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## Reflection of Translation Theory in Teaching Practical Translation: Legal Translation as Case Analysis

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### Abstract

This paper discusses the applicability of translation theory in teaching practical translation. It examines the Chinese translation of an English legal judgment “Attorney General v Lee Kwong-kut and Attorney General v Lo Chak-man and another”(Hong Kong Public Law Reports, 1993) by the Privy Council. It combines the source-text analysis with translation strategies from the perspective of semantics, syntax and register, in order to discuss how theories can be applied in real-life legal translation setting. The source text contains distinctive examples of legalese, convoluted sentence structure and honorific addresses specific to Anglo legal context. The Chinese translation is challenging as to how to cope with the linguistic and cultural differences, and most significantly, how to carry over the central meanings while retaining the equivalent effect and the authenticity of a legal judgment. Furthermore, this paper is based on the author’s teaching experiences, and will refer to the syllabuses and curriculum design of the “Programme Intended Learning Outcomes” and the “Course Intended Learning Outcomes”. It demonstrates the applicable value of translation theory, and how practical translation can be taught with theoretical explanation and vice versa. Translation bases on practice, all kinds of theories area guideline to be applied.

*Keywords:* Application of translation theories, Course Intended Learning Outcomes (CILOs), legal translation, practical translation, translation teaching

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## **Reflection of Translation Theory in Teaching Practical Translation:**

### **Legal Translation as Case Analysis**

This paper reflects on the various foci and challenges in teaching practical translation courses. It aims at investigating how translation theories can be applied to and reflected in teaching practical translation, and thus developing different teaching strategies in order to maximize teaching and learning effectiveness. The methodology is based on case analysis of the course syllabi and course materials of the translation programme we are teaching.

Our Programme Intended Learning Outcomes (PILOs) are:

“PILO 1: Communicate and translate effectively as a bilingual and bicultural professional in Chinese and English and in written and verbal forms;

PILO 2: Compare and contrast differences in cultural contexts in order to build a strong sense of bicultural sensitivity;

PILO 3: Apply various theories and concepts to facilitate and to analyse the practices of translation and interpreting;

PILO 4: Develop the necessary interpersonal skills and professional ethics for a career in translation and/or interpreting as well as in language and communication fields;

PILO 5: Conduct independent basic research in translation studies.”

We have cumulated now for more than seven years of teaching experiences and students' feedback. This paper attempts at analyzing our teaching practices in practical translation courses, in order to target at more effective teaching and learning methodologies. It will use a topic of legal translation: translation of judgment (E-C) to demonstrate how to approach practical translation with application of translation theory.

The teaching material chosen for analysis here is the author's own translation and thesis of a legal judgment which is used in practical translation courses for senior Year Three to Year Four students. The author chooses this particular judgement, “Attorney General v Lee Kwong-kut and Attorney General v Lo Chak-man and Another” which is taken from the *Hong Kong Public Law Reports* (1993), as the text for case analysis because these two are landmark cases. It is the first appeal concerning the Hong Kong Bill of Rights Ordinance before the Privy Council of London in 1993. Until 1<sup>st</sup> July, 1997, Privy Council was the highest level of court in the Hong Kong common-law jurisdiction. This judgment was delivered by the Judicial Committee of the Privy Council, and their decision is final and binding on all Hong Kong court.

### **1. Analysis of the Source-Text:**

#### ***1.1 Background of the Judgment***

Justice should not only be seen to be done, but also heard to be done. For many decades in Hong Kong, the legal sector was English-speaking, and Anglo-culture dominated (Wiley, 1997). In recent years, because of practical needs and the transition of Hong Kong, the use of Chinese as an official language in court has been greatly promoted by the Judiciary of Hong Kong and the Department of Justice, i.e., the former Legal Department. At present, increasing numbers of trials are conducted in Chinese. Nevertheless, English remains essential, particularly in the citation of legal authority or of judgement.

