

HONG KONG / JUDGMENT

Re Reginaldo Cyril David

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CACV 400/2026, [2026] HKCA 1242 On Appeal From

[2026] HKCFI 2026 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF APPEAL CIVIL APPEAL NO 400 OF 2026 (ON APPEAL FROM HCAL NO 1395 OF 2025)

RE: REGINALDO CYRIL DAVID Applicant

Before: Hon Au JA and Cheng J in Court Date of Judgment: 22 July 2026

J U D G M E N T

Hon Au JA (giving the Judgment of the Court): 1. This is the applicant's appeal against the order of Deputy High Court Judge KW Lung ("the Judge") dated 14 April 2026 (

[2026] HKCFI 2026) ("the Leave Decision") dismissing her application to application for leave to apply for judicial review ("the Leave Application") against the decision of the Torture Claims Appeal Board/Non-refoulement Claims Petition Office ("the Board") dated 11 June 2025 ("the Board's Decision"), whereby the Board dismissed her appeal/petition against the decision of the Director of Immigration ("the Director") dated 1 November 2024 ("the Director's Decision"), refusing her non-refoulement claim. 2. This appeal was scheduled to be heard on 15 June 2026. Despite the directions from the court to the applicant dated 20 April 2026 ("Directions"), which were received by the applicant on the same day, she failed to lodge written submissions as required by 1 June 2026. Accordingly, by paragraph 10 of the Directions, the hearing of the appeal was vacated on 2 June 2026 and the court will deal with this appeal on paper. On 12 June 2026, the applicant lodged her skeleton submissions out of time. 3. The applicant is a national of the Republic of the Philippines. The basis of her non-refoulement claim is, if refouled, she would be harmed or killed by her husband because she had extra marital affairs with another man in Hong Kong. The applicant's background, the basis of her claim and arguments advanced before the Board as well as the Board's reasons for rejecting her appeal are all set out in the Board's

Decision: see [3] - [9] of the Leave Decision. The Judge has also set out in detail his reasons for refusing the Leave Application: see [10] - [17] of the Leave Decision. We will not repeat the details herein. 4. By the Notice of Appeal filed on 20 April 2026, the applicant asserted: "... the grounds of this appeal are that the Plaintiff will face hardship if he is to return back to his home country and that the Torture Claims Appeal Board has significantly relied on the source of news which is not officially recognized, or it is simply hearsay. They have also relied on some cases which are outdated considering the dramatic changes. The lack of credible source of information has resulted in them making groundless speculations." (sic) 5. As mentioned above, the applicant lodged her skeleton submissions belatedly on 12 June 2026. In those submissions, she cited various case law authorities regarding the high standard of fairness and procedural fairness, without condescending upon particulars as to how they relate to her individual case. DISCUSSION 6. The relevant legal principles governing appeals in non-refoulement cases are set out in *Nupur Mst v Director of Immigration*

[2018] HKCA 524 at [14]. 7. In particular, in an appeal against refusal of leave to apply for judicial review in non-refoulement cases, the Court of Appeal will only examine the decision of the judge in light of the grounds advanced by the applicant. If no viable ground is put forward to reverse the judge's decision, the appeal should be dismissed. The Court's role is not to examine the decision maker's decision afresh as if it were a fresh application for judicial review. See *Nupur Mst v Director of Immigration*

[2018] HKCA 524 at [14(6)]. 8. We see no merit in her contentions. Nowhere in her Notice of Appeal did the applicant identify any error committed by the Judge with specific particulars. Her assertions are general and bare allegations unsupported by particulars or evidence. General assertions of fear if refouled also do not constitute proper grounds of appeal: *Re Saldua Dorothy Trifalgar*

[2022] HKCA 627 at [6]. 9. Accordingly, the applicant's appeal against the Leave Decision has no merit and is dismissed. (Thomas Au) Justice of Appeal (Yvonne Cheng) Judge of the Court of First Instance The applicant acting in person

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Prepared on 29 October 2026 · Esheria