

## LEGISLATIVE COUNCIL BRIEF

Civil Aviation Ordinance  
(Chapter 448)

### Small Unmanned Aircraft Order

#### INTRODUCTION

A At the meeting of the Executive Council on 6 July 2021, the Council **ADVISED** and the Chief Executive **ORDERED** that the Small Unmanned Aircraft Order (“SUA Order”) at **Annex A** should be made under the Civil Aviation Ordinance (Cap. 448) to regulate the operation of SUA. Consequential amendments are also necessary through the making of the following subsidiary legislation –

B to E

- (a) Air Transport (Licensing of Air Services) (Amendment) Regulation 2021 (See **Annex B**);
- (b) Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2021 (See **Annex C**);
- (c) Civil Aviation (Insurance) (Amendment) Order 2021 (See **Annex D**); and
- (d) Administrative Appeals Board Ordinance (Amendment of Schedule) Order 2021 (See **Annex E**).

#### BACKGROUND

2. SUA is defined as unmanned aircraft weighing 25 kilograms or

less<sup>1</sup> according to the International Civil Aviation Organization's ("ICAO") general classification of unmanned aviation. SUA, more commonly known as "drone", has been gaining popularity over the past few years both locally and worldwide. The industry has suggested that there are more than 80 000 drones in Hong Kong. The uses of these drones range from recreation and STEM education to professional deployment for powerline inspection, surveying, 3D mapping, search and rescue operations, aerial photography and filming, drone shows, etc. It is expected that SUA applications will continue to grow, in terms of both popularity and diversity as innovation and technology progress. On a more pragmatic level, the prices of these drones vary to a large extent depending on their sophistication, and quite some users are amateurs.

3. Given the anticipated growth in SUA applications and Hong Kong being a densely populated cosmopolitan with high-rise buildings as the norm, we need to formulate a forward-looking regulatory regime specially designed for SUA<sup>2</sup> that can safeguard public and aviation safety, while allowing ample room for the development and applications of SUA in tandem with the evolving technology. The regulatory regime should also be clear and transparent such that it can enhance safety awareness on drone uses and enable the safe operation of drones by members of the public in compliance with the law.

### Existing Regulatory Regime

4. Under the existing legislative framework in Hong Kong, UAS are classified as aircraft and are governed, as far as aviation safety is concerned, by the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C), which provides that a person must not recklessly or negligently cause or permit an aircraft to endanger any person or property. In addition, the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg. A) requires that a person using an aircraft for hire or reward, including UAS, must apply for a permit granted by the Director-General of Civil Aviation ("the Director") before flight and must abide by the terms and conditions of the permit issued. Given that these pieces of civil

---

<sup>1</sup> Based on ICAO's classification, unmanned aircraft weighing more than 25 kilograms are expected to be operated mainly for international and public transport purposes and in the same airspace as manned aircraft. Due to the higher risk involved, ICAO is in the process of developing new standards for such aircraft, which involve full regulatory requirements such as design certification, airworthiness, flight operations, pilot licensing requirements, etc.

<sup>2</sup> Based on the current timetable of ICAO, the overall regulatory framework for unmanned aircraft weighing more than 25 kilograms will only be available and effective from late 2024 onwards. For the time being, it will continue to be subject to the existing provisions under the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C). CAD will keep in view the development and formulate relevant regulatory requirements when international standards are available.

aviation legislation, including the regulatory requirements ranging from design certification, airworthiness, maintenance, flight operations, personnel licensing and medical requirements, etc. mainly aim at governing the operations of manned and larger civil aircraft and are not specifically designed for UAS, there are practical difficulties in effectively regulating UAS. For example, exemption of some requirements may have to be granted on a case-by-case basis. The existing regulatory regime could have imposed undue burden to the operators of UAS, and may hinder the development of its application in some cases. Hence, we see the need to introduce a customised and self-contained legislative framework under the Civil Aviation Ordinance (Cap. 448) to regulate SUA.

## **PROPOSED STATUTORY REGULATORY REGIME FOR SUA**

5. Key regulatory requirements are described in the ensuing paragraphs.

### Risk-based Classification

6. In line with the guidance issued by ICAO, SUA operations should be regulated under a risk-based approach and be classified according to the weight of the SUA and the operational risk level. The classification should be applied to all users alike, regardless of recreational or commercial purposes, as regulatory requirements should be based on risks posed to public safety but not on purposes. The proposed classification of SUA in respect of each flight and its operations are as follows –

- (a) **Category A1 SUA** – if its weight<sup>3</sup> does not exceed 250 grams at all times during the flight;
- (b) **Category A2 SUA** – if its weight exceeds 250 grams at any time during the flight but does not exceed 7 kilograms at all times during the flight; and
- (c) **Category B SUA** – if its weight exceeds 7 kilograms at any time during the flight but does not exceed 25 kilograms at all times during the flight.

---

<sup>3</sup> In determining the weight of an SUA, regardless of its category, everything installed in, carried by or attached to the SUA is to be taken into account.

7. Operations of Category A1 or Category A2 SUA, within the respective operating requirements<sup>4</sup> as specified by the Civil Aviation Department (“CAD”), are known as “**Category A1 Operations**” and “**Category A2 Operations**” respectively. Prior permission from CAD will not be required before such a flight. All other operations, namely operations of Category B SUA, and operations of Category A1 / A2 SUA exceeding the respective operating requirements as specified by CAD<sup>5</sup>, are known as “**Category B Operations**”. They involve higher risks and, hence, prior permission from CAD will be required before such a flight.

8. Different categories of SUA operations will be subject to the corresponding regulatory requirements based on risk levels. An overview of the new regulatory requirements under the SUA Order is set out in **Annex F**. The relevant details are described in the ensuing paragraphs.

F

### Establishment of an SUA and Remote Pilot Registration System

9. Safety awareness amongst users of SUA as well as enforceability of the regulatory requirements are considered important elements in making the proposed regulatory regime a success. In this connection, major civil aviation authorities around the world such as Australia, Canada, Mainland China, Singapore, the United Kingdom (“UK”) and the United States (“US”) have put in place a registration system, and the SUA should be subject to the operating requirements specified by the respective civil aviation authorities to ensure safe operations. We therefore propose establishing a registration system administered by CAD, under which both SUA and remote pilots for Category A2 Operations and/or Category B Operations are required to be registered.

10. To facilitate the registration process, CAD will establish an electronic portal, in the form of a mobile application and a web portal. For registration of SUA, the registrant, normally the SUA owner, should be a natural person of at least 18 years of age<sup>6</sup>, body corporate or unincorporated body. Upon successful registration, the registrant will be regarded as the “responsible person” of the SUA concerned. The

---

<sup>4</sup> For details, please refer to paragraph 19 below.

<sup>5</sup> Operations involving carriage of dangerous goods, and operations of SUA in a Restricted Flying Zone are also regarded as Category B Operations.

<sup>6</sup> The minimum age requirement of 18 years of age is set for the registrant of an SUA, similar to the registration of vehicles. Setting the minimum age at 18 years old will also facilitate the registrant (hence the person responsible for the SUA) to enter into contractual agreements with insurers, and fulfil the insurance requirements where applicable.

responsible persons are required to affix a standardised SUA label with unique registration number issued by CAD on the registered SUA. As for the registration of remote pilot, the registrant (i.e. the remote pilot) should be a natural person of at least 14 years of age<sup>7</sup>. During the registration process, the registrant will be required to go through safety information and know-how on safe SUA operations to enhance their safety awareness. Before operating an SUA, the remote pilot should ensure that the SUA label is properly displayed on the SUA. A flow chart of the registration and a sample of the registration label are set out in **Annex G**.

G

### Training and Assessment Requirements

11. Suitable training helps ensure competency and enhance safety awareness of remote pilots. In addition to the safety information and know-how as mentioned in paragraph 10 above, additional training at advanced level should be mandated for remote pilots involving in higher risk operations to protect the general public. As such, we propose that remote pilots for Category B Operations should be required to undertake advanced training and assessment from a training organisation approved by CAD at their own cost. Upon successful completion of the training and assessment, CAD will assign an “advanced rating” to such remote pilot for conducting the operations. Internationally, similar training and assessment requirements are imposed on the flying of SUA for Category B Operations equivalent in Australia, Canada, Mainland China, Singapore, the UK and the US.

12. To pave the way for developing an approval scheme for SUA training organisations, CAD is now working closely with industry partners, such as the Employees Retraining Board, Vocational Training Council and Hong Kong Productivity Council under a pilot scheme to refine the SUA training syllabus and assessment criteria.

13. We are mindful of not imposing excessive requirements that may hinder SUA application. In order to facilitate experienced remote pilots as well as those who have already gone through similar training and assessment in other jurisdictions, CAD may consider issuing advanced rating to them subject to the proof of competency (e.g. SUA qualification

---

<sup>7</sup> The minimum age requirement of 14 years of age for remote pilot of SUA is set taking reference to the minimum age requirement imposed by civil aviation authorities in Canada and Mainland China, and will facilitate the use of SUA as far as practicable.

recognised by major civil aviation authorities<sup>8</sup>) and relevant experience provided. Such arrangement will provide an alternative and facilitating means to recognise qualified remote pilots who could meet the required competency level, in particular at the initial stage of the new regulatory regime to ensure a smooth and coordinated transition. An overview of the recognition of advanced rating of remote pilot is set out in **Annex G**.

### Equipment Requirements

14. Appropriate equipment would enhance public safety, not only by providing essential safety features where necessary but also enhancing the safety awareness of remote pilots. Hence, we propose that SUA for Category A2 Operations and/or Category B Operations should be equipped with basic capabilities of flight log (for recording basic flight parameters such as altitude, geographical location, speed, etc.) and geo-awareness (for providing real-time information and/or alerts to remote pilots on airspace restrictions). For Category B Operations, depending on the complexity and potential risks of individual operation, the SUA may be subject to additional equipment requirements. Details of the equipment requirements will be promulgated and reviewed by CAD from time to time in the light of the latest technological development and prevailing operating environment.

### Insurance Requirements

15. Internationally, most of the key civil aviation authorities, including the US, Canada, Australia etc, do not impose mandatory insurance requirements. However, having considered that Hong Kong is densely populated and in view of the potential risks that SUA may pose to third parties, we propose that insurance requirements in respect of third party liability for bodily injury and/or death should be imposed for SUA for Category A2 Operations and Category B Operations. The minimum coverage for Category A2 Operations should be set at \$5 million, and for Category B Operations, \$10 million. The minimum coverage level of \$10 million for Category B Operations is set with reference to the Building Management (Third Party Risks Insurance) Regulation (Cap. 344 sub. leg.

---

<sup>8</sup> Examples are Australia, Canada, Mainland China, Singapore, the UK and the US. CAD will publish the detailed list of recognised qualification in the safety requirements documents, which will be reviewed and updated from time to time.

B)<sup>9</sup>, and a lower level of \$5 million is set for Category A2 Operations having regard to the lower risks involved.

16. The policy of insurance should generally be issued by an authorised insurer, society<sup>10</sup> or association of underwriters regulated under the Insurance Ordinance (Cap. 41) which is administered by the Insurance Authority (“IA”). However, with a view to facilitating SUA operations by non-local corporations (e.g. international news agency, overseas filming company, etc.) which mostly have already covered their operations by insurance policy with global coverage, the policy may also be issued by an insurer accepted by CAD.

17. In setting the timetable for the procurement of mandatory insurance, we are mindful of the public’s keen concerns about market availability and premium level for SUA operations in Hong Kong. As SUA is a relatively new product, market readiness of SUA-related insurance products is one of the crucial factors for consideration. In this regard, CAD has liaised closely with the IA and the Hong Kong Federation of Insurers, including conducting market surveys on availability of products to meet the proposed mandatory requirements. While industry players are co-operative and see the market potential, more time and information / statistics in relation to the use of SUA in Hong Kong would be required for launching new SUA-related insurance products. Currently there are very limited insurance products available for Category A2 Operations<sup>11</sup>.

18. After balancing the market readiness situation and risks to public safety, we propose adopting a phased approach in setting the timing for the mandatory insurance requirement. The first phase will be mandatory insurance for Category B Operations, which will take effect immediately upon commencement of the SUA Order. The second phase will be mandatory insurance for Category A2 Operations, which will commence on a later date to be specified by the Director by notice published in the Gazette. Our plan is to conduct a review on the implementation of the first phase requirement and readiness for commencement of the second

---

<sup>9</sup> Under Cap. 344 sub. leg. B, a compulsory insurance scheme is introduced with coverage of not less than \$10 million, in respect of the death, or bodily injury, or both, arising out of one event in case of personal injuries claims in relation to the common parts of the building (e.g. accidents involving fallen objects from the building).

<sup>10</sup> The policy of insurance may also be issued by Lloyd’s.

<sup>11</sup> According to our research on existing SUA-related insurance products, there are very limited insurance products available for Category A2 Operations in the market. Only one insurer is currently providing insurance protection for SUA under its home insurance plans, and one insurer is providing insurance product with condition that the insured person must attain specified SUA training qualifications.

phase requirement after the SUA Order has commenced operation for a year. This will allow time for CAD to continue its liaison meeting with the insurance industry and for the insurance industry to collect more information / statistics in relation to the use of SUA in Hong Kong under the SUA Order such that the industry can formulate SUA-related insurance products with more competitive premium and flexible choices of duration.

### Operating Requirements

19. Under the risk-based approach, higher risk operations should be subject to more stringent safety requirements. Under the new regulatory regime, all SUA operations should be subject to applicable operating requirements as specified by CAD. This is in line with the common practice for civil aviation authorities including Australia, Canada, the UK and the US to specify operating requirements to ensure safe operations of SUA. Generally speaking, operating requirements include but are not limited to, maximum flying altitude, maintaining visual line of sight with the SUA, maximum speed, minimum lateral separation with uninvolved people / structures / vehicles / vessels, day-time flying, etc. The specified operating requirements will be promulgated and reviewed by CAD from time to time in the light of the latest technological development and prevailing operating environment. More details are set out at **Annex F**.

### Tourists and Visitors

20. In terms of risks to the public, there should not be a differentiation between local residents and tourists / overseas organisations flying SUA in Hong Kong. We therefore propose that the SUA Order and the same set of regulatory requirements for local residents should also apply to tourists / overseas organisations. Our electronic portal (in the form of user-friendly mobile application and web portal) will provide a one-stop platform to accommodate the need of tourists / overseas organisations.

### Applicability to Specific Operations

21. In devising the legislative proposals, we have aimed at striking a balance between protecting public safety and facilitating the development of SUA. SUA is an innovative and new development having tremendous potentials in both applications and technological advancement which will benefit the community at large. It is therefore of importance that our proposed statutory regulatory regime should not be so unduly rigid and restrictive as to hinder SUA development or flourishing of innovative ideas.



Flexibility has therefore been built in the new SUA Order to cater for different types of SUA operation and the rapid development of SUA. Our proposals as set out above, which adopt a risk-based approach allowing general use for lower risk operations (i.e. Category A1 / A2 Operations) and, with prior permission, higher risk operations (i.e. Category B Operations), and supplemented by detailed technical requirements to be specified, promulgated and reviewed by CAD from time to time, should be able to achieve the objective.

22. Noting that there are concerns on the applicability of the new SUA Order to certain operations which have special needs, the Director will consider granting a permission for certain SUA operations on a case-by-case basis provided that the overarching policy objective to safeguard public safety should not be undermined. For example, with a view to facilitating multi-drone show, drone racing, media reporting, etc., special considerations may be given to these operations on a case-by-case or one-off basis under the new SUA Order.

#### *Indoor Operations / within Enclosed Area*

23. Internationally, civil aviation authorities in the UK and the US have expressly stipulated that SUA operating indoors or within enclosed area (e.g. within a “closed” netted structure outdoor) are not subject to their civil aviation regulations, considering that such operations should have no effect on flights by aircraft in the open air. While such operations would not affect aviation safety, they may still pose risks to spectators and properties particularly where public access to the indoor or enclosed area is allowed. Considering the need to protect third party, the vastly different operating environments of indoor venues, as well as the fact that property owners / managers have the responsibility and authority to protect the public accessing these venues, we propose that –

- (a) the SUA Order should not be applicable to indoor operations in domestic premises (e.g. residential flats/apartments). In non-domestic premises (e.g. shopping malls, concert halls, community centres, etc.), a Category A2 / B SUA to be operated for a flight are required to be registered and labelled. In addition, prior permission from CAD will be required before flight of a Category B SUA; and
- (b) the offences related to various endangering acts, such as the

offence of operating an SUA dangerously, the offence of recklessly or negligently causing or permitting an SUA to endanger any person or property, etc. should still apply.

24. Property owners and/or managers, prior to permitting such SUA activity to be conducted within their premises, should ensure safety of their venues by working out additional safety measures with respect to the specific venue constraints and crowd control measures. CAD will issue general safety guidelines on indoor SUA operations for reference by property owners / managers.

#### *Operations for Educational and Research Purpose*

25. Considering that operations of SUA by educational institutions are normally within school premises under the supervision of educational institutions, and with a view to facilitating the continual development of SUA applications like STEM education, we propose that regulatory requirements under the new SUA Order should apply to school premises<sup>12</sup> for education or research purpose in a suitable manner as follows -

- (a) the SUA concerned should be subject to registration and labelling requirements for traceability purpose, and offences related to various endangering acts should also apply, e.g. the offence of operating an SUA dangerously, the offence of recklessly or negligently causing or permitting an SUA to endanger any person or property, etc.; and
- (b) the registration, training and assessment requirements for remote pilots, equipment, insurance, and majority of operating requirements should not apply<sup>13</sup>. This will allow educational institutions to, among others, design and operate SUAs in accordance with their own curriculum as part of STEM education.

#### *Government Operations*

26. Given its resilience against heat and fire, accessibility to remote areas, and the flexibility of unmanned operations which could be most useful in dangerous situations or other situations to enhance efficiency,

---

<sup>12</sup> The educational institutions covered include among others primary schools, secondary schools and other post-secondary education institutions pursuant to our liaison with the Education Bureau and the Home Affairs Bureau.

<sup>13</sup> Prior permission from CAD will still be required before flight of a Category B SUA.

SUA has played an increasing role in a wide range of government operations worldwide, including Hong Kong. Examples are search and rescue, land/building surveying, and utilities/power-line inspection. To ensure safe operations of SUA, we will liaise with Government departments using SUA and work out a guidance document such that Government flights should be operated in a similar manner as per the regulatory requirements (e.g. registration requirements, competency requirements for Category B Operations, compliance with operating requirements, etc.) under the SUA Order.

### Restricted Flying Zones (“RFZs”)

27. SUA may pose risks to other aircraft operations. Hence, it is necessary to restrict SUA from flying within certain areas in order to safeguard aviation safety. For instance, flying of SUA should not be allowed for airspace within or adjacent to aerodromes and heliports and associated flight paths so as to avoid affecting aircraft operations in those areas.

28. In addition, having consulted the relevant Government bureaux and departments, restriction on flying of SUA may also be required from time to time for certain public events to ensure public safety or order (e.g. the Formula E races), or otherwise necessary for similar purposes. Moreover, restriction on flying of SUA may be required for emergency or security purposes. For instance, SUA operations (except authorised ones operated by emergency rescue personnel) may need to be restricted from areas in a fire scene or areas where search and rescue operations are underway. Prisons should also be free from unauthorised SUA operation to ensure their safe and secured operation. Headquarters as well as operational / training facilities of law enforcement agencies should be free from unauthorised SUA operation to safeguard confidentiality of operational details and sensitive information.

29. In view of the above, we propose that the relevant authorities should be empowered to designate RFZs to restrict the flying of SUA under their respective purview. In other words, the Director should be empowered to designate RFZs to restrict the flying of SUA by reason of aviation safety; the Commissioner of Police by reason of emergency, gathering or movement of a large number of persons for ensuring public safety or order, or otherwise necessary for performing the duties under section 10 of the Police Force Ordinance (Cap. 232); and the Secretary for Security by reason of security.

