立法會CB(2)49/04-05(03)號文件 LC Paper No. CB(2)49/04-05(03)

新聞公報

😰 寄給朋友|政府主網頁

選管會主席記者會發言全文(只有中文)

以下爲選舉管理委員會主席胡國興法官今日(九月十五日)在二 ○○四年立法會選舉檢討投票安排記者會發言全文:

二〇〇四年立法會選舉在九月十二日舉行投票,有超過一百七十八萬多地方選區選民投票,投票率達到百分之五十五點六十三。雖然投票箱出現問題一度引起選民不便,但投票最終能大致順利完成,亦沒有人因爲選舉安排技術上的問題,而對整個選舉是在公開、公平及誠實情況下進行產生疑問,由此反映我們的選民是理智及實事求是的。

今次選舉的選票因爲要印上更多資料而擴大至有兩張打字紙 般大小,一般選民都覺得印上候選人的照片及其他資料可以大大幫助他們認出屬意的候選人,但與此同時,版面擴大了的選票需要有新設計的票箱配合。由於新票箱的設計有不足失誤的地方,加上我們對票箱的數量需求估計不足,故此在一些投票站引起選民不便,爲此選管會在此向選民致歉。

我希望在今次記者會簡單解釋一下幾個選民比較關心的選舉安排問題,並且初步總結一下我們可以從中汲取的教訓。

選管會當日決定讓投票站主任在有需要時可以打開投票箱理好放亂了的選票,以便騰出空位投放更多選票。由於投票箱開啓時要有非投票站職員的見證人在場,例如是候選人的投票代理人或警務人員在場,所以是毋損選舉的公正性的。我們知道有人質疑此舉的理據,以及選管會這個決定的合法性及權力來源。根據《選舉管理委員會條例》(香港法例第五百四十一章)第4(b)及(h)條和5(g)條,選管會的職能之一是作出安排,或採取其認爲適當的步驟或作出其認爲適當、有需要或適宜的事情,以確保選舉是公開、誠實及公平地進行的。我們讓投票站主任整理票箱,目的只是公平地讓所有想投票的選民都能盡快投到

票。而且打開票箱整理選票是在有見證人下進行的,已確保過程

我們當初設計每個白色(地方選區)的投票箱可以盛載一千至一千一百張選票,而我們總共預備了三千二百個新設計的投票箱,理論上可足夠所有三百二十萬登記選民投票之用。但是有一點是我們始料不及的,就是選票的投放方法可以層出不窮,結果票箱內的選票沒有根據預期方式整齊叠放,反而有些多重摺叠的選票反彈開來,又或有些選票捲成一束等等情況出現,很早就塞滿投票箱,引致票站出現票箱不足的情況。為此選舉事務處已由中午前開始全日陸續在港九新界四個補給站,調配了接近二千個新的和在以前選舉使用的票箱,運送到各投票站應急。為運送大yt

是公開及誠實的。

量票箱到差不多同一時間告急的投票站,選舉事務處調動四十三 架車輛,甚至使用的士,又在中午後得到警方協助派送票箱,但 不幸地仍然在時間上未能完全配合個別票站的補給需要。簡單來 說,我們要更全面、更有方法去試驗新設計的投票箱之類的投票 用具,例如是邀請不同的選民去試用,並且要小心推行,以免重 蹈覆轍。當然,我們還要深入檢討緊急補給的流程和支援問題。

至於在延誤發放地方選區的投票人數方面,原因是用來統計 投票人數的電腦程式出現錯誤,在十三日凌晨需要與五百零一個 票站用人手覆核各項數據,待核實所有數據正確無誤之後,我們 才開始正式公布選舉結果。

有四個功能界別的候選人就點票所得出的選票數目與臨時的 投票人數有出入,而對點票結果有所保留,這點是很容易理解的 事情。我們可以解釋一下其中所涉及的幾個主要數據,以供參 詳,再讓有關候選人自行決定是否接受。

首先每個界別的臨時投票人數,是全港不同地方選區投票站每小時經IVRS(電腦報數系統)向中央匯報的。由於每個投票站每小時都要經人手計算地方選區及最多達十七個功能界別的投票率,然後經IVRS向中央匯報,在時間壓力下是不能排除會出現手民之誤的情況的。

我們看看電視屏幕上的數字(參附件),便會更易明白。社 會福利界別的臨時投票人數報稱有八千四百七十五人,但已點算 的選票數目有八千五百三十八票,表面上多了六十三票。勞工界 別的臨時投票人數報稱有四百六十九人,但已點算的選票數目只 得四百五十五票,表面上少了十四票。會計界別的臨時投票人數 報稱有一萬二千二百六十九人,但已點算的選票數目只得一萬二 千三百二十三票,表面上多了五十四票。衛生服務界別的臨時投 票人數報稱有二萬一千八百三十三人,但已點算的選票數目只得 二萬二千零三十五票,表面上多了二百零二票。最初報告的臨時 投票人數可能出現有多有少的誤差,說明這指標只官作臨時投票 走勢的參考之用。真正能表明投票人數的是記錄了已發出選票數 目的選票結算書(BALLOT PAPER ACCOUNT)。事實上,社會 福利界別的選票結算書顯示有八千五百三十九位選民領取了選 票,而已點算選票的數目則有八千五百三十八票,只少一票。勞 工界別的選票結算書指出有四百五十八位選民領了選票,而已點 算的選票數目則有四百五十五張,只少了三張。會計界別的選票 結算書指出有一萬二千三百二十四位選民領了選票,而已點算的 選票數目則有一萬二千三百二十三張,只少了一張。衛生服務界 別的選票結算書指出有二萬二千零三十七位選民領了選票,而已 點算的選票數目則有二萬二千零三十五張,只少了兩張。由以上 四個實例來看,便明白選票結算書才能更確切地反映真實投票人 數。由於最初報告的臨時投票人數可能產生誤導作用,我們要認 真考慮加以標明其只官作初步參考。