This judgement “Attorney General v Lee Kwong-kut and Attorney General v Lo Chak-

man and Another”(Hong Kong Public Law Reports, 1993)analyses the adoption of the Hong Kong Bill of Rights Ordinance on the effects of existing legislation. It is crucial and influential. In the legal sense, it provides guidance and guidelines as to the correct approach and flexibility in the interpretation of the Hong Kong Bill of Rights Ordinance. On the other hand, it protects and upholds fundamental human rights which we are all entitled to, such as the presumption of innocence until and unless one is convicted by an impartial court, as decided in “Attorney General v Lee Kwong-kut” On the other hand, it does not tolerate the commission of crimes in the guise of ensuring human rights, such as money laundering, as decided in “Attorney General v Lo Chak-man and Another”

This judgement is worth translating and worth teaching, for it reflects the special writing style of a judgement, having such features as formal legal English, honorific address, legal and technical terms, and convoluted sentence structure. The process of translation can demonstrate the appropriate approaches to the translation of judgements, and will help students to realise the problems of legal and practical translation, in order to find out solutions for them. Furthermore, the author hopes that this topic will provide some useful guidelines for other translators doing the same job in future.

### ***1.2 Aim of translation***

This judgement, “Attorney General v Lee Kwong-kut and Attorney General v Lo Chak-man and Another” is taken from the *Hong Kong Public Law Reports*, 1993. As Penlington (1993) says, “Law Reports...are the reports of judicial decisions in individual cases”(p.17). Since previous decisions are referred to when similar facts are presented in a later case, “previous decisions are likely to be repeated,” and the judge in the later case may have to:

apply the law as pronounced earlier, whether he agrees with it or not. This is called the principle of judicial precedent or stare decisis. The binding force of decisions of superior courts has imbued the law with a predictability which is, nevertheless, flexible enough to change with the needs of a rapidly changing society (Penlington, 1993:17).

Law reports are “Sources of Law,” that is, they are “areas of legal principle to which judges turn when applying laws which are not to be found in the statute books”(Penlington, 1993:20).

The aim of translating this judgement into Chinese is to provide an authentic version which will have the same binding effects and equal legal status as that of the source-text. The translation is proposed to be published in law report, to be cited in court, to be prepared for legal and academic research, and to be used for future reference. Therefore, the translation must carry the most accurate, precise and thorough meanings of the source-text. Moreover, the register of the translation will also be the same as that of the source-text. Fidelity is the top priority. As Edwards(1995) states, fidelity to the text and to the original meaning is what we want. Just as we keep out the case for spoken interpretation, so too we keep out of the case for written matters. This means not “improving” the level of a text, but sticking as close as possible to the original grammar, style, and register. There are times when one must use an awkward English to adhere to the original meaning. The preservation of meaning and register is paramount. Remember especially that any “errors” in the original, be they typographical errors, missing pronunciation, or apparent illogic must be preserved in the translation(Edwards, 1995:111).

### **1.3 Target Audience**

The main target audience of legal judgement includes the educated and legal professionals. First, it includes the involved parties in court. Secondly, it includes judges and legal practitioners, and they form the major readership. Thirdly, it includes professionals of the subject matters, and members of the public who are concerned with and interested in the specific kind of case. The target audience of the source-text, “Attorney General v Lee Kwong-kut and Attorney General v Lo Chak-man and Another” (*Hong Kong Public Law Reports*, 1993) includes the three defendants, the respective legal representatives, and the judges involved. It also includes professionals in the banking and finance sectors, law students, and those who have special interests and concerns in human rights. So most are highly educated professionals and are familiar with the legal issues and the subject matter.

The target audience of the translation is assumed to be the same. This being so, the target language the translator decides to use is modern standard Chinese. The high level of Chinese language standards and the sophisticated expressions will correspond to the source-text.

## **2. Application of Theories in translation:**

### **2.1 Analysis of Translation Approaches**

Judgment contains legal authoritative statements. As Newmark(1988) suggests, authoritative statements include statutes and legal documents, and “derive their authority from the high status or the readability and linguistic competence of their authors. Such texts have the personal ‘stamp’ of their authors, although they are denotative, not connotative” (p.39).