30. The latest information on RFZ designation will be disseminated via Gazette Notice. To facilitate easy reference by the public and remote pilots, CAD will also upload a drone map online via the electronic portal, in particular under emergency or unforeseeable circumstances (e.g. designation of RFZ for a fire scene where search and rescue operations are underway) when publication via Gazette Notice is impracticable.

### Enforcement / Penalty

31. To facilitate the discharge of enforcement duties, police officers and the authorised persons appointed under the SUA Order will have the powers to prevent an SUA from affecting public or aviation safety and other unauthorised actions under the SUA Order. Among the enforcement powers, examples include preventing an SUA from flying or causing an SUA to land; preventing and/or stopping interference of or causing damage to SUA; seizing, detaining, searching and examining SUA and associated controlling device(s), etc. Offences relating to enforcement include refusal to produce documents and/or records in relation to SUA and flight operation; willfully obstructing or impeding an authorised person or a police officer, etc.

32. If a person commits an offence under the SUA Order, the person is liable on conviction on indictment to a fine at level 6, i.e. \$100,000, and to imprisonment for two years. Depending on the types and seriousness of the offences and circumstances of the cases, enforcement agencies which include the police officers and the authorised persons appointed under the SUA Order may take actions ranging from issuance of warnings / safety direction, suspension or revocation of registration / permission / rating / approval, etc. to prosecution in court. For cases of minor technical breach, for example, failure to update personal particulars as required by the SUA Order, a safety direction could be issued, under which the person concerned will be required to take the corrective actions in accordance with the safety direction within a specified period of time. Examples of corrective actions may include requiring the remote pilot to undergo appropriate training before he can resume flying, or requiring the responsible person to upgrade the equipment of SUA to meet the required standard. Given the popularity of SUA amongst amateurs for leisure purposes and especially during the initial stage of the new registration system, safety direction would be a useful tool to require the concerned person to rectify the technical breach in a timely manner and ensure safe operation of SUA. Non-compliance with a safety direction will be an offence.

## Appeal Mechanism

33. A review mechanism will be established to handle requests for review on decisions under the SUA Order in connection with applications for registration / rating / approval / authorisation / permission. If the person concerned is not satisfied with the result of a review, we propose to provide a further safeguard with a statutory right of appeal against the decision to the Administrative Appeals Board (“AAB”)<sup>14</sup>, except that appeal against decisions relating to the permission to operate SUA within RFZs designated by the Secretary for Security or the Commissioner of Police should be made to the Chief Secretary for Administration as the latter may involve security matters that are of confidential and sensitive nature which are not suitable for disclosure.

## Fees and Charges

34. Under the “user-pays” principle, the costs of CAD in processing applications and providing various services under the SUA Order should be recovered from the users through fees charged on applications. However, we see merits in minimising the burden on users as far as possible at the initial stage of the new regime so as to promote safe operation of SUA. The cost involved will not be substantial, and is estimated at an annual average of \$1.5 million for the first three years. In light of the above, we propose not to charge fees related to such applications or provision of services for the first three years. We will however build in the charging of statutory fees on a full cost-recovery basis under the SUA Order, and will table the legislation in respect of the fee level and the commencement date in the Legislative Council (“LegCo”) for negative vetting after three years of implementation of the new regime.

## **INTERFACE WITH OTHER LEGISLATION / REGULATIONS**

35. Our legislative proposal formulated under the Civil Aviation Ordinance (Cap. 448) mainly aims at protecting aviation and public safety, and is not meant to replace other legislative or regulatory requirements under the purview of other Government bureaux/departments or regulatory authorities. SUA owners or remote pilots should still observe all such other requirements. Although these requirements are governed by other pieces of legislation/regulatory documents, we expect that the registration

---

<sup>14</sup> The AAB is an independent statutory body established under the Administrative Appeals Board Ordinance (Cap. 442).

and labelling requirements will help enhance traceability of the SUA owner and remote pilot and in turn assist other Government bureaux/departments or regulatory authorities to enforce requirements under their respective purview.

36. One such area is privacy issues arising from the operations of SUA. The Office of the Privacy Commissioner for Personal Data (“PCPD”) oversees the implementation and compliance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”) for protecting the privacy of individuals in relation to personal data. The revised “Guidance on CCTV Surveillance and Use of Drones” issued by PCPD in March 2017 provides guidance and recommendations on the proper use of drones from the perspective of protection of personal data privacy. There are calls for enhancement of protection of personal data due to the increasing popularity of the use of SUA (including drones) fitted with cameras, and we have relayed the public’s views and concerns to PCPD and discussed with it ways to facilitate enforcement. With the introduction of the SUA Order, the traceability of SUA owners and remote pilots will be enhanced which will contribute to the enforcement of PDPO. In addition, having discussed with PCPD, CAD will include the privacy awareness requirement including PDPO provisions and their liabilities in the safe and proper SUA operation information pack that the remote pilot must study prior to their registration. As such, it is considered appropriate for personal data and privacy issues to be dealt with by the PDPO. It would not be reasonable to prohibit the photo-taking and recording functions of SUA merely for the purpose of addressing any such concerns.

37. In response to views from the public and LegCo Members on the identification of suitable venues for flying SUA, CAD has been liaising with relevant Government bureaux / departments. With the enactment of the SUA Order which will enhance public safety, departments are generally positive towards appropriate use of SUA in their venues provided that the regulatory requirements under the SUA Order, such as maintaining separation from uninvolved people, are observed. As advised by relevant bureaux / departments, flying of drones in ecologically sensitive areas managed by the Agriculture, Fisheries and Conservation Department, e.g. Hong Kong Wetland Park and Mai Po Marshes Restricted Area, are restricted. On the other hand, the activity is generally allowed within country parks. Furthermore, having collaborated with the Leisure and Cultural Services Department, potential venues under their purview have been identified in a pilot scheme for organising SUA activities.

## SUBSIDIARY LEGISLATION - THE SUA ORDER

38. The main provisions of the SUA Order are set out as follows –

### *Part 1—Preliminary*

- (a) **Section 1** provides for the commencement of the Order;
- (b) **Sections 2 to 6** define expressions used in the Order (including “small unmanned aircraft”, “operate”, “flight” and “enclosed area”);

### *Part 2—Operation of SUA*

- (c) **Division 1** provides for the application of Part 2;
- (d) **Division 2** sets out the requirements relating to the operation of a SUA for a flight. In particular—
  - (i) **Subdivision 1** sets out the basic requirements;
  - (ii) **Subdivision 2** sets out the operating requirements;
  - (iii) **Subdivision 3** sets out the additional requirements for operating a SUA for a flight any part of which is within a RFZ; and
  - (iv) **Subdivision 4** sets out the additional requirements for carriage of dangerous goods by a SUA during a flight;
- (e) **Division 3** creates various offences relating to flight operation (including offences for dangerous operation and causing or permitting SUA to endanger person or property);

### *Part 3—Registration, Rating and Permission*

- (f) **Division 1** provides for the registration of an unmanned aircraft as a registered SUA and the renewal of the registration;
- (g) **Division 2** provides for the registration of a person as a registered remote pilot and the renewal of the registration;
- (h) **Division 3** provides for—

- (i) the assignment of rating to a registered remote pilot and the renewal of the rating; and
  - (ii) the approval of training courses and course providers and authorisation of assessors;
- (i) **Division 4** provides for applications for permission for certain flight operations;
- (j) **Division 5** provides for miscellaneous matters under Part 3. In particular—
  - (i) **Subdivision 1** provides for matters relating to applications made under Part 3;
  - (ii) **Subdivision 2** requires responsible persons and registered remote pilots to update documents and information; and
  - (iii) **Subdivision 3** sets out the procedures for cancellation, variation, suspension and revocation of registration, rating, etc.;

***Part 4—Enforcement***

- (k) **Division 1** provides for the appointment and duty of authorized officers;
- (l) **Division 2** provides for the powers of authorised officers to prevent or stop flight operations or any interference of flight operations, and to seize, detain, search and examine SUA and their related devices and components;
- (m) **Division 3** provides for the powers of authorized officers to require the production of certain documents and information;
- (n) **Division 4** creates the offences for providing false or misleading information and obstructing authorized officers;

***Part 5—Miscellaneous***

- (o) **Division 1** provides for the Director’s power to issue safety directions;
- (p) **Division 2** provides for the review of and appeal against the Director’s decisions;



- (q) **Division 3** provides for the Director’s power to issue a safety requirements document (“SRD”) and the effect of the document;
- (r) **Division 4** provides for other miscellaneous matters, including—
  - (i) the liability for responsible person that is an unincorporated body;
  - (ii) a defence for certain offences under the Order;
  - (iii) the Director’s powers to designate information system;
  - (iv) the Director’s power to exempt an aircraft or a person , or a class or description of aircraft or persons, from the Order;
  - (v) the Director’s power to issue instruments in electronic form;
  - (vi) the delegation of functions under the Order; and
  - (vii) the transitional arrangement for certain offences under the Order; and

#### **Schedule—Prescribed Fees**

- (s) **The Schedule** sets out the amount of the prescribed fees for applications under the Order.

### **CONSEQUENTIAL AMENDMENTS**

39. As a result of the making of the SUA Order, consequential amendments should be made to the Air Transport (Licensing of Air Services) Regulation (Cap. 448 sub. leg. A), Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) and Civil Aviation (Insurance) Order (Cap. 448 sub. leg. F), such that the Regulation and Orders will not apply to or in relation to SUA as defined under the SUA Order.

40. The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) should also be amended so as to give effect to the statutory right of appeal provided under the SUA Order.

H 41. The existing provisions being amended are at **Annex H**.

## **LEGISLATIVE TIMETABLE**

42. The SUA Order and the associated consequential amendments will be gazetted on 16 July 2021 and tabled in the LegCo on 21 July 2021 for negative vetting.

43. We propose that the new SUA Order (other than the provision on insurance requirement for Category A2 Operations) should commence on 1 June 2022. Yet, given the new regulatory regime, we are mindful of the need for users and members of public to get familiar with and prepare for compliance with the regulatory requirements. We therefore propose that except for offences in relation to endangering acts, RFZs and enforcement (which are required having regard to aviation safety, emergency, public safety/order or security and hence should take immediate effect upon commencement), a six-month grace period would be given as a transitional arrangement. This would allow the community to smoothly transit into the new regime, including but not limited to familiarising themselves with the new requirements, registering their SUAs and as remote pilots, complying with SUA equipment requirements, and for Category B Operations, making applications for approval of SUA training organisation, completing training and assessment by remote pilots, procuring insurance and making necessary applications for permission for operation before flight.

44. To assist users of SUA and the public, CAD is planning to launch a new electronic portal in Q1 2022 to encourage early voluntary registration. Furthermore, to facilitate easy and one-stop access to the new requirements and responsibilities under the SUA Order, CAD will publish a SRD by the same time. The SRD will set out all the detailed regulatory requirements and implementation arrangements.

## **IMPLICATIONS OF THE PROPOSAL**

45. The proposal has no productivity, sustainability, environmental, family or gender implications. As to economic implications, the proposal would entail certain compliance burden on SUA users. The extent of the impact would depend on various factors, including the size and nature of business, the type of SUA used, etc.

46. The proposal is also in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current

binding effect of the Civil Aviation Ordinance (Cap. 448) and its subsidiary legislation.

47. The SUA Order is a set of new statutory requirements for regulating SUA. We see great potential in the applications and development of SUA, which can be a key driver for innovations and technology in Hong Kong. To cater for the need of over 80 000 SUA currently in Hong Kong and rapidly growing SUA activities, the Unmanned Aircraft Office of CAD will carry out various implementation tasks including handling of applications and services under the new legislation, roll-out / upkeep of the electronic portal, and enforcement actions, etc. under the new regime. We will seek the necessary manpower and financial resources in accordance with the established resource allocation mechanism.

## **PUBLIC CONSULTATION**

48. CAD commissioned a consultancy study on the regulation of SUA in March 2017. The LegCo Panel on Economic Development (“ED Panel”) was briefed on the consultancy study in December 2017 and Members generally welcomed a specific regulatory regime for SUA and urged the Government to conduct a public consultation.

49. In April 2018, CAD launched a three-month public consultation and formulated the legislative proposal taking into account the views collected. The ED Panel was consulted again in June 2019 and was supportive of the legislative proposal. Members’ comments have been taken into account in finalising our legislative proposal as appropriate, such as delineating RFZs clearly in drone maps published by CAD (paragraph 30 above). Noting Members’ and the public’s concern on premium and availability of SUA-related insurance products, we propose to adopt a phased approach after balancing the risks of SUAs and market readiness (paragraph 18 above). In addition, we also propose that non-local corporations should be allowed to be insured by insurers not authorised under Cap. 41 (paragraph 16 above). CAD has been continuously liaising with the stakeholders, including local UAS associations, manufacturers, insurance association and training organisations.

## **PUBLICITY**

50. We will issue a press release on 14 July 2021. A spokesperson

will be available to handle enquiries.

51. Legislation apart, publicity and education are equally instrumental to promoting public awareness and reducing the enforcement burden. A comprehensive publicity and PR campaign will be launched as we take forward the proposal. The dedicated electronic portal for SUA will be rolled out by Q1 2022, ahead of the commencement date of the SUA Order. CAD will also continue to work proactively to enhance public awareness on safe operation of SUA through different channels like television and radio, CAD's website, publications, etc. In parallel, CAD will continue to strengthen the collaboration with different stakeholders such as SUA organisations and manufacturers on safety promotion.

## **ENQUIRIES**

52. Any enquiries relating to the brief should be directed to Mr TE Chi-wang, Principal Assistant Secretary for Transport and Housing (Transport), at 3509 8195.

**Transport and Housing Bureau  
Civil Aviation Department  
14 July 2021**

## Small Unmanned Aircraft Order

### Contents

Section	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Commencement .....	1
2. Interpretation.....	1
3. Small unmanned aircraft and its classification.....	3
4. Meaning of <i>operate</i> etc. ....	4
5. Meaning of <i>flight</i> .....	5
6. Meaning of <i>enclosed area</i> .....	5
<b>Part 2</b>	
<b>Operation of Small Unmanned Aircraft</b>	
<b>Division 1—Application</b>	
7. Application to flight within Hong Kong .....	6
8. Limited application to flight within enclosed area of domestic premises .....	6
9. Limited application to flight operation for educational or research purposes .....	6
10. Limited application to category A1 aircraft .....	8
<b>Division 2—Requirements Relating to Operation</b>	

Section	Page
<b>Subdivision 1—Basic Requirements</b>	
11. Basic requirements for operating small unmanned aircraft for flights .....	9
12. Insurance policy specified for section 11(1)(c).....	11
13. Functions of safety system specified for section 11(1)(d).....	12
14. Duty to keep information recorded by safety system.....	13
<b>Subdivision 2—Operating Requirements</b>	
15. Operating requirements must be complied with during operation .....	14
16. Requirements for operation.....	14
17. Power to specify other requirements and parameters etc. for operating requirements.....	15
<b>Subdivision 3—Additional Requirements for Flights within Restricted Flying Zone</b>	
18. Permission required for flights within restricted flying zone .....	16
19. Power to designate restricted flying zones.....	17
<b>Subdivision 4—Additional Requirements for Carriage of Dangerous Goods</b>	
20. Permission required for carriage of dangerous goods .....	19
<b>Division 3—Offences Relating to Operation</b>	
21. Offence for dangerous operation.....	19

Section	Page
22. Offence for causing or permitting small unmanned aircraft to endanger person or property.....	19
23. Offence for interfering with small unmanned aircraft etc.....	20
24. Offence for operating prohibited small unmanned aircraft for flights.....	20
<b>Part 3</b>	
<b>Registration, Rating and Permission</b>	
<b>Division 1—Registration of Unmanned Aircraft</b>	
25. Registration of unmanned aircraft.....	22
26. Renewal of registration of unmanned aircraft.....	23
27. Responsible persons may apply for reissue of label.....	24
28. Power to vary, suspend or revoke registration.....	24
<b>Division 2—Registration of Remote Pilots</b>	
29. Registration of remote pilots.....	25
30. Renewal of registration of remote pilots.....	26
31. Power to vary, suspend or revoke registration.....	27
<b>Division 3—Rating of Remote Pilots</b>	
<b>Subdivision 1—Rating</b>	
32. Assignment of rating.....	28
33. Renewal of rating.....	29
34. Power to vary, suspend or revoke rating.....	31

Section	Page
<b>Subdivision 2—Training Course and Assessment</b>	
35. Power to approve training courses and course providers, and to authorize assessors.....	31
36. Power to vary, suspend or revoke approval or authorization.....	32
<b>Division 4—Permission for Flight Operations</b>	
37. Application for permission.....	33
38. Power to vary, suspend or revoke permission.....	34
<b>Division 5—Miscellaneous Matters</b>	
<b>Subdivision 1—Application Matters</b>	
39. Requirements for applications made under this Part.....	35
40. Power to require information and documentary proof.....	35
41. Duty to give reasons for refusal of application.....	36
<b>Subdivision 2—Updating of Information</b>	
42. Responsible persons and registered remote pilots must update information.....	36
43. Power to vary registration or rating in accordance with notification under section 42.....	37
<b>Subdivision 3—Procedures for Cancellation, Variation, Suspension and Revocation</b>	
44. Cancellation of registration and rating.....	37
45. Procedures for variation of registration, rating, etc.....	37

Section	Page
46.	Procedures for suspension of registration, rating, etc. .... 38
47.	Procedures for revocation of registration, rating, etc. .... 38
<b>Part 4</b>	
<b>Enforcement</b>	
<b>Division 1—Authorized Officers</b>	
48.	Appointment of authorized officers ..... 40
49.	Production of identification document required when performing function ..... 40
<b>Division 2—Enforcement Powers in Relation to Small Unmanned Aircraft and Flight Operations etc.</b>	
50.	Power to prevent or stop flight operation ..... 40
51.	Power to prevent or stop interference with small unmanned aircraft etc. .... 41
52.	Power to seize and detain aircraft and device etc. .... 42
53.	Power to search and examine aircraft and device etc. .... 43
<b>Division 3—Enforcement Powers in Relation to Documents and Information</b>	
54.	Power to require personal particulars and proof of identity ..... 44
55.	Power to require disclosure of personal particulars of other persons related to flight operation ..... 45
56.	Power to require production of documents or records etc. .... 46
<b>Division 4—Other Offences Relating to Enforcement</b>	

Section	Page
57.	Offence for providing false or misleading information..... 48
58.	Offence for obstructing authorized officer ..... 48
<b>Part 5</b>	
<b>Miscellaneous</b>	
<b>Division 1—Safety Direction</b>	
59.	Power to issue safety direction..... 50
60.	Offence for not complying with safety direction ..... 50
<b>Division 2—Review and Appeal</b>	
61.	Review of decisions ..... 51
62.	Appeals against decisions of Director ..... 53
<b>Division 3—Safety Requirements Document</b>	
63.	Power to issue safety requirements document ..... 53
64.	Effect of safety requirements document..... 54
<b>Division 4—Other Miscellaneous Matters</b>	
65.	Liability for responsible persons that are unincorporated bodies ..... 54
66.	Defence ..... 55
67.	Power to designate information system ..... 55
68.	Power to exempt..... 56
69.	Power to issue instruments electronically ..... 57
70.	Delegation of functions ..... 57

Section	Page
71. Fees .....	58
72. Transitional provision .....	58
Schedule Prescribed Fees .....	59

## Small Unmanned Aircraft Order

(Made by the Chief Executive in Council under sections 2A and 12 of the Civil Aviation Ordinance (Cap. 448))

### Part 1

#### Preliminary

#### 1. Commencement

- (1) Subject to subsection (2), this Order comes into operation on 1 June 2022.
- (2) Section 12(2)(c) comes into operation on a day to be appointed by the Director-General of Civil Aviation by notice published in the Gazette.

