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## Application for Access to Information Mr Scott Edmunds

30/06/2017 18:39

From: SB-TCAB/SB/HKSARG  
To: foi+request-143-6fe14faf@accessinfo.hk,

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Dear Mr Edmunds,

I refer to your email dated 12 June 2017 requesting for provision of further information on the appeals/petitions filed with the Torture Claims Appeal Board/Non-refoulement Claims Petition Office ("the Board"). Our reply is given below, please -

- (1) *The number of decisions of the Board challenged via judicial review applications lodged to the High Court*

Rule 3(2) of Order 53 of the Rules of the High Court, Cap. 4A, stipulates that an application for leave for judicial review must be made *ex-parte*. The Board is generally not privy to the process. As such, we do not have information on the number of decisions of the Board challenged via judicial review applications.

- (2) *The number of appeals for which the appellant is not legally represented at the Board*

Upon receipt of the notice of decision issued by the Director of Immigration, the duty lawyer would assess and decide whether legal assistance should be provided to his/her claimant during the appeal/petition proceedings. At present, about 9% of the appellants/petitioners are legally represented.

- (3) *The number of appeals for which there is no representative from the Director of Immigration present at the hearing*

According to our record as at 25 June 2017, about 55% of the appeals/petitions for which the attendance of the Director of Immigration's representative at the hearings held may be excused.

Regarding item 4 of your email requesting information of each Board Member, we do not have such information or a breakdown by individual Board Members as requested.

Yours sincerely,  
Theresa Lee  
for Secretary for Security