OUTER SPACE ORDINANCE, CAP 523

An Ordinance to confer licensing and other powers on the Chief Executive to secure compliance with the international obligations of the People's Republic of China with respect to the launching and operation of space objects and the carrying on of other activities in outer space. (Amended 55 of 1999 s. 3)

[13 June 1997]

(Originally 65 of 1997)

Section 1 – Short Title
This Ordinance may be cited as the Outer Space Ordinance.

Section 2 – Interpretation
(1) In this Ordinance, unless the context otherwise requires-
"licence" (牌照) means a licence granted under section 5;
"offence" (罪行) means an offence committed under section 14;
"outer space" (外層空間) includes the moon and other celestial bodies;
"space object" (空間物體) includes the component parts of a space object, its launch vehicle and the component parts of such launch vehicle. (Amended 28 of 1998 s. 2(1))
(2) For the purposes of this Ordinance, a person carries on an activity if he causes it to occur or is responsible for the continuing of that activity.

Section 3 – Application of Ordinance
This Ordinance applies to the following activities whether carried on in Hong Kong or elsewhere-
(a) launching or procuring the launch of a space object;
(b) operating a space object;
(c) any activity in outer space.

Section 4 – Prohibition of Unlicensed Activities
(1) A person shall not, subject to subsections (2) and (3), carry on an activity to which this Ordinance applies except under the authority of a licence.
(2) A licence is not required-
(a) by a person acting as employee or agent of another; or
(b) for activities in respect of which it is certified by the Chief Executive that arrangements have been made between the People's Republic of China and another country, state or territory to secure compliance with the international obligations of the People's Republic of China. (Amended 55 of 1999 s. 3)
Section 5 - Grant of License
(1) Subject to section 8, the Chief Executive may, if he thinks fit, grant a licence in respect of activities to which this Ordinance applies to a body corporate incorporated under the laws of Hong Kong.
(2) The Chief Executive shall not grant a licence unless he is satisfied that the activities authorized by a licence-
(a) will not jeopardize public health or the safety of persons or property;
(b) will be consistent with the international obligations of the People's Republic of China; and
(c) will not impair the national security of the People's Republic of China or the security of Hong Kong.
(3) The Chief Executive in Council may make regulations-
(a) prescribing the form and contents of applications for licences and other documents to be filed in connection with applications;
(b) regulating the procedure to be followed in connection with applications for licences and authorizing the rectification of procedural irregularities;
(c) prescribing time-limits for doing anything required to be done in connection with applications for licences and providing for the extension of any period so prescribed;
(d) requiring the payment to the Government of such fees as may be prescribed.
(Amended 55 of 1999 s. 3)

Section 6 - Terms of License
(1) A licence shall describe the activities authorized by it and shall be granted for such period, and may be granted subject to such conditions, as the Chief Executive thinks fit.
(2) A licence may in particular contain conditions-
(a) permitting inspection by the Chief Executive of the licensee's facilities, and the inspection and testing by him of the licensee's equipment;
(b) requiring the licensee to provide the Chief Executive as soon as possible with information as to-
(i) the date and place or location of the launch of any space object to which the licence relates; and
(ii) the basic orbital parameters, including nodal period, inclination apogee and perigee of any such space object, and with such other information as the Chief Executive thinks fit concerning the nature, conduct, location and results of the licensee's activities;
(c) permitting the Chief Executive to inspect and take copies of documents relating to the information required to be given to him;
(d) requiring the licensee to obtain advance approval from the Chief Executive for any intended deviation from the orbital parameters referred to in paragraph (b)(ii), and to inform the Chief Executive immediately of any unintended deviation from such orbital parameters;
(e) requiring the licensee to conduct his activities in such a way as to-
(i) prevent the contamination of outer space or adverse changes in the environment of the earth;
(ii) avoid interference with the activities of others in the peaceful exploration and use of outer space;
(iii) avoid any breach of the international obligations of the People's Republic of China; and
(iv) preserve the national security of the People's Republic of China and the security of Hong Kong;
(f) requiring the licensee to insure himself against liability incurred in respect of damage or loss suffered by third parties, in Hong Kong or elsewhere, as a result of the activities authorized by the licence;
(g) governing the disposal in outer space of the payload of any space object to which the licence relates on the termination of activities under the licence and requiring the licensee to notify the Chief Executive as soon as practicable of the final disposal of such payload; and
(h) providing for the termination of the licence on a specified event.
(Amended 55 of 1999 s. 3)

Section 7 – Transfer, variation, suspension or termination of license
(1) A licence may be transferred with the written consent of the Chief Executive and in such other cases as may be prescribed.
(2) Subject to section 8, the Chief Executive may revoke, vary or suspend a licence with the consent of the licensee or where it appears to him-
(a) that a condition of the licence or any regulation made under this Ordinance has not been complied with; or
(b) that revocation, variation or suspension of the licence is required in the interests of public health or the national security of the People's Republic of China or the security of Hong Kong, or to comply with any international obligation of the People's Republic of China.
(3) The suspension, revocation or expiry of a licence does not affect the obligations of the licensee under the conditions of the licence.
(Amended 55 of 1999 s. 3)