至於就有個別選舉代理人投訴在投票時間結束後被投票站主 任要求離開投票站,我們十分關注這事件,現已要求有關投票站 主任及有關選舉主任提交書面報告,以便我們作深入跟進調查。 每個票站的每個地方選區名單的得票數目將會分派給所有候選人名單,並會於稍後公布,市民亦可在網上查閱。

今次選舉我們共動員了一萬五千多位各階層的政治中立的公務員,參與各項投票及點票的工作,所以不會出現偏幫任何候選人的情況,事實上,我亦從未聽聞有人作出這樣的評論。雖然如此,今次在技術出現的問題,亦足以令我們決心徹底進行深入檢討,努力汲取箇中教訓,竭力確保香港的公共選舉可以繼續公開、誠實及公平地舉行。前事不忘,後事之師,今次的教訓肯定有助改進將來的選舉。

按照法例,選管會需要在選舉後3個月內對選舉進行檢討, 並向特首提交報告。我們會努力早日完成有關檢討。

現在歡迎新聞界朋友提問,發問前請講出你的姓名和所代表 的機構。

完

二〇〇四年九月十五日(星期三)

附件:

各類報告的選票數目的比較

	投票人數	選票結算書	已點算的選票數目
	(臨時參考資料)	(已領取選票的數目)	
社會福利界	8475人	8539票	8538票
勞工界	469人	458票	455票
會計界	12269人	12324票	12323票
衛生服務界	21833人	22037票	22035票

- **D** Real Media (現場)
- **D** Windows Media (現場)
 - 林瑞麟與候任立法會議員會面後與傳媒答問 (15.9.2004)
 - 選舉管理委員會主席記者會答問全文(一)(15.9.2004)
 - 選舉管理委員會主席記者會答問全文(二)(15.9.2004)
 - 選舉管理委員會主席記者會答問全文(三)(15.9.2004)



Press Release



Transcript of EAC Chairman's press briefing on polling arrangements

Following is the transcript (English portion) of remarks by the Chairman of Electoral Affairs Commission, Mr Justice Woo Kwokhing, at a press briefing today (September 15) on the polling arrangements for the 2004 Legislative Council election.

Reporter: How serious are the allegations of representatives of candidate have been asked to leave? Do you think that large number of people were put off by the long wait and long lines ...make people not to vote? What are the repercussions of that?

Chairman of EAC: Regarding your first question that somebody at the close of polls was asked to leave the polling station, it really depends on the status of this person asked to leave.

I read out the regulation for your reference, which is Section 63 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation. According to Section 63, Subsection 1 A of this regulation: "A candidate, an election agent, an accounting agent of such candidate, may stay in the polling station while it is closed for the preparation for the counting of votes."

It really depends on the status of the person asked to leave. If he qualifies as a candidate, or an election agent or a counting agent, of course the presiding officer asking him to leave would be not in accordance with the law.

But if the person's status is not one of those persons mentioned in the provision, we have to understand why. Even if the person qualifies to be one of these persons including in the provision, we have to first, understand why. There may be reasons, there may not be reasons. We have to investigate into the facts and secondly examine the evidence such as which is more credible and so on and we have to decide one way or the other.

As far as your second question is concerned, polling stations were short of ballot boxes and as a result, the voting process was delayed. Some of the polling stations were crowded. Would that put off electors? I don't believe that electors have been put off from casting their vote. Even in a very crowded polling station at Robinson Road, which I visited about 6:30pm for about an hour (on the polling day), there were a lot of voters lining up to cast their vote. As a result, we actually extended that polling station to accommodate more electors, and actually to increase counters, (issuing desks) for the electors to alleviate the situation. I do not believe that voters were put off because of this.

Therefore, I don't think there were repercussions, as you imply. We have to examine closely this time as we have admitted, the bad design of the ballot box, and the logistics in supplying additional ballot boxes to various polling stations which were in need. We have to review all these things and make clear to the public that I have been misreported.... There was allegation that I put the blame on electors. I never put any blame on electors. It's our design fault and our wrong estimate of the actual content of the ballot paper in practical use, which caused all these problems. I don't blame any electors.

Reporter: Can I just follow up the case on Siu Sai Wan that you were mentioning that ...(Inaudible)... If they are not in accordance with the law, then are the votes still considered as valid. What do you think are the reasons for that? Is it lack of training or briefing?

Chairman of EAC: I don't think it's a lack of training. But I don't know. Today, for example, if I'm talking to all of you people here, about some 30, 40 of you. Some may be listening, some may not be listening. At a particular time I'm not saying you don't listen for the whole time ... If otherwise, you wont' be here. You may be listening, but you may not be listening on particular topics. Therefore, I think somebody may miss what we have taught in the seminar. We have held 60 seminars altogether for all the polling staff and presiding officers and so on. I have personally talked to presiding officers in four sessions for two consecutive days. As to why they have to do that, we are trying to understand. We are getting evidence and we have to examine the evidence. It really depends. One doesn't know.

