

# English Society of Maria College

## 改正平機會英文比賽結果



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### The underlined are errors.

1. If the Defendant had such belief, it must also knew that the Plaintiff was suffering from a sickness....
2. As soon as 24 August 2002, the Defendant hired a replacement teacher to replace the Plaintiff.
3. These are the relevant facts: (b) That the Defendant knew the Plaintiff was in hospital and that he had underwent a major surgery;
4. In the circumstances, it is submitted that the conditions as to attendance at work has a discriminatory effect on persons who has the Plaintiff's disability.
5. As a matter of fact, the Plaintiff suffered a detriment because he cannot comply with the condition.
6. It is common sense that people who are seriously ill cannot attend work.
7. And the Plaintiff claims: 1. ... 2. An Order that the Defendant do apologise as pleaded....
8. Please take notice that, should your client fails to pay the damages and interest... from the date hereof; we shall commence... .
9. Once the Defendant were informed about the sickness of the Plaintiff through the Administration Officer on 9 August 2002, they... .
10. It was not just a "routine" work.
11. Mr. X agreed he would convey Y's request to his supervisers.
12. It is also Plaintiff's evidence that he had requested to return to work from 1 November 2002 and he would be physically... .
13. I refer to your letter of 4th May 2005 of which we have taken instructions from our client.
14. Reliance on contract by the Defendant is not a defence to claim of unlawful discrimination.
15. Ms. X confirmed that she has obtained a copy of the Code when she attended the office of the Equal Opport. Comm. before.
16. The truth is that, the Defendant was not waiting for the Plaintiff to come back.
17. Ms. X said that no other teacher has taken leave for period as long as the Plaintiff has taken, in such circumstances; the court may choose a hypothetical comparator.
18. The instant case is clearly one of direct discrimination on the ground of disability.
19. The Plaintiff should be able to earn a monthly income at HK\$xx for this period had the Defendant not discriminated against him.
20. The Defendant said that, "We have no equal opportunities policy in place for the time being."
21. The Defendant said that Mr. Z was under probation of three months.
22. The correct question to ask is: "Whether the Defendant would be dismissed but for his disability?"
23. The Plaintiff's doctor certified that he was under convalescence recovering from surgical illness and might return to his original job post after full recovery.
24. Ms. X said she had never personally enquired the nature of the Plaintiff's illness or when he would be able to return. \_\_\_\_\_
25. The Defendant would not dismiss employees who are required to take leave for pregnancy, giving evidence in court or perform juror duty.
26. If the Plaintiff was able to resume duty within these three-month period. ....
27. It is incumbent upon the Defendant, if relying on this defence, to show what the inherent requirements of the job of geography school teacher are... .
28. If the Court satisfies that the Defendant decided to dismiss the Plaintiff... .
29. However, if the Court does not agree, and find that the Plaintiff was... .
30. Virtually he had not received any salary during his sickness leave period, i.e. from 13 August 2002 to 21 October 2002.
31. The fact that the Plaintiff was not dismissed earlier was because the Defendant believed that he was protected under the Employment Ordinance.
32. Ms. X said in her evidence that the whole recruitment process for teacher lasts for only 2-3 days, in that case, the Defendant could... .
33. The fact that the Defendant can easily find a supply teacher within 2-3 days, and that Mr. Z was taking over the Plaintiff's work, and the Defendant had never thought of other alternatives before dismissing Mr. P shows that the so-called hardship of "students without teacher for classes" did not exist at all.
34. It is inconceivable that if what the Defendant said is true, that the Plaintiff had not informed it of the illness he had or when he would be able to return work, Ms. X would have failed to (take any steps to make an equiry herself or made a written request to the Plaintiff and required him to provide the information.)= ask the Plaintiff information about his illness.

### Summary of the mistakes

Writing the opposite: (4)  
22(c), 25(b), 34(d), (e).  
Writer's invention: (7)  
2(b), 6(b), 14(c), 18(a),  
25(d), 27(a), 30(c).  
Chinese English: (7)  
8(c), 12(c), 16(c), 17(c)  
23(d), 24(e), 34(b).  
Diction error: (9)  
2(a), 4(a), 5(c), 12(d), 14(a),  
15(d), 17(f), 18(d), 22(b).  
Wrong structure, ambiguity,  
tense, informal English, articles,  
punctuation, preposition, etc.  
Grand total:104

### 比賽結論

整篇文章，全由『中式思維』主導，用自創之英文寫出來。作者有逾卅年接觸英文經驗，但只是半文盲。學英文最重要是學用『英文思維』，很多時兩種思維是南轅北轍的。此作者用中文思維想著「東」時，寫出來的英文卻是「西」(文中有很多例子)。故用中文教英文，尤如游泳教練與學員在岸上空談泳術，教與學均滴水不沾，結果就產生像這半文盲作者，遺害社會。

### 結論背後

普通法是『英文思維』與西方文化的結晶品。如由不同文化及相反思維人仕操作，有如一部勞斯·萊斯由駕牛車的人控制。更重要的是社會期望平機會工作人員有較高道德水平，對不足處自我檢討。如未有具備這兩種才幹人仕，何不將此機構暫停運作，直至有理想人才出現，再作考慮。有中式思維與中國文化人仕，最適合處理中國法律，若兩者混合，只會產生災難。

### 學會簡介

本學會只是資料傳遞員，收集讀者附來資料(有來源根據)，去印正原文之差異。不可以「無根據而自己講」。對與錯由讀者裁決。  
感謝余若薇議員以身作則糾正文章之錯處，從而鼓勵眾多後進之法律界人仕參與。在此謹向所有參賽者道謝。但余議員的重任才開始：如何保持普通法的『英文思維』不受污染與干擾。

"Regrettably, where the English language is concerned, I must honestly state that I have yet to come across legal documents at whatever level of court which could be as sub-standard as the subject text in this competition."

- by Bernard LAU (Participant)