

THE CHINESE UNIVERSITY OF HONG KONG

Guidelines on Operation of Unmanned Aerial Systems at CUHK

1. Introduction

Unmanned Aerial Systems (UASs), commonly known as drones, have been growing by leaps and bounds in recent years in Hong Kong, due to fast-developing technology and declining costs. There is currently no legislation in Hong Kong regulating specifically the operations of UASs. However, a number of issues including safety concerns and privacy issues need to be addressed. In order to maintain UAS operations safe and orderly on campus, this set of guidelines has been drawn up for those who intend to operate UASs for teaching and research purposes as well as for other non-commercial (but not recreational) activities within the campus. The guidelines apply to all operations of UASs on campus, regardless whether the operator concerned is from the University community or an external party.

2. Major principles

- The flying of UASs within the airspace of the University campus must be operated by competent operators who have obtained prior approval from the University and if required, valid permits issued by the Civil Aviation Department (CAD), HKSARG.
- Only operations for legitimate purposes related to University activities, viz. research, teaching, operational or promotional activities of the University will be allowed. Operation of UASs for recreational purpose is not allowed on campus. Applicants should be members of staff or students and applications should be made on a Department/Unit basis. Applications from external parties should be submitted through the University Department/Unit hosting/co-sponsoring the proposed activities on campus.
- The UAS must not fly over the No Flying Zones (Appendix 1) and staff/student quarters at CUHK, as well as inside buildings or premises.
- The application for flying UAS within the airspace of the University shall be approved only if:
 - ✓ The procedure set out in the following section has been complied with properly;
 - ✓ Adequate insurance coverage of the operation has been procured; and
 - ✓ The associated risks and privacy issues from the use of the UAS have been properly addressed.

3. Application procedures

Apart from the internal requirement, applicants should take note of the following requirements under the prevailing laws: The user of the UAS must possess a valid permit issued by the CAD if an aircraft (without fuel) is above a designated weight (currently 7 kg) OR an aircraft of any weight using for hire or reward. All such flight proposals submitted to the University should therefore require valid permits issued by CAD. Authorization/permission from the University, as the land owner, forms part of the required documents for UAS applications to CAD. In this connection, an approval-in-principle from the University will be granted upon clearance from the internal procedure as set out below.

- (a) All applications, with the purpose of flight(s), the proposed schedule and area(s) of operation clearly stated, should be made on the designated proforma.
- (b) First-tier endorsement by the Chairman/Head of the hosting Department/Unit should be granted upon affirming the legitimate purpose of operating UASs on campus, as well as the

assurance that competent operators will be engaged for the flights and there be an undertaking for full compliance with these guidelines.

- (c) An application endorsed by the Chairman/Head of the hosting Department/Unit should be submitted to the Estates Management Office (EMO) to coordinate the vetting process by the following Professional and Administrative Service (PAS) Units for advice to the approval authority:
 - (i) Estates Management Office (EMO) to assess/advise on the availability of the proposed operation areas;
 - (ii) University Safety Office (USEO) to assess/advise on the proposed operation areas and safety concerns, if any;
 - (iii) Security Office (SCU) to assess/advise on the proposed schedule and orderly operation of UASs; and
 - (iv) Audio-Visual Division (CUAV) to arrange site test(s) for the operator(s) to ascertain the safe operation of the UAS on campus, particularly in respect of those applications where CAD's permit is not required.
- (d) Upon clearance from the PAS units (viz., EMO, USEO, SCU and CUAV), the applicant may submit the application for consideration/approval by the respective University authority, i.e. Faculty Dean in the case of faculty-based units and Supervising Officers in the case of non-faculty-based units.
- (e) Upon approval by the relevant authority:
 - (i) For UAS (without fuel) weighing not more than the designated statutory limit (currently 7 kg or less) AND the operation is not for hire or reward, the applicant should inform SCU for issuance of internal permit to enable the flying operation.
 - (ii) For UAS (without fuel) weighing more than the designated statutory limit (currently 7 kg) OR UAS of any weight for hire or reward, EMO will issue written approval-in-principle to facilitate the CAD application. The applicant should arrange for an appropriate insurance to be taken out in the joint name with the University or liaise with the service provider of the flying operation to arrange for such insurance coverage to be payable by the service provider. Departments/Units could contact Business Office for the insurance requirements of the University. Applicant should then start the CAD application. Please refer to the following link for information: <https://e-submission.cad.gov.hk/&common/cad/fcballon.nsf/uas?openform>. Upon obtaining the CAD's approval, the applicant should file a copy to SCU for issuance of internal permit to enable the flying operation.