As far as whether the polling process or the counting process at that particular polling station is honest, fair or not, we have to examine all the evidence. We have to see the actual ballot papers counted. The ballot paper account, and the report, the provisional voter turnout, to actually assess what actually happened at that time, at 10:30 or slightly after. And then arrive at a conclusion as to whether the election held there was fair or not.

This is not something which you can likely pass a judgment on. We have to examine the evidence very closely and the reasons provided by the presiding officer concerned. We don't lightly jump into conclusion in this sort of matter.

Reporter: ...the same in the voter turnout and the ballot counted. Why would there be such a problem and do you think it will actually hurt the ...credibility?

Chairman of EAC: Say, if the voter turnout is about the same as the ballot paper account and it's about the same as the actual ballot papers counted, we can see from the first hour of the reported voter turnout up to the 14th hour if that's quite smooth. Then we look at the last hour turnout rate, and then we compare.

What's the suspicion for the person to be asked to get out of the polling station? There was suspicion that there was something going on inside. That's the general suspicion. Of course, I'm as suspicious as

anybody else. I may be more suspicious. Therefore, I check the last hour turnout rate. If it was not unusual as compared with the figures of the first 14 hours, then there will be no problem of the fairness of the election.

We have to do a lot of things. I'm not going to tell everyone about the methods that we use. You should trust us. This is a very senior lawyer here, and I'm a judge. We will examine the evidence closely.

Member of the EAC, Mr Leung Nai-pang: I simply want to add that, all the times, Police and the Civil Aids Service officers and members are inside the counting station. Although a person may have been asked to leave the polling station or the counting station, but the Police officers and CAS officers and members are inside the polling station or counting station, apart from the polling staff. They are independent officers.

Chairman of EAC: That's something we have to consider as well.

Reporter: What about the discrepancies at Siu Sai Wan and the discrepancies of functional constituencies (votes)?

Chairman of EAC: The provisional turnout figures are very provisional. They were used as reference, which were produced by polling staff. It depends on how busy that polling station is. It depends on how accurate these people were doing these Chinese characters (with five strokes in one character) in getting the voter turnout rates. Everything has to be examined closely before one could get a conclusion.

Reporter: Could you clarify, do you think the Commission has changed its stance? At the beginning it said that the ballot box can be opened under the surveillance of a police or an election agent. Later, you said that even with the police officer or without the election agent, if a third party is present, the ballot box can be opened. What exactly is the case?

Chairman of EAC: No, you misunderstood what I'm saying. When I'm talking about opening the ballot box in the middle of polling, not at the counting stage. In the middle of polling, we have given instructions to the presiding officers that they could open the ballot boxes in the presence of an agent of a candidate, or all agents of all candidates in the polling station. Of course, if we have difficulty in finding such an agent because they were not in the polling station, how would he be able to find these people to be present if they could not be found within a short time? Because it's the shortage of ballot boxes that they would have looked after. It would need the availability of ballot boxes to cater for electors' voting. Then, in such circumstances, he could, in the presence of police officers inside the polling station, or perhaps a CAS officer, open the ballot box, to ensure the openness and fairness of what's inside there.

That situation is quite different from asking an agent to leave the polling station at the close of the poll. Because people were there

looking after the ballot box which should have been locked after the close of poll, right before it will be opened again for counting.

In those circumstances, the situation is different. But it still depends on whether that process was witnessed by independent people. Do you understand what I mean? They're slightly different. Two different situations.

Reporter: My question is that in the middle of an election, if the ballot box is opened to rearrange the ballots so more votes can be put in the box, is it necessary or a must for an election agent to be present?

Chairman of EAC: Or an independent person, like a Police officer, should be present.

Reporter: If not, what is the point of having an election agent?

Chairman of EAC: There are points for election agents to be present, of course. There is no question about that. They can observe the voting process, they can observe the counting process. It depends on his own status. There must be a purpose there. If unfortunately he wasn't inside the polling station at the material time, then how could he be summoned by the presiding officer to come along? If the polling station concerned is in North District, and the polling agent says I've been transferred to HK Island, I'm going to come back in an hour's time, I'm going to travel by the MTR or whatever, should the PRO, the Presiding officer wait for an hour for him? Or should he take the expedient measure of doing it in front of a police officer inside the polling station? It's a matter of expediency and urgency of the matter.

Reporter: Regarding the discrepancies of the numbers on the screen, there appears to be some assumptions being made. One is that perhaps there are some human errors in reporting? ... and perhaps that people might have walked away with ballots. I realise that the discrepancies might not have made much of a difference in the results. But wouldn't that send a signal to the electorate that not every vote counts?

Chairman of EAC: No, no, no, no. Every vote counts. Every vote designed by the electors to be cast for the candidate or candidate list of his choice counts. There is no such thing of an elector's preference or vote not being counted. What these figures indicate is that, say out of 8,538 votes counted, apparently, 8,539 ballot papers were issued. If there was a loss of one ballot paper, it could have been due to an elector taking it away. Of course, he doesn't want to cast the vote, otherwise he wouldn't have taken it away. Or for some reasons we don't know that ballot paper is, one out of 8,500-odd, was missing. That was it.

Reporter: Can we fine tune the process so we will know what happened to the missing ballots?

Chairman of EAC: There is no way. We have considered all this

before. There is no way to find out. There is no way to find out why there were missing ballot papers at the counting. One doesn't know.