#### 2. Interpretation

In this Order—

*authorized officer* (獲授權人員) means—

- (a) a public officer or any other person appointed under section 48; or
- (b) a police officer;

*category A1 aircraft* (甲一類無人機)—see section 3(2)(a);

*category A2 aircraft* (甲二類無人機)—see section 3(2)(b);

*category B aircraft* (乙類無人機)—see section 3(2)(c);

*dangerous goods* (危險品), in relation to a small unmanned aircraft operated for a flight—

- (a) means any of the goods or substances to which the Dangerous Goods Ordinance (Cap. 295) applies under section 3 of that Ordinance; but



- (b) does not include any of those goods or substances—
- (i) that are used as or form part of the power source of the aircraft for the flight;
  - (ii) that are necessary to be carried by the aircraft for the flight for complying with section 11(1)(d); or
  - (iii) that are otherwise necessary for the aircraft to be fit for flying;

**designated information system** (指定資訊系統)—see section 67;

**Director** (處長) means the Director-General of Civil Aviation;

**enclosed area** (圍封範圍)—see section 6;

**flight** (飛行)—see section 5;

**information** (資訊) has the meaning given by section 2(1) of the Electronic Transactions Ordinance (Cap. 553);

**operate** (操作)—see section 4;

**operating requirement** (操作規定) means—

- (a) a requirement set out in section 16(1); or
- (b) a requirement specified by the Director under section 17(1);

**prescribed fee** (訂明費用), in relation to a matter, means a fee prescribed for the matter in the Schedule;

**proof of identity** (身分證明文件) has the meaning given by section 17B(1) of the Immigration Ordinance (Cap. 115);

**rating** (等級), in relation to a registered remote pilot, means the rating that is assigned to the remote pilot under section 32 and that is in force;

**registered remote pilot** (註冊遙控駕駛員) means a person who is registered under section 29 and whose registration is in force;

**registered small unmanned aircraft** (註冊小型無人機) means an unmanned aircraft that is registered under section 25 and the registration of which is in force;

**remote pilot** (遙控駕駛員), in relation to a small unmanned aircraft operated for a flight, means the natural person who operates the aircraft for the flight;

**remote pilot certificate** (遙控駕駛員證書) means a remote pilot certificate issued under section 29(4)(a), 30(5)(a), 32(6) or 33(7);

**responsible person** (負責人), in relation to a small unmanned aircraft, means the person who is named under section 25(5)(a) as the responsible person of the aircraft;

**restricted flying zone** (限制飛行區) means an area that is designated under section 19(1), (2) or (3) as a restricted flying zone and the designation of which is having effect;

**small unmanned aircraft** (小型無人機)—see section 3(1);

**SUA registration certificate** (小型無人機註冊證書) means an SUA registration certificate issued under section 25(5)(b) or 26(5)(a);

**unmanned aircraft** (無人機) means a power driven machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface, which is operated with no pilot on board.

### 3. Small unmanned aircraft and its classification

- (1) For the purposes of this Order, an unmanned aircraft is a small unmanned aircraft in respect of a flight if its weight does not exceed 25 kg at all times during the flight.
- (2) For the purposes of this Order—

- (a) a small unmanned aircraft is a category A1 aircraft in respect of a flight if its weight does not exceed 250 g at all times during the flight;
  - (b) a small unmanned aircraft is a category A2 aircraft in respect of a flight if its weight does not exceed 7 kg at all times during the flight but exceeds 250 g at any time during the flight; and
  - (c) a small unmanned aircraft is a category B aircraft in respect of a flight if its weight exceeds 7 kg at any time during the flight.
- (3) In determining the weight of an aircraft for subsections (1) and (2)—
- (a) everything installed in, carried by or attached to the aircraft is to be taken into account; and
  - (b) if the flight is partly within Hong Kong and partly outside Hong Kong—the part of the flight outside Hong Kong is not to be taken into account.

#### 4. **Meaning of *operate* etc.**

- (1) For the purposes of this Order, a person operates a small unmanned aircraft for a flight if the person conducts the flight of the aircraft—
- (a) by operating its flight controls manually; or
  - (b) when the aircraft flies automatically during the flight—by monitoring the aircraft’s course and remaining able to intervene and change the aircraft’s course at any time during the flight.
- (2) References to “a small unmanned aircraft operated for a flight” and “operation” are to be construed accordingly.

#### 5. **Meaning of *flight***

For the purposes of this Order, a flight of a small unmanned aircraft—

- (a) begins at the time when any component of the aircraft first moves for the purpose of taking off; and
- (b) ends at the time when the aircraft next comes to rest.

#### 6. **Meaning of *enclosed area***

For the purposes of this Order, a flight of a small unmanned aircraft is within an enclosed area if the area is surrounded on all sides by fixed or movable walls, ceiling, structures or other barriers that effectively prevent the aircraft from leaving the area during the flight.

## Part 2

### Operation of Small Unmanned Aircraft

#### Division 1—Application

##### 7. Application to flight within Hong Kong

- (1) This Part applies to or in relation to a small unmanned aircraft in respect of a flight that is wholly within Hong Kong.
- (2) If a flight of a small unmanned aircraft is partly within Hong Kong and partly outside Hong Kong, this Part applies to or in relation to the aircraft only in respect of the part of the flight that is within Hong Kong.
- (3) Subsections (1) and (2) are subject to sections 8, 9 and 10.

##### 8. Limited application to flight within enclosed area of domestic premises

- (1) This Part (other than Division 3) does not apply to or in relation to a small unmanned aircraft in respect of a flight that is wholly within an enclosed area of any domestic premises.

(2) In this section—

*domestic premises* (住宅) means any premises used solely or principally for residential purposes and constituting a separate household unit.

##### 9. Limited application to flight operation for educational or research purposes

- (1) This Part (other than Division 3) does not apply to or in relation to a category A1 aircraft or category A2 aircraft in respect of a flight if—

- (a) the aircraft is operated for the flight for educational or research purposes;
  - (b) the flight is wholly within the school premises of a specified school;
  - (c) the remote pilot of the aircraft for the flight is within the school premises of the school at all times during the flight;
  - (d) the flying altitude of the aircraft is not higher than the flying altitude specified under subsection (2) at any time during the flight;
  - (e) the aircraft is not carrying any dangerous goods at any time during the flight;
  - (f) for a category A2 aircraft—
    - (i) the aircraft is a registered small unmanned aircraft; and
    - (ii) the label issued by the Director under section 25(5)(e) in respect of the aircraft—
      - (A) is displayed on the external surface of the aircraft; and
      - (B) is clearly visible; and
  - (g) for a flight within a restricted flying zone—
    - (i) the flight is wholly within an enclosed area; or
    - (ii) the aircraft is operated for the flight in accordance with a permission granted under section 37 in respect of the restricted flying zone.
- (2) For the purposes of subsection (1)(d), the Director must, by notice published in the Gazette, specify a flying altitude.
  - (3) The Director may specify different flying altitudes for different categories, classes or descriptions of unmanned aircraft.

- (4) The Director may, by notice published in the Gazette, vary, suspend or revoke a specification made under subsection (2).
- (5) Any notice published under subsection (2) or (4) is not subsidiary legislation.
- (6) In subsection (1)—

*school premises* (校舍) includes school recreation rooms, residential facilities, playing fields and playing grounds, and any other places used for the purposes of a school;

*specified school* (指明學校) means—

- (a) a primary school as defined by section 3(1) of the Education Ordinance (Cap. 279);
- (b) a secondary school as defined by that section;
- (c) a special school as defined by that section;
- (d) a school that is approved under section 18A(1) of that Ordinance to provide post secondary education;
- (e) an institution set out in section 2 of that Ordinance; or
- (f) a school operated or managed by the Hong Kong Arts Centre referred to in section 3 of the Hong Kong Arts Centre Ordinance (Cap. 304).

#### 10. Limited application to category A1 aircraft

Subdivision 1 of Division 2 does not apply to or in relation to a category A1 aircraft in respect of a flight if—

- (a) the aircraft is operated in compliance with all operating requirements applicable to the aircraft at all times during the flight (unless the flight is wholly within an enclosed area);
- (b) the aircraft—
  - (i) is not within a restricted flying zone at any time during the flight; or

- (ii) is within a restricted flying zone at any time during the flight, but the flight is wholly within an enclosed area; and
- (c) the aircraft is not carrying any dangerous goods at any time during the flight.

## Division 2—Requirements Relating to Operation

### Subdivision 1—Basic Requirements

#### 11. Basic requirements for operating small unmanned aircraft for flights

- (1) A small unmanned aircraft may only be operated for a flight if—
  - (a) the aircraft is a registered small unmanned aircraft;
  - (b) the label issued by the Director under section 25(5)(e) in respect of the aircraft—
    - (i) is displayed on the external surface of the aircraft; and
    - (ii) is clearly visible;
  - (c) there is in force an insurance policy specified in section 12(1) in respect of the flight;
  - (d) a safety system capable of performing all the functions specified in section 13 (whether set out in section 13(1) or specified under section 13(2)) (*specified functions*)—
    - (i) is installed in, carried by or attached to the aircraft, the device used to control the aircraft for the flight, or a component associated with the aircraft or the device; and
    - (ii) is in use with all the specified functions functioning at all times during the flight;

- (e) the remote pilot of the aircraft for the flight is a registered remote pilot;
  - (f) the remote pilot's rating permits the remote pilot to conduct the type of flight operation to which the flight operation belongs; and
  - (g) for a category B aircraft—the aircraft is operated for the flight in accordance with a permission granted under section 37.
- (2) However—
- (a) subsection (1)(c), (d), (e) and (f) does not apply if the flight is wholly within an enclosed area; and
  - (b) subsection (1)(f) does not apply if the aircraft is operated for the flight as part of—
    - (i) a training course approved under section 35(1)(a); or
    - (ii) an assessment conducted by a person authorized under section 35(1)(c).
- (3) Also, subsection (1)(c) does not apply if the aircraft—
- (a) is a category A2 aircraft; and
  - (b) is operated for the flight in compliance with the conditions specified in section 12(3).
- (4) If a small unmanned aircraft is operated for a flight in contravention of subsection (1), each of the following persons commits an offence—
- (a) the remote pilot of the aircraft for the flight;
  - (b) the responsible person of the aircraft at the time of the flight;
  - (c) any other person who knowingly causes or permits the aircraft to be operated for the flight.

- (5) A person who commits an offence under subsection (4) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.
- (6) Subsection (3) expires at midnight on the day on which section 12(2)(c) comes into operation.

**12. Insurance policy specified for section 11(1)(c)**

- (1) The insurance policy specified for the purposes of section 11(1)(c) is a policy that—
- (a) insures against any liability that may be incurred in respect of the death of, or bodily injury to, a third party—
    - (i) arising out of or caused by the operation of the aircraft for the flight in Hong Kong; and
    - (ii) arising out of any one event;
  - (b) has a coverage of not less than the amount specified in subsection (2) in respect of the liability described in paragraph (a); and
  - (c) is issued by—
    - (i) an authorized insurer; or
    - (ii) if the insured under the policy is a body corporate incorporated outside Hong Kong—an insurer accepted by the Director under subsection (4).
- (2) The amount specified for subsection (1)(b) is—
- (a) for a category A1 aircraft or category A2 aircraft that does not meet any of the conditions specified in subsection (3) in respect of a flight—\$10,000,000;
  - (b) for a category B aircraft—\$10,000,000; or
  - (c) for any other category A2 aircraft—\$5,000,000.
- (3) The conditions are—

- (a) that the aircraft is operated in compliance with all operating requirements applicable to the aircraft at all times during the flight;
  - (b) that the aircraft is not within a restricted flying zone at any time during the flight; and
  - (c) that the aircraft is not carrying any dangerous goods at any time during the flight.
- (4) The Director may accept any insurer for the purposes of subsection (1)(c)(ii).
- (5) In subsection (1)(c)(i)—

**authorized insurer** (獲授權保險人) means—

- (a) an insurer authorized under the Insurance Ordinance (Cap. 41);
- (b) an association of underwriters approved by the Insurance Authority established under section 4AAA of that Ordinance; or
- (c) the society of underwriters known in the United Kingdom as Lloyd's.

### 13. Functions of safety system specified for section 11(1)(d)

- (1) In relation to a small unmanned aircraft operated for a flight, the functions specified for the purposes of section 11(1)(d) are—
- (a) the function of indicating the geographical location, flying altitude and flying speed of the aircraft (**relevant information**) in real time to the remote pilot of the aircraft during the flight;
  - (b) the function of giving alert to the remote pilot of the aircraft for the flight in real time in relation to any flying restriction as set in the safety system;

- (c) the function of recording the relevant information during the flight; and
  - (d) the function of recording the date on which and the time at which the relevant information is recorded.
- (2) For the purposes of section 11(1)(d), the Director may, by notice published in the Gazette, specify any other function that the Director considers it necessary in the interests of aviation safety or public safety.
- (3) The Director may, by notice published in the Gazette, vary, suspend or revoke a specification made under subsection (2).
- (4) Any notice published under subsection (2) or (3) is not subsidiary legislation.

### 14. Duty to keep information recorded by safety system

- (1) If a small unmanned aircraft is operated for a flight that is not wholly within an enclosed area, the information recorded by a safety system as required under section 11(1)(d) in connection with the flight must be kept for 6 months beginning on the date on which the flight begins.
- (2) If subsection (1) is contravened, each of the following persons commits an offence—
- (a) the remote pilot of the aircraft for the flight;
  - (b) the responsible person of the aircraft at the time of the flight;
  - (c) any other person who knowingly causes or permits the aircraft to be operated for the flight.
- (3) A person who commits an offence under subsection (2) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

**Subdivision 2—Operating Requirements****15. Operating requirements must be complied with during operation**

- (1) If a small unmanned aircraft is operated for a flight, it must be operated in compliance with all operating requirements applicable to the aircraft at all times during the flight.
- (2) However, subsection (1) does not apply if—
  - (a) the flight is wholly within an enclosed area; or
  - (b) the aircraft is operated for the flight in accordance with a permission granted under section 37.
- (3) If a small unmanned aircraft is operated for a flight in contravention of subsection (1), the remote pilot of the aircraft for the flight commits an offence.
- (4) A person who commits an offence under subsection (3) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

**16. Requirements for operation**

- (1) For the purposes of section 15(1), the requirements applicable to a small unmanned aircraft operated for a flight are—
  - (a) that the aircraft is not operated for the flight at the specified hours of a day;
  - (b) that a visual line of sight is maintained with the aircraft in a specified way;
  - (c) that the flying altitude of the aircraft is not higher than the specified flying altitude;
  - (d) that the flying speed of the aircraft does not exceed the specified flying speed;

- (e) that the distance between the aircraft and any person who is not involved in the flight operation, measured horizontally and at any altitude, is not less than the specified distance;
- (f) that the distance between the aircraft and any vehicle, vessel or structure that is not under the control of the remote pilot of the aircraft for the flight, measured horizontally and at any altitude, is not less than the specified distance;
- (g) that the distance between the aircraft and the remote pilot of the aircraft for the flight does not exceed the specified distance;
- (h) that the aircraft does not carry any person or animal during the flight;
- (i) that nothing is dropped from the aircraft during the flight except for specified purpose;
- (j) that the remote pilot of the aircraft for the flight operates no more than the specified number of unmanned aircraft at the same time; and
- (k) that the dimension of the aircraft (including everything installed in, carried by or attached to the aircraft) does not exceed the specified dimension at all times during the flight.

(2) In subsection (1)—

*drop* (掉下) includes project and lower;

*specified* (指明) means specified by the Director under section 17(2).

**17. Power to specify other requirements and parameters etc. for operating requirements**

- (1) For the purposes of section 15(1), the Director may, by notice published in the Gazette, specify any other requirement that the

Director considers it necessary in the interests of aviation safety or public safety.

- (2) The Director may, by notice published in the Gazette, specify any of the parameters or matters for the requirements set out in section 16(1).
- (3) The Director may specify different requirements, parameters or matters for different categories, classes or descriptions of unmanned aircraft.
- (4) The Director may, by notice published in the Gazette, vary, suspend or revoke a specification made under subsection (1) or (2).
- (5) Any notice published under subsection (1), (2) or (4) is not subsidiary legislation.

### Subdivision 3—Additional Requirements for Flights within Restricted Flying Zone

#### 18. Permission required for flights within restricted flying zone

- (1) If any part of a flight of a small unmanned aircraft is within a restricted flying zone, the aircraft may only be operated for the flight in accordance with a permission granted under section 37 in respect of the restricted flying zone.
- (2) However, subsection (1) does not apply if the flight is wholly within an enclosed area.
- (3) If a small unmanned aircraft is operated for a flight in contravention of subsection (1), each of the following persons commits an offence—
  - (a) the remote pilot of the aircraft for the flight;
  - (b) the responsible person of the aircraft at the time of the flight;

(c) any other person who knowingly causes or permits the aircraft to be operated for the flight.

- (4) A person who commits an offence under subsection (3) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

#### 19. Power to designate restricted flying zones

- (1) The Director may, by notice published in the Gazette, designate an area in Hong Kong (including the airspace above the area) as a restricted flying zone for the purposes of section 18(1) if the Director considers it necessary in the interests of aviation safety.
- (2) The Commissioner of Police may, by notice published in the Gazette, designate an area in Hong Kong (including the airspace above the area) as a restricted flying zone for the purposes of section 18(1) if—
  - (a) the Commissioner considers that there is an occurrence of an emergency in the area;
  - (b) the Commissioner considers that—
    - (i) there is likely to be a gathering or movement of a large number of persons in the area; and
    - (ii) it is necessary to designate the area as a restricted flying zone for ensuring public safety or public order in the area; or
  - (c) the Commissioner otherwise considers it necessary to designate the area as a restricted flying zone for performing the duties of the police force under section 10 of the Police Force Ordinance (Cap. 232).
- (3) Without limiting the powers of the Commissioner of Police under subsection (2), the Secretary for Security may, by notice published in the Gazette, designate an area in Hong Kong



(including the airspace above the area) as a restricted flying zone for the purposes of section 18(1) if the Secretary considers it necessary for security reasons.

- (4) A relevant official may specify in a designation that the designation is to have effect—
  - (a) during any hours in any day;
  - (b) on specified days;
  - (c) during specified hours in any day; or
  - (d) during specified hours in any specified days.
- (5) If different designations are made under different subsections in respect of an area and the designations are having effect, the area is to be regarded as a separate restricted flying zone in respect of each of the designations for the purposes of this Order.
- (6) A relevant official may, by notice published in the Gazette, vary, suspend or revoke a designation made by the official.
- (7) Any notice published under subsection (1), (2), (3) or (6) is not subsidiary legislation.
- (8) Despite subsection (1), (2), (3) or (6), a relevant official may publish the notice in a designated information system instead of the Gazette if the official considers that—
  - (a) it is necessary to publish the notice as soon as practicable; and
  - (b) it is impracticable in the circumstances to publish the notice in the Gazette.
- (9) To avoid doubt, a notice published under subsection (8) is regarded as having the same effect for all purposes as a notice published in the Gazette under subsection (1), (2), (3) or (6) (as the case requires).
- (10) In this section—

**designation** (指定) means a designation made under subsection (1), (2) or (3);

**relevant official** (有關人員) means—

- (a) the Director;
- (b) the Commissioner of Police; or
- (c) the Secretary for Security.