4. UAS to be Operated by Students of CUHK

Students who wish to operate a UAS for non-recreational purpose should submit the application (a) through their affiliating Departments/Units OR (b) in the name of a student body through the Office of Student Affairs (OSA), which must have been registered under the Student Union or the OSA. It shall be the responsibility of the student applicant or the concerned student body to submit and follow through the application to CAD and EMO set out in paragraph 3 above. OSA only assumes the role of coordination for the application from the student body.

5. Privacy Concerns

Users of the UAS should be particularly mindful of the need to respect personal data privacy to eliminate or reduce the harmful effects of these highly privacy-intrusive features. The UAS must not fly over the *No Flying Zones* (Appendix 1) and staff quarters/student hostels at CUHK.

The use of a UAS with camera is regulated by the Personal Data (Privacy) Ordinance [Cap. 482] as it may involve the collection of personal data. In March 2015, the Office of the Privacy Commissioner for Personal Data issued the Guidance on CCTV Surveillance and Use of Drones: (https://www.pcpd.org.hk/english/resources_centre/publications/files/GN_CCTV_Drones_e.pdf)

This guide contains reminders that drone operators (i.e. those who operate camera equipped drones) are regulated by the Personal Data (Privacy) Ordinance (including the Data Protection Principles therein) and have a duty to respect personal privacy. The guide also offers guidelines on recording, handling recorded images, retention and encryption of image transmission. However, the guide does not have the force of law, so the Government must necessarily rely on the Personal Data (Privacy) Ordinance or other existing laws when evaluating any public offenses involving drones (and UASs).

6. Operation of UASs

Before the operation of the UAS, the applicant via the hosting Department/Unit concerned should issue notice to all relevant parties who may be involved or affected. During the operation, the hosting Department/Unit (or the service provider) must ensure their risk control measures have been properly implemented, and they are well prepared for any emergencies. One staff member (or a student representative in the case of a student body) should be assigned by the hosting Department/Unit concerned as the officer-in-charge on the spot, who should carry the internal permit issued by SCU throughout the operation.

All operations of UASs on campus should follow the safety guideline for the operation of UASs established by CAD. Users of UASs must comply with all applicable requirements: <https://www.cad.gov.hk/english/Unmanned_Aircraft_Systems.html>

7. Suspension of UASs

Operation of the UAS may be suspended if:

- there is any unsafe act;
- deviation from the approved flight plan and/or risk control measures is observed;
- the emergency plan/procedure is not ready; or
- any legitimate concern or valid complaint from the public or occupant of the University is received.

8. Violations of the University's policies and guidelines

Any violations of the University's policies and guidelines will be handled in accordance with applicable disciplinary procedures and depending on the gravity of the case, can be a subject of civil proceedings in court.

Useful references:

- CAD - UAS on-line application form:
<https://e-submission.cad.gov.hk/&common/cad/fcballon.nsf/uas?openform>
- CAD – Operations of UAS:
https://www.cad.gov.hk/english/Unmanned_Aircraft_Systems.html
- Guidance Note on CCTV Surveillance and Use of Drones by the Office of the Privacy Commissioner for Personal Data in March 2015:
https://www.pcpd.org.hk/english/resources_centre/publications/files/GN_CCTV_Drones_e.pdf

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