricted to those possessing the certification. Teachers are a case in point.

The effectiveness of certification is, to a certain extent, rather limited, considering that certification is voluntary. If it cannot generate sufficient interest from translators, it is doomed to fail as a recognizing system. One example of such failure is the cessation of the translator certification examination organized by the Hong Kong Translation Society in 1991 which, due to insufficient number of candidates, was forced to terminate three years later.⁷²

Further, from the perspective of translation recruiting companies, translator certification is not perceived as good as a degree in translation. According to a survey conducted in 2009 by Andy Chan who has conducted interviews with eight translator recruiters in Hong Kong, it is found that the recruiters viewed translator certification as an “add-on” only and they much preferred a candidate with a degree in translation. To some extent, this may be due to inadequate knowledge and misconceptions about the

⁶⁸ Ibid.

⁶⁹ Hogan, D. B., *The Regulation of Psychotherapists, Volume I*, Cambridge, MA: Ballinger Publishing Company, 1979, 336.

⁷⁰ Supra n. 63.

⁷¹ Supra n. 19, 7.

⁷² Supra n. 3, 188-191.

process of translator certification.⁷³

As to the effectiveness of translator certification system as a signaling device to differentiate “good” and “bad” translators, according to Andy Chan, there are reservations for two reasons. First, high-quality translators may have less incentive to use translator certification as a signaling device because signaling behavior may mark them down as only medium-quality translators. In fact, they prefer not to call themselves “translators” because for most translators, their self-image stops short of fully-fledged consultancy. Titles such as “language consultant”, “language service provider” and “localizer” are preferred. This phenomenon is sometimes called “counter-signaling”.⁷⁴

Second, there is the problem of “signal-jamming”. Vocation-oriented master’s degrees in translation are likely to compete with translator certification as a signaling device in the translation market. Since the difference between academic degrees and professional qualifications has narrowed, it becomes harder for employers to draw inferences about job applicants’ employability from these two credentials. As there is a tendency for translator training schools to over-supply the translation market with academic degrees, it is likely that recruiters’ respect for academic degrees in translation will diminish as the effects of over-supply become more evident.⁷⁵

Having said that, for the perspective of translation service buyers, comparing with the proposed licensure system which is like creating a "monopoly", certification is much preferred, as it would, to some extent, differentiate those "good" and "bad" translators. For doing this, it is proposed that a certification examination for legal translators in Hong Kong be organized.

The proposed certification examination for legal translators in Hong Kong can be divided into the following three parts:

- (1) General legal knowledge and terminology;
- (2) Legal translation; and
- (3) Professional ethics.⁷⁶

⁷³ Chan, L. J., Effectiveness of translator certification as a signaling device: Views from the translator recruiters, *Special issue of Translation and Interpreting Studies*, 2009, vol. 4:2, 155-171, at 168.

⁷⁴ *Supra* n. 3, iv.

⁷⁵ *Ibid.*

⁷⁶ *Supra* n. 58, 8.

It is proposed that only one level of examination will be available. The proficiency of a translator can be differentiated by the grade they obtained from the certification examination. The certification can be graded with “Pass”, “Merit” and “Distinction”. Further, in order to pursue excellence in the profession, the proposed system should set a validity period for its accreditation and 3 years seems to be an international norm. After that period the accredited person will have to apply for revalidation and supply proof of participation in continuing education or professional practice.

c. Registration

It usually refers to a list of practitioners maintained by an agency or institution, and there may or may not be any pre-requisites for being included on the list.⁷⁷ If registration does not require any pre-requisites, such manner would be unable to be functioned as a "signal" for differentiating the "good" translators and "bad" translators, hence, using it for recognizing the professionalism of translators and interpreters in Hong Kong, is not suggested.

d. Accreditation

Accreditation refers to the approval of a facility, such as a school or hospital, where professional services are provided or where professionals are trained. These terms are not used consistently; for example, the American Translators Association has an accreditation program that better fits the definition of certification.⁷⁸

It is a process by which an entity grants public recognition to an *organization* such as a school, institute or company that has met predetermined standard. Likewise, using such manner for recognizing the professionalism of translators and interpreters who are individuals, in Hong Kong, is not suggested.

ii. Roles of various parties to be involved

a. Academic Institutions

According to Carter, one of the hallmarks of a profession is the existence of academic programs designed to prepare candidates for entry into the field.⁷⁹ In offering academic

⁷⁷ Supra n. 19, 7-8.