#### **Subdivision 4—Additional Requirements for Carriage of Dangerous Goods**

##### **20. Permission required for carriage of dangerous goods**

- (1) A person must not cause or permit a small unmanned aircraft to carry any dangerous goods during a flight unless the dangerous goods are carried in accordance with a permission granted under section 37.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

#### **Division 3—Offences Relating to Operation**

##### **21. Offence for dangerous operation**

A person who operates a small unmanned aircraft for a flight dangerously commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

##### **22. Offence for causing or permitting small unmanned aircraft to endanger person or property**

A person who, recklessly or negligently, causes or permits a small unmanned aircraft to endanger any person or property during a flight

commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

**23. Offence for interfering with small unmanned aircraft etc.**

- (1) If a small unmanned aircraft is being operated for a flight, a person must not—
  - (a) wilfully interfere with, or wilfully cause damage to, any part of—
    - (i) the aircraft;
    - (ii) the device used to control the aircraft for the flight;
    - (iii) a component associated with the aircraft;
    - (iv) a component associated with the device mentioned in subparagraph (ii); or
    - (v) anything installed in, carried by or attached to the aircraft; or
  - (b) wilfully interfere with the communication between the aircraft and the device used to control the aircraft for the flight.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

**24. Offence for operating prohibited small unmanned aircraft for flights**

- (1) If a class or description of unmanned aircraft is prohibited from being operated for a flight under subsection (2), a person must not operate a small unmanned aircraft within that class or description for a flight.
- (2) For the purposes of subsection (1), the Director may, by notice published in the Gazette, prohibit a class or description of unmanned aircraft from being operated for a flight if the

Director considers it necessary in the interests of aviation safety or public safety.

- (3) The Director may, by notice published in the Gazette, vary, suspend or revoke a prohibition made under subsection (2).
- (4) Any notice published under subsection (2) or (3) is not subsidiary legislation.
- (5) Despite subsection (2) or (3), the Director may publish the notice in a designated information system instead of the Gazette if the Director considers that—
  - (a) it is necessary to publish the notice as soon as practicable; and
  - (b) it is impracticable in the circumstances to publish the notice in the Gazette.
- (6) To avoid doubt, a notice published under subsection (5) is regarded as having the same effect for all purposes as a notice published in the Gazette under subsection (2) or (3) (as the case requires).
- (7) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

## Part 3

### Registration, Rating and Permission

#### Division 1—Registration of Unmanned Aircraft

##### 25. Registration of unmanned aircraft

- (1) A person may apply to the Director for the registration of an unmanned aircraft.
- (2) If the person is a natural person, the person must have attained the age of 18 years at the time of the application.
- (3) The application must be—
  - (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.
- (4) The Director may refuse to register the aircraft if—
  - (a) the aircraft has already been registered and a person other than the applicant was named as the responsible person of the aircraft; or
  - (b) the Director considers that it is inappropriate to register the aircraft.
- (5) On registering the aircraft, the Director must—
  - (a) name the applicant as the responsible person of the aircraft;
  - (b) issue to the applicant an SUA registration certificate in respect of the aircraft;
  - (c) specify on the certificate the validity period of the registration;
  - (d) assign to the aircraft a registration number and an identification mark; and

- (e) issue to the applicant a label on which the registration number and the identification mark of the aircraft are shown.
- (6) For the purposes of subsection (5)(c), the validity period must not exceed 5 years beginning on the date on which the SUA registration certificate is issued under subsection (5)(b) in respect of the aircraft.
- (7) A registration made under this section may be subject to any condition specified by the Director.

##### 26. Renewal of registration of unmanned aircraft

- (1) The responsible person of an unmanned aircraft may apply to the Director for the renewal of the registration of the aircraft.
- (2) The application must be made—
  - (a) not earlier than 4 months before the date on which the registration expires (*expiry date*); and
  - (b) not later than 1 year after the expiry date.
- (3) The application must be—
  - (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.
- (4) The Director may refuse to renew the registration if the Director considers that it is inappropriate to renew the registration.
- (5) On renewing the registration, the Director must—
  - (a) issue to the responsible person of the aircraft an SUA registration certificate in respect of the aircraft; and
  - (b) specify on the certificate the validity period of the registration.
- (6) For the purposes of subsection (5)(b), the validity period must not exceed 5 years beginning on—

- (a) if the application for renewal is made before the expiry date—the expiry date; or
  - (b) if the application for renewal is made on or after the expiry date—the date on which the SUA registration certificate is issued under subsection (5)(a) in respect of the aircraft.
- (7) A registration renewed under this section may be subject to any condition specified by the Director.

**27. Responsible persons may apply for reissue of label**

- (1) If the label issued under section 25(5)(e) in respect of a registered small unmanned aircraft is lost, defaced or destroyed, the responsible person of the aircraft may apply to the Director for the reissue of the label.
- (2) The application must be—
  - (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.
- (3) The Director may refuse to reissue the label if—
  - (a) the Director is not satisfied that the label was lost, defaced or destroyed; or
  - (b) the Director considers that it is inappropriate to reissue the label.
- (4) For the purposes of subsection (1) and sections 9(1)(f)(ii) and 11(1)(b), a label reissued under this section is regarded as issued under section 25(5)(e).

**28. Power to vary, suspend or revoke registration**

The Director may vary, suspend or revoke the registration of a registered small unmanned aircraft in accordance with section 45, 46 or 47 respectively if—

- (a) the Director reasonably suspects that the aircraft—
  - (i) is unfit for flying;
  - (ii) is destroyed or missing;
  - (iii) has been seized under this Order; or
  - (iv) has been modified to a substantial extent that it can no longer be reasonably considered to be the same aircraft originally registered;
- (b) the Director reasonably suspects that the responsible person of the aircraft has contravened a provision of this Order;
- (c) the Director reasonably suspects that the aircraft was registered as a result of an unlawful act of, or a false representation of a fact made by, the responsible person of the aircraft;
- (d) the Director reasonably suspects that a condition of the registration has been contravened; or
- (e) the Director considers that it is no longer appropriate to have the aircraft registered.

**Division 2—Registration of Remote Pilots**

**29. Registration of remote pilots**

- (1) A person who has attained the age of 14 years may apply to the Director for the registration of the person as a registered remote pilot.
- (2) The application must be—
  - (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.

- (3) The Director may refuse to register the person as a registered remote pilot if the Director considers that it is inappropriate to register the person as a registered remote pilot.
- (4) On registering the person as a registered remote pilot, the Director must—
  - (a) issue to the person a remote pilot certificate; and
  - (b) specify on the certificate the validity period of the registration.
- (5) For the purposes of subsection (4)(b), the validity period must not exceed 3 years beginning on the date on which the remote pilot certificate is issued under subsection (4)(a) in respect of the person.
- (6) A registration made under this section may be subject to any condition specified by the Director.

### 30. Renewal of registration of remote pilots

- (1) A person may apply to the Director for the renewal of the registration of the person as a registered remote pilot.
- (2) The application must be made—
  - (a) not earlier than 4 months before the date on which the registration expires (*expiry date*); and
  - (b) not later than 1 year after the expiry date.
- (3) The application must be—
  - (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.
- (4) The Director may refuse to renew the registration if the Director considers that it is inappropriate to renew the registration.
- (5) On renewing the registration, the Director must—
  - (a) issue to the person a remote pilot certificate; and

- (b) specify on the certificate the validity period of the registration.
- (6) For the purposes of subsection (5)(b), the validity period must not exceed 3 years beginning on—
  - (a) if the application for renewal is made before the expiry date—the expiry date; or
  - (b) if the application for renewal is made on or after the expiry date—the date on which the remote pilot certificate is issued under subsection (5)(a) in respect of the person.
- (7) A registration renewed under this section may be subject to any condition specified by the Director.

### 31. Power to vary, suspend or revoke registration

The Director may vary, suspend or revoke the registration of a person as a registered remote pilot in accordance with section 45, 46 or 47 respectively if—

- (a) the Director reasonably suspects that the person has contravened a provision of this Order;
- (b) the Director reasonably suspects that the person was registered as a result of an unlawful act of, or a false representation of a fact made by, the person;
- (c) the Director reasonably suspects that a condition of the registration has been contravened; or
- (d) the Director considers that it is no longer appropriate to have the person registered.

**Division 3—Rating of Remote Pilots****Subdivision 1—Rating****32. Assignment of rating**

- (1) A person may apply to the Director for the assignment of a rating to the person for conducting certain types of flight operation specified by the Director under subsection (8).
- (2) The application must be—
  - (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.
- (3) The Director may only assign a rating to permit the person to conduct a type of flight operation if the Director considers that the person is fit for conducting the type of flight operation because of the person's knowledge, experience and competence as may be necessary for conducting the type of flight operation.
- (4) For the purposes of subsection (3), the Director—
  - (a) may request the person to take any training course approved or specified by the Director;
  - (b) may request the person to undertake any assessment specified by the Director; and
  - (c) may assess the person's knowledge, experience or competence for conducting the type of flight operation by any other means.
- (5) The Director must not assign a rating to the person unless the person is or will be a registered remote pilot on the date on which the rating takes effect.
- (6) On assigning the rating, the Director must issue to the person a remote pilot certificate specifying the rating.

- (7) Unless otherwise specified by the Director, a rating assigned to a person under this section—
  - (a) takes effect on the date on which the remote pilot certificate is issued under subsection (6) (*effective date*) in respect of the rating; and
  - (b) has effect until the expiry of the registration of the person as a registered remote pilot that is in force on the effective date.
- (8) The Director must specify and publish, in a way that the Director considers appropriate, the types of flight operation that a person is permitted to conduct under each rating.
- (9) A rating assigned under this section may be subject to any condition specified by the Director.

**33. Renewal of rating**

- (1) A person may apply to the Director for the renewal of the person's rating.
- (2) The application must be made—
  - (a) not earlier than 4 months before the date on which the registration of the person expires (*expiry date*); and
  - (b) not later than 1 year after the expiry date.
- (3) The application must be—
  - (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.
- (4) The Director may only renew the rating to permit the person to conduct a type of flight operation if the Director considers that the person is fit for conducting the type of flight operation because of the person's knowledge, experience and competence as may be necessary for conducting the type of flight operation.

- (5) For the purposes of subsection (4), the Director—
- (a) may request the person to take any training course approved or specified by the Director;
  - (b) may request the person to undertake any assessment specified by the Director; and
  - (c) may assess the person's knowledge, experience or competence for conducting the type of flight operation by any other means.
- (6) The Director must not renew the person's rating unless the person is or will be a registered remote pilot on the date on which the renewed rating takes effect.
- (7) On renewing the rating, the Director must issue to the person a remote pilot certificate specifying the renewed rating.
- (8) Unless otherwise specified by the Director, the person's rating renewed under this section—
- (a) takes effect on the following date (*effective date*)—
    - (i) if the application for renewal is made before the expiry date—the expiry date; or
    - (ii) if the application for renewal is made on or after the expiry date—the date on which the remote pilot certificate is issued under subsection (7) in respect of the rating; and
  - (b) has effect until the expiry of the registration of the person as a registered remote pilot that is in force on the effective date.
- (9) A rating renewed under this section may be subject to any condition specified by the Director.

**34. Power to vary, suspend or revoke rating**

The Director may vary, suspend or revoke a rating assigned to a person in accordance with section 45, 46 or 47 respectively if—

- (a) the Director reasonably suspects that the person has contravened a provision of this Order;
- (b) the Director reasonably suspects that the rating was assigned as a result of an unlawful act of, or a false representation of a fact made by, the person;
- (c) the Director considers that the person is no longer fit for conducting the type of flight operation permitted by the rating;
- (d) the Director reasonably suspects that a condition of the rating has been contravened; or
- (e) the Director considers that it is no longer appropriate to have the rating assigned.

**Subdivision 2—Training Course and Assessment****35. Power to approve training courses and course providers, and to authorize assessors**

- (1) For the purposes of sections 32(4) and 33(5), the Director may, on application—
  - (a) approve a training course;
  - (b) approve a person to provide, organize or conduct a training course; or
  - (c) authorize a person to conduct any assessment.
- (2) The application must be—
  - (a) made in writing to the Director; and
  - (b) accompanied by the prescribed fee.

- (3) For determining an application under subsection (1), the Director may, by any means that the Director considers appropriate—
- (a) in relation to subsection (1)(a)—assess the standard of the training course;
  - (b) in relation to subsection (1)(b)—assess the applicant’s knowledge, experience and competence in providing, organizing or conducting a training course; or
  - (c) in relation to subsection (1)(c)—assess the applicant’s knowledge, experience and competence in conducting an assessment.
- (4) An approval or authorization granted under subsection (1) may be subject to any condition specified by the Director.
- (5) The Director may request a person approved or authorized under subsection (1)(b) or (c) to provide to the Director from time to time any report that the Director considers appropriate for the purposes of this section or section 32 or 33.

**36. Power to vary, suspend or revoke approval or authorization**

The Director may vary, suspend or revoke an approval or authorization granted under section 35(1) in accordance with section 45, 46 or 47 respectively if—

- (a) the Director reasonably suspects that the applicant has contravened a provision of this Order;
- (b) the Director reasonably suspects that the approval or authorization was granted as a result of an unlawful act of, or a false representation of a fact made by, the applicant;
- (c) the Director reasonably suspects that a condition of the approval or authorization has been contravened; or

- (d) the Director considers that it is no longer appropriate to have the course or person approved or authorized.

**Division 4—Permission for Flight Operations**

**37. Application for permission**

- (1) A person may apply to the Director for a permission—
- (a) for operating a category B aircraft for a flight;
  - (b) for operating a small unmanned aircraft for a flight without complying with any or all of the operating requirements applicable to the aircraft;
  - (c) for operating a small unmanned aircraft for a flight within a restricted flying zone; or
  - (d) for causing or permitting a small unmanned aircraft to carry any dangerous goods during a flight.
- (2) To avoid doubt, for the purposes of subsection (1)(c), if section 19(5) applies in relation to the restricted flying zone concerned, the person is regarded as having made a separate application for a permission in respect of each of the restricted flying zones concerned.
- (3) The application must be—
- (a) made in accordance with section 39; and
  - (b) accompanied by the prescribed fee.
- (4) The Director may refuse to grant the permission if the Director considers that it is inappropriate to grant the permission.
- (5) If an application for a permission is made under subsection (1)(c) and the restricted flying zone concerned is an area in respect of which a designation under section 19(2) or (3) is having effect, the Director—



- (a) must seek the advice of the Commissioner of Police or the Secretary for Security (as the case requires) in relation to the application; and
  - (b) must refuse to grant the permission if the Commissioner or the Secretary (as the case requires) considers that it is inappropriate to grant the permission.
- (6) A permission granted under this section may be subject to any condition specified by the Director.

**38. Power to vary, suspend or revoke permission**

- (1) The Director may vary, suspend or revoke a permission granted to a person in accordance with section 45, 46 or 47 respectively if—
- (a) the Director reasonably suspects that the person has contravened a provision of this Order;
  - (b) the Director reasonably suspects that the permission was granted as a result of an unlawful act of, or a false representation of a fact made by, the person;
  - (c) the Director reasonably suspects that a condition of the permission has been contravened; or
  - (d) the Director considers that it is no longer appropriate to have the permission granted.
- (2) However, if the permission was granted on the advice of the Commissioner of Police or the Secretary for Security under section 37(5)(a), the Director may only vary, suspend or revoke the permission on the advice of the Commissioner of Police or the Secretary for Security (as the case requires).

**Division 5—Miscellaneous Matters****Subdivision 1—Application Matters****39. Requirements for applications made under this Part**

- (1) An application made under this Part (other than an application made under section 35) must be made to the Director through a designated information system or by any other means specified by the Director.
- (2) If the applicant is a natural person, the application must—
- (a) include the name and address of the person; and
  - (b) be accompanied by a copy of the proof of identity of the person.
- (3) If the applicant is a body corporate, the application must—
- (a) include the name and registered office address of the body corporate; and
  - (b) be accompanied by a copy of the certificate of incorporation of the body corporate.
- (4) If the applicant is an unincorporated body, the application must—
- (a) include the name and address of the unincorporated body;
  - (b) include the name and address of a natural person who is a partner in, or a manager of, or any other person concerned in the management of, the unincorporated body; and
  - (c) be accompanied by a copy of the proof of identity of the natural person referred to in paragraph (b).

**40. Power to require information and documentary proof**

For determining an application under this Part, the Director—

- (a) may require the applicant to provide any information and documentary proof that the Director considers it necessary for determining the application; and
- (b) may refuse the application if the information or proof is not provided.

**41. Duty to give reasons for refusal of application**

If the Director refuses an application made under this Part, the Director must give written notice to the applicant stating the reasons for the refusal.

**Subdivision 2—Updating of Information**

**42. Responsible persons and registered remote pilots must update information**

- (1) The responsible person of a registered small unmanned aircraft must notify the Director of any change in the information or document provided to the Director under this Part in relation to the registration or renewal of registration of the aircraft.
- (2) A registered remote pilot must notify the Director of any change in the information or document provided to the Director under this Part in relation to the registration or renewal of registration, or the assignment or renewal of rating, of the person.
- (3) The notification must be made within 14 days after the date on which the change occurs.
- (4) The notification must be made to the Director through a designated information system or by any other means specified by the Director.
- (5) The responsible person or the registered remote pilot (as the case requires) must provide any information or documentary proof that the Director requires as proof of the change—

- (a) within 14 days after receiving the Director's request; and
  - (b) in the way specified by the Director.
- (6) A person who contravenes subsection (1), (2) or (5) commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

**43. Power to vary registration or rating in accordance with notification under section 42**

If the Director is satisfied that the change specified in a notification made under section 42(1) or (2) has occurred, the Director may vary the registration or rating concerned in accordance with section 45.

**Subdivision 3—Procedures for Cancellation, Variation, Suspension and Revocation**

**44. Cancellation of registration and rating**

- (1) The responsible person of a registered small unmanned aircraft may request that the registration of the aircraft be cancelled.
- (2) A registered remote pilot may request that the registration or rating of the remote pilot be cancelled.
- (3) The request must be made to the Director through a designated information system or by any other means specified by the Director.
- (4) The cancellation takes effect on the date specified on the notice to be given by the Director to the responsible person or the registered remote pilot (as the case requires) on granting the request.

**45. Procedures for variation of registration, rating, etc.**

If the Director decides to vary a registration, rating, approval, authorization or permission under section 28, 31, 34, 36, 38 or 43,

the Director must give written notice to the person concerned stating—

- (a) the registration, rating, approval, authorization or permission (as the case requires) as varied by the Director;
- (b) the date from which the variation takes effect; and
- (c) the ground for the variation.

**46. Procedures for suspension of registration, rating, etc.**

- (1) If the Director decides to suspend a registration, rating, approval, authorization or permission under section 28, 31, 34, 36 or 38, the Director must give written notice to the person concerned stating—
  - (a) the date from which the suspension takes effect;
  - (b) the ground for the suspension; and
  - (c) the date on which the suspension ceases to have effect, or if the suspension is to cease to have effect on the occurrence of an event, this fact and the event.
- (2) The suspension ceases to have effect on the earlier of the following—
  - (a) the expiry of a period of 180 days beginning on the date specified under subsection (1)(a);
  - (b) the date or the occurrence of the event as specified under subsection (1)(c).

**47. Procedures for revocation of registration, rating, etc.**

- (1) If the Director intends to revoke a registration, rating, approval, authorization or permission under section 28, 31, 34, 36 or 38, the Director must give written notice to the person concerned stating—
  - (a) the intention;

- (b) the ground for the intended revocation; and
- (c) the person's right to make written representation under subsection (3).
- (2) To avoid doubt, the Director may give written notice to the person under subsection (1)—
  - (a) whether or not a notice is simultaneously given under section 46(1) to suspend the registration, rating, approval, authorization or permission concerned; or
  - (b) while a suspension of the registration, rating, approval, authorization or permission concerned is in effect under section 46.
- (3) On receiving the written notice, the person may make written representation to the Director within 14 days after the service of the notice as to why the registration, rating, approval, authorization or permission should not be revoked.
- (4) The Director may revoke the registration, rating, approval, authorization or permission if—
  - (a) the person does not make any written representation within the period specified in subsection (3); or
  - (b) having considered the written representation made by the person under subsection (3), the Director still considers that the registration, rating, approval, authorization or permission should be revoked.
- (5) If the Director revokes the registration, rating, approval, authorization or permission, the Director must give written notice to the person stating—
  - (a) the date from which the revocation takes effect; and
  - (b) the ground for the revocation.

## Part 4

### Enforcement

#### Division 1—Authorized Officers

##### 48. Appointment of authorized officers

The Director may, in writing, appoint a public officer or any other person to be an authorized officer for the purposes of this Order.

