

HONG KONG / JUDGMENT

RE VALDEZ JEYSON BALDO

[2026] HKCA 461**COURT**

Court of Appeal

DECIDED

24 March 2026

CASE / FILE NUMBER

CAMP77/2023

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CAMP 77/2023, [2026] HKCA 461 On appeal from [2022] HKCFI 3204 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF APPEAL MISCELLANEOUS PROCEEDINGS NO 77 OF 2023 (ON AN INTENDED APPEAL FROM HCAL 621/2019)

RE: VALDEZ JEYSON BALDO Applicant

Before: Hon Barma JA and Chow JA in Court Date of Judgment: 24 March 2026

J U D G M E N T

Hon Barma JA (giving the Judgment of the Court): On 23 October 2024, this court (Barma JA and Chow JA) handed down a judgment dismissing the applicant’s application for extension of time to appeal against the decision of DHCJ Bruno Chan dated 25 October 2022 refusing to grant leave to the applicant to apply for judicial review. The applicant had sought to review the decision of the Torture Claims Appeal Board/adjudicator of the Non-Refoulement Claims Petition Office refusing the applicant’s application for late filing of a notice of appeal against the decision of the Director of Immigration rejecting the applicant’s non-refoulement claim based on the BOR 2 risk. The facts and issues in the applicant’s application, as well as the court’s reasons for dismissing it, are set out in our judgment. We will not repeat them here. The applicant subsequently applied, by a Notice of Motion filed out of time on 6 February 2025, for leave to appeal to the Court of Final Appeal. In the Notice of Motion, the applicant asked for “more time to appeal” because “his life was still in danger if [he goes] back to the Philippines”. In breach of the directions made by the Registrar of Civil Appeals, the applicant failed to lodge any written submissions. He is thus deemed to have abandoned his right to rely on written submissions. Having considered the applicant’s Notice of Motion, we see no reason to depart from the usual practice of determining

an application of this kind on the papers. We have, therefore, determined the applicant's application on the basis of the documents filed. The applicant has proffered no explanation for the delay in filing his Notice of Motion. The delay of over 2 months is not insignificant, and thus the Notice of Motion is liable to be dismissed on this basis alone. We have however proceeded to consider the merits of the application. In any event, the matters stated by the applicant do not constitute grounds for granting leave to appeal to the Court of Final Appeal. The applicant has failed to identify any question of great general or public importance for the Court of Final Appeal to determine, as required by section 22(1)(b) of the Hong Kong Court of Final Appeal Ordinance, Cap 484. Nor is any such question apparent to us from the matters he has raised. The Notice of Motion failed to provide any particulars in the supposed errors in our judgment and it raises no ground that is reasonably arguable before the Court of Final Appeal. We also do not see any basis for granting leave on the "otherwise" limb under section 22(1)(b). For these reasons, the Notice of Motion dated 6 February 2025 is dismissed. (Aarif Barma) (Anderson Chow) Justice of Appeal
Justice of Appeal The applicant acting in person

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