

Proposal for the Disposal of the China Fund, **Cambridge University Hong Kong and China Affairs Society**

3 August 2019

Dear the Executive Committee (“Exco”) of Cambridge University Hong Kong and China Affairs Society (the “Society”),

1. The below signed members of the Society hereby move a proposal pursuant to Section 13.3.1 of the Constitution of CUHKCAS (the Constitution) for the disposal of the China Fund.

Context

2. The recent controversy over the Amendment of the Fugitive Offenders Bill (the “Bill”) has evolved into a political crisis for Hong Kong. Over twelve major public processions and rallies have taken place in the past two months, with increasing degrees of violence reflecting rapidly escalating tensions. Forces used by the police escalated to an unprecedented level, involving excessive use of high duty rubber bullets, bean bag shots and, most recently, expired tear gas canisters. In some instances, rubber bullets were aimed above the upper body and shot at close range. The movement exposed structural injustice within the establishment. With the lack of statutory power of the Independent Police Complaints Council (“IPCC”) to summon witnesses or to conduct any investigation, a significant portion of the public has a lack of confidence over IPCC being able to bring up a resolution to this crisis. The involvement of organised crime and the inaction of the police force are also apparent as seen in two occasions in particular. On 21 July 2019, ordinary citizens, some of whom just participated in a peaceful rally, were subject to a terror attack and indiscriminately beaten by white-shirt thugs at Yuen Long MTR station; on 30 July 2019, protestors assembling outside Tin Shui Wai Police Station were struck by fireworks from a drive-by vehicle.

3. In response to the conflicts, numerous notable figures and associations from different sectors, including our Honorary Patron, Dr The Hon Sir David Li, and our Honorary Member, The Hon Andrew Li, have publicly called for a full withdrawal of the Bill and the establishment of a statutory independent Commission of Inquiry. However, the government has not made any substantial response to address the public's concern.

4. On 17 June 2019, Dr Hon Pierre Chan exposed potential security backdoors in Hospital Authority's system, such that the police could access patients' confidential information without seeking the Authority's consent in advance. On 23 June 2019, police arrested five protestors injured on 12 June 2019 in public hospitals. On 31 July 2019, 44 protestors who participated in a rally in Sheung Wan was charged with rioting, with 26 of them at or under the age of 22. The 44 individuals arrested include one first-aider nurse working on the scene. According to reports of HK01, over 223 protestors have been arrested in the movement.

Justification

5. While we agree with the general principle that everyone should be subject to the law and any form of illegal actions should not be encouraged, we also believe that everyone deserves fair legal representation before the court. With the majority of protestors still currently receiving full-time education and possessing limited economic resources and social capital, we believe that pressing legal aid is needed for the prosecuted. Further, the United Nations Human Rights Committee has expressed multiple concerns regarding the Public Order Ordinance, that the Ordinance “could be applied to restrict unduly enjoyment of the rights guaranteed in article 21 of the International Covenant on Civil and Political Rights”.

6. We believe that everyone, regardless of political stance, should be able to receive medical aid, especially in emergency situations. As seen in the news, on 12 June 2019, riot police blocked an ambulance carrying patients to cross the police barricades. On 28 July 2019, police refused the right to treatment of multiple patients by on-site first-aiders and Dr Hon Kwok Ka-ki. The fear of possible arrests made in hospitals, precipitated by the aforementioned security backdoor, led to mistrust in our Public Health Service and lack of treatments of the wounded. We must support paramedics and first-aiders on scene to treat police and protestors alike, and uphold life above all.

7. As the “Fourth Estate”, the press is also under grave pressure in the incidents. Multiple footage showed police assaulting reporters deliberately and firing tear gas and pepper spray towards reporters. The Foreign Correspondents' Club, the Hong Kong Journalists Association and the Hong Kong Press Photographers Association have issued multiple statements condemning police violence against journalists.