Reporter: So you think the system at this point in time is quite perfect?

Chairman of EAC: This system applies everywhere in the world. There is no way to know - unless you put up a CCTV there and we examine the contents of the CCTV record and try to find out who has taken one ballot paper away or why it is missing. Perhaps it has been dropped on the floor or it has been swept away as rubbish. Unless you do that, you don't know. Unless there is a full record in picture, in movie, of what was happened in the polling station, you will not know. But if you do that, you'll be affecting the privacy of the elector and may even affect the most important principle of the secrecy of the vote. That is why nobody does that throughout the world. Nobody uses the CCTV system to record what's happening in the polling station. Because that would be against all principles.

Reporter: So nothing will be done to try and fine tune the process?

Chairman of EAC: No, nothing can be done.

Reporter: You said earlier that the elections are conducted openly and fairly. Do you think it's a little too early to say that as now you don't know how many polling stations had opened the boxes. Therefore you don't really know if a police officer or an agent of a candidate was present at every one of those...opening boxes. Is it too early to say that when there are ...serious allegation of fraud?

Chairman of EAC: No. Of course, the opening of the ballot boxes, we sent our instructions generally to the presiding officers. It was done as a matter of expediency and a matter of need. If it was not necessary for ballot boxes to be opened in the polling station, it was purely because of the presiding officer's work. Of course there would be something wrong. But we don't believe that was done at all. There was no complaint about that. Therefore we are quite sure that pursuant to our instructions, things were done properly because there was no complaint against impropriety, for impropriety. That's why we are quite sure, and because this was done under our instructions and we have the power to order the expedient measure to be used, to be adopted when the need arises, then I think everything is proper. And the election is fair and honest and open.

Reporter: Are you concerned that these confusion ...will actually hurt people's trust in EAC and the election system as a whole?

Chairman of EAC: I think people's confidence in us may have been affected, I don't know. Because it's people's view of the EAC whether we are an organisation which is honest, (interrupted) I don't even remember what I'm saying, I'm so much disturbed by this sound. And I hope people still trust us and what have I really got to gain if we were playing dirty, things like that? I hope they trust us on our record. We have been doing things very well for Hong Kong and this time

there was a cock-up by the bad design of the ballot box and the wrong estimate of the number of ballot papers to be contained in it. And I hope they will forgive us.

Reporter: What about Mr Martin Lee and Mrs Rita Fan, they said that they want to make complaints of the long process and the crowded waiting area in the Kowloon Bay Centre. But no responsible officer came out to contact them? Also, Mr Ronny Tong also said yesterday he tried to contact you on the polling day but he could not reach you or any senior officer of the EAC. What could a candidate do if they have questions or arguments on the polling?

Chairman of EAC: If any candidate is dissatisfied with the election result or with anything done in the election, he can present an election petition to the court to question the result, to question the election, to question the propriety of the election. Anyone is entitled to do that insofar as he is a candidate, or 10 electors of a particular constituency can do that. They have full power under the law to take the election petition proceedings.

They were saying they were not able to contact us. I was not contacted at all. I don't know what sort of avenue they used to contact us when we were in Kowloon Bay. Mr Norman Leung and I were stationed at the Central Command Centre on the 3/F of the Kowloon Bay Counting Centre as from what, I was there as from 7.30 in the evening to about 12.45pm, 12.30pm, on the next day, with an interval where I missed myself because I went to Leighton Hill Community Hall to open the ballot box together with the Chief Executive, some of you must be there. I was talking to you.

Apart from then I was stationed fully in the central counting station. Mr Norman Leung, as far as I know, I saw him there, at what, 1pm? 1 am? Because we were visiting counting stations.

Reporter: But the fact is everyone saw that Mr Martin Lee and Mrs Rita Fan wanted to meet a responsible officer, but were rejected and were forced to go back to the crowded waiting area.

Chairman of EAC: I don't know about that. If they complain, they can make a complaint to us and then we will answer them. If they think the complaint is so serious as to feel that they should present an election petition, let it be. Let the court decide. We are not exempt from anything. We are not immune from anything. If they want any proper procedure to be taken, then do it.

(Please also refer to the Chinese portion of the transcript.)

Ends/Wednesday, September 15, 2004

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Real Media (<u>Floor</u>)

Windows Media (Floor)

• Transcript of SCA's briefing after meeting LegCo members-designate (15.9.2004)



新聞公報

🔊 寄給朋友|政府主網頁

選舉管理委員會主席記者會答問全文(一)

以下爲選舉管理委員會主席胡國興法官今日(九月十五日) 就二〇〇四年立法會選舉日選舉安排會見記者的答問全文(中文 部分):

記者:你說很關注有些投票站的選舉代理人被要求在票站關閉後離開,其實這樣做是不是已經違反了一些指引或是達不到要求呢?另外,我想問多一個問題,有多少個票箱在地方直選曾經被選舉主任打開過?同時你說有法可依,但是他們質疑見證人的公正性,如果候選人這樣提出選舉呈請,你覺得是否合理呢?

