

HONG KONG / JUDGMENT

## RE BUI XUAN PHUC

[2025] HKCA 155

## COURT

Court of Appeal

## DECIDED

21 February 2025

## CASE / FILE NUMBER

CAMP480/2022

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CAMP 480/2022, [2025] HKCA 155 On Appeal From [2024] HKCA 1174 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF APPEAL MISCELLANEOUS PROCEEDINGS NO 480 OF 2022 (ON AN INTENDED APPEAL FROM HCAL NO 3011 OF 2018)

RE: BUI XUAN PHUC Applicant

Before: Hon Cheung and Au JJA in Court Date of Judgment: 21 February 2025

## J U D G M E N T

Hon Au JA (giving the Judgment of the Court): On 31 December 2024, the applicant filed a Notice of Motion to apply for leave to appeal to the Court of Final Appeal against this court’s judgment of 23 December 2024 (“the Judgment”) ([2024] HKCA 1174). In the Judgment, we dismissed the applicant’s reapplication for extension of time to appeal against the decision of Deputy High Court Judge KW Lung (“the Deputy Judge”) dated 15 July 2022, by which the Deputy Judge dismissed his application for leave to apply for judicial review ([2022] HKCFI 2142). The facts and issues in the appeal, as well as this court’s reasons for dismissing it, are set out in the Judgment. We will not repeat them here. After reviewing the Notice of Motion, we see no reason to deviate from the usual practice to consider this application on paper pursuant to paragraph 3 of Practice Direction 2.1. Section 22(1)(b) of the Hong Kong Court of Final Appeal Ordinance, Cap 484 (“the HKCFAO”) provides that an appeal shall lie to the Court of Final Appeal at the discretion of this court or the Court of Final Appeal if the question involved in the appeal is one which, by reason of its great general or public importance, or otherwise, ought to be submitted to the Court of Final Appeal for decision. In his Notice of Motion, the applicant alleges that his life will be in danger if he returned to Vietnam and that creditors and gangsters in Vietnam are cruel

and violent and are willing to kill people to satisfy their anger and ferocity. He also alleges that internal relocation is not feasible because there will be many difficulties and obstacles that he will have to face in the new location. He further says that the nationwide social network of gangsters and clandestine connections with corrupt people in the government and police apparatus make it quite possible for the creditor and gangsters to find out his new address. He further alleges that the Immigration Department did not consider his human rights under various legislations. Contrary to Practice Direction 2.1, the applicant did not lodge any written submissions. In our view, the applicant's application is plainly devoid of merit. His assertions are all vague, bare and unsupported by any specific particular or evidence. General assertions of his fear if refouled do not constitute proper grounds of appeal: *Re Saldua Dorothy Trifalgar* [2022] HKCA 627 at [6]. More importantly, he fails to identify any specific error in the Judgment. His submissions do not constitute proper grounds of appeal. Further and in any event, even taking his case at its highest, his allegations remain fact-specific and do not relate to any question of great general or public importance. Accordingly, the applicant has failed to identify any question of great general or public importance, as required by section 22(1)(b) of the HKCFAO. We also do not see any basis for granting leave on the "or otherwise" limb under section 22(1)(b) of the HKCFAO. Accordingly, the Notice of Motion filed on 31 December 2024 is dismissed. (Peter Cheung) (Thomas Au) Justice of Appeal Justice of Appeal The applicant acting in person

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