⁷⁸ Ibid.

⁷⁹ Carter, M., Occupation to profession continuum- status and future of AAHPERD, *Journal of Physical*

programs, academic institutions play an important role. It is proposed that the academic institutions in Hong Kong offer more study programs of academic degrees in language or translation, or more specifically, in legal translation and interpretation.

In Hong Kong, various translation degrees are offered by universities as follows:-

- Master of Arts in Translation and Master of Arts in Computer-aided Translation, Chinese University of Hong Kong;⁸⁰
- Master of Arts in Language Studies (Translation and Interpretation), City University of Hong Kong;⁸¹
- Master of Arts in Translating and Interpreting, Hong Kong Polytechnic University;⁸²
- Master of Arts in Applied Translation, Open University of Hong Kong.⁸³

More specifically, on master degree in legal translation, the only academic institution in Hong Kong offering such study program is the Open University of Hong Kong, which started offering the program of Master of Arts in Legal Translation in 2008.⁸⁴

In other common law countries, such as the United Kingdom, MA in Legal Translation (City University of London) first offered in September 2008. In the USA, a Master degree in the Graduate School of Translation and Interpretation is offered at the Monterey Institute of International Studies in California, U.S.

Interestingly, according to a survey conducted by Andy Chan in 2009 which entailed interviews with eight translator recruiters in Hong Kong, it was found that most interviewees preferred an academic degree to translator certification and they viewed translator certification as an “add-on” only.⁸⁵

Besides offering translation academic degrees, an alternative way to increase the

Education, Recreation and Dance, 1990, vol. 61(3), 106-109.

⁸⁰ Chinese University of Hong Kong, <http://www.cuhk.edu.hk/>, retrieved on 5 December 2010.

⁸¹ City University of Hong Kong, http://www.cityu.edu.hk/arro/catalogue/catalogue_prog.htm, retrieved on 5 December 2010.

⁸² Hong Kong Polytechnic University, <http://www.cbs.polyu.edu.hk/programmes/postgraduate-MATI.php>, retrieved on 5 December 2010.

⁸³ Open University of Hong Kong, http://www.ouhk.edu.hk/WCM/?FUELAP_TEMPLATENAME=tcSingPage&ITEMID=CCASSCONTENT_58191918&lang=eng, retrieved on 5 December 2010.

⁸⁴ *Ibid.*

⁸⁵ *Supra n. 72*, 168.

channel for studying legal translation is to make the course of legal translation as one of the elective courses available for students enrolling in study programs other than translation, such as the degree in law. An example of such arrangement is the study program of LL.B. in the City University of Hong Kong which has made legal translation as one of the elective courses.

b. Professional Associations

It is proposed that professional associations can liaise with academic institutions in developing credentialing examinations in legal translation and interpretation, organizing continuing professional development (CPD) seminars and establishing credentialing standards.

1. Developing credentialing examinations

For example, in USA, the National Association of Judiciary Interpreters and Translators (NAJIT) established links with academic institutions in forming the Society for the Study of Translation and Interpretation (SSTI), which is intended to be a vehicle for promoting legal translators and interpreters training, test development, and research. One of its priorities is to develop a NAJIT credentialing examination, which will also give the profession more control over the credentialing process. Also, SSTI persuades legislatures and court systems to adopt this credentialing as the minimum standard of proficiency.⁸⁶

In Hong Kong, it is proposed that professional associations, such as the Law Society of Hong Kong, the Hong Kong Institute of Legal Translation Limited and the CPD Alliance can liaise with academic institutions in developing examination in legal translation and interpretation and organizing Continuing Professional Development (CPD).