##### 49. Production of identification document required when performing function

(1) When performing a function under this Order, an authorized officer must, if asked, produce for inspection an identification document that shows the officer's identity as an authorized officer.

(2) In this section—

*function* (職能) includes a power and a duty.

#### Division 2—Enforcement Powers in Relation to Small Unmanned Aircraft and Flight Operations etc.

##### 50. Power to prevent or stop flight operation

(1) This section applies if an authorized officer reasonably suspects that—

- (a) a person has committed, is committing or is about to commit an offence under this Order; or
- (b) a small unmanned aircraft is being operated or is about to be operated for a flight, and—

- (i) the operation or the continued operation of the aircraft for the flight is likely to cause danger to any person or property; or
- (ii) the aircraft is in a condition or location that is unfit for the flight.

(2) The officer may do any or all of the following—

- (a) direct the person not to cause or permit the aircraft to be operated for the flight;
- (b) cause the aircraft to land;
- (c) take over the flight operation of the aircraft;
- (d) seize and detain the aircraft to prevent it from being operated for the flight.

(3) A person who fails to comply with a direction given under subsection (2)(a) commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

##### 51. Power to prevent or stop interference with small unmanned aircraft etc.

(1) This section applies if—

- (a) a small unmanned aircraft is being operated or is about to be operated for a flight; and
- (b) an authorized officer reasonably suspects that a person is—
  - (i) interfering with or causing damage to, or about to interfere with or cause damage to, any part of—
    - (A) the aircraft;
    - (B) the device used to control the aircraft for the flight;

- (C) a component associated with the aircraft;
  - (D) a component associated with the device mentioned in sub-subparagraph (B); or
  - (E) anything installed in, carried by or attached to the aircraft; or
- (ii) interfering with, or about to interfere with, the communication between the aircraft and the device used to control the aircraft for the flight.
- (2) The officer—
    - (a) may direct the person to stop the act as described in subsection (1)(b); and
    - (b) may stop that act or cause the person to stop that act.
  - (3) A person who fails to comply with a direction given under subsection (2)(a) commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

**52. Power to seize and detain aircraft and device etc.**

- (1) If an authorized officer reasonably suspects that an offence under this Order has been committed, is being committed or is about to be committed in relation to a small unmanned aircraft operated for a flight or about to be operated for a flight, the officer may seize and detain any or all of the following—
  - (a) the aircraft;
  - (b) the device used to control the aircraft for the flight;
  - (c) a component associated with the aircraft;
  - (d) a component associated with the device mentioned in paragraph (b);
  - (e) anything installed in, carried by or attached to the aircraft.

- (2) If an authorized officer reasonably suspects that an offence under section 23(2) or 51(3) has been committed, is being committed or is about to be committed, the officer may seize and detain any or all of the following—
  - (a) any device or article used for performing the act as described in section 23(1) or 51(1)(b) (as the case requires);
  - (b) any component associated with the device or article.
- (3) If—
  - (a) a small unmanned aircraft is operated for a flight;
  - (b) at any time during the flight, the aircraft or the device used to control the aircraft for the flight is within an area occupied by or under the control of the Hong Kong Garrison or the airspace above the area; and
  - (c) the area is a restricted flying zone,a member of the Hong Kong Garrison may exercise the power under subsection (1) within the area.
- (4) For the purpose of exercising the power under subsection (3), a member of the Hong Kong Garrison may also exercise the power under section 50(2)(b) or (c) within the area in relation to the aircraft.

**53. Power to search and examine aircraft and device etc.**

- (1) An authorized officer may search, examine, extract or collect any information contained in an aircraft, device, component or any other thing seized and detained under this Division.
- (2) However, if a specified appliance is seized and detained under this Division, an authorized officer must not search, examine, extract or collect any information contained in the appliance, except under the authority of a warrant issued under subsection (3).

- (3) A magistrate may issue a warrant authorizing an authorized officer to search, examine, extract or collect information contained in the specified appliance if the magistrate is satisfied by information on oath that there are reasonable grounds for suspecting that there is in the appliance anything connected with an offence under this Order.
- (4) In this section—
 

*specified appliance* (指明裝置) means an electronic device that is likely to contain personal information, but does not include—

  - (a) a small unmanned aircraft;
  - (b) a device designed and used primarily for controlling the aircraft; or
  - (c) anything installed in, carried by or attached to the aircraft.

### Division 3—Enforcement Powers in Relation to Documents and Information

#### 54. Power to require personal particulars and proof of identity

- (1) If an authorized officer reasonably suspects that a person has committed, is committing or is about to commit an offence under this Order, the officer may require the person—
  - (a) to provide the person's name, address and contact information; and
  - (b) to produce the person's proof of identity for inspection.
- (2) For the purpose of exercising the power under subsection (1), the officer may without warrant stop the person.
- (3) A person who fails to comply with a requirement made under subsection (1) commits an offence and is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

#### 55. Power to require disclosure of personal particulars of other persons related to flight operation

- (1) If an authorized officer reasonably suspects that an offence under this Order has been committed, is being committed or is about to be committed in relation to a small unmanned aircraft operated for a flight or about to be operated for a flight, the officer—
  - (a) may require the person whom the officer reasonably suspects to be the specified person of the aircraft for the flight to provide to the officer the name, address and contact information of the person who has operated, is operating or is about to operate the aircraft for the flight; and
  - (b) may require the person whom the officer reasonably suspects to have operated, be operating or be about to operate the aircraft for the flight to provide to the officer the name, address and contact information of the specified person of the aircraft for the flight.
- (2) A person commits an offence if—
  - (a) the person is the specified person of the aircraft for the flight, and the person fails to comply with a requirement made under subsection (1)(a); or
  - (b) the person has operated, is operating or is about to operate the aircraft for the flight, and the person fails to comply with a requirement made under subsection (1)(b).
- (3) A person who commits an offence under subsection (2) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.
- (4) In this section—

*specified person* (指明人士), in relation to a small unmanned aircraft operated for a flight or about to be operated for a flight, means—

- (a) the responsible person of the aircraft at the time of the flight; or
- (b) any other person who knowingly causes or permits the aircraft to be operated for the flight.

**56. Power to require production of documents or records etc.**

- (1) If an authorized officer reasonably suspects that an offence under this Order has been committed, is being committed or is about to be committed in relation to a small unmanned aircraft operated for a flight or about to be operated for a flight, the officer may require the person whom the officer reasonably suspects to be the specified person of the aircraft for the flight to produce any or all of the following (if applicable)—
  - (a) the SUA registration certificate issued in respect of the aircraft;
  - (b) the information recorded by the safety system in respect of the flight required to be kept under section 14(1);
  - (c) a permission or exemption granted by the Director in respect of the flight;
  - (d) any other information relating to the flight.
- (2) If an authorized officer reasonably suspects that a person has operated, is operating or is about to operate a small unmanned aircraft for a flight, the officer may require the person to produce any or all of the following (if applicable)—
  - (a) the remote pilot certificate issued to the person;
  - (b) the information recorded by the safety system in respect of the flight required to be kept under section 14(1);

- (c) a permission or exemption granted by the Director in respect of the flight;
- (d) any other information relating to the flight.
- (3) An authorized officer may inspect and make copy of a document or information produced to the officer under subsection (1) or (2).
- (4) If an authorized officer reasonably suspects that a document or information produced to the officer under subsection (1) or (2) is or may contain evidence to which an offence under this Order has been committed, the officer may seize the document or information.
- (5) For subsections (3) and (4), if the document or information is stored or is capable of being retrieved in the form of an electronic record, the officer—
  - (a) may require the document or information be produced in a form in which it is either legible or capable of being retrieved on a computer and in which it can be removed; and
  - (b) if the officer is exercising a power under subsection (4)—may seize the material so produced.
- (6) A person commits an offence if—
  - (a) the person is the specified person of the aircraft for the flight mentioned in subsection (1), and the person fails to comply with a requirement made under that subsection; or
  - (b) the person has operated, is operating or is about to operate the aircraft for the flight mentioned in subsection (2), and the person fails to comply with a requirement made under that subsection.

- (7) A person who commits an offence under subsection (6) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.
- (8) In this section—
- electronic record* (電子紀錄) has the meaning given by section 2(1) of the Electronic Transactions Ordinance (Cap. 553);
- specified person* (指明人士), in relation to a small unmanned aircraft operated for a flight or about to be operated for a flight, means—
- (a) the responsible person of the aircraft at the time of the flight; or
- (b) any other person who knowingly causes or permits the aircraft to be operated for the flight.

#### Division 4—Other Offences Relating to Enforcement

##### 57. Offence for providing false or misleading information

- (1) A person commits an offence if, in relation to this Order, the person provides or produces any document or information that the person knows, or ought reasonably to have known, to be false or misleading in a material respect.
- (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

##### 58. Offence for obstructing authorized officer

- (1) A person commits an offence if the person wilfully obstructs or impedes an authorized officer in the exercise of the powers of the officer under this Order.

- (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.



**Part 5****Miscellaneous****Division 1—Safety Direction****59. Power to issue safety direction**

- (1) If the Director is of the opinion that a person has committed an offence under this Order (other than an offence under section 21, 22 or 58), the Director may issue a safety direction in writing to the person, requiring the person to do any or all of the following—
  - (a) to comply with the provision concerned;
  - (b) to take a corrective action that the Director considers necessary;
  - (c) to provide any information relating to the alleged offence;
  - (d) to take any training course or undertake any assessment that the Director considers appropriate.
- (2) The safety direction must specify the time limit for compliance with it.
- (3) The time limit must allow reasonable time for compliance.
- (4) The Director may, by written notice, vary or revoke the safety direction at any time.

**60. Offence for not complying with safety direction**

- (1) A person commits an offence if the person fails to comply with a safety direction issued to the person under section 59(1) within the time limit specified in the direction.

- (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to a fine at level 6 and to imprisonment for 2 years.

**Division 2—Review and Appeal****61. Review of decisions**

- (1) A person who is aggrieved by any of the following decisions may apply to the Director for review of the decision—
  - (a) a decision to refuse the person's application for registration of an unmanned aircraft under section 25;
  - (b) a decision to refuse the person's application for renewal of the registration of an unmanned aircraft under section 26;
  - (c) a decision to refuse the person's application for reissue of a label in respect of a registered small unmanned aircraft under section 27;
  - (d) a decision to vary, suspend or revoke a registration of a registered small unmanned aircraft of which the person is the responsible person under section 28;
  - (e) a decision to refuse the person's application for registration of the person as a registered remote pilot under section 29;
  - (f) a decision to refuse the person's application for renewal of the registration of the person as a registered remote pilot under section 30;
  - (g) a decision to vary, suspend or revoke a registration of the person as a registered remote pilot under section 31;
  - (h) a decision to refuse the person's application for assignment of a rating to the person under section 32;

- (i) a decision to refuse the person's application for renewal of the person's rating under section 33;
  - (j) a decision to vary, suspend or revoke the person's rating under section 34;
  - (k) a decision to refuse the person's application for approval of a training course or approval or authorization of the person under section 35;
  - (l) a decision to vary, suspend or revoke an approval of a training course of which the person was the applicant or an approval or authorization granted to the person under section 36;
  - (m) a decision to refuse the person's application for a permission under section 37;
  - (n) a decision to vary, suspend or revoke a permission granted to the person under section 38.
- (2) The application must be made in writing within 14 days after the date of the decision.
  - (3) Subject to subsection (4), if an application is made under subsection (1), the Director may confirm, vary or reverse the decision.
  - (4) If the decision was made under section 37(5)(b) or 38(2), the Director may only confirm, vary or reverse the decision on the advice of the Commissioner of Police or the Secretary for Security (as the case requires).
  - (5) The Director must issue a notice of the decision made under subsection (3) or (4) to the person who applied for review under subsection (1).
  - (6) An application under subsection (1) for review of a decision does not suspend the decision unless the Director decides otherwise.

**62. Appeals against decisions of Director**

- (1) A person who is aggrieved by a decision made under section 61(3) may appeal to the Administrative Appeals Board.
- (2) A person who is aggrieved by a decision made under section 61(4) may appeal to the Chief Secretary for Administration.
- (3) An appeal under subsection (1) or (2) against a decision must be made within 14 days after the date of the decision.
- (4) An appeal under subsection (1) or (2) against a decision does not suspend the decision unless the Director decides otherwise.

**Division 3—Safety Requirements Document****63. Power to issue safety requirements document**

- (1) The Director may issue and publish a safety requirements document, in a way that the Director considers suitable, for providing guidance on the operation of any provisions of this Order, including guidance on how to comply with the requirements of this Order.
- (2) The Director may amend or revoke a safety requirements document at any time.
- (3) If the Director amends or revokes a safety requirements document, the Director must publish the amendment or revocation in the same way in which the document was published under subsection (1).
- (4) Any safety requirements document issued and published under subsection (1) or any amendment or revocation published under subsection (3) is not subsidiary legislation.

**64. Effect of safety requirements document**

- (1) A person does not incur any criminal liability only because the person has contravened a provision of a safety requirements document.
- (2) However, if, in any legal proceedings, the court is satisfied that a safety requirements document is relevant to determining a matter that is in issue in the proceedings—
  - (a) the document is admissible in evidence in the proceedings; and
  - (b) proof that the person contravened or did not contravene a relevant provision of the document may be relied on by any party to the proceedings as tending to establish or negate the matter.
- (3) In any legal proceedings, a document that purports to be a copy of a safety requirements document is, in the absence of evidence to the contrary, to be presumed to be a true copy of the safety requirements document.

**(4) In this section—**

***court*** (法院) means a court of competent jurisdiction of the Hong Kong Special Administrative Region and includes—

- (a) a magistrate; and
- (b) the Administrative Appeals Board;

***legal proceeding*** (法律程序) includes the proceedings before the Administrative Appeals Board.

**Division 4—Other Miscellaneous Matters****65. Liability for responsible persons that are unincorporated bodies**

- (1) For the purposes of this Order, if—

- (a) a responsible person commits an offence under this Order; but
  - (b) the responsible person is an unincorporated body, a person specified in subsection (2) commits the offence instead.
- (2) A person who, at the time of the offence, was one of the following persons, is a person specified for subsection (1)—
    - (a) a partner in, or a manager of, or any other person concerned in the management of, the unincorporated body;
    - (b) a person purporting to act in the capacity of a person referred to in paragraph (a).

**66. Defence**

- (1) It is a defence for a person charged with an offence under this Order (other than an offence under section 21, 22 or 58) to establish that, at the time of the alleged offence, the person had lawful authority or reasonable excuse for contravening the provision concerned.
- (2) A person is taken to have established that the person had lawful authority or reasonable excuse for contravening the provision concerned if—
  - (a) there is sufficient evidence to raise an issue that the person had such lawful authority or reasonable excuse; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

**67. Power to designate information system**

- (1) The Director may designate an information system (***designated information system***) for the purposes of this Order.

- (2) The Director may designate different information systems for different purposes under subsection (1).
- (3) The Director must, as soon as practicable after designating an information system under subsection (1), publish the details of the designation in a way that the Director considers appropriate in the circumstances to bring it to the attention of the persons that the Director considers likely to use the system.
- (4) In this section—  
*information system* (資訊系統) has the meaning given by section 2(1) of the Electronic Transactions Ordinance (Cap. 553).

**68. Power to exempt**

- (1) The Director may, by written notice, exempt an unmanned aircraft or a person from any or all provisions of this Order, subject to any condition that the Director considers appropriate, if the Director considers that—
  - (a) there is a genuine operational need for the exemption; and
  - (b) it is reasonable in the circumstances to grant the exemption.
- (2) The Director may, by written notice, vary, suspend or revoke an exemption granted under subsection (1) if—
  - (a) the Director reasonably suspects that the person to whom the exemption was granted has contravened a provision of this Order (other than the provision covered by the exemption);
  - (b) the Director reasonably suspects that a condition of the exemption has been contravened; or
  - (c) the Director considers that it is no longer appropriate to have the exemption granted.

- (3) The Director must state in the written notice under subsection (2) the date from which the variation, suspension or revocation takes effect.
- (4) The Director may, by notice published in the Gazette, exempt a class or description of unmanned aircraft or persons from any or all provisions of this Order, subject to any condition that the Director considers appropriate.
- (5) The Director may, by notice published in the Gazette, vary, suspend or revoke an exemption granted under subsection (4).
- (6) Any notice published under subsection (4) or (5) is not subsidiary legislation.

**69. Power to issue instruments electronically**

The Director may issue the following instruments in paper form or electronic form that the Director considers appropriate—

- (a) an SUA registration certificate;
- (b) a remote pilot certificate;
- (c) a permission granted under section 37;
- (d) a notice given under section 41, 44(4), 45, 46(1), 47(1) or (5), 61(5) or 68(1) or (2);
- (e) a safety requirements document issued under section 63.

**70. Delegation of functions**

- (1) Subject to subsections (2) and (3), the Director may delegate any of the Director's functions under this Order to any public officer in the Civil Aviation Department.
- (2) The Director may delegate the Director's function under section 48 or 59 to any public officer.

- (3) The Director must not delegate any of the Director's functions under section 61 or 62 to the officer who made the decision that is being reviewed under section 61.
- (4) The Commissioner of Police may delegate any of the Commissioner's functions under this Order to any police officer.
- (5) The Secretary for Security may delegate any of the Secretary's functions under this Order to any public officer in the Security Bureau.
- (6) In this section—  
*function* (職能) includes a power and a duty.

**71. Fees**

- (1) The fee prescribed for a matter described in column 3 of an item in the Schedule (that is payable under a provision of this Order set out in column 2 of that item) is the fee specified in column 4 of that item.
- (2) The Director may, in a particular case, reduce, waive or refund, in whole or in part, a fee payable or paid under this Order.

**72. Transitional provision**

- (1) During the transitional period, a contravention of section 11(1), 14(1), 15(1) or 42(1), (2) or (5) does not constitute an offence under section 11(4), 14(2), 15(3) or 42(6) respectively.
- (2) In subsection (1)—  
*transitional period* (過渡期間) means the period beginning on 1 June 2022 and ending on 30 November 2022.

**Schedule**

[ss. 2 &amp; 71]

**Prescribed Fees**

Column 1	Column 2	Column 3	Column 4
Item	Provision	Matter	Fee
			\$
1.	Section 25(3)(b)	Application for registration of 1 unmanned aircraft	0
2.	Section 26(3)(b)	Application for renewal of the registration of 1 unmanned aircraft	0
3.	Section 27(2)(b)	Application for reissue of label in respect of 1 registered small unmanned aircraft	0
4.	Section 29(2)(b)	Application for registration of 1 person as a registered remote pilot	0
5.	Section 30(3)(b)	Application for renewal of the registration of 1 person	0

Small Unmanned Aircraft Order

Schedule

60

Column 1	Column 2	Column 3	Column 4
Item	Provision	Matter	Fee
			\$
6.	Section 32(2)(b)	Application for assignment of 1 rating	0
7.	Section 33(3)(b)	Application for renewal of 1 rating	0
8.	Section 35(2)(b)	Application for—	
		(a) approval of 1 training course	0
		(b) approval for 1 person to provide, organize or conduct a training course	0
		(c) authorization for 1 person to conduct any assessment	0
9.	Section 37(3)(b)	Application for 1 permission—	
		(a) for operating a category B aircraft for a flight	0
		(b) for operating a small unmanned aircraft for a flight without complying with any or all of the operating requirements applicable to the aircraft	0
		(c) for operating a small unmanned aircraft for a	0

Small Unmanned Aircraft Order

Schedule

61

Column 1	Column 2	Column 3	Column 4
Item	Provision	Matter	Fee
			\$

		flight within a restricted flying zone	
		(d) for causing or permitting a small unmanned aircraft to carry any dangerous goods during a flight	0



Clerk to the Executive Council

COUNCIL CHAMBER

6 July 2021

**Explanatory Note**

The main purpose of this Order is to regulate the operation of small unmanned aircraft and to provide for the registration of small unmanned aircraft and remote pilots.