選管會主席:由十位或以上選民提出或候選人本身都可以提出選 舉呈請,如果有這樣的情況,我不可以分析他們是否合理,因爲 是需要法庭來處理的,所以我先回答你的第二個問題。任何人都 可以提出,有十位選民就可以提出選舉呈請,或是候選人自己都 可以提出。如果他們認爲有甚麼不當的地方或是不合理的地方, 勝出的應該不會提出,如果敗方認爲有需要的話,他可以提出選 舉呈請。但我對於他們是否合理,就不予置評。否則的話,在法 庭未定案前我先說了我的看法就不太好了。你的第二個問題是有 關規則方面,關於有些人被票站主任在投票完畢後,該站轉爲點 票站的安排的情況下,不准他們留在投票站內,在法例上,有很 清楚的條文,我可以說給你聽,在《選舉管理委員會(選舉程 序)(立法會)規例》第六十三(1A)條標明,一個候選人或 是他的選舉代理人,即最高的選舉代理人,或是他的監察點票代 理人,都可以留在投票站內,當這個投票站關閉用以準備作出點 票安排時,可以留在裏面的,是候選人、選舉代理人及監察點票 代理人。所以這件事我們會徹查,看一看情況如何,看一看有關 人十是甚麼身份,你要先明白這些基本事實。同時,我們會詢問 選舉主任,即是最高級那一位,以及有關投票站的主管,即是投 票站主任,要他們作出報告,對有關事官作出全面陳述,同時作 出解釋,如果真有這樣的情況,爲甚麼會有這個情況發生,他有 甚麼理由請這位人十離開,以及這位人十的身分等。據我所知, 只有一宗這樣的情況,我們未知道有第二宗同樣的情況,沒有第 二宗出現。

記者:第一個問題,有市民投訴稱看見坑口站馮晴紀念小學投票站用紙皮箱載選票,由於票箱不夠用,這樣做會否令這個票站的公信力出現問題呢?另一個問題,有報道說公布選票結果當日,尚有五十多個地方直選投票站的票沒有公布,此說是否屬實?第三個問題,有些票站在投票完結後轉爲點票站時,進行點票,有候選人的監票代理人被清場,如果屬實的話,這些票站的選票是否仍有法律效力呢?及會否安排有問題的,包括可能是個別功能界別……重選?

選管會主席:第一個有關使用紙皮箱的問題,暫沒有人投訴,是現在你告訴我,我們亦會徹查。在投票站內,投票站主任是有酌情權的,如果票箱不夠時,他有酌情權如何去維護選舉在公平及公正下進行,如果有選民在等待投票但又不夠票箱用,他可能作出這樣的安排。我們會作深入研究他的酌情權使用是否合理。第二點,你說有五十個票站未公布全部選票的點算結果,這個我不知道,我不知道這個是不是事實,我會調查。稍後時間,選舉事務處會將所有票站核算後的選票結果向你們派發。至於唯一小西灣投票站報稱發生的監票人被逐的問題,根據法例,監察點票代理人是不應被請離現場的,我不知道事件詳情,所以有待調查。票站主任或投票站主任提交的報告需要時間,但票站內其他的文件已經在我們手裏,我們會核對一些資料和他們將提交給我們的報告是否脗合。我們會先搜集及檢查證據,探討是否有事情發生,有否值得我們憂慮的事情。

記者:功能界別方面是否會需要重選?

選管會主席:是否重選不是由我說的,如果候選人不滿意我們的解釋,如果他認為有不當之處,如果他認為要作出選舉呈請,可以在選舉結果公布後兩個月之內,向法庭作出呈請,但他要向法庭證明他曾受到不公平或不當的對待,若然不是,由於他要推翻已選出候選人勝出的結果,是一件很嚴重的事,有待法庭決定他的理由是否充分。

記者:今次選舉的軟件及硬件配套出現問題,是否低估了實際投票情況?或是危機感不足?作爲選管會主席,你有否此考慮向特首請辭?

選管會主席:請不請辭是後事,是不重要的,最重要的是我們現在先要調查好有關的情況,因爲我們一定要調查好有關的情況。如果我們現在說請辭,那麼誰人去做這些事,這些並不是那麼容易做的事。我們是對選舉安排最有知識的人,我們一定要調查清楚,先向公眾作出一個交代,最重要是這件事。

我可以贊成,至於你的第一個問題是危機感不足,其實我們在中午之前,已知道有些票站說不夠票箱,我們一直派送票箱,但所謂派送票箱,並不是我自己拿票箱去,最弊就是這樣,而是調派人手,我們已出動了四十三部車。中午之後,警方更派人和派警方用的車,我不知道是否正式警車,幫助我們運送投票箱。

有時運送的情況亦都不可以確保每一個票站一定有票箱用,所以 才出現後來我們指令開票箱,整理好選票、壓實選票的情況。如 果不是,那個情況不會出現,你們大家亦不需要那麼關注。這個 第一是票箱設計上的錯誤,第二是估計票箱容量上的錯誤。我們 不是估七成人投票,便預備七成的票箱,不是這樣,我們是造了 十足的。但因爲估計錯誤,那麼十足便等於不足夠,因爲估計不 到在實踐方面,選民放下去的票,不是好像我們想得那麼完整, 那麼理想的情況下放入票箱裏的,因爲他們試的時候是用理想的 情況放下去。你可以說那個估計是很錯的,所以才出現那個問 題。當然估計亦都是有關票箱設計的問題,如果怎樣放下選票都 不會受影響,那容量都不會受影響,便沒有這件事發生。

記者:有多少個票站的票箱是打開了?你是否覺得如果打開這些票箱時有候選人的代理人在場是否會更理想呢?第三,爲甚麼在投票結束後不能夠即時說出你現在給我們的結算書的數目……至有令人覺得爲甚麼選票的數目多於投票人的數目?

