

HONG KONG / JUDGMENT

RE YEN YEN

Source: legalref.judiciary.hk · Research copy typeset by Esheria. Not court-issued or certified.

CACV 650/2026, [2026] HKCA 1423 On appeal from

[2026] HKCFI 2978 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION COURT OF APPEAL CIVIL APPEAL NO 650 OF 2026 (ON APPEAL FROM HCAL
1527/2025)

RE: YEN YEN Applicant

Before: Hon Barma JA and Leung J in Court Date of Hearing: 6 August 2026 Date of Judgment: 27
August 2026

J U D G M E N T

Hon Leung J (giving the Judgment of the Court): 1. This is an appeal against the decision of Deputy High Court Judge KW Lung (“the Judge”) given on 10 June 2026 [1] (“the Leave Decision”) refusing to grant leave for the applicant to apply for judicial review. The intended judicial review was against the decision of the Torture Claims Appeal Board/adjudicator of the Non-Refoulement Claims Petition Office (“the Board”) dated 30 April 2025 (“the Board’s Decision”) whereby the applicant’s appeal against the decision of the Director of Immigration dated 14 February 2025 rejecting the applicant’s non-refoulement claim was dismissed. 2. The applicant came from Indonesia. Her background, basis of claim and the Board’s reasons have been set out in the Board’s Decision [2] as well as the Leave Decision at [8]-[10]. They will not be repeated. 3. The applicant did not request for an oral hearing. After considering the documents filed by the applicant for the leave application, the Judge dismissed the application for the reasons stated at [13]-[18] of the Leave Decision. Appeal to this court 4. In her Notice of Appeal dated 16 June 2026, the applicant stated: “I would like to reject and review the Decision made by the Court and TCAB. They disregard my dangerous situation.” 5. In her written submission dated 17 July 2026, the applicant repeated her family background including her mother’s debt as well as her fear that a man named Jensen would cause her harm should she be refouled. She pleaded for permission to stay in Hong Kong. 6. We heard the appeal on 6 August 2026, at which the applicant appeared in person. At the hearing, the applicant had nothing further to add to the matters already set out in

the documents lodged with the Court. Discussion 7. The principles governing appeals in non-refoulement cases are set out in *Nupur Mst v Director of Immigration*

- [2018] HKCA 524 at [14]. 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. Assertions by the applicant of fear, if refouled, do not constitute proper grounds of appeal: *Re Saldua Dorothy Trifalgar*
- [2022] HKCA 627 at [6]. 8. The Court's role is not to examine the decision maker's decision afresh as if it were a fresh application for judicial review. Nor is an appeal the occasion for regurgitating arguments advanced and rejected by the judge or for running arguments which could and should have been raised but were not raised before the judge. In the determination of an appeal, the Court of Appeal focuses on the decision of the judge, and the Court will only reverse that decision if an appellant could demonstrate that the judge made errors of law or failed to take account of relevant matters already placed before the judge or was otherwise plainly wrong: *Re Kartini*
- [2019] HKCA 1022 at [13]. 9. The applicant has failed to identify any error on the part of the Judge and thus failed to raise any viable ground of appeal. The points advanced by the applicant were bare assertions. 10. The applicant alleged that her mother promised Jensen against the applicant's wishes that the two would marry in settlement of a debt owed by her mother to Jensen, and that she faced risk of harm by Jensen. However, the Board found on the evidence that the alleged risk of harm faced by the applicant from Jensen did not amount to a real risk of proscribed harm. In any event, the Board took the view that suitable options of internal relocation were available to the applicant in order to minimise the alleged risk of harm. These were factual findings open to the Board on the evidence, and were sufficiently canvassed and considered by the Judge in the Leave Decision at [13]-[18]. We see no basis to interfere. 11. The applicant has failed to demonstrate how the Board had acted unlawfully or procedurally unfairly in reaching its Decision, or how such Decision could be said to be *Wednesbury* unreasonable. 12. As the applicant advanced no viable grounds of appeal against the Judge's decision, and there is no merit in the appeal, we dismiss the appeal accordingly. (Aarif Barma) Justice of Appeal (Simon Leung) Judge of the Court of First Instance The applicant, unrepresented, appearing in person [1]
- [2026] HKCFI 2978 [2] https://legalref.judiciary.hk/doc/judg/html/vetted/other/en/2025/HCAL001527_2025_files/the_Board's_Decision.pdf

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=185604

CASE PAGE <https://chat.esheria.ai/case-law/hong-kong/re-yen-yen-2026>

Prepared on 28 October 2026 · Esheria