2. The Order contains 5 Parts and a Schedule.

**Part 1—Preliminary**

3. Section 1 provides for the commencement of the Order.
4. Sections 2 to 6 define expressions used in the Order (including *small unmanned aircraft*, *operate*, *flight* and *enclosed area*).

**Part 2—Operation of Small Unmanned Aircraft**

5. Division 1 provides for the application of Part 2.
6. Division 2 sets out the requirements relating to the operation of a small unmanned aircraft for a flight. In particular—
  - (a) Subdivision 1 sets out the basic requirements;
  - (b) Subdivision 2 sets out the operating requirements;
  - (c) Subdivision 3 sets out the additional requirements for operating a small unmanned aircraft for a flight any part of which is within a restricted flying zone; and
  - (d) Subdivision 4 sets out the additional requirements for carriage of dangerous goods by a small unmanned aircraft during a flight.
7. Division 3 creates various offences relating to flight operation (including offences for dangerous operation and causing or permitting small unmanned aircraft to endanger person or property).

**Part 3—Registration, Rating and Permission**

8. Division 1 provides for the registration of an unmanned aircraft as a registered small unmanned aircraft and the renewal of the registration.
9. Division 2 provides for the registration of a person as a registered remote pilot and the renewal of the registration.
10. Division 3 provides for—
  - (a) the assignment of rating to a registered remote pilot and the renewal of the rating; and
  - (b) the approval of training courses and course providers, and authorization of assessors.
11. Division 4 provides for the application for permission for certain flight operations.
12. Division 5 provides for miscellaneous matters under Part 3. In particular—
  - (a) Subdivision 1 provides for matters relating to applications made under Part 3;
  - (b) Subdivision 2 requires responsible persons and registered remote pilots to update documents and information; and
  - (c) Subdivision 3 sets out the procedures for cancellation, variation, suspension and revocation of registration, rating, etc.

**Part 4—Enforcement**

13. Division 1 provides for the appointment and duty of authorized officers.
14. Division 2 provides for the powers of authorized officers to prevent or stop flight operations or any interference with small unmanned

aircraft etc., and to seize, detain, search and examine small unmanned aircraft and their related devices and components.

15. Division 3 provides for the powers of authorized officers to require the production of certain documents and information.
16. Division 4 creates the offences for providing false or misleading information and obstructing authorized officers.

#### **Part 5—Miscellaneous**

17. Division 1 provides for the power of the Director-General of Civil Aviation (*Director*) to issue safety directions.
18. Division 2 provides for the review of and appeal against the Director's decisions.
19. Division 3 provides for the Director's power to issue a safety requirements document and the effect of the document.
20. Division 4 provides for other miscellaneous matters, including—
  - (a) the liability for responsible person that is an unincorporated body;
  - (b) a defence for certain offences under the Order;
  - (c) the Director's powers to designate an information system;
  - (d) the Director's power to exempt an unmanned aircraft or a person, or a class or description of unmanned aircraft or persons, from the Order;
  - (e) the Director's power to issue instruments in electronic form;
  - (f) the delegation of functions under the Order; and
  - (g) the transitional arrangement for certain offences under the Order.

#### **Schedule—Prescribed Fees**

21. The Schedule sets out the prescribed fees for applications under the Order.



**Air Transport (Licensing of Air Services) (Amendment) Regulation 2021**

(Made by the Chief Executive in Council under section 12 of the Civil Aviation Ordinance (Cap. 448))

**1. Commencement**

This Regulation comes into operation on 1 June 2022.

**2. Air Transport (Licensing of Air Services) Regulations amended**

The Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg. A) are amended as set out in sections 3 and 4.

**3. Part 1 heading amended (interpretation)**

Part 1, heading—

**Repeal**

**“Interpretation”**

**Substitute**

**“Preliminary”.**

**4. Regulation 1A added**

Part 1, after regulation 1—

**Add**

**“1A. Application**

These Regulations do not apply to or in relation to a small unmanned aircraft within the meaning of section 3 of the Small Unmanned Aircraft Order.”.



Clerk to the Executive Council

COUNCIL CHAMBER

*6 July* 2021

### **Explanatory Note**

As the Small Unmanned Aircraft Order is made to provide for the regulation of small unmanned aircraft, this Regulation consequentially amends the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg. A) (*principal Regulations*), so that the principal Regulations do not apply to or in relation to small unmanned aircraft.

## Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2021

(Made by the Chief Executive in Council under section 2A of the Civil Aviation Ordinance (Cap. 448))

### 1. Commencement

This Order comes into operation on 1 June 2022.

### 2. Air Navigation (Hong Kong) Order 1995 amended

The Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) is amended as set out in section 3.

### 3. Article 100 amended (small aircraft)

(1) Article 100—

**Renumber the Article as Article 100(1).**

(2) Article 100(1)—

**Repeal**

“The provisions of”

**Substitute**

“Subject to paragraph (2) of this Article.”.

(3) After Article 100(1)—

**Add**

“(2) This Order does not apply to or in relation to a small unmanned aircraft within the meaning of section 3 of the Small Unmanned Aircraft Order.”.



Clerk to the Executive Council

COUNCIL CHAMBER

6 July 2021

### Explanatory Note

Under Article 100 of the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) (*principal Order*), the principal Order (other than certain Articles) does not apply to or in relation to, among other things, any aircraft weighing not more than 7 kg without its fuel.

2. As the Small Unmanned Aircraft Order is made to provide for the regulation of small unmanned aircraft, this Order consequentially amends the principal Order, so that the principal Order does not apply to or in relation to small unmanned aircraft.

## Civil Aviation (Insurance) (Amendment) Order 2021

(Made by the Chief Executive in Council under section 2A of the Civil Aviation Ordinance (Cap. 448))

### 1. Commencement

This Order comes into operation on 1 June 2022.

### 2. Civil Aviation (Insurance) Order amended

The Civil Aviation (Insurance) Order (Cap. 448 sub. leg. F) is amended as set out in section 3.

### 3. Section 3 amended (application)

(1) Section 3(2)(a)—

**Repeal**

“or”.

(2) Section 3(2)(b)—

**Repeal the full stop**

**Substitute**

“; or”.

(3) After section 3(2)(b)

**Add**

“(c) small unmanned aircraft within the meaning of section 3 of the Small Unmanned Aircraft Order.”.

(4) Section 3(3)—

**Repeal**

“For the avoidance of doubt”

**Substitute**

“To avoid doubt, for the purposes of subsections (1) and (2)(b)”.



Clerk to the Executive Council

COUNCIL CHAMBER

6 July 2021

### **Explanatory Note**

As the Small Unmanned Aircraft Order is made to provide for the regulation of small unmanned aircraft, this Order consequentially amends the Civil Aviation (Insurance) Order (Cap. 448 sub. leg. F) (*principal Order*), so that the principal Order does not apply to small unmanned aircraft.

**Administrative Appeals Board Ordinance (Amendment of Schedule) Order 2021**

(Made by the Chief Executive in Council under section 4 of the Administrative Appeals Board Ordinance (Cap. 442))

**1. Commencement**

This Order comes into operation on 1 June 2022.

**2. Administrative Appeals Board Ordinance amended**

The Administrative Appeals Board Ordinance (Cap. 442) is amended as set out in section 3.

**3. Schedule amended**

The Schedule—

**Add**

“79. Small Unmanned Aircraft Order      A decision of the Director-General of Civil Aviation in a review under section 61(3).”



Clerk to the Executive Council

COUNCIL CHAMBER

6 July 2021

\_\_\_\_\_

### **Explanatory Note**

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) sets out the decisions under various Ordinances against which an appeal may be made to the Administrative Appeals Board.

2. This Order amends that Schedule to make a decision of the Director-General of Civil Aviation in a review under section 61(3) of the Small Unmanned Aircraft Order appealable to the Board.



## Overview of the Proposed Small Unmanned Aircraft (“SUA”) Regulatory Requirements

Category of Operation	Category A1	Category A2	Category B
<b>Criteria</b>	SUA weight ≤ 250 g (Within Cat A1 operating requirements)	SUA weight > 250 g to ≤ 7 kg (Within Cat A2 operating requirements)	(i) SUA weight ≤ 7 kg but <u>exceeding</u> the respective Cat A1/A2 operating requirements; (ii) SUA weight > 7 kg to ≤ 25 kg; (iii) operations involving carriage of dangerous goods; <u>or</u> (iv) operations in restricted flying zone
<b>Registration and Labelling Requirements for SUA</b>			
Registration and labelling of SUA	×	✓	✓
Minimum age of SUA responsible person <sup>(1)</sup>	×	18	18
<b>Registration of Remote Pilots</b>			
Registration of remote pilots	×	✓	✓
Minimum age of remote pilot	×	14	14
<b>Training and Assessment Requirements</b>			
Training and assessment of remote pilots	×	×	✓
<b>Equipment Requirements</b>			
Basic (flight log and geo-awareness)	×	✓	✓
<b>Operating Requirements</b>			
Operating requirements	✓ (Cat A1 operating requirements)	✓ (Cat A2 operating requirements)	✓ (Same as Cat A2 operations unless with permission)
Permission from CAD prior to operations	N/A	N/A	✓
<b>Insurance Requirements</b>			
SUA insurance for third-party liability (bodily injury and/or death)	×	✓ <sup>(2)</sup>	✓
Minimum coverage	×	HKD \$5 million	HKD \$10 million

Note: (1) Responsible person refers to the registrant of a SUA. Upon successful registration of a SUA, the registrant will be named as the responsible person of the SUA.

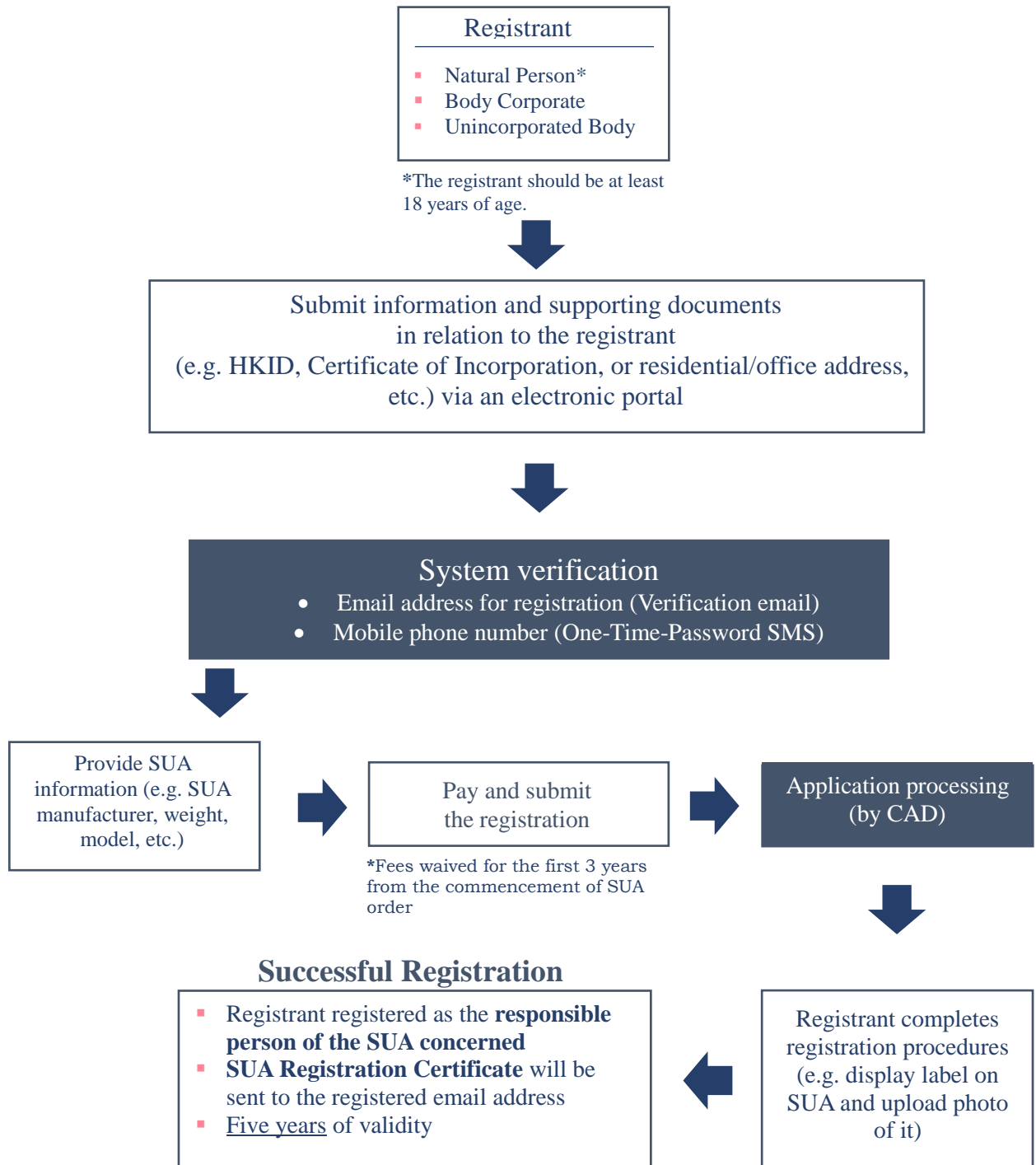
(2) Mandatory insurance requirement for Category A2 Operations will commence on a later date to be specified by the Director-General of Civil Aviation by notice published in the Gazette.

## Operating Requirements for SUA Operations

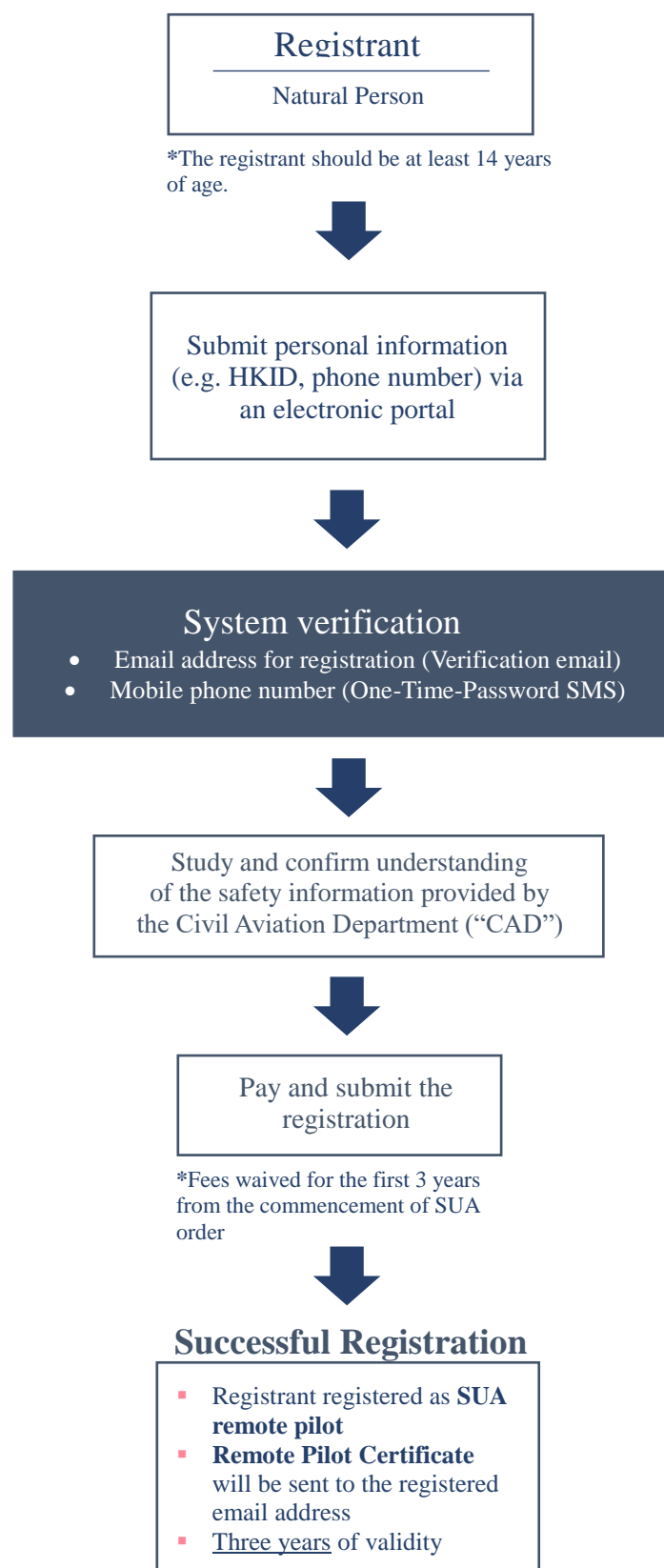
Key Operating Requirements	Category A1 Operations	Category A2 Operations		Category B Operations
<b>Time of operations</b>	Daylight only			Same as A2 operations unless with permission
<b>Maintain full-time visual line of sight</b>	✓	✓		
<b>Maximum flying altitude</b> [Above Ground Level (AGL)]	30 m (approximately 100 ft)	90 m (approximately 300 ft)		
<b>Minimum lateral separation from uninvolved people / structures / vehicles / vessels</b>	10 m	10 m	30 m	
<b>Maximum speed</b>	20 km/hr	20 km/hr	50 km/hr	
<b>Maximum distance from remote pilot</b>	50 m	500 m		
<b>Maximum number of SUA to be operated at the same time</b>	1	1		
<b>Nothing to be dropped from SUA</b>	Unless with permission			

**Implementation Details**

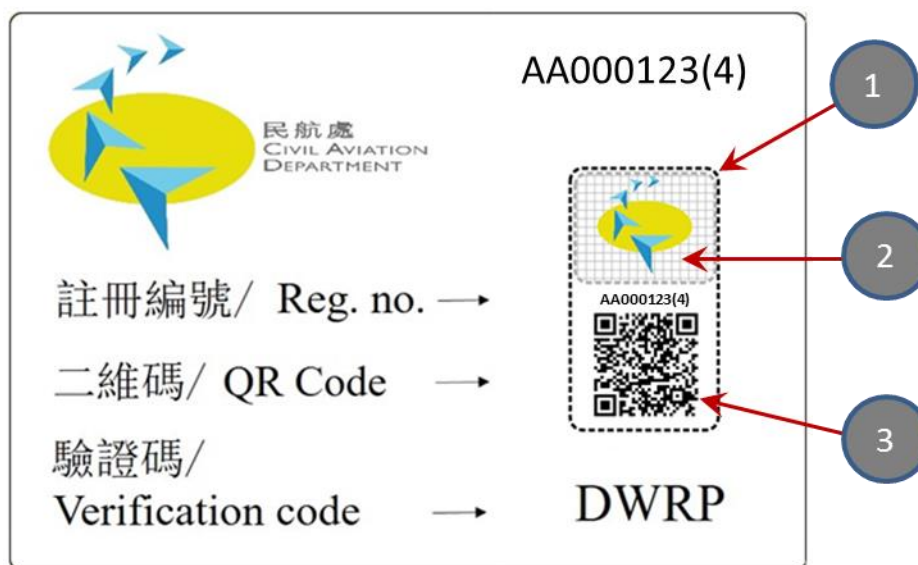
(a) Flow chart of the registration of small unmanned aircraft (“SUA”)