選管會主席:第一,票箱被打開方面,我們還在調查當中,有多少個票站有打開票箱,我們還未有確實的資料,所以我們不希望把臨時的資料給你們,這可能會是誤導。第二,你說的延遲公布點票結果方面,當日清晨時在中央點票站,我們的中央管理中心所收集到的資料,因爲電腦出來的數據,我們覺得是非常不準確,所以我們需要用人手向五百零一個票站用人手核算,所以才會出現延誤。如果公布那些不準確的數字,就會更誤導人,所以有部分延誤。

(待續)

二〇〇四年九月十五日(星期三)



D Windows Media (現場)



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選舉管理委員會主席記者會答問全文(二)

記者:小西灣方面,你說在沒有人監察下打開票箱是選管會所授權的,是否這個意思呢?

選管會主席:不是在沒有人監察之下,是有人監察下。

記者:有多少票站在這樣情況下打開票箱,這是否有人授權呢?

選管會主席:是梁乃鵬先生與我,以及成小澄博士所授權的。

記者:但爲甚麼你剛才說不出有多少個個案是這種情況呢?

選管會主席:因爲當時是經電話授權,透過電話授權是可以這樣做的。我不知道究竟有多少個票站有這樣做,並不是一個人一個人問我,我向他們說是可以的,並不是這樣的情況,我們是發出過指令,讓所有票站這樣做都是可以的。

記者:即是說「指令」是一般性的?

選管會主席:是一般性的。大約在四時半左右發出。

記者:第二個問題是想問關於領取選票數目方面的數字,你們是如何計算出來的?是否一位選民取了一份選票後就剔一剔……還是你們在事前數過有多少票?

選管會主席:不是。所以有時會有所誤解,選舉是很技術性的問題。選票結算書方面,是每一個投票站的投票站主任在投票完畢後,他從我們發給他有多少部選票,每一個界別或是每個地方選區,有多少部選票,每部是有存根的,而存根上是有號碼的,號碼是連續的。存根有號碼,但選票本身沒有號碼,所以投票永遠是保密,但存根的號碼就是作爲這種用途,把最後的號碼,即每一部最後的號碼,減去第一個號碼再加一,那個號碼一直是順序的,然後各本存根相加起來,那便是選票結算書,那是很準確的,顯示我們實在發出了多少張票。

記者:已點算點票數目是否可以叫做收回選票數目呢?這樣會否 清楚一些?因爲你們用的名稱是十分官僚……

選管會主席:這不是官僚,這是我們依照以前的法律所寫出來。 那已點算數目是真正在票箱內的選票數目,你可以說是收回來 的,有些被帶走了的便消失了。

記者:差額會是縮小了,但是否會考慮重新點算?

選管會主席:不會,不需要重點,有差額是不需要重新點算,為 甚麼呢?很多時候,偶然有些選民會把選票帶着離開,這是我們不會知道的,帶了一張離開,我們是不會知道的,所以便會少了一張,你看八五三八和八五三九,是失去了一張。

記者:但失去了一張,如果你假設說有選民帶出去,也是很嚴重的問題,不是你說得那麼輕鬆?

選管會主席:但我們不知道,我們只可以

記者:投票間無簾的,你的目的是要看到選民有沒有打電話或用電話影相等,但如果有人真的把選票收藏後離開,無論他是有意或是想做壞事,這是沒有理由沒有人看到的?

選管會主席:根據我們的經驗,第三項已點算的選票數目很多時也會較選票結算書的數目少。

記者:是否與你們的投票人數脗合呢?如果並不脗合的話,那麼 多出來的,已派出的選票來自甚麼地方呢?我問的是已領取選票 的數目是否等同你們最後核實的投票人數?

選管會主席:是的,沒錯。所以先前投票人數臨時抄出來的資料是不對的,那個是不準確,(它)只是將每個小時報出來的(數字)加起來的。

或者我解釋一下,可能你們還是不明白,因爲你們不懂得選舉的操作你們是很難明白的。你入到投票站,你是選民走入投票站,你拿出身分證,你會發覺有兩位票站職員在那裡,一個會打開投票冊,核對一下,見到有(你的)名字,就會拿紅色筆用間尺劃一劃你的名字,以免你下一次再走進來拿(選票),那個理由就是這樣,而不是侮辱選民「將他劃去」;然後職員會撕一張選票給你,交還身份證給你,而這一位坐在旁邊的另一位職員,他就會說:一個,然後他會看看身分證,(在紙上在爲統計而寫的「正」字劃上一劃),關於這個「正」字他是有幾項(資料)需要填入的:男女性別、年歲,這是用來日後作參考用的;職員在那個「正」字上劃一劃,他在他自己的「正」字記錄上劃一劃,接着第二個來又是這樣做。

好了,終於這一個數字,這一堆「正」字的東西,會交給副選舉主任,他會每個小時來收取這一些東西,然後報告投票人數是多少,他們不是看發票簿上的存根,那麼如果這個人打瞌睡,或者寫上的(資料)不清楚,令他自己也混淆,或者是夾數的人弄亂了,或者是報上來的時候講錯了數字,就會出錯。因爲這個(程序)不像那個選票結算書,最終是要根據選票的存根而結算那般準確的,亦都不及最準確的從票箱拿出選票來點算,因爲點算中是有很多人手在點算,正式在那裡數的,有時會調轉來數,譬如那一個投票名單有幾多張票,是再對調大家再點算,再查核過,這一個會是很準確的數字,這個投票人數臨時參考的人數,每個小時報出來的人數,就不是那麼準確,它會不會和早前一小時的(數字)混在一起算呢?這便要看記錄的那位和那位其後記數和

計數的那位,和報上來的那位有沒有報錯,報數的 I V R S 那個電腦,甚麼聲音系統之類的東西。

所以當你明白整個程序,就會知道那個數字只是供臨時參考的, 因爲否則的話,每個小時怎可能逐份(資料)來查核,怎可以像 選票結算書一般去查,那麼準確呢?

