

The 25 Members below jointly initiate the following motion:

Hon Alvin YEUNG (mover), Hon James TO Kun-sun, Hon LEUNG Yiu-chung,  
Prof Hon Joseph LEE Kok-long, Hon Claudia MO, Hon WU Chi-wai,  
Hon Charles Peter MOK, Hon CHAN Chi-chuen, Hon Kenneth LEUNG,  
Hon KWOK ka-ki, Hon Dennis KWOK Wing-hang,  
Dr Hon Fernando CHEUNG Chiu-hung, Dr Hon Helena WONG Pik-wan,  
Hon IP Kin-yuen, Hon Andrew WAN Siu-kin, Hon CHU Hoi-dick,  
Hon LAM Cheuk-ting, Hon SHIU Ka-chun, Hon Tanya CHAN,  
Hon HUI Chi-fung, Dr Hon CHENG Chung-tai, Hon KWONG Chun-yu,  
Hon Jeremy TAM Man-ho, Hon Gary FAN Kwok-wai, Hon AU Nok-hin

### **Motion under Article 73(9) of the Basic Law**

#### **Wording of the Motion**

Whereas not less than one-fourth of all Members of this Council have jointly initiated this motion charging the Chief Executive Mrs Carrie LAM CHENG Yuet-ngor with serious breach of law and/or dereliction of duty (as particularized in the Schedule to this motion), and whereas the said Mrs Carrie LAM CHENG Yuet-ngor has refused to resign within a reasonable time, this Council, in accordance with Article 73(9) of the Basic Law, hereby gives a mandate to the Chief Justice of the Court to form and chair an independent investigation committee to investigate the alleged serious breaches of law and/or dereliction of duty and report its findings to this Council.

#### **Schedule**

Particulars of serious breaches of law and/or dereliction of duty of the Chief Executive Mrs Carrie LAM CHENG Yuet-ngor:

#### **Disregard of mainstream opposing views and unrelentingly pushing through a highly controversial bill**

As the Chief Executive of the Hong Kong Special Administrative Region, Mrs Carrie LAM CHENG Yuet-ngor introduced the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (“the Bill”), which has ignited widespread controversy across Hong Kong society. After the Bill had been submitted to

the Legislative Council for first reading, the business sector and many professional sectors expressed their concerns. On 9 June 2019, up to 1.03 million people took to the streets in a march to express their strong opposition to the Bill. A majority of the participants in the march also demanded that the Chief Executive should step down. After the march on 9 June 2019, Mrs Carrie LAM CHENG Yuet-ngor not only ignored the overwhelming mainstream opinion in Hong Kong, but also insisted the resumption of the second reading debate on the Bill at the Legislative Council as scheduled.

The second reading debate on the Bill was originally scheduled to resume at the Legislative Council on 12 June 2019. Thousands of citizens gathered in the vicinity of the Legislative Council Complex demanding the withdrawal of the Bill. The Hong Kong Police Force, under the leadership of the Chief Executive Mrs Carrie LAM CHENG Yuet-ngor, used excessive force to crack down on the protest, resulting in violent conflicts in which many were injured. It was truly fortunate that there was no fatality that day. (More details about this incident will be provided in the next part.)

As of 15 June 2019, Chief Executive Mrs Carrie LAM CHENG Yuet-ngor withdrew the notice of resumption of the second reading debate on the Bill, but refused to withdraw the Bill. The next day, almost 2 million people took to the streets in a march, their demands included withdrawal of the Bill, stopping the arrests of protestors against the Bill, dropping all charges against people who were arrested for participating in the protests against the Bill, retracting the Government's classification of the protests on 12 June 2019 as a riot and the stepping down of the Chief Executive. Up to 24 June 2019, Chief Executive Mrs Carrie LAM CHENG Yuet-ngor only agreed to withdraw the notice of resumption of the second reading debate on the Bill.

### **Use of excessive force to crack down on peaceful assembly**

In the early morning of 10 June 2019, many protestors who participated in the march against the Bill on 9 June 2019 were subjected to the use of pepper sprays, beating with batons and pursuit by the Police.