The source-text is one of the expressive-function text-types. In other words, the text is “an expression of the peculiar innovative, or clichéd, and authoritative style of an author” (Newmark, 1988:20). Therefore, the judge, i.e., the speaker, the writer, the originator of the utterance, is the main concern, and his status is sacred(Newmark, 1988:40). In cases like this, the translator has to reflect any deviation from a natural style(Newmark, 1988:20).

Semantic approach is an appropriate choice, where “the translator attempts, within the bare syntactic and semantic constraints of the target language, to reproduce the precise contextual meaning of the author”(Newmark, 1982:22). This approach emphasizes the meaning and the mind of the author(Newmark, 1982:23). And it tends to be “more complex, more awkward, more detailed, more concentrated, and [it] pursues the thought-processes rather than the intention of the transmitter. It tends to overtranslate, to be more specific than the original, to include more meanings in its search for one nuance of meaning” (Newmark, 1982:39). It is different from literal translation, as semantic translation “respects context, and sometimes it has to interpret, even explain a metaphor” (Newmark, 1982:63). But there are parts in judgements which are informative or vocative, and can be translated communicatively, such as the obiter dicta. It is the same as Newmark analyses: “There often sections in one text that must be translated communicatively and others semantically. There is no one communicative nor one semantic method of translating a text-these are in fact widely overlapping bands of methods. A translation can be more, or less, semantic-- more, or less, communicative --even a particular section or sentence can be treated more communicatively or less semantically” (Newmark, 1982:40). In short, “the translator’s first loyalty is to his author” (Newmark, 1982:63) is the motto of translating judgements.

## 2.2 Register Analysis

Register analysis refers to language variation in respect of use-related varieties, i.e., the differences from each other primarily in language form (Gonzalez, et.al, 1991:266). It is important to examine the register of the language used by the author, in this case, the judge, in passing the judgement, i.e., the source-text, in order to identify and describe its style for its Chinese translation.

In the aspect of mode, i.e., the medium of the language activity and the manifestation of the nature of the language code being used (Gonzalez, et.al, 1991:266), the source-text is in written language, because in passing judgement and in explaining a point of law, the judges always read aloud from prepared material (Gonzalez, et.al, 1991:266). So the mode of translation should also be in written language.

In the source text, the judges use formal legal language in order to influence the level of power, i.e., to show a higher degree of competence, exactitude, politeness, and authoritativeness (Gonzalez, et.al, 1991:268). Formal legal language “is popularly known as legalese, and most resembles written legal language. Linguistically, this form is characterized by lengthy sentences replete with professional jargon and complex syntax. This style is generally termed hypercorrect” (Gonzalez, et.al, 1991:268). Therefore, in translating an English judgment into Chinese, the translator should also use formal legal language to achieve a similar effect.

Example (A): “After a hearing on 2 September 1991, at which no evidence was called, a magistrate dismissed an information preferred against Lee Kwong-kut (“the first respondent”) under s 30 of the Summary Offences Ordinance (Cap228), Laws of Hong Kong (“s 30”), on the ground that s 30 had been repealed by s 3(2) of Hong Kong Bill. The Attorney General of Hong Kong appealed against that decision and on 18 June 1992 the Court of Appeal of Hong Kong dismissed that appeal.”<sup>1</sup>

Translation (A):  
一九九一年九月二日之聆訊沒有傳召任何證供；之後，裁判司基於香港法例（第228章）《簡易程式治罪條例》第30條（以下稱[第30條]）已遭《香港人權法案》第3（2）條廢除為理由，駁回對李光奎（以下稱[首答辯人]）之告發。香港律政司對是項決定提出上訴，香港上訴庭於一九九二年六月十八日駁回上訴。

In this example, legalese is adopted. Professional jargons are commonly used, such as “hearing 聆訊,” “information 告發,” and “appeal dismissed 駁回上訴.” The sentence is lengthy, and the hypercorrect form is used, e.g. “on the ground that” means “because” in plain English, so the translation also corresponds with legal parlance as “基於...為理由.” The translator has to take these factors into consideration, and pay special attention in choosing the corresponding formal written Chinese.

