

CHAPTER 12

THE COUNT

Section 1 – Set up of the Counting Station

12.1 The counting of votes was centrally conducted at the counting station right next to the polling station. There was a designated area in the counting station for electors to observe the count after they had cast their votes, and a public area for members of the public to observe the count. When the seats in the public area were filled, members of the public were allowed to sit in Hall 1 to observe the counting process through live TV broadcast. Two rooms were reserved for the two candidates and their agents. Large video walls were set up in the counting station so that those who did not sit near the counting zone could also observe the count clearly. To facilitate media coverage of the counting process and the declaration of results by the RO, an area inside the counting station was reserved as the working area for the press.

Section 2 – The Counting Process

12.2 The count was conducted in the presence of the candidates and their election or counting agents who were present. They could observe the count outside the restricted zone surrounding the counting table. The ballot boxes were unsealed and opened by the RO and witnessed by all those present in the counting zone.

12.3 Counting staff placed the valid ballot papers in separate plastic transparent boxes on the table according to the choice marked by the electors. They passed the clearly invalid ballot papers and questionable ballot papers to

the Counting Supervisor, the role of which was assumed by the PRO. The Counting Supervisor then placed these ballot papers in separate plastic transparent boxes. One ballot paper was found unused in the polling station and kept by the PRO, while 11 ballot papers that had been put into the ballot boxes were unmarked. All these clearly invalid ballot papers were not counted.

Section 3 – Determination of Questionable Ballot Papers

12.4 As for the questionable ballot papers, a set of sample questionable ballot papers was posted inside the counting station for reference of candidates and election/counting agents. Of the ballot papers cast into the ballot boxes, six were identified as questionable. All candidates and their election/counting agents gathered to observe the RO's determination on the validity of the questionable ballot papers. The RO was accompanied by Mr James O'Neil, the ARO(Legal). Five ballot papers were determined as not valid and not to be counted, while one was determined as valid and to be counted. Thereafter, all valid votes (including the one previously considered questionable but determined by the RO as valid) were counted.

Section 4 – The Result of the Count

12.5 At the end of the count, the ballot paper account was verified by checking against the summation of valid votes cast for individual candidates, as well as invalid ballot papers. After the ballot paper account was verified, the RO made known the following counting result to the candidates or their agents:

<u>Candidate</u>	<u>No. of valid votes obtained</u>
Candidate No. 1 – Mr LEONG Kah-kit Alan	123
Candidate No. 2 – Mr TSANG Yam-kuen Donald	649

12.6 After giving the candidates a reasonable opportunity to request for recount, the RO declared the results publicly. The count commenced at about 11:20 am and completed at 11:45 am. The RO announced the result at about 11:50 am. As Mr TSANG Yam-kuen Donald had obtained over half of the total number of valid votes (ie 649 out of 772), the RO announced that he was elected as the third-term CE. The result was published in the Gazette on 25 March 2007. There was no need to trigger any contingency plan on the polling day.

12.7 An overall analysis of the ballot papers (including valid, invalid and questionable ones) in the election is at **Appendix X**.

Section 5 – EAC Visit

12.8 As in other elections, the Chairman and Members of the EAC visited the polling and counting stations to observe the polling and counting process and gain first-hand information on the latest developments. Since there was only one polling and one counting station for the Election, the EAC stayed at the station throughout the whole election. Before the commencement of the polling hours for the first round of poll, the EAC arrived at the JCC at 7:15 am to ensure that preparatory work for the election was in order, and that the prevailing weather and traffic condition did not necessitate postponement of

the poll. Video footage of the Commission's visit to the polling station was produced with the assistance of ISD's in-house filming crew and released to the media through the Radio Television Hong Kong ("RTHK"). Thereafter, the EAC observed the conduct of the poll at 9:30 am. After the close of the poll, at about 11:20 am, the RO opened and emptied the ballot boxes with the help from the EAC and SCA before the start of the count.

12.9 Subsequent to the announcement of the election result and stand-up session of the two candidates, the EAC met the media inside the station. The Chairman expressed the Commission's satisfaction that the CE Election had been conducted in an open, fair and honest manner in accordance with the law. The Commission was particularly satisfied with the relatively short time, about 45 minutes, taken to produce the election result after the close of the poll. The Chairman expressed his gratitude to all parties concerned for the smooth conduct of the election.