(b) Flow chart of the registration of remote pilot



(c) Registration label for SUA

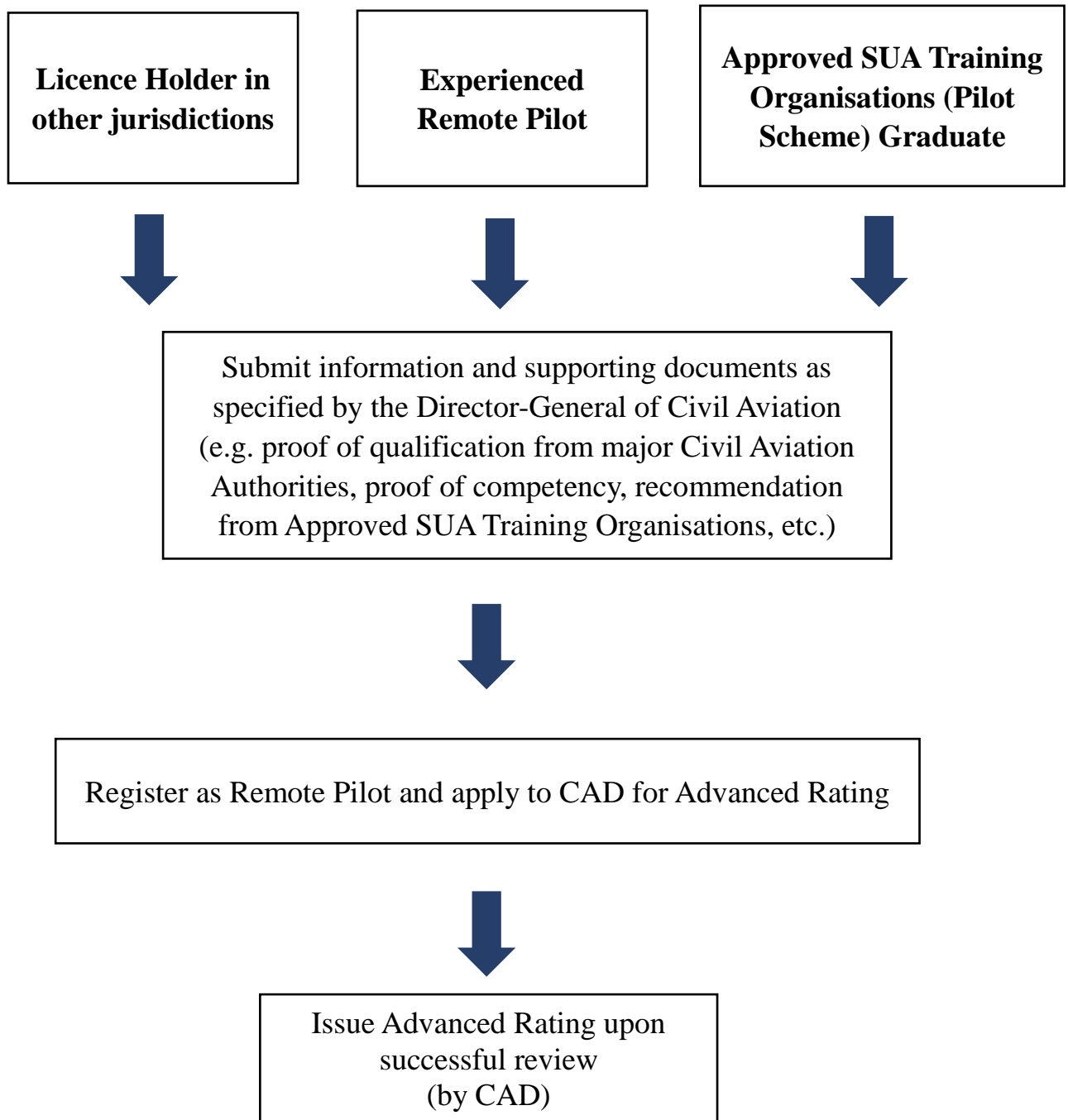


**Figure 1** – Illustration of registration label

Notes:

1. Tamper-proof registration label to be peeled off and affixed on SUA
2. Holographic effect
3. QR code by scanning which can connect to the e-Portal to view the status of registration

(d) Recognition of the advanced rating of remote pilot



## Part 1

### Interpretation

#### 1. Interpretation

In these regulations and the Schedule, unless the context otherwise requires—

***air operator's certificate*** (航空營運人許可證) means an air operator's certificate granted under Article 6 of the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C); (*L.N. 158 of 2011*)

***air service*** (航空服務) means any service performed by any aircraft for hire or reward:

Provided that a member of a club carried in an aircraft belonging to the club for the purposes of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage;

***air services arrangements*** (航空服務安排) means—

- (a) any inter-governmental air services agreement or arrangements; and
- (b) any agreement between operators concerning air services,

and includes any such agreement or arrangements between the Government of the Hong Kong Special Administrative Region and the Central People's Government; (*L.N. 22 of 1985; 36 of 1999 s. 3*)

***authorized person*** (獲授權人士) means any person authorized by the Director-General of Civil Aviation, either generally or in relation to a particular case or class of cases; (*L.N. 140 of 1969; L.N. 326 of 2000*)

***Convention on International Civil Aviation*** (《國際民用航空公約》) and ***International Air Services Transit Agreement*** (《國際民用航空運輸過境協議》) mean respectively, the

Convention and the Agreement so styled which, on 7 December 1944, were opened for signature at the International Civil Aviation Conference held at Chicago; (36 of 1999 s. 3)

**Director-General of Civil Aviation** (民航處處長) means the person for the time being lawfully discharging in Hong Kong the functions of the office of Director-General of Civil Aviation; (36 of 1999 s. 3; L.N. 326 of 2000)

**licence** (牌照) means a licence granted under regulation 11A; (L.N. 158 of 2011)

**Licensing Authority** (牌照局) means the Air Transport Licensing Authority constituted by regulation 4;

**operating permit** (經營許可證) means a licence granted under regulation 20A; (L.N. 22 of 1985)

**permit** (許可證) means a permit granted under regulation 23;

**prescribed fee** (訂明費用), in relation to a matter, means the fee prescribed for that matter in the Schedule; (L.N. 158 of 2011)

**provisional licence** (臨時牌照) means a licence granted under regulation 13; (G.N.A. 165 of 1953; L.N. 105 of 1995)

**scheduled journey** (編定航程) means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them; (L.N. 158 of 2011)

**temporary licence** (短期牌照) means a licence granted under regulation 15F. (L.N. 158 of 2011)

(L.N. 22 of 1985; 36 of 1999 s. 3)



**100. Small aircraft**

The provisions of this Order, other than Articles 48, 70, 98(1) and 98(8), shall not apply to or in relation to—

- (a) any balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any other aircraft weighing not more than 7 kg without its fuel;
- (d) any parachute including a parascending parachute.

**3. Application**

- (1) Subject to subsection (2), this Order shall apply to civil aircraft only.
- (2) This Order does not apply to—
  - (a) balloons that are incapable of carrying passengers; or
  - (b) hang gliders, kites, parachutes or model aircraft.
- (3) For the avoidance of doubt, “aircraft” (飛機) includes—
  - (a) balloons that are capable of carrying passengers; and
  - (b) aeroplanes, rotorcraft, airships and gliders.

**Schedule**

[ss. 3, 4 &amp; 22]

Item	Ordinance	Decision
1.	Apprenticeship Ordinance (Cap. 47)	A decision of the Director of Apprenticeship or any public officer in the performance or exercise of any function, duty or power under the Ordinance.
2.	Boilers and Pressure Vessels Ordinance (Cap. 56)	<p>(a) The revocation or suspension of an appointment as a boiler inspector, air receiver inspector or pressurized fuel container inspector under section 5A. <i>(Amended 15 of 2002 s. 8)</i></p> <p>(b) A decision of the Boilers and Pressure Vessels Authority on the issue or endorsement of a certificate of competency under section 6(1)(a) or (3A)(a). <i>(Added 15 of 2002 s. 8)</i></p> <p>(c) A decision of the Boilers and Pressure Vessels Authority to revoke or amend a certificate of competency under section 6(4)(a) or (b), as the case may be. <i>(Added 15 of 2002 s. 8)</i></p>
3.	Employment Ordinance (Cap. 57)	A decision of the Commissioner for Labour under section 53(1) to refuse to issue or renew or to revoke a licence to operate an employment agency.
4.	Factories and Industrial Undertakings Ordinance (Cap. 59)	<p>(a) An exemption by the Commissioner for Labour under section 7(4) of an industrial undertaking from any regulation.</p> <p>(b) An order by the Commissioner for Labour under section 7(4), for an industrial undertaking to adopt special precautions in addition to any precautions required by any regulation.</p>

Item	Ordinance	Decision
5.	Quarries (Safety) Regulations (Cap. 59 sub. leg. F)	<p>(c) Under section 9A—</p> <ul style="list-style-type: none"> <li>(i) the issue by the Commissioner for Labour of a prohibition notice in respect of a notifiable workplace;</li> <li>(ii) a refusal by the Commissioner for Labour to cancel a prohibition notice;</li> <li>(iii) the giving by the Commissioner for Labour of any direction upon the cancellation of a prohibition notice.</li> </ul> <p>(d) <i>(Repealed 39 of 1997 s. 49)</i></p> <ul style="list-style-type: none"> <li>(a) A refusal by the Commissioner for Labour to approve any person as a supervisor or deputy supervisor under regulation 4(1) or 6(1).</li> <li>(b) A withdrawal by the Commissioner for Labour of his approval of a supervisor or deputy supervisor under regulation 10(1).</li> </ul>
6.	Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (Cap. 59 sub. leg. Z)	<ul style="list-style-type: none"> <li>(a) A refusal by the Commissioner for Labour to register a person as a safety officer under regulation 7.</li> <li>(b) The cancellation by the Commissioner for Labour of a person's registration as a safety officer under regulation 9.</li> <li>(c) The suspension by the Commissioner for Labour of a person's registration as a safety officer under regulation 10.</li> <li>(d) A refusal by the Commissioner for Labour to renew or revalidate a person's registration as a safety officer under regulation 7B. <i>(Added L.N. 100 of 2002)</i></li> </ul>
7.	Weights and Measures Ordinance (Cap. 68)	A decision of the Commissioner, as defined in section 2, or of an authorized officer which is taken in the exercise or performance of any function under the Ordinance.
8.	Miscellaneous Licences Ordinance (Cap. 114)	The decision under section 5 of any officer authorized to issue a licence under the Ordinance as to the grant of a licence, the renewal of a licence or the revocation of a licence.

Item	Ordinance	Decision
9.	Control of Chemicals Ordinance (Cap. 145)( <i>Amended 23 of 2002 s. 14</i> )	A decision of the Commissioner, as defined in section 2(1), under the Ordinance, relating to— <ul style="list-style-type: none"> <li>(a) the issue of a licence or permit;</li> <li>(b) the refusal to issue a licence or permit;</li> <li>(c) the cancellation or suspension of a licence or permit;</li> <li>(d) the cancellation or variation of any condition or the specification of a new condition in a licence or permit.</li> </ul>
10.	Gambling Ordinance (Cap. 148)	The decision under section 22 of the public officer appointed by the Secretary for Home Affairs as to the grant of a licence, the renewal of a licence, the imposition of conditions of a licence or the cancellation of a licence. ( <i>Amended 17 of 2011 s. 28</i> )
11.	Chinese Temples Ordinance (Cap. 153)	<ul style="list-style-type: none"> <li>(a) The refusal by the Chinese Temples Committee under section 4 to grant an exemption from section 4(1).</li> <li>(b) The withdrawal by the Chinese Temples Committee under section 4 of an exemption granted under section 4(1).</li> </ul>
12.	Weapons Ordinance (Cap. 217)	A decision of the Commissioner of Police under section 9(1) to order the delivery up to him or seizure of any martial arts weapon.
13.	Travel Agents Ordinance (Cap. 218)	A decision of the Registrar of Travel Agents — <ul style="list-style-type: none"> <li>(a) to refuse to grant a licence under section 12(1);</li> <li>(b) to impose conditions on a licence under section 11(1) or 18;</li> <li>(c) to refuse consent to a change of ownership or control under section 18(c);</li> <li>(d) to suspend or revoke a licence under section 19.</li> </ul>
14.	Firearms and Ammunition Ordinance (Cap. 238)	<ul style="list-style-type: none"> <li>(a) A decision of the Commissioner of Police refusing to grant a licence under section 30 or to renew a licence under section 32.</li> </ul>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> <li>(b) A decision of the Commissioner of Police, under section 33, cancelling a licence or varying or revoking any condition attached thereto or adding any further condition or deleting any premises from a dealer's licence at which business may be carried on.</li> <li>(c) The imposition of a condition of licence which is considered to be unreasonable.</li> <li>(d) A decision of the Commissioner referred to in section 34(1AA). (<i>Added 14 of 2000 s. 33</i>)</li> <li>(e) The imposition of a term or condition under section 4(3), 12(4), 12A(3), 27A(1), 29 or 46C(3), which is considered to be unreasonable. (<i>Added 14 of 2000 s. 33</i>)</li> </ul>
15.	Massage Establishments Ordinance (Cap. 266)	A decision of the licensing authority under section 6, 7, 8 or 9.
16.	Grant Schools Provident Fund Rules (Cap. 279 sub. leg. C)	A question of interpretation or application of the Rules.
17.	Subsidized Schools Provident Fund Rules (Cap. 279 sub. leg. D)	A decision of the Board under the Rules.
18.	Mining Ordinance (Cap. 285)	The cancellation of an Authorized Buyer's Licence under section 41.
19.	Mining (General) Regulations (Cap. 285 sub. leg. A)	A decision of the Commissioner of Mines under regulation 30(4A)(a) specifying the rate per tonne at which royalty shall be payable in respect of minerals and the period for which it shall be payable.
20.	Dangerous Goods Ordinance (Cap. 295)	<p>A decision under section 9 of an officer authorized under the Ordinance to issue a licence—</p> <ul style="list-style-type: none"> <li>(a) to refuse to grant a licence;</li> <li>(b) to refuse to renew a licence; or</li> </ul>

Item	Ordinance	Decision
		(c) to revoke a licence.
21.	Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B)	Prohibiting or imposing conditions on the continued use of a storage tank under regulation 127.
22.	Business Registration Ordinance (Cap. 310)	<p>(a) The service of a notice under section 3(4) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business.</p> <p>(b) The service of a notice under section 3(4AA) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business at a branch of a business.</p> <p>(c) The service of a notice under section 6(4D) by the Commissioner of Inland Revenue requesting a person to notify a change to a different name. <i>(Replaced 13 of 2010 s. 28)</i></p> <p>(d) The service of a notice under section 9(5) by the Commissioner of Inland Revenue that an exemption is not granted. <i>(Added 23 of 2002 s. 14)</i></p>
23.	Motor Vehicles (First Registration Tax) Ordinance (Cap. 330)	A decision of the Commissioner for Transport under the Ordinance.
24.	Animals (Control of Experiments) Ordinance (Cap. 340)	A refusal to issue a licence, endorsement or permit under section 7, 8, 9, 10 or 14.
25.	Chinese Permanent Cemeteries Rules (Cap. 1112 sub. leg. A)	<p>A decision of the Board of Management of the Chinese Permanent Cemeteries not to withdraw a notice in rule 12(2) regarding reversion of a subscriber lot to the Board.</p> <p>Note: The Board of Management of the Chinese Permanent Cemeteries is specified for the purposes of section 22(5) of this Ordinance.</p>

Item	Ordinance	Decision
26.	Sewage Services Ordinance (Cap. 463)	A decision of the Drainage Authority under the Ordinance. ( <i>Added 105 of 1994 s. 15</i> )
27.	Timber Stores Ordinance (Cap. 464)	A decision of the Director relating to— <ul style="list-style-type: none"> <li>(a) an application for a licence under section 4;</li> <li>(b) an application for transfer of a licence under section 5;</li> <li>(c) the revocation, suspension, refusal to renew or transfer; amendment or variation of conditions of a licence under section 8. (<i>Added 11 of 1995 s. 23</i>)</li> </ul>
28.	Marine Parks Ordinance (Cap. 476)	A decision of the Country and Marine Parks Authority under section 11 or 22 of the Ordinance. ( <i>Added 37 of 1995 s. 36</i> )
29.	Personal Data (Privacy) Ordinance (Cap. 486)	A decision of the Privacy Commissioner for Personal Data— <ul style="list-style-type: none"> <li>(a) to impose conditions on his consent to the carrying out of a matching procedure under section 32(1)(b)(i);</li> <li>(b) to refuse to consent to the carrying out of a matching procedure under section 32(1)(b)(ii);</li> <li>(c) to refuse under section 39(3) to carry out an investigation initiated by a complaint; (<i>Amended 18 of 2012 s. 44</i>)</li> <li>(ca) to terminate under section 39(3A) an investigation initiated by a complaint; (<i>Added 18 of 2012 s. 44</i>)</li> <li>(d) not to delete under section 46(5) a matter from a report under the Ordinance;</li> <li>(e) not to serve an enforcement notice under section 47;</li> <li>(f) to serve an enforcement notice under section 50. (<i>Added 81 of 1995 s. 73</i>)</li> </ul>



