

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST  
NO 66 OF 2015**

IN THE MATTER of Order 53,  
rule 3 of the Rules of the High Court

and

IN THE MATTER of an application  
by TAIZUL ISLAM for leave to  
apply for Judicial Review

BETWEEN

TAIZUL ISLAM

Applicant

and

TORTURE CLAIMS APPEAL BOARD,  
on behalf of the IMMIGRATION DEPARTMENT Respondent

and

TORTURE CLAIMS APPEAL BOARD Interested Party

Before: Hon Au-Yeung J in Court

Date of Hearing: 21 August 2015

Date of Decision: 21 August 2015

---

DECISION

---

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

1. Insofar as the application for judicial review against the decision of the Director is concerned, no grounds have been given except those set out in paragraphs 10 to 12 of the applicant's affidavit.

2. The applicant asserts that the Director has failed to make inquiries that the current government had become stronger and that his rivals, Badal and Shah Alam, have become stronger today. This growth in strength is a matter arising after the Director's decision and could not have formed the basis of the judicial review.

3. No arguable grounds having been shown, I refuse leave to apply for judicial review of the decision of the Director.

4. Insofar as the intended judicial review against the decision of the Appeal Board is concerned, the main attack launched by the applicant is the lack of an oral hearing. Related to this attack is the complaint that the Appeal Board had failed to provide sufficient opportunity for the applicant to clarify certain matters and consider psychological and non-physical aspects of the torture on him.

5. This is an arguable ground and I give leave to apply for judicial review of the decision of the adjudicator of the Appeal Board, ie the decision dated 4 May 2015.

6. I therefore direct the applicant to serve the papers, ie Form 86 and his affirmation, on the respondent within three working days from today.

7. There will be leave to the respondent to file and serve an affidavit in opposition, if they consider fit, within 14 days thereafter.

8. Then there will be leave to the applicant to file and serve an affidavit in reply within 14 days thereafter.

9. No further affirmation is to be filed without permission of the court.

10. This matter will be adjourned for argument to a date to be fixed, with one hour reserved.

11. Parties are to attend before the listing officer no later than 4 September 2015 to fix a date for hearing.

(Queeny Au-Yeung)  
Judge of the Court of First Instance  
High Court

The applicant appeared in person