In the afternoon of 12 June 2019, during the crackdown on the protests in the vicinity of the Legislative Council Complex, the Police used excessive force on protestors, including use of pepper sprays, beating with batons, and firing of many tear gas canisters, bean bag rounds and rubber bullets. (According to the Police statistics, 150 tear gas canisters, 20 rounds of bean bag shots and several rounds of rubber bullets were fired that day.) And before the Police fired at the protestors, they did not follow the guidelines under which flags should be raised as a warning. Moreover, many witnesses saw that the Police officers aimed at protestors' vital body parts when they fired. The press also took many

photos and recorded many video clips proving that Police officers had thrown tear gas canisters at the areas where crowds gathered, regardless of the fact that letters of no objections had been obtained in respect of the peaceful assembly in those areas, which might have caused tragedies. Such level of force was really unnecessary, which endangered the lives of those participating in the assembly.

In the aforementioned crackdown, the Police used excessive force resulting in injuries of many people. Some of the injured people being hospitalized were arrested by police officers in public hospitals, causing fear among the citizens, and the injured people were too fearful to seek medical help. It was sheer luck that no fatality resulted from the two incidents.

### **Intimidating protestors with disproportionate criminal charges**

Targeting those who were arrested for participating in the protests in the vicinity of the Legislative Council Complex on 12 June 2019, the Police indicated that they were considering laying riot charges against the arrested. That day, most people protesting in the vicinity of the Legislative Council Complex were assembling peacefully without causing severe damage to public or private properties or endangering other people's lives. The gravity of the Police charges was disproportionate.

In fact, the citizens gathering that day were just exercising their freedom of assembly and speech protected by the Basic Law. By laying grave charges with an intent to silence opposing voices, the Government has demonstrated a lack of basic respect for different views.

### **Causing a rift in society**

In both marches on 9 and 16 of June 2019, many citizens demanded that Mrs Carrie LAM CHENG Yuet-ngor should resign. In the evening of 15 June 2019, a Hong Kong citizen named Leung Ling-kit staged a protest on the scaffoldings of the Pacific Place in Admiralty, and demanded withdrawal of the bill, the release of protestors arrested for participating in protests against the Bill, the retraction of the Government's classification of the protests on 12 June 2019 as a riot and the stepping down of the Chief Executive. He fell to his death that night. The next day, close to 2 million people took to the streets to protest, repeating the five demands including withdrawal of the Bill, stopping the arrests of protestors opposing the Bill, dropping all charges against people arrested for participating in the protests against the Bill, retraction of the Government's classification of the protests on 12 June 2019 as a riot, and the stepping down of the Chief Executive. As of 24 June 2019, in response to the above demands, Mrs Carrie LAM CHENG Yuet-

ngor only apologized, but did not specify her past acts for which she was apologizing and did not acknowledge any specific responsibility, nor did she propose any remedies.

## **Conclusion**

Mrs Carrie LAM CHENG Yuet-ngor sworn the following oath to uphold the Basic Law before assuming office: “I, Carrie LAM CHENG Yuet-ngor, swear that, in the office of Chief Executive of the Hong Kong Special Administrative Region of the People’s Republic of China, I will uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, bear allegiance to the Hong Kong Special Administrative Region of the Peoples’ Republic of China and serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity, and be held accountable to the Central People’s Government of the People’s Republic of China and the Hong Kong Special Administrative Region.” However, in her handling of the aforementioned protests, she has manifestly violated her oath and made many unconstitutional decisions.

Article 27 of the Basic Law stipulates that “Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.” In the aforementioned protests, the violent crackdown by the Government on the protestors was not only an attempt to prevent them from expressing their views in specific forms, but also intended to curtail their views expressed. Such acts gravely infringed on citizens’ freedom of assembly and speech protected by the Basic Law.

According to the Hong Kong Bill of Rights as set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383), the laws of Hong Kong protect the right to life of every person in Hong Kong. Article 2(1) of the Hong Kong Bill of Rights stipulates that “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” During the protests on 12 June 2019, it was the first time that protestors were wounded by gunfire during police crackdown on protests since the Handover. Whereas at that time the protestors had not committed acts that endangered other people’s lives, the Police’s reaction was really unnecessary and disproportionate. Under the leadership of the Chief Executive Mrs Carrie LAM CHENG Yuet-ngor, the Police has set an extremely bad precedent that would move Hong Kong towards an authoritarian regime that will not hesitate to sacrifice its citizens’ lives to consolidate its power.

In view of what have been illustrated above, we are deeply disappointed with the unconstitutional acts by the Chief Executive Mrs Carrie LAM CHENG Yuet-ngor and demand her resignation.