Item	Ordinance	Decision
30.	Dutiable Commodities Ordinance (Cap. 109)	A decision of the Commissioner of Customs and Excise under section 7, 26, 26A or 29. <i>(Added 46 of 1996 s. 43)</i>
31.	Dogs and Cats Ordinance (Cap. 167)	<ul style="list-style-type: none"> <li data-bbox="683 317 1382 438">(a) A decision by a police officer or an authorized officer under section 6(1)(c) (i) or (ii) to destroy a dog.</li> <li data-bbox="683 453 1382 617">(b) A decision by an authorized officer under section 9 in specifying the place or period of detention of a dog or cat or any other thing under this Ordinance.</li> <li data-bbox="683 632 1382 795">(c) A decision by an authorized officer under section 10 to vary the period of detention of a dog or cat or any other thing under this Ordinance.</li> <li data-bbox="683 810 1382 1020">(d) A decision by an authorized officer under section 11(1) to refuse an application for the removal from detention under this Ordinance of a dog or cat or any other thing.</li> <li data-bbox="683 1035 1382 1161">(e) A decision by the Director under section 11(2) to order the forfeiture of a dog or cat or any other thing.</li> <li data-bbox="683 1176 1382 1341">(f) A decision by the Director under section 17(2) to impose any condition in granting an exemption under section 17. <i>(Added 97 of 1997 s. 11)</i></li> </ul>
32.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)	A decision of the Commissioner for Transport under regulation 12L(1). <i>(Added 25 of 2005 s. 40)</i>
33.	Child Care Services Ordinance (Cap. 243)	<p data-bbox="683 1627 1382 1696">A decision of the Director of Social Welfare —</p> <ul style="list-style-type: none"> <li data-bbox="748 1711 1382 1801">(a) under section 7(2), refusing an application for registration;</li> <li data-bbox="748 1816 1382 1890">(b) under section 9, cancelling a registration;</li> </ul>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> <li>(c) under section 11B(3), refusing an application for exemption from registration;</li> <li>(d) under section 11D, revoking an exemption from registration;</li> <li>(e) under section 15B(2), determining a person to be unsuited to act as a childminder;</li> <li>(f) under section 15C(4), refusing a request for the issue of a certificate;</li> <li>(g) under section 15D(4), refusing to make a declaration that a person should no longer be deemed unsuited to act as a childminder. <i>(Added 38 of 1997 s. 19)</i></li> </ul>
34.	Wild Animals Protection Ordinance (Cap. 170)	<p>A decision of the Director in relation to—</p> <ul style="list-style-type: none"> <li>(a) the granting of or the refusal to grant a permit or a special permit pursuant to section 13 or 15; or</li> <li>(b) the cancellation of a permit or a special permit under section 15A. <i>(Added 77 of 1996 s. 22)</i></li> </ul>
35.	Occupational Safety and Health Ordinance (Cap. 509)	A decision of the Commissioner for Labour under Part III. <i>(Added 39 of 1997 s. 49)</i>
36.	Ozone Layer Protection Ordinance (Cap. 403)	A decision of the Director of Environmental Protection under section 5, 6 or 7 or under provisions of the regulations that may be specified to be subject to an appeal under section 8. <i>(Added 6 of 1997 s. 10)</i>
37.	Human Reproductive Technology Ordinance (Cap. 561)	<ul style="list-style-type: none"> <li>(a) A determination of the Council on Human Reproductive Technology referred to in section 28(5) to which section 28(6) applies.</li> <li>(b) The suspension of a licence under section 29. <i>(Added 47 of 2000 s. 48)</i></li> </ul>
38.	Freight Containers (Safety) Ordinance (Cap. 506)	<p>A decision of the Director—</p> <ul style="list-style-type: none"> <li>(a) <i>(Repealed 14 of 2006 s. 20)</i></li> <li>(b) under section 9, that an approval shall no longer be valid;</li> </ul>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> <li>(c) under section 12 or 13, in an application for approval of an examination procedure;</li> <li>(d) under sections 14 to 16, in relation to control of the use of a container;</li> <li>(e) under section 23, in relation to an application for the review of a decision of an authorized person;</li> <li>(f) under section 25, in relation to any request for exemption under that section. <i>(Added 32 of 1997 s. 29)</i></li> </ul>
39.	Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202)	A decision in a review under section 22. <i>(Added 56 of 1997 s. 7)</i>
40.	Child Care Services Regulations (Cap. 243 sub. leg. A)	A decision of the Director of Social Welfare under regulation 4 refusing an application for inclusion in a register or removing the name of a person from a register. <i>(Added L.N. 272 of 1997. Amended 32 of 2000 s. 37)</i>
41.	Prevention of Copyright Piracy Ordinance (Cap. 544)	A decision of the Commissioner of Customs and Excise under section 11 or 12 of the Ordinance. <i>(Added 22 of 1998 s. 43)</i>
42.	Education Ordinance (Cap. 279)	<ul style="list-style-type: none"> <li>(a) An attendance order made under section 74(1).</li> <li>(b) A variation of an attendance order made under section 74(2). <i>(Added 8 of 2001 s. 31)</i></li> </ul>
43.	Merchant Shipping (Local Vessels) Ordinance (Cap. 548)	<p>A decision of the Director of Marine—</p> <ul style="list-style-type: none"> <li>(a) to refuse to authorize under section 7 a person as a surveyor;</li> <li>(b) to attach conditions to an authorization under section 7;</li> <li>(c) to revoke an authorization under section 7;</li> <li>(d) to serve a detention order;</li> <li>(e) to give a direction under section 53(1)(a);</li> </ul>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> <li>(f) to refuse to comply with a request under section 54(2);</li> <li>(g) to refuse to grant permission under section 66;</li> <li>(h) to attach conditions to a permission under section 66;</li> <li>(i) to revoke a permission under section 66;</li> <li>(j) to give a direction specified in an improvement notice under section 73(1). <i>(Added 43 of 1999 s. 91)</i></li> </ul>
44.	Dangerous Dogs Regulation (Cap. 167 sub. leg. D)	A direction by an authorized officer under section 14 of the Regulation. <i>(Added L.N. 185 of 2000)</i>
45.	Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg. AF)	<ul style="list-style-type: none"> <li>(a) A decision of the Commissioner for Labour to refuse to register a person under section 6 or to register a person under that section subject to conditions.</li> <li>(b) A decision of the Commissioner for Labour under section 24(1) to require the appointment of a new safety review officer.</li> <li>(c) A decision of the disciplinary board under section 29(2) to reprimand a registered person, cancel the registration of a registered person or suspend the registration of a registered person. <i>(Added L.N. 298 of 1999)</i></li> </ul>
46.	Port Control (Cargo Working Areas) Regulations (Cap. 81 sub. leg. A)	A decision of the Director or the supervisor under regulation 4A(4), 5B, 6AA, 7, 7A, 7B, 7C, 7D, 7E, 13 or 21. <i>(Added L.N. 280 of 1999)</i>
47.	Karaoke Establishments Ordinance (Cap. 573)	A decision of the Secretary for Home Affairs or the Director of Food and Environmental Hygiene (as the case may be) under section 5, 6, 8, 9 or 10. <i>(Added 22 of 2002 s. 22)</i>

Item	Ordinance	Decision
48.	Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566)	A determination or decision of the Director of Social Welfare under section 6(2)(b), 8(3)(b), 9(3)(b) or 14. <i>(Added 10 of 2001 s. 33)</i>
49.	Road Traffic Ordinance (Cap. 374)	A decision of the Commissioner of Police under section 55(3). <i>(Added 3 of 2002 s. 17)</i>
50.	Dutiable Commodities Regulations (Cap. 109 sub. leg A)	A forfeiture of security under regulation 27(2). <i>(Added 23 of 2002 s. 14)</i>
51.	Security and Guarding Services Ordinance (Cap. 460)	A decision under section 14(5), 15(3), 16(4), 18(4), 21(2), 23(4), 24(4), 24A(13) or 25(4). <i>(Added 23 of 2002 s. 14)</i>
52.	Merchant Shipping (Seafarers) Ordinance (Cap. 478)	A decision of the Superintendent of the Mercantile Marine Office— <ul style="list-style-type: none"> <li>(a) to refuse to grant a permit;</li> <li>(b) to impose any condition under section 52(3); or <i>(Amended 16 of 2013 s. 84)</i></li> <li>(c) <i>(Repealed 16 of 2013 s. 84)</i></li> <li>(d) to cancel a permit under section 56(1). <i>(Added 23 of 2002 s. 14. Amended 16 of 2013 s. 84)</i></li> </ul>
53.	Merchant Shipping (Seafarers) (Certification of Officers) Regulation (Cap. 478 sub. leg. J)	A decision of the Seafarers' Authority— <i>(Amended L.N. 143 of 2016)</i> <ul style="list-style-type: none"> <li>(a) to refuse to issue or renew a certificate of competency under section 7B; or</li> <li>(b) to refuse to issue a licence under section 10(2). <i>(Added 23 of 2002 s. 14. Amended L.N. 143 of 2016)</i></li> </ul>
54.	<i>(Repealed L.N. 143 of 2016)</i>	

Item	Ordinance	Decision
55.	Merchant Shipping (Seafarers) (Engine Room Watch Ratings and Electro-technical Ratings) Regulation (Cap. 478 sub. leg. V)	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency under section 4A. ( <i>Added 23 of 2002 s. 14. Amended L.N. 143 of 2016</i> )
56.-58.	<i>(Repealed L.N. 143 of 2016)</i>	
58A.	Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF) ( <i>Amended E.R. 4 of 2017</i> )	A decision of the Seafarers' Authority— (a) to require a deficiency to be rectified under section 100(2); or (b) to direct that a ship must not proceed to sea under section 100(3). ( <i>Added L.N. 143 of 2016</i> )
58B.	Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation (Cap. 478 sub. leg. AJ) ( <i>Amended E.R. 4 of 2017</i> )	A decision of the Seafarers' Authority to refuse to issue or renew a certificate of proficiency under section 9. ( <i>Added L.N. 143 of 2016</i> )
58C.	Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation (Cap. 478 sub. leg. AI) ( <i>Amended E.R. 4 of 2017</i> )	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency under section 8. ( <i>Added L.N. 143 of 2016</i> )
58D.	Merchant Shipping (Seafarers) (Navigational Watch) Regulation (Cap. 478 sub. leg. AH) ( <i>Amended E.R. 4 of 2017</i> )	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency under section 6. ( <i>Added L.N. 143 of 2016</i> )

Item	Ordinance	Decision
58E.	Merchant Shipping (Seafarers) (Tankers) Regulation (Cap. 478 sub. leg. AG) <i>(Amended E.R. 4 of 2017)</i>	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency or an endorsement, or to refuse to renew an endorsement, under section 6. <i>(Added L.N. 143 of 2016)</i>
58F.	Merchant Shipping (Seafarers) (Ships Using Low-flashpoint Fuels) Regulation (Cap. 478 sub. leg. AK) <i>(Amended E.R. 2 of 2019)</i>	A decision of the Seafarers' Authority to refuse to issue or renew a certificate of proficiency under section 6. <i>(Added L.N. 18 of 2019)</i>
58G.	Merchant Shipping (Seafarers) (Ships Operating in Polar Waters) Regulation (Cap. 478 sub. leg. AL) <i>(Amended E.R. 2 of 2019)</i>	A decision of the Seafarers' Authority to refuse to issue or renew a certificate of proficiency under section 6. <i>(Added L.N. 18 of 2019)</i>
59.	Marine Fish Culture Ordinance (Cap. 353)	A decision of the Director of Agriculture, Fisheries and Conservation— <ul style="list-style-type: none"> <li>(a) to refuse to grant or renew a licence under section 8(6);</li> <li>(b) to refuse to approve the transfer of a licence under section 8A(3)(b);</li> <li>(c) to cancel a licence under section 9(1);</li> <li>(d) to refuse to grant a permit under section 14(1);</li> <li>(e) to cancel or refuse to renew a permit under section 14(2). <i>(Added 10 of 2005 s. 230)</i></li> </ul>
60.	Land (Miscellaneous Provisions) Ordinance (Cap. 28)	A decision of the Director of Highways under section 10M(13) relating to an assessment made under section 10M(1)(d), (g), (h) or (i). <i>(Added 17 of 2003 s. 15)</i>

Item	Ordinance	Decision
61.	Adoption Ordinance (Cap. 290)	<p>A decision of the Director of Social Welfare —</p> <ul style="list-style-type: none"> <li>(a) on the assessment of a person's suitability to be an adoptive parent;</li> <li>(b) to terminate a placement;</li> <li>(c) on a person's application to become or continue to be an accredited body; or</li> <li>(d) to suspend or revoke a person's status as an accredited body,</li> </ul> <p>as referred to in section 30. <i>(Added 28 of 2004 s. 35)</i></p>
62.	Medical Clinics Ordinance (Cap. 343)	<ul style="list-style-type: none"> <li>(a) A refusal by the Registrar of Clinics under section 8 to grant or renew an exemption in respect of a clinic.</li> <li>(b) A cancellation by the Registrar of Clinics under section 8 of an exemption granted in respect of a clinic.</li> <li>(c) An order by the Registrar of Clinics under section 11 to refuse an application for the registration of a clinic or to cancel the registration of a clinic. <i>(Added 10 of 2005 s. 7)</i></li> </ul>
63.	Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)	<p>A decision of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation relating to—</p> <ul style="list-style-type: none"> <li>(a) the refusal to issue a licence under section 23;</li> <li>(b) an application to extend or renew a licence under section 24;</li> <li>(c) an application to vary a licence under section 24;</li> <li>(d) any condition specified in a licence issued under section 23 or extended, renewed or varied under section 24; or</li> <li>(e) the cancellation of a licence under section 26. <i>(Added 3 of 2006 s. 58)</i></li> </ul>



Item	Ordinance	Decision
64.	Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582)	A decision of the Director of Marine under section 7(1)(a) or (c) or 8(2). <i>(Added 13 of 2004 s. 18)</i>
65.	Merchant Shipping (Security of Ships and Port Facilities) Rules (Cap. 582 sub. leg. A)	A decision of the Director of Marine under rule 27(1). <i>(Added L.N. 130 of 2004)</i>
66.	Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592)	<p>A decision of the Secretary for Education — <i>(Amended L.N. 130 of 2007)</i></p> <ul style="list-style-type: none"> <li data-bbox="748 678 1386 758">(a) not to re-appoint an assessment agency under section 8(1);</li> <li data-bbox="748 768 1386 890">(b) on the length of a term of re-appointment specified under section 8(1)(b);</li> <li data-bbox="748 903 1386 1068">(c) to impose any conditions or restrictions under section 8(1)(c) in re-appointing an assessment agency; and</li> <li data-bbox="748 1081 1386 1209">(d) to cancel an appointment or re-appointment under section 8(5). <i>(Added 6 of 2007 s. 51)</i></li> </ul>
67.	Genetically Modified Organisms (Control of Release) Ordinance (Cap. 607)	<ul style="list-style-type: none"> <li data-bbox="683 1224 1386 1476">(a) A decision of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation— <ul style="list-style-type: none"> <li data-bbox="748 1488 1386 1610">(i) under section 10(1)(a) on an application for approval of a genetically modified organism;</li> <li data-bbox="748 1623 1386 1797">(ii) under section 11(5)(a) on a request to vary a prior decision on an application for approval of a genetically modified organism;</li> </ul> </li> </ul>

Item	Ordinance	Decision
68.	Bunker Oil Pollution (Liability and Compensation) Ordinance (Cap. 605)	<p>(iii) under section 12(1) to vary a prior decision on an application for approval of a genetically modified organism or on a request to vary such a prior decision.</p> <p>(b) A direction of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation—</p> <p>(i) under section 12(7) on the safekeeping or disposal of a genetically modified organism or a container containing the organism;</p> <p>(ii) under section 41(2) to dispose of a forfeited thing through repatriation or destruction.</p> <p>(c) A decision of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation under section 16(3)(a) to enter certain information submitted for the approval of a genetically modified organism in the register. (<i>Added 7 of 2010 s. 55</i>)</p> <p>(a) A decision of the Director of Marine or a person authorized under section 25(1) to refuse to issue an insurance certificate under section 16.</p> <p>(b) A decision of the Director of Marine or a person authorized under section 25(1) to impose any condition under section 16.</p> <p>(c) A decision of the Director of Marine or a person authorized under section 25(1) to cancel an insurance certificate under section 17.</p>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> <li>(d) A decision of the Director of Marine to refuse to grant an exemption under section 23.</li> <li>(e) A decision of the Director of Marine to impose any condition under section 23. <i>(Added 14 of 2009 s. 40)</i></li> </ul>
69.	Residential Care Homes (Elderly Persons) Ordinance (Cap. 459)	A decision of the Director of Social Welfare under section 7, 8, 9 or 10(1). <i>(Added 12 of 2011 s. 31)</i>
70.	Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)	A decision of the Director of Social Welfare under section 7, 8, 9(1), 11 or 12. <i>(Added 12 of 2011 s. 31)</i>
71.	Companies Ordinance (Cap. 622)	<ul style="list-style-type: none"> <li>(a) A direction of the Registrar of Companies under section 109(1) to change a company name.</li> <li>(b) A decision of the Registrar of Companies to serve a notice under section 780(1)(b). <i>(Added 28 of 2012 ss. 912 &amp; 920)</i></li> </ul>
72.	Fisheries Protection Ordinance (Cap. 171)	<p>A decision of the Director of Agriculture, Fisheries and Conservation—</p> <ul style="list-style-type: none"> <li>(a) to refuse to register a vessel on application made under section 14(1), 14A(2), 14B(8), 19(1), 21(1) or 21A(8); <i>(Amended 22 of 2020 s. 14)</i></li> <li>(ab) to refuse to issue a provisional approval under section 14B(2); <i>(Added 22 of 2020 s. 14)</i></li> <li>(b) to impose conditions under section 16;</li> <li>(c) to add, remove or amend any conditions or refuse to do so under section 17;</li> <li>(ca) to refuse to issue a certificate of eligibility under section 21A(2); <i>(Added 22 of 2020 s. 14)</i></li> </ul>

Item	Ordinance	Decision
73.	Pesticides Ordinance (Cap. 133)	<p data-bbox="751 132 1382 579">           (d) to cancel a registration under section 24;            (e) to refuse to issue or renew a research fishing permit under section 25;            (f) to impose conditions in respect of a research fishing permit under section 25(3); and            (g) to cancel a research fishing permit under section 29. <i>(Added 13 of 2012 s. 20)</i> </p> <p data-bbox="683 594 1382 674">A decision of the Director of Agriculture, Fisheries and Conservation—</p> <p data-bbox="751 688 1382 1822">           (a) to refuse to register a pesticide under section 5(3)(b);            (b) to register a pesticide subject to conditions under section 5(5);            (c) to cancel or suspend the registration of a pesticide, or to modify, add to or cancel any condition, under section 6;            (d) to refuse to issue a licence or permit under section 9(2)(b);            (e) to issue a licence subject to conditions under section 9(5);            (f) to issue a permit subject to conditions under section 9(7);            (g) to vary the particulars of a licence or permit, or to modify, add to or cancel the conditions of a licence or permit, under section 9(8);            (h) to cancel or suspend a licence under section 10;            (i) to cancel a permit under section 11;            (j) to confirm or vary under section 13(3)(b) the directions given under section 13(1). <i>(Added 14 of 2013 s. 28)</i> </p>
74.	Electronic Health Record Sharing System Ordinance (Cap. 625)	<p data-bbox="683 1837 1382 1917">A decision of the Commissioner for the Electronic Health Record—</p> <p data-bbox="751 1932 1382 2009">(a) to refuse to register a healthcare recipient under section 8(1);</p>

Item	Ordinance	Decision
75.	Private Healthcare Facilities Ordinance (Cap. 633)	<p data-bbox="683 132 1382 892">           (b) to suspend the registration of a healthcare recipient under section 10(1);            (c) to cancel the registration of a healthcare recipient under section 11(1);            (d) to refuse to register a healthcare provider as a healthcare provider for the Electronic Health Record Sharing System under section 20(1);            (e) to suspend a registration of a registered healthcare provider under section 24(1);            (f) to cancel a registration of a registered healthcare provider under section 25(1). <i>(Added 15 of 2015 s. 63 and E.R. 3 of 2015)</i> </p> <p data-bbox="683 905 1273 938">A decision of the Director of Health—</p> <p data-bbox="748 953 1382 1900">           (a) to refuse to issue a licence under section 17(1)(b);            (b) to issue a licence subject to particular conditions under section 17(3);            (c) to refuse to renew a licence under section 21(2);            (d) to impose particular conditions on renewing a licence under section 21(3);            (e) to approve an application for variation of the scale or scope of services subject to particular conditions under section 23(3);            (f) to refuse an application for variation of the scale or scope of services under section 23(4) or (5);            (g) to approve an application for variation of the class of specialized service subject to particular conditions under section 24(3);         </p>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> <li>(h) to refuse an application for variation of the class of specialized service under section 24(4) or (5);</li> <li>(i) to suspend or cancel a licence under section 28(1);</li> <li>(j) to suspend a facility service under section 29(1); or</li> <li>(k) to amend the conditions of a licence under section 37(1). <i>(Added 34 of 2018 s. 141 and E.R. 5 of 2018)</i></li> </ul>
76.	<p>Conservation of Antarctic Marine Living Resources (Toothfish Catch Documentation Scheme) Regulation (Cap. 635 sub. leg. A) <i>(Amended E.R. 5 of 2020)</i></p>	<p>A decision of the Director of Agriculture, Fisheries and Conservation—</p> <ul style="list-style-type: none"> <li>(a) to attach a condition to a licence under section 14(1);</li> <li>(b) to refuse an application for a licence under section 15(1); or</li> <li>(c) to cancel a licence under section 16(1)(b), (c), (d) or (e). <i>(Added L.N. 152 of 2019)</i></li> </ul>
77.	<p>Limited Partnership Fund Ordinance (Cap. 637) <i>(Amended E.R. 5 of 2020)</i></p>	<p>A direction of the Registrar of Companies to change the name of a limited partnership fund under section 42 or 43. <i>(Added 14 of 2020 s. 121)</i></p> <p><i>(Amended E.R. 1 of 2012; E.R. 1 of 2015)</i></p>

---

Note:

The following enactments also give a right of appeal to the Administrative Appeals Board—

- s. 19 of the Merchant Shipping (Local Vessels)(Dwelling Vessels) Regulation (Cap. 548 sub. leg. A);
- s. 53 of the Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation (Cap. 548 sub. leg. D);
- s. 11 of the Merchant Shipping (Local Vessels)(Typhoon Shelters) Regulation (Cap. 548 sub. leg. E);
- s. 47 of the Merchant Shipping (Local Vessels)(General) Regulation (Cap. 548 sub. leg. F);
- s. 86 of the Merchant Shipping (Local Vessels)(Safety and Survey) Regulation (Cap. 548 sub. leg. G);
- s. 10 of the Merchant Shipping (Local Vessels)(Compulsory Third Party Risks Insurance) Regulation (Cap. 548 sub. leg. H);
- s. 72 of the Merchant Shipping (Local Vessels)(Works) Regulation (Cap. 548 sub. leg. D);
- s. 42 of the Hazardous Chemicals Control Ordinance (Cap. 595).