記者:我想問小西灣那裏,如果最後確實了有候選人的代理人, 真是在清場的時候被拒進入票站,那個票站的結果還是不是有效 呢?同時說在打開票箱時有見證人看着,但亦有些候選人走近看 到有些選票放在檯上,又吹到飛來飛去,你覺得這樣處理選票方 式,恰當不恰當呢?你會怎樣跟進呢?

選管會主席:我不怎樣相信選票「飛飛吓」,那樣重,你都知道,摺疊了非常重,有兩張打字紙般大。這些事不宜那樣快下結論,因爲我們的事實未清楚,事實未清楚,證據不足,我們如果下結論對任何一方都不公道,所以不要迫我這樣快下一個結論,因爲我們要調查。真是要調查,相信你亦同意,在調查情形之下,譬如我叫你寫個報告,你都不可以即時一日寫給我吧,當然我們還會將所有有關的文件,都會檢查。

記者:胡官,除了小西灣票站有出現問題外,昨日有候選人投訴 他們在屯門嶺南大學亦有同樣的情況,就是在投票完結時,所有 候選人的監票人都被邀請離場,有人看到此情況,你知不知道有 這件事?

選管會主席:我不知道這件事。

記者:點解投票日過了這麼久,又有那麼多不同的投訴,但你卻有那麼多問題不知?你怎樣解釋?

選管會主席:因爲沒有向我們投訴,我們便不會知道,就是這麼簡單。我們所有投訴都會處理的。因爲我們有一個法例上指定的責任要處理所有投訴,及在向特首提交的報告書要明文處理投訴問題,但你剛才所說的那個投票站的問題,我們無聽到過。但有時問題的用字要清楚一點,你剛才說到監票的人,但究竟是指監察投票或是監察點票的人呢,兩者是不同的。任何候選人都可委派監察投票代理人及監察點票代理人,他們在每個票站都可以委派兩個,但你說監票的人,要看是監察甚麼的人,我們要研究得好清楚,要研究證據研究得好清楚,不可以這麼早就下一個定論。

記者:如果你覺得選票結算書的數字是這樣重要的話,爲何不是 早早公布?又,在有監察點票代理人被趕出票站,根據選舉條 例,究竟這個選舉的選票是否有效?另外,在核對選票結算書的 結果後,是否一些功能界別要重新點一次票?

選管會主席:我先回答你第三個問題。會計界在當天已重點了兩次,可能有候選人懷疑因爲投票人數(即臨時參考的數字)比較已點算的選票數目是少了,但因爲已點算了兩次,所以是不需要

重點的。

每一次選舉完結後,選舉結果公布後,有人當選,有人不當選,如果要看選票或要重點的話,一定要向法庭申請,用選舉呈請來申請,先正可以開封,我們都不可以將選票開封,我們無權將選票開封,要向法庭拿命令才可以開封。在甚麼情況下可以拿這個命令,第一是選舉呈請,第二是涉嫌有刑事的情況,才可以去開封,不過你說到監察點票的情況,我們要看整個情況,不可以這麼快下結論。就好像剛才梁乃鵬博士提到,如內有其他公眾人士,或獨立人士是可以監察到的,這樣就沒有問題。

記者:那是否說,即使沒有監察點票代理人在場,但有其他人在場的話,一樣有效?

選管會主席:不知道。有些是程度上的問題,如我剛才所說,不可以妄下結論,我們要參詳所有的證據,然後在證據中看到甚麼事實,才下結論,不要逼我這麼快下決定。

記者:你剛才說請辭是一個「後事」的問題,現時最重要的是放在實情方面,但有些你自己都已經承認了的,譬如:設計失誤、錯誤評估容量,以及在較早前有些輿論也說這次選舉是貫徹地由頭到尾都出現混亂,譬如在較早前你在休假時,李榮先生在任時的政綱錯誤刊登,跟着他也誤導選民說可以以取錯選票爲藉口以迴避影相機的問題,.....你覺得整個選舉的流程中,首先我們不理會是否需要調查的事實,你自己有沒有一些是除了道歉外而需要做的呢?同時我也想聽一聽李榮先生你今次主理這次選舉,弄到這麼多國際新聞,你有甚麼感想?