8. The Exco has published a post regarding recent incidents on 23 July 2019, which is very much appreciated. We agree that a constructive dialogue to solve these political issues is much needed. According to Section 2.3 of the Constitution,

2.3. OBJECTIVES – To promote human rights and democracy in Hong Kong and China through rational and non-violent means.

CUHKCAS must stand in solidarity with Hong Kong people to safeguard human rights and democracy. According to Section 2.1 of the Constitution,

2.1. OBJECTIVES – To promote concern, interest and discussion mainly, but not exclusively, among students in Cambridge regarding the social, economic and political affairs of Hong Kong and China.

to achieve the objectives in accordance with the Society’s historical background, CUHKCAS must advocate tirelessly to promote discussions within and beyond Cambridge and Hong Kong. The Exco must address this incident promptly, which is unarguably the biggest socio-political crisis since 1967 and 1989.

9. According to Annex I of the Constitution,

Annex I – THE ORIGIN OF THE CHINA FUND

The China Fund was raised in 1989 by a group of Cambridge students with a view to support the student democratic movement in the People's Republic of China. Due to change of circumstances, the Fund has not been used and has thereafter been held by the HKCAS. The Fund can therefore only be used in appropriate circumstances compatible with the original aim of promoting democracy in China through rational and non-violent means.

30 years ago, the Founding Committee stood in solidarity with the students in Beijing. With most of the protestors calling for political structural reform, we believe CUHKCAS should act vigilantly and dispose of the China Fund in accordance with the original aim.

Proposal

10. Therefore, we are writing to move the following proposal to dispose of the China Fund.

10.1 The Society should dispose of the whole of the China Fund to promote human rights and democracy regarding the civil movements triggered by the Bill.

10.2 No less than half of the amount disposed of should be used to provide humanitarian aid. This includes donations to organisations providing legal, medical and psychological assistance of individuals (such as protestors and journalists) participating in any civil movements triggered by the Bill. (see Appendix I for examples of recipients)

10.3 The remainder of the Fund, if any, should be disposed of in aid of any advocacy efforts towards promoting human rights and democracy in accordance with paragraph 10.1 and with Section 2.3 of the Constitution. This includes funding any events, publications or student organisations to promoting cross-aisle dialogues, funding research efforts, drawing international attention, or establishing student entities for longer-term continued efforts.

10.4 The donation should be conducted in accordance with Section 13.2 of the Constitution. The Exco should clearly inform the recipient of such intended use before giving the donation.

10.5 If at least two proposed recipients refuse to receive the donation or deem it unnecessary, the Exco could return any unspent sum to the China Fund.

10.6 Should the Exco believe the situation to be urgent, any sum spent on the above purposes from the operation account by the Exco before the proposal is passed could be reimbursed using the China Fund. The Exco should ask for donations towards the stated cause among members and the wider University student population if it deems necessary.

10.7 A report should be produced by the Exco every 14 days after the proposal is passed, until after the China Fund is fully spent or the remaining fund is returned to the China Fund

in accordance to 10.5. The last report should be produced after the Fund is fully spent, to provide an overview and explain how the money was used effectively.

10.8 As a note of emphasis, we agree that the Fund should not be spent to promote any violent acts, such as purchasing materials in aid of violent acts. The capacities of and violence employed by the protestors, and triad groups and the police force are highly disproportionate. The Proposal focuses on supporting protestors with minimal violence who did not target civilians to incite fear in the community.

11. We thereby move this proposal.

Yours sincerely,

27 CUHKCAS members, including 4 graduating members

Appendix I: Example donation recipients

a. 612 Humanitarian Relief Fund 612人道支援基金 (in accordance with 10.2)

- i. 基金首要為在反送中運動中受傷、已遭受拘捕或很可能被拘捕的人士提供人道支援，例如上述人士接受醫療服務、心理輔導或法律諮詢的費用。如將來涉及刑事或民事法律程序，基金亦會考慮支援有關訴訟而引致我方的法律開支或法律援助分擔費。但對於民事訴訟方面有較大的限制，因為基金無法承擔對方的訟費。如因受傷或被捕而引致的經濟困難，基金亦會按個別情況考慮支援；不幸身故死者的直屬家人如需援助，基金亦會酌情提供資助。
- ii. 資助有關反送中運動的各種投訴及調查項目，資助範圍包括相關的法律費用、調查研究、舉辦活動開支或出席國際會議等。
- iii. 除了上述支援之外，基金在接受查詢的過程中如發現有其他支援需要，信託人將會於基金宗旨許可的範圍內靈活處理，讓基金能發揮最大的作用。
- iv. 基金日常運作的必要開支，如核數費用、負責行政及跟進個案職員的薪金等。

b. Spark Alliance 星火同盟 (in accordance with 10.2)

