

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
MISCELLANEOUS PROCEEDINGS NO 1626 OF 2021

BETWEEN

DIRECTOR OF IMMIGRATION

Plaintiff

and

HUSSAIN RAFAQAT

Defendant

BEFORE THE HONOURABLE MR JUSTICE COLEMAN IN COURT

ORDER

UPON the application of the Plaintiff by way of Originating Summons for a section 27 of the High Court Ordinance, Chapter 4 order filed on 22 October 2021

AND UPON reading the Affidavit of Ho Tze Tao filed on 22 October 2021 together with the exhibits referred to therein and the Affirmation of Cheung Yau Leung filed on 22 October 2021 together with the exhibits referred to therein

AND UPON reading the written submissions of the Plaintiff lodged on 20 December 2021

AND UPON hearing government counsel for the Plaintiff and the Defendant appearing in person

IT IS ORDERED that:—

1. No legal proceedings relating to any non-refoulement claim of the Defendant shall be instituted by him without leave of the Court of First Instance;
2. All legal proceedings relating to any non-refoulement claim of the Defendant previously instituted by him (including but not limited to HCAL 14/2021) before the making of this Order shall not be continued by him without leave of the Court of First Instance;
3. Any application by the Defendant for leave to institute or continue legal proceedings relating to any non-refoulement claim of the Applicant under Order 32A, rule 2 of the Rules of the High Court, Chapter 4A, shall be made to the Judge in charge of the Constitutional and Administrative Law List or such other Judge as may be designated by the Chief Judge of the High Court to hear cases in the Constitutional and Administrative Law List;
4. No more than 1 application under Order 32A, rule 2 of the Rules of the High Court may be made by the Defendant within any period of 3 months;
5. This Order shall cease to have effect at the end of 5 years from the date of this order; and
6. A copy of this Order shall be sent to the High Court Registry, the District Court Registry, and the Small Claims Tribunal Registry; and
7. The Defendant do pay the Plaintiff's costs of the aforesaid application summarily assessed at HK\$25,000.

31 January 2022

Registrar