選管會主席:這方面你不要問李先生,因爲這個記者會是我召開的,由我回答你。譬如你說有些選票印錯,這很迅速便弄妥,我們因爲這次出錯動用了很多其他政府人員幫助我們檢查每一張候選人的履歷或政綱簡介才寄出。這次票箱設計,我也承認是存在錯誤,票箱數量的估計因爲票箱設計亦出現錯誤。你提出這次選舉有這麼多出錯,其實並不是的,其實最大的原因是票箱設計和估計選票容量錯誤,才招致這麼多新聞。錯只是這一點,「錯」我們是會承認的。有時說到是否需要辭職,在我來說是不重要的,除了這一次選舉外,以後的選舉對我來說是沒有的,我的委任是到二〇〇六年,這期間是沒有大型的選舉,可能會有一些補選,但補選方面只是很小規模的,你可以說規模是五百零一分之一之事。這麼大型的(選舉)有這方面的出錯,我承認我們有錯的,但你提到是否應該辭職,這對將來的選舉由何人管理,事實上是沒有分別的。

(待續)

二〇〇四年九月十五日(星期三)

ÖReal Media (現場)

□ Windows Media (現場)

🕝 寄給 朋友

新聞公報

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選舉管理委員會主席記者會答問全文(三)

記者:有監察團體批評,即使一些第三世界國家也不會出現使用例如燒烤叉或間尺等來整理選票,這次事件會不會令香港公平的選舉制度蒙羞?抑或是令香港政府蒙羞?

選管會主席:我不贊成今趟的出錯會招致香港的選舉制度蒙羞。以間尺伸進票箱內按壓選票,或者使用叉或其他物件等等,在歐美國家的選票中,也會這樣處理的,我也曾看見過這樣的處理方法,我參觀別的選舉時也曾見過有人這樣的做法,有何出奇呢?如果放入選票之後,希望多入幾張,或疏導紙張間的阻塞,而以間尺撥弄一下,如果沒有間尺而使用如鐵枝或鉛筆等物件,有何分別呢?或者使用薄衣架等,也沒有分別的,可能有人覺得不雅觀,會問爲何沒有特別器械去代替,我覺得若不使用間尺而改用嚴條也無妨的,這並不會有所蒙羞的,一點兒也沒問題的,只是以間尺撥一下,以使選票放得好一些,及讓票箱可以裝載更多選票,以事論事的角度來看,其實那位投票站工作人員是「醒目」才會這樣做的,一點也不是壞事。這有什麼大不了?並沒有人多放一張選票入內,那人員並不是以間尺多放一張選票入內,而是撥弄一下內裡的選票罷了。你會發覺今趟選舉的選票沒有破損,且都很扎實和很大張。

記者:剛才你答是否有選民被拒入投票站等,你說是可以查核每 小時投票率......

選管會主席:不是,我所說的是後來有一名據稱是監票人被票站 主任請出去方面,可以看一看投票率,等等東西,看看有沒有可 疑的地方。

記者:如果在九點半之前每小時只有百分之三人投票,但最後一小時有百分之六人投票,有沒有可能?

選管會主席:這要看一看以往,要看一看以往這個投票站。這是有可能的,但到最後是80%則是沒有可能的。

記者:另外,白票及廢票的數目是多少?

選管會主席:現時還未知道,因爲那些在五百零一個投票站,他們的選票結算書是會顯示出來,點票時會顯示出來,點票紀錄是在選舉完畢後會封好後運到這裏,有五百零一個投票站,我們會詳細檢查,我們每次都會把廢票數目的類別作出研究,有多少是白票或廢票,有多少是選民意向不清,有多少是懷疑選民的身份可能被辨認出來,究竟有多種的類別我們會分析出來,將來的報告書會說清楚的。每一次的報告書都會說清楚,但這方面並不是

我們急於立即處理的事,現時我們有這麼多急務,你們各位都知道,我們要調查一些比較重要的事,這方面我們會慢些處理。因 爲有很多記錄我們需要檢查。

記者:你們有沒有數據是因應有多少投票站因不夠投票箱而受影響?以及最嚴重的延誤是多久?同時你們有沒有收到市民的投訴他們投不到票?

選管會主席:到今天來說我們沒有收到市民的投訴他們投不到票,至於有多少個票站曾打開投票箱重整選票以騰出多一點位置或騰出多一些投票箱出來使用方面,我們還未有確實的數據,我們還在調查當中。我們還在審查文件,譬如每一個投票站都有一本 log book (投票站主任作記錄的記錄簿),這會有顯示出來,我們正在查這方面的資料,現時還未有確實的數字。

記者:我想問,今次這樣多混亂的事件,會否擔心影響到市民對 選舉的信心,對選管會的公信力有否影響呢?同時今次你說到票 箱或選票設計問題,令到有那麼多混亂的事件發生,怎樣確保日 後用新的投票工具的時候,不會有這個情況出現?

選管會主席:其實,有關信心和公信力的問題,你問我,很難說,我不知,我希望市民不要對我們的選舉無信心,不要使到選舉失了公信力,我希望他們對我們有信心。你說今次出了的失誤,當然我們會很深入的檢討,將來所設計的東西,是前車可鑑,我們不會重蹈覆轍的,應該是前車可鑑。我們知道這樣可能有錯的話,以後便不會做,但是,可以這樣說,是做一事,長一智,實情是做一事未必長一智,是錯一事才長一智。以前無錯便不知道這樣會錯,實情是錯一事,便長一智。這樣我們都引以爲鑑,不是我們不學東西,雖然我們,我不說其他兩位,我比較老些,我們雖老還會繼續學習的,請市民放心。

選管會委員梁乃鵬:其實胡法官已經做了十一年幾了,我都做了十年幾,快要十一年,發生這件事,其實最難過是我自己,很難過。我服務了香港幾十年,無論是在教育、選舉,所以很難過,當然我要見一事,長一智,要學,所以我說,對市民我很抱歉,希望將來永遠不會再有這些事發生。

(請同時參閱答問全文英文部分。)

完

二〇〇四年九月十五日(星期三)

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