

**54th CONFERENCE OF
DIRECTORS GENERAL OF CIVIL AVIATION
ASIA AND PACIFIC REGIONS**

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**AGENDA ITEM 3: AVIATION SAFETY AND
AIR NAVIGATION**

**ESTABLISHMENT OF AN INDEPENDENT ACCIDENT
INVESTIGATION AUTHORITY IN HONG KONG, CHINA**

(Presented by Hong Kong, China)

INFORMATION PAPER

SUMMARY

Subsequent to the new Standard 3.2 of ICAO Annex 13 which became applicable in November 2016, States/Administrations are required to establish an independent air accident investigation authority. This paper presents the implementation experience of Hong Kong, China in establishing a new independent accident investigation authority.

ESTABLISHMENT OF AN INDEPENDENT ACCIDENT INVESTIGATION AUTHORITY IN HONG KONG, CHINA

1. INTRODUCTION

1.1 Subsequent to the new Standard 3.2 of ICAO Annex 13 which became applicable in November 2016, States/Administrations are required to establish an independent air Accident Investigation Authority (AIA). Such investigation authority will be independent from the aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation. This paper presents the implementation experience of Hong Kong, China in establishing a new independent accident investigation authority.

2. DISCUSSION

Background

2.1 In Hong Kong, China, the investigation of civil aviation accidents and serious incidents is conducted by the Hong Kong Civil Aviation Department (HKCAD). By virtue of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (“the Regulations”), the Director-General of Civil Aviation (“DGCA”) was appointed by the Chief Executive of Hong Kong, China as the Chief Inspector of Accidents (“CIA”) for conducting investigation in accordance with the Regulations.

2.2 The CIA heads the Accident Investigation Division (AID) in the HKCAD and is responsible for the investigation of aircraft accidents / serious incidents as required by the Regulations. The fundamental purpose of an investigation is to determine the circumstances and causes of the aircraft accident / serious incident with a view to the preservation of life and the avoidance of accidents / serious incidents in the future. It is not the purpose of an investigation to apportion blame or liability.

2.3 The AID operates independently from other regulatory activities and services of the HKCAD, and complies with the applicable provisions of the ICAO Annex 13 to ensure independence and impartiality of the investigations. The accident investigation regulations are also independent from other safety regulations and requirements.

Consultation process

2.4 Investigations work conducted by the AID under the HKCAD closely complies with the Standards and Recommended Practices of Annex 13. However, there might be occasions where an investigation may need to look into the regulatory functions and services provided by HKCAD. Under the existing arrangement whereby the DGCA is also the CIA, the impartiality of investigations may be perceived to be compromised, and to this extent the continuation of the present arrangement may not meet the latest requirement of ICAO.

2.5 Hong Kong, China has set in motion a process to set up an accident investigation authority independent of the HKCAD in 2016. The new accident investigation authority is envisaged to have a full-time set up and initially, a staffing level of one CIA and six Inspectors of Accidents (IAs). The new authority will be placed under the Transport and Housing Bureau (THB).

2.6 The CIA will be appointed by the Chief Executive of Hong Kong, China and directly accountable to the Secretary for Transport and Housing of THB. Legal amendment is required for the independent air accident investigation authority to operate effectively and to provide the new CIA with statutory powers to execute his/her duties. Apart from introducing explicit provisions in the Regulations to safeguard the independence of the authority, all duties/powers relating to accident investigation conferred on the DGCA by the existing Regulations will be transferred to the CIA.

2.7 During the consultation process, the aviation industry and stakeholders indicated support to the Government proposal to establish an independent air accident investigation authority in Hong Kong, China.

Transitional activities

2.8 The new accident investigation authority will be formally established upon the appointment of CIA. Meanwhile, a dedicated preparatory team is working on effecting a smooth transition. Where necessary, arrangement/agreement may be signed between the new authority and the HKCAD to govern, including but not limited to the sharing of safety information in the context of both Annex 13 and Annex 19, and technical expertise, including the downloading, analysis and protection of flight recorder. The Government will take all necessary measures to ensure a smooth transition of investigation functions and facilities to the new accident investigation authority. Also, investigation procedures will remain in compliance with Annex 13 and relevant guidance.

2.9 Other preparatory tasks include the recruitment of personnel, acquisition of accommodation and assets for the new investigation authority, and arrangements to take over outstanding investigations from HKCAD etc.

2.10 Also, as safety management are shared responsibilities of the HKCAD, AIA and industries, the two authorities need to collaborate on procedures for the delineation of HKCAD and AIAs' roles, in particular, oversight of safety management systems and accident prevention initiatives, such that all parties concerned will have clear understanding on the role of authorities. It is expected that administrative and legislative amendment will be in place to appoint a new CIA to lead an independent accident investigation authority in 2018 to take over HKCAD's work on accident investigations as well as safety promotion and accident prevention activities.

Supportive measures of ICAO and the aviation community

2.11 During the course of strategic planning, the ICAO guidance, in particular "Manual on Accident and Incident Investigation Policies and Procedures" (Doc 9962) and "Manual of Aircraft Accident and Incident Investigation" (Doc 9756) has been instrumental in implementing the new Standard. Workshops conducted by the ICAO, for example, the 3-day ICAO Regional Workshop on Protection of Information in Bangkok in May 2017, also provided good opportunity for States/Administrations to exchange experience on accident investigation matters, including those related to establishing the independent accident investigation authority.

2.12 Overseas practices obtained from fellow States/Administrations, and information from established platforms such as the ICAO APAC-AIG, Asian Society of Air Safety Investigators (AsiaSASI) also provided useful benchmarking references.

2.13 Subject to the progress on recruitment and legislative amendments, the independent investigation authority may be established in 2017 the earliest. By then, Hong Kong, China will remove the difference filed to the ICAO during the transitional period concerning the establishment of an independent accident investigation authority.

3. ACTION BY THE CONFERENCE

3.1 The Conference is invited to:

- a) Note the implementation experience of Hong Kong, China in establishing a new independent accident investigation authority, in particular, the generous sharing of practices by other States/Administrations and ICAO guidance has been instrumental in implementing the new Standard ;

- b) Note the development of the new accident investigation authority in Hong Kong, China and collaborate with the new AIA on accident investigation matters in future; and
- c) Encourage States/Administrations to continue their active participation and exchange of experience of Annex 13 implementation in various ICAO organisations and workshops.

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