Section 8 – Notice to the Central Peoples Government
(1) Where the Chief Executive intends to grant a licence under section 5(1), or to revoke a licence under section 7(2), he shall give notice of such intention to the Central People's Government.
(2) Where the Central People's Government issues an instruction to the Chief Executive-
(a) in relation to a notice referred to in subsection (1); and
(b) on the ground that if the instruction were not complied with the national security or the international obligations of the People's Republic of China would be significantly affected, the Chief Executive shall comply with that instruction.
(Amended 55 of 1999 s. 3)

Section 9 – Register of Space Objects
(1) The Chief Executive shall maintain a register of space objects.
(2) There shall be entered in the register such particulars of such space objects as the Chief Executive considers appropriate to comply with the international obligations of the People's Republic of China.
(3) Any person may inspect a copy of the register maintained under subsection (1).
(Amended 55 of 1999 s. 3)

Section 10 – Power to Give Directions
(1) If it appears to the Chief Executive that an activity is being
carried on by a person in contravention of section 4 or of the conditions of a licence, the Chief Executive may give such directions to that person as appear to him necessary to secure-
(a) compliance with the international obligations of the People's Republic of China or with the conditions of the licence;
(b) the cessation of the activity or the disposal of any space object to which the licence relates. (Amended 55 of 1999 s. 3)
(2) Compliance with a direction given under this section may, without prejudice to other means of enforcement, be enforced on the application of the Secretary for Justice by injunction. (Amended L.N. 362 of 1997)

Section 11 – Warrant Authorizing Direction Action
(1) If a magistrate is satisfied by information on oath that there are reasonable grounds for believing-
(a) that an activity is being carried on by a person in contravention of section 4 or of the conditions of a licence; and
(b) that a direction under section 10 has not been complied with, or a refusal to comply with such a direction is apprehended, or the case is one of urgency,
he may issue a warrant authorizing a named person acting on behalf of the Chief Executive to do anything necessary to secure compliance with the international obligations of the People's Republic of China or with the conditions of the licence. (Amended 55 of 1999 s. 3)
(2) A warrant issued under subsection (1)-
(a) shall specify the action authorized by it;
(b) may authorize entry into specified premises at any reasonable hour on production, if required, of the warrant;
(c) shall remain in force for a period of 1 month from the date of its issue.
(3) The powers conferred by a warrant issued under subsection (1)-
(a) shall be deemed to include the power to use reasonable force if necessary; and
(b) may be exercised by the person named in the warrant together with other persons.

Section 12 – Obligations to Indemnify Claims
(1) A person who carries on an activity to which this Ordinance applies shall indemnify the Government and the Central People's Government against any claims brought against either government in respect of damage or loss arising out of such activity carried on by him.
(2) This section does not apply-
(a) to a person acting as employee or agent of another; or
(b) to damage or loss resulting from anything done on the instructions of the Chief Executive.
(Amended 55 of 1999 s. 3)

Section 13 - Regulations
The Chief Executive in Council may make regulations- (Amended 55 of 1999 s. 3)
(a) prescribing anything required or authorized to be prescribed under this Ordinance; and
(b) generally for carrying this Ordinance into effect.
Section 14 - offences
(1) A person who-
(a) carries on an activity in contravention of section 4;
(b) for the purpose of obtaining a licence for himself or for another, knowingly or recklessly makes a statement which is false in a material particular;
(c) being the holder of a licence, fails to comply with the conditions of the licence;
(d) fails to comply with a direction under section 10;
(e) intentionally obstructs a person in the exercise of powers conferred by a warrant issued under section 11; or
(f) fails to comply with such regulations as may be made under this Ordinance,
commits an offence.
(2) A person who commits an offence is liable on conviction on indictment to a fine and on summary conviction to a fine at level 6.
(3) Where an offence committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
(4) Proceedings for an offence committed outside Hong Kong may be taken, and the offence may for all purposes be treated as having been committed in Hong Kong if the offence is committed by a permanent resident of Hong Kong Special Administrative Region or a body corporate incorporated under the laws of Hong Kong. (Amended 28 of 1998 s. 2(1))
(5) In proceedings for an offence under subsection (1)(a), (c), (d) or (f) it shall be a defence for the accused to show that he used all due diligence and took all reasonable precautions to avoid the commission of the offence.
(6) A person other than a permanent resident of Hong Kong Special Administrative Region or a body corporate incorporated under the laws of Hong Kong is not guilty of an offence in respect of things done by him outside Hong Kong, except- (Amended 28 of 1998 s. 2(1))
(a) an offence of aiding, abetting, counselling or procuring, conspiracy or incitement in relation to the commission of an offence in Hong Kong; or
(b) an offence under subsection (3) in connection with an offence committed by a body corporate incorporated under the laws of Hong Kong.
(7) In subsection (3), "director" (董事), in relation to a body corporate whose affairs are managed by its members, includes a member of the body corporate.

Section 15 - Repeals and Savings
(1) The Outer Space Act 1986 (Hong Kong) Order 1990 (L.N. 118 of 1990) is repealed.
(2) Any licence granted, any register maintained and any direction given by the Governor under the Outer Space Act 1986 (Hong Kong) Order 1990 (L.N. 118 of 1990) and any regulations made by the Governor in Council under that Order before the commencement of this Ordinance shall be valid and effective as if granted, maintained or made under this Ordinance.
(3) Sections 23, 24 and 25 of the Interpretation and General Clauses Ordinance (Cap 1) shall apply in relation to the repeal effected by
subsection (1) as they apply in relation to the repeal of an Ordinance.

Section 16 – Omitted as Spent