

L.N. 116 of 2021

Small Unmanned Aircraft Order

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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;

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- (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

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- (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.

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- (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.
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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.
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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;

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- (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—

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- (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.
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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;

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- (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 & 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
6.	Section 32(2)(b)	Application for assignment of 1 rating	0

Small Unmanned Aircraft Order

Schedule

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B4629

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

Small Unmanned Aircraft Order

Schedule

L.N. 116 of 2021
B4631

Column 1	Column 2	Column 3	Column 4
Item	Provision	Matter	Fee \$
		(c) for operating a small unmanned aircraft for a flight within a restricted flying zone	0
		(d) for causing or permitting a small unmanned aircraft to carry any dangerous goods during a flight	0

Wendy LEUNG
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.