As to manner or tenor, i.e., the relationship between the addresser and the addressee, Joos defines it as “frozen,” meaning there are formulas which cannot be changed, which are concretized and immutable (qtd. Gonzalez, et.al, 1991:267).

Example (B): “It was not however necessary for their Lordships to call upon counsel for

the first respondent since, having heard the argument on behalf of the Attorney General in relation to the appeal in his case, their Lordships were satisfied that the appeal could not succeed. Their Lordships have humbly advised Her Majesty accordingly.”

Translation

(B):

本席考慮了律政司的代表隊首答辯人的案件提出之上訴論點，確定上訴根本不可能成功，故此毋須代表首答辯人的大律師出庭。本席謹向女皇陛下建議駁回是項上訴。

Example (C): “For these reasons, their Lordships have humbly advised Her Majesty that the appeal of the Attorney General, in the case of the first respondent, ought to be dismissed; and they will humbly advise Her Majesty that the appeal of the Attorney General in the case of the second respondents ought to be allowed and the order of Gall J set aside. The Attorney General must pay the costs of the first respondent before their Lordship’s Board.”

Translation

(C):

是故，本席謹向女皇陛下建議香港律政司對首答辯人的上訴應當駁回，香港律政司對第二答辯人的上訴獲得批准，並撤銷高嘉樂法官的判令。香港律政司必須支付首答辯人於上訴樞密院期間所付出的訴訟費。

These examples show that frozen and archaic forms of expressions are adopted, such as “their Lordships were satisfied that...本席確定...” and “their Lordships have humbly advised Her Majesty...本席謹向女皇陛下建議...” “本席,” which literally can be translated as “our bench,” is an appropriate translation of “their Lordships” as it reflects the degree of seriousness for an honorific address (Fung, 1995 lecture).

“Field” refers to the kind of language used which reflects the purposive role or the social function of the text (Gonzalez, et.al, 1991). In other words, it is “the purpose for which the speaker employs language, such as persuasion, discussion, and reporting” (Gonzalez, et.al, 1991). Furthermore, Gonzalez, Vasquez, & Mikkelsen (1991) analyses, “The judges are instructive when explaining points of law, directing the business of the court, and ruling on an objection. Judges are also judgmental, which is an intrinsic part of their role in the courtroom” (p. 266).

*Webster’s New World Dictionary*(1985) defines “instructive” as “serving to instruct, i.e., to give facts, knowledge or information to on a particular matter, to inform or guide.” It defines “judgmental” as: “of or having to do with the exercise of judgement; making or tending to make judgements as to value, importance.”

Example (D): “So far as the present appeals are concerned, their Lordships are of the opinion that, whether what can be described as the Whyte approach or the less intrusive approach adopted in other jurisdictions is applied, the outcome would be the same. However, in order to assist the Hong Kong courts in the future, and in view of the carefully reasoned decisions of the Court of Appeal already referred to, the Board feel it is necessary to give some assistance as to the correct approach for the courts to adopt in relation to article 11(1) and in particular as to whether it is appropriate to adopt the Whyte approach in Hong Kong as a matter of course.”

## Translation

(D):

現在只著眼于目前兩宗上訴案件，本席認為：不論是採納所謂懷特一案的方法，或者是其他司法管轄地區採納的牽連較少的方法，結果都一樣。然而，為了協助將來香港的法庭，加上考慮到剛才參照過上訴庭剖析精密的判決，上訴委員會認為必須就採用第十一（一）條的正確方法給予協助，尤其是在香港採用懷特一案的方法是否恰當更需要指引。

The above example is an illustration of being instructive. The tone is preserved in the translation by using clear-cut structure and wordings.

Example (E): “While the Hong Kong judiciary should be zealous in upholding an individual’s rights under the Hong Kong Bill, it is also necessary to ensure that disputes as to the effect of the Bill are not allowed to get out of hand. The issues involving the Hong Kong Bill should be approached with realism and good sense, and kept in proportion. If this is not done the Bill will become a source of injustice rather than justice and it will be debased in the eyes of the public. In order to maintain the balance between the individual and the society as a whole, rigid and inflexible standards should not be imposed on the legislature’s attempts to resolve the difficult and intransigent problems with which society is faced when seeking to deal with serious crime.”