2. Continuing Professional Development (CPD)

CPD is defined as “the systematic maintenance, improvement and broadening of knowledge and skill and the development of personal qualities necessary for the execution of professional and technical duties throughout the practitioner’s working life”.⁸⁷

⁸⁶ Supra n. 8, 20.

⁸⁷ Supra no. 3, 204-206.

Many professions, such as solicitors, accountants, doctors and engineers, have made CPD a mandatory requirement if their members desire to reach a higher status in the membership hierarchy, maintain their membership, or to continue professional practice.

For instance, the two major translator associations in the United States and the United Kingdom, ATA and IoL respectively, and the largest accrediting body in Australia, NAATI, all of them have made CPD an important element in their membership. For ATA, starting from January 2004, its certified translators are required to accumulate 20 continuing education points three years in order to maintain their credentials.⁸⁸

The situation is similar for the Chartered Institute of Linguists (IoL) in the United Kingdom. Although CPD is not mandatory for all IoL members, it is one of the most important factors for becoming a Chartered Linguist (Translator) whose status need to be renewed every year. Those who want to apply to become Chartered Linguists have to submit evidence of CPD. The scope of CPD includes five areas: language, culture, business and IT skills, methodology and subject-matter knowledge. It also requires quite a number of informal elements like reading foreign-language newspapers and periodicals, and making overseas visits.⁸⁹

In Australia, NATTI uses CPD together with evidence of continuing professional practice for periodic revalidation of accredited translators/interpreters qualifications. According to NATTI, professional development is classified into four categories: language maintenance, translation and interpretation skill development, supporting skills development, and contributions to the profession. Practitioners seeking revalidation of accreditation must obtain a minimum number of professional development points of at least three types of the above categories.⁹⁰

In Hong Kong, on legal translation, in collaboration with the Hong Kong Institute of Legal Translation Limited, a CPD Seminar on “Legal Bilingualism and Legal Translation”, was organized at the Open University of Hong Kong on 14 August 2010. The seminar was approved by the Law Society of Hong Kong for accreditation of CPD points for legal practitioners.

3. *Certification on dossier*

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

Besides the traditional certification by professional association through a one-off examination, there is an alternative way to obtain translator certification by professional association through an evaluation system called “certification on dossier”⁹¹. Such system was introduced in Canada in the provinces of New Brunswick and British Columbia. The CTINB⁹² and the STIBC⁹³, which are members of CTTIC⁹⁴, introduced a method of enabling candidates to apply for the title of certified translator without having to sit the traditional standardized examination. Individuals who apply for certification must present a dossier giving details of their qualification and professional achievements. According to the website of CTINB, the dossier should contain the followings:-

- an application form;
- the dossier examination fee;
- a curriculum vitae;
- the names of three referees;
- certified copies of diplomas, certificate and transcripts;
- confirmations of the period of employment from employers/clients;
- substantial and varied examples of work;
- proof and testimonials from clients or employers showing that the candidate is indeed the author of the work submitted for evaluation; and
- proof of success in professional examinations.

c. *Hong Kong Examinations and Assessment Authority (HKEAA)*

The accreditation body of the proposed system may engage the Hong Kong Examinations and Assessment Authority (HKEAA) to administer exams on its behalf.⁹⁵ There are a number of professional bodies, such as the Chartered Institute of Linguists, conducts their examinations in Hong Kong through the HKEAA. According to Margaret Lo, HKEAA will protect the integrity of the examination procedures by strictly adhering to the rules and regulations as stipulated by the examination bodies.⁹⁶

⁹¹ Supra n.3, 201-204.

⁹² Corporation of Translators, Terminologists and Interpreters of New Brunswick (CTINB), http://www.ctinb.nb.ca/english/reaching_us.php, retrieved on 3 December 2010.

⁹³ Supra n. 33.

⁹⁴ Supra n. 32.

⁹⁵ Supra n. 58, 10.

⁹⁶ Lo, M., International and Professional Examinations Division, HKEAA, ie@hkeaa.edu.hk, *Inquiry*

Although the HKEAA does not play any accreditation role in the exams, accreditation body can still benefit from the expertise of the HKEAA in organizing examinations.