- i. 抗爭支援，宗旨是支援無政黨，鎂光燈以外的被捕、被囚者，為有需要的人士、他們的親友提供各種支援服務，具體包括免費被捕保釋及有關法律諮詢、被捕者上庭出入護送及緊急醫療資助、探訪及援助在囚人士及其家屬，以及協助他們獲釋後重新就業等等。

c. The Journalist Protection Fund 香港記者協會保護記者基金 (in accordance with 10.2)

- i. to provide financial assistance to any member of the press in Hong Kong, who is taking legal action against any person who act violently towards them at work.

d. Amnesty International Hong Kong

e. Hong Kong Public Opinion Research Institute 香港民意研究所

Appendix II: Current situation of the China Fund

The amount of China Fund, according to CUHKCAS Financial Report 2018-19, is £7,252.84.

Appendix III: News report concerned

HK01, 6.9遊行到7.28西環衝突 和理非到催淚彈橫飛的50天, www.hk01.com/社會新聞/357490/逃犯條例-6-9遊行到7-28西環衝突-和理非到催淚彈橫飛的50天

紐約時報中文網, 香港警民衝突再升級, 市中心成催淚瓦斯戰場, cn.nytimes.com/china/20190729/hong-kong-police-protest/zh-hant/

RTHK香港電台, 《鏗鏘集》, 721元朗黑夜, youtu.be/16CiwPChpr0

HK01, 傷者憶述穿雲箭射頸爆開 九巴私家車失控剷壘, www.hk01.com/突發/358297/天水圍煙花襲擊-傷者憶述穿雲箭射頸爆開-九巴私家車失控剷壘

蘋果日報, 李國寶促政府成立獨立調查委員會: 「唔止查Police」, hk.finance.appledaily.com/finance/realtime/article/20190726/59867098

明報, 李國能評論《逃犯條例》修例風波英文全文, link.mingpao.com/59258.htm

陳沛然, 受傷市民到醫院求診被捕, 揭露醫管局高層再講大話, doctordaddysoccer.blogspot.com/2019/06/HA-AEIS.html

HK01, 被告暴動44人是誰? 青年導演屢獲獎 情侶周末結婚, www.hk01.com/突發/358475/728集會-被告暴動44人是誰-青年導演屢獲獎-情侶周末結婚

HK01, 50日逾10場大型衝突 最少223人被捕 44人被控暴動, www.hk01.com/突發/357974/逃犯條例-50日逾10場大型衝突-最少223人被捕-44人被控暴動

South China Morning Post, Protesters say Public Order Ordinance restricts their rights, www.scmp.com/news/hong-kong/article/1078885/protesters-say-public-order-ordinance-restricts-their-rights

612 Hong Kong, 香港警察唔讓路畀救護車, youtu.be/wHBJgk4TFrc

端傳媒, 728示威: 有救護員收到命令, 指救護車須得警察批准才可以進入示威人群中救人, theinitium.com/article/20190728-evening-brief/

明報, 醫管局: 知悉三宗警公院內拘捕行動 涉伊院仁濟廣華, news.mingpao.com/ins/%E6%B8%AF%E8%81%9E/article/20190623/s00001/1561280022306

The Foreign Correspondents' Club, FCC statement expressing grave concern over reports of police violence against journalists in Hong Kong, www.fcchk.org/fcc-statement-expressing-grave-concern-over-reports-of-police-violence-against-journalists-in-hong-kong/

Joint statement by Hong Kong Press Photographers Association and Hong Kong Journalists Association, www.hkja.org.hk/en/statements/joint-statement-by-hong-kong-press-photographers-association-and-hong-kong-journalists-association/