## Translation (E):

香港司法機構應該竭盡所能地以《香港人權法案》維護個人權利，同時亦要確保有關人權法的影響引起之爭不會失了分寸。涉及《香港人權法案》的問題應該以實際及明智的方法來處理，同時不能教猱升木。否則，人權法只會淪為司法不公之惡端，公正公義殆盡，更會遭受社會大眾鄙視。立法機關要力圖解決披猖揚厲的問題，而社會要正視打擊嚴重罪行，為了在整體上保持任何社會的平衡，就不應該強加硬性的、墨守法規的標準。

This is an example of being judgmental. This being so, the translation tends to overtranslate, and tends to add emphasis and vividness.

**2.3 Structural Analysis**

Convoluting syntax and lengthy sentences are the main features in the source-text. Complicated sentences appear frequently, and so does passive voice. However, if the translation follows such sentence patterns, it will appear to be clumsy, confusing, and even nonsensical.

Example (F): “It is, however, important when considering the decision in Oakes and the cases in which it has been followed, to remember that, prior to the adoption of the Canadian Charter, Canada had a Bill of Rights and that, while the Bill of Rights did not have an express limitation on the effect of its specific provisions, the Charter does have such a limitation in s 1.”

Main idea (F): It is important to remember that Canada had a Bill of Rights and that the Charter does have such a limitation in s1.

Rewriting (F): We[The Lord Justices of the Privy Council] will consider Oakes’ decision and the cases followed. However, we must remember, firstly, Canada already had a Bill of Rights before the Canadian Charter was adopted; and secondly, although the Bill of Rights does not limit the Charter, it does have that limitation in s1.

## Translation

(F):

但是，考虑到奥克斯一案的判决及此案之后审理的案件时，必须紧记：第一、未采纳加拿

大宪章以前，加拿大已有人权法案；第二、人权法案虽然没有明确限制加拿大宪章的特定条文，但是加拿大宪章对第1条的而且确有以下限制。

Example (G): “Normally, by examining the substance of the statutory provision which is alleged to have been repealed by the Hong Kong Bill, it will be possible to come to a firm conclusion as to whether the provision has been repealed or not without too much difficulty and without going through the Canadian process of reasoning.”

Restructuring (G): Normally, by examining the substance of the statutory provision which is alleged to have been repealed by the Hong Kong Bill, without too much difficulty and without going through the Canadian process of reasoning, it will be possible to come to a firm conclusion as to whether the provision has been repealed or not.

Translation (G): 一般而言，透过审议据称被《香港人权法案》废除的法定条文的内容，就会得出肯定的结论该条文是否已被废除，根本无须大费周章考虑加拿大法庭之论证过程。

Example (H): “As to this, he [Gall J] was in the difficulty that the issues before him were presented on the basis that he was required to adopt the two-stage process laid down in the Whyte case in circumstances where the Crown was conceding before him that there had been a *prima facie* contravention of article 11(1).”

Paraphrase (H): As to this, Gall J had a difficulty to deal with. This difficulty was that the issues of the case were presented to him in such a way that Gall J had to adopt the two-stage process laid down in the Whyte case even though the Crown was conceding that article 11 (1) had, *prima facie*, been contravened(McNaughton).

Translation (H): 高嘉乐法官难以定夺这一点，因为前面的案件要他采用怀特一案订下的双阶段步骤，但是，控方承认了表面上已违反了第十一（一）条。

Example (J): “The fact that he [Gall J] found this process as complex as he did illustrates the disadvantage that can flow from seeking strictly to emulate the current approach of the Canadian Supreme Court.”

Restructuring (J): He found this process as complex as he did find it, and such fact illustrates the disadvantage that can flow from seeking strictly to emulate the current approach of Canadian Supreme Court (McNaughton)

Translation (J): 他裁断此过程极为复杂的事实，表明了硬性依循加拿大最高法院现有的方法会出现问题。

Example (K): “It would not assist the individuals who are charged with offences if, because of the approach adopted to “statutory defenses” by the court, the legislature, in order to avoid the risk of the legislation being successfully challenged, did not include in the legislation a statutory defense to a charge.”

Paraphrase (K): We might imagine a situation in which the legislature decides not to include in a piece of legislation the statutory defense to a charge. The legislature might make such a decision because it hoped to avoid the risk of the legislation's being successfully challenged. The legislature, if it did make such a decision, would be thinking about the approach adopted to "statutory defenses" by the courts. But the legislature's deciding not to include the statutory defense would not help individuals who were charged with offences (McNaughton).

#### Translation

(K):

立法机关可能会决定在法律条文内摒绝对控罪之法定辩护理由，作出此决定的目的可能是要堵塞法例被成功推翻的漏洞；如果立法机关真的做出了此决定，那么它已经考虑过法庭对『法定辩护』采用的方法；然而，立法机关决定不纳入『法定辩护』，对起诉的人士而言，就根本是百害而无一利。

The examples indicate that in dealing with such recalcitrant and fastidious sentences, the best way to translate is, first, to figure out the central meaning and the flow of the ideas, and then to simplify the English by paraphrasing, restructuring, and rewriting. The purpose is to make the sentence shorter, to keep the syntax clearer, and to a version that appears closer to Chinese grammar (McNaughton), in order to produce comprehensible translation.

#### 2.4 Lexis Analysis

Technical terms or legal jargon is the most significant aspect in lexis as it occurs oftentimes in the source-text. The authentic English-Chinese law dictionary available in Hong Kong is *The English-Chinese Glossary of Legal Terms*, published by the former Legal Department. The author adopts the standard translation for most technical terms and legal jargon, such as "construe 诠释," "burden of proof 举证责任," "presumption of innocence 无罪假定," "balance of probabilities 相对可能性的衡量," etc.

Chinese equivalent legal terms cannot be found, as for "due process provisions," "starting point," and "draconian offence," the author tries to understand the concepts first. "Due process provisions," which is a legal term, originates in the United States judicial system. According to the *Merriam Webster's Collegiate Dictionary*, "due process" refers to "1: a course of formal proceedings (as legal proceedings) carried out regularly and in accordance with established rules and principles – called also procedural due process 2: a judicial requirement that enacted laws may not contain provisions that result in the unfair, arbitrary, or unreasonable treatment of individual – called also substantive due process." *The Webster's New Dictionary of American English* defines "due process" as "the course of legal proceedings established by the legal system of a nation or state to protect individual rights and liberties." *The English-Chinese Dictionary* translates it as "合法（诉讼）程序," which literally means "the legal/lawful (litigation) process." But the English definitions cited above cover a far wider and significantly different range of meanings than that, so the author decided to use a coinage, "正当程序" (Luk), which literally means "the correct and appropriate process." "Starting point" is another example. It means "to start the process of thinking or judging." In Hong Kong, most judges, lawyers, court interpreters and the media incline to translate this term literally into "起点." Yet the author finds such translation difficult to understand and not Chinese at all. The author translates it into "奉为圭臬," which literally means "take it as the yardstick" (*中国成语词典, Chinese Dictionary of Set Expressions*, 1986), which the author thinks can conform better to Chinese usage. The

author translates “draconian offence” as “偶语弃市，官法如炉，” which carries the meaning that the law is very harsh and the punishment is very severe (《中国成语词典》, *Chinese Dictionary of Set Expressions*, 1986). The author thinks this translation corresponds well with the original meaning of “draconian”: “very harsh code of laws; extremely severe or cruel” (*Webster’s New Worlds Dictionary of American English*). In cases like this, the translator always has to rely on his or her own research and judgement.

In translating ordinary expressions, common terms, and metaphors, the translator sometimes has to explain, sometimes to overtranslate, depending on what is appropriate to the context, such as “more intrusive 牵连较广” and “one golden thread 最精要之法度.” Moreover, set expressions (成语) are often to be used, as they are more concise, and their use is a good way to illustrate the high standard of language being used in the source-language text.

In the translation of proper names, such as the judges’ names, the case names, and the names of the law reports, research has to be done. For the case names or surnames, the author relies heavily on the surname-dictionary published by the Xinhua News Agency. And for the names of the judges in Hong Kong, a translator can look them up in the “Staff List” circulated in the Judiciary of Hong Kong. For the law reports, there are also dictionaries and handbooks which spell out acronym in full.

### 2.5 Discussion

Translation of legal judgment is a painstaking and time-consuming task. Since judgment is an authoritative statement which has binding effects on law courts, the translator has to translate as accurately, precisely, and thoroughly as possible. The semantic approach seems to be a good choice. And since fidelity is the top priority, certain unnaturalness or awkwardness does occur in the translation. The translator has to pay attention to register, legal jargon and convoluted sentence structure. Although the style of language may vary from one judge to another, the register remains grave and professional in any judgement, and the translation should preserve that accordingly. Although fidelity is predominant, a translator can try his/her best to translate as flexibly, as comprehensibly, and as close to Chinese usage as possible. It is interesting to find that though there is a huge distinction between Chinese and English, in terms of linguistic differences and cultural gaps. Certain concepts and usage are conformable with each other. For example, the authentic translation of “property stolen or unlawfully obtained” is “偷窃或非法得来之财物,” and such is an accepted term in the law in Hong Kong. But there is a set expression “不义之财” which the author thinks is its equivalent. Another example is the witness affirmation in court: “I sincerely and solemnly declare that the evidence I give shall be the truth, the whole truth, and nothing but the truth.” Its available translation is “本人谨以致诚，据实声明及确认，本人所作之证供，均属真实及为事实之全部，并无虚言。” It does not sound Chinese at all, and the translation is clumsy and confusing. There is a set expression “和盘托出” which contains similar meaning.

Though translation is a major part, it is not *the* major part. A translator has to do much research concerning these two appeals in order to have the necessary legal knowledge and to understand “the full story.” There is no fixed or absolute rule in translation when facing linguistic, cultural or whatever problems. Amparo Hurtado Albir’s idea is demonstrated here that

“Translation is possible from any language to any other language and is possible for any kind of text” (qtd. “The Common Law”). Translation bases on practice, all kinds of theories area guideline to be applied. Translators need to rely on their talent and intuition, their hard-work and research, their caliber and experience, and their perception and observation, to achieve the best. Through the above analysis, we are hoping that our Course Intended Learning Outcomes (CILO) can be achieved. We take the above-mentioned PILOs seriously in developing all CILOs of our programme, and emphasize both the practical and applicable value of translation and translation theories:

“CILO 1: Produce translation of different text types from Chinese to English and vice versa at a professional standard;

CILO 2: Adapt their translations to accommodate the linguistic and cultural gaps between the source and the target texts;

CILO 3: Devise the most suitable translation solutions to solve problems for different text types;

CILO 4: Apply the most appropriate translation strategies to solve complicated linguistic and cultural problems;

CILO 5: Compose effective translation for the different text types and different professions at a professional standard; and

CILO 6: Justify the translation approaches for different linguistic and cultural contexts.”

### 3. Conclusion:

In conclusion, translation pedagogy is heavily emphasized in our programme teaching. We are devising “consistent use of carefully structured syllabi with stated aims and objectives that take into account specific stages of learning” (Davies & Kiraly 2006:83); and “teaching method revolved around teacher/student and student/student interaction in a way that enabled students to experience, negotiate and discuss translation issues.” This being so, catering for the specific needs of students can help them acquire advanced translation skills (González in Tennent, 2005:78). This paper discusses how translation theory and practical translation can be combined and collaborated in teaching and learning. The main purpose is to demonstrate the practical and applicable value of translation theory, and practical translation can be examined by translation theory and vice versa.

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<sup>1</sup>All “Examples” cited in this paper were taken from “Attorney General v Lee Kwong-kut and Attorney General v Lo Chak-man and Another”, *Hong Kong Public Law Reports*, 1993. All “Translation” of the cited examples are the author’s own translation.

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