VIII. Conclusion

In conclusion, given the increasing demand for legal translation and interpretation services in Hong Kong and the benefits to the various parties in the translation market in Hong Kong, including the legal translators and interpreters, the recruiters and the translation service buyers if an effective certification system were established, it is proposed that a system giving recognition to the professionalism of the legal translators and interpreters in Hong Kong, by way of certification examination and to maintain the standard of professionalism by way of attending continuing professional development seminars be established, by joining the hands of academic institutions, professional associations and the relevant government departments in the field of legal translation and interpretation in Hong Kong.

about how a professional body can offer their exams via HKEAA, retrieved on 28 April 2010.

Bibliography

Websites:

American Translators Association (ATA) website
<http://www.atanet.org/>, 4 December 2010

BLIS website
<http://www.legislation.gov.hk/>, 10 December 2010

Cambridge English Dictionary Online website
<http://dictionary.cambridge.org/dictionary/british/>, 5 December 2010

Canadian Translators, Terminologists and Interpreters Counsel (CTTIC) website
<http://www.cttic.org/mission.asp>, 4 December 2010

Chartered Institute of Linguists (IoL) website
<http://www.iol.org.uk/>, 1 December 2010

Chinese University of Hong Kong website
<http://www.cuhk.edu.hk/>, 5 December 2010

City University of Hong Kong website
<http://www.cityu.edu.hk/>, 5 December 2010

Corporation of Translators, Terminologists and Interpreters of New Brunswick (CTINB) website
http://www.ctinb.nb.ca/english/reaching_us.php, 3 December 2010

Hong Kong Exchanges and Clearing Limited (HKEx), HKExnews website
http://www.hkexnews.hk/listedco/listconews/mainindex/SEHK_LISTEDCO_DATETI ME_TODAY.HTM, 10 December 2010

Hong Kong Institute of Legal Translation Limited website
<http://www.hkilt.com/>, 10 December 2010

Hong Kong Polytechnic University website
<http://www.cbs.polyu.edu.hk/programmes/postgraduate-MATI.php>, 5 December 2010

Hong Kong Society (HKS) of The Chartered Institute of Linguists (IoL)
<http://www.iolhks.hk/contact-us-lian-luo-wo-men>, 1 December 2010

Institute of Translation & Interpreting (ITI) website
<http://www.iti.org.uk/indexMain.html>, 1 December 2010

Judiciary of the HKSAR website,
<http://www.judiciary.gov.hk>, retrieved on 1 June 2011

Judiciary of the HKSAR website, *English translation of Chinese judgments of jurisprudential value*,
<http://legalref.judiciary.gov.hk/>, 10 December 2010

Legislative Council of Hong Kong, *LC Paper No. CB(2)1592/03-04(01), Panel on Administration of Justice and Legal Services Performance of Court Interpreters*, February 2004,
<http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0322cb2-1592-1e.pdf>, 5 December 2010

Open University of Hong Kong website
<http://www.ouhk.edu.hk/>, 5 December 2010

Nanyang Technological University (NTU),
<http://www.hss.ntu.edu.sg/GDTI/Pages/Background.aspx>, 5 December 2010.

National Accreditation Authority for Translators and Interpreters Ltd (trading as NAATI) (NATTI) website
<http://www.naati.com.au/>, 4 December 2010

National Association of Judiciary Interpreters and Translators (NAJIT) website
<http://www.najit.org/>, 4 December 2010

National Trades Union Congress (NTUC) Online, NTUC News,
http://www.ntuc.org.sg/ntucunions/news/news_200505f.asp, 5 December 2010

Society of Translators and Interpreters of British Columbia (STIBC) website
<http://www.stibc.org/>, 4 December 2010

Wikipedia, the free encyclopedia
<http://en.wikipedia.org/>, 5 December 2010

References:

Bell, R., “Pseudo-, para- or proto-: What kind of a professional is the translator or interpreter?” *The Linguist: The Journal of the Institute of Linguists* [2000] 39(5), 147-150.

Brante, T., “Professional Types as a Strategy of Analysis” in M. Burrage, & R. Torstendahl (eds.) *Professions in Theory and History* [1990] Sage Publications, London.

Bullock, A. & Trombley, S., *The New Fontana Dictionary of Modern Thought* [1999] London: Harper-Collins.

Carter, M., Occupation to profession continuum- status and future of AAHPERD, in *Journal of Physical Education, Recreation and Dance* [1990], 61(3), 106-109.

Chan, L.J., “Effectiveness of translator certification as a signaling device: Views from the translator recruiters”, *Special Issue of Translation and Interpreting Studies* [2009] vol. 4:2, 155-171.

Chan, L.J., “Information Economics, The Translation Profession and Translator Certification”, Dissertation for the award of Doctor of Philosophy, PhD program in Translation and Intercultural Studies, [2009] *Universitat Rovira I Virgili, Spain*.

Chan, L.J., “Perceived Benefits of Translator Certification to Stakeholders in the Translation Profession : A Survey of Vendor Managers”, *Across Languages and Cultures* [2010] 11(1), 93-113.

Chan, L.J., “Why Are Most Translators Underpaid? A descriptive explanation using asymmetric information and a suggested solution from signaling theory” in *Translation Journal* [April 2005] Vol. 9:2, <http://accurapid.com/journal/32asymmetric.htm>, 5 December 2010.

Colin, J. and Morris, R., *Interpreters and the Legal Process*. [1996] Winchester, UK: Waterside Press.

Farrell, J., NJ interpreter takes the heat for advocating team interpreting, in *Proteus*, VI(2) [1997], 3-4.

Hogan, D.B., *The Regulation of Psychotherapists, Volume I*, [1979] Cambridge, MA: Ballinger Publishing Company.

Keratsa, A., “Court Interpreting: features, conflicts and the future” in *Translatum Journal* [2005] - Issue 5, <http://www.translatum.gr/journal/5/court-interpreting.htm>, 10 December 2010

Ko, L., “NATTI Accreditation for Translators in Australia: Theoretical Underpinnings and Practical Implications”, in *Translation Watch Quarterly*, Vol. 1, Inaugural Issue, [2005], 46-58.

Liu, C.C., “The Hong Kong Translation Society: A concise history, 1971-1999” in Chan, S.W. (ed), *Translation in Hong Kong: Past, Present and Future* [2001] The Chinese University of Hong Kong Press.

Lo, M., International and Professional Examinations Division, HKEAA, ie@hkeaa.edu.hk, *Inquiry about how a professional body can offer their exams via HKEAA* [2010]

Merithew, W., *Power and powerless: Interpreting as a profession*, Proceedings of the Second Annual Institute for Court Interpreters, Administrative Office of the Courts, Court Interpreting, Legal Translating and Bilingual Services Section Publication [1990] No. 4, 71-77.

Mikkelsen, H., “Court Interpreting at a Crossroads” *Annual Conference of the National Association of Judiciary Interpreters and Translators (NAJIT)* [May 1999] Monterey Institute of International Studies, <http://www.acebo.com/papers/crossr~1.htm>, 5 December 2010

Šarčević, S., *New Approach to Legal Translation*, [1997], Kluwer Law International.

Stejskal, J., “Certification of translators and interpreters: Seminars on standards and

certifications in the T&I industry”, 2004, <http://www.jtpunion.org/historie/certif.ppt.>, 5 December 2010.

Taub, A., Credentialing: The basics, in *Journal of Health Education*, vol. 24(5), September/October [1993], 261-262.

Wang, L., "Legal Transplant and Cultural Transfer: the Legal Translation in Hong Kong", *Across Languages and Cultures: A multidisciplinary Journal for Translation and Interpretation Studies* [April 2010] Vol. 11, Issue 1, 83-91.

Wasley, R., *Teachers who Lead: The Rhetoric of Reform and the Realities of Practice*, [1991] Teachers College Press, New York.

Wong, T.C., “A Comparative Study on the Credentialing (Certification) of Legal Translators”, HKILT website, <http://www.hkilt.com/>, 4 December 2010.

Yu, F., “The development of an accreditation system for legal translators in Hong Kong”, HKILT website, <http://www.hkilt.com/